
A Communist Trial in Pittsburgh.

by A. Jakira

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“Guilty on counts 7 and 8; Not Guilty on the first 6 counts.” Such was the verdict of the jury in the case of Edward Horacek, a member of the Workers Party, after a “trial” which started in Pittsburgh, November 30th and ended December 4th [1925].

To those familiar with the role of the Steel Trust in the class struggle the verdict was not a surprise. But the courtroom was crowded with hundreds of workers who still had faith in capitalist justice. These workers were eagerly watching the proceedings in the court and would not for a moment concede a verdict of “guilty” was at all possible — so plain was the case in favor of the defendant and against the overzealous preservers of “law and order.” To these workers the verdict came as a shock.

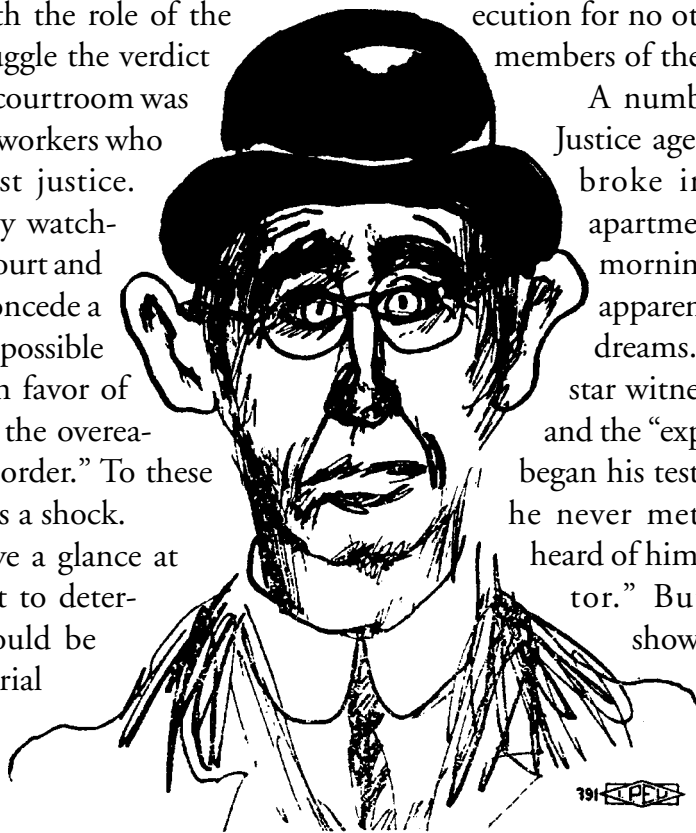
To an experienced eye a glance at the jury box was sufficient to determine what the verdict would be even before the farce of a trial started. Pittsburgh is the heart of the American steel industry. Here, in Pittsburgh and the suburban towns, where the jury was “picked” from, hundreds of thousands of steel workers, coal diggers, and other industrial workers live and toil. Yet, among the 12 men and women in the box, there was not a single one who

could be classified as an industrial worker. There was the preacher, the real estate man, the two old “retired” gentlemen, and the two old ladies; there was the foreman in a large factory and the wife of a manufacturer. But a brakeman, a coal miner, and a young salesgirl were rejected by the prosecution for no other reason than being members of the working class.

A number of Department of Justice agents testified how they broke into the defendant’s apartment at 2 o’clock in the morning while he was asleep, apparently dreaming seditious dreams. Henry J. Lennon, the star witness for the prosecution and the “expert” on Communism, began his testimony by stating that he never met the defendant, but heard of him as a “dangerous agitator.” But when the defense

showed that Horacek never in his life addressed a public meeting, never wrote an article, the same little sneak, Lennon, forgetting his previous testimony,

testified that he met Horacek at numerous meetings and lectures and knew Horacek for years and years. The contradiction was plainly established by the defense. But what matters a little discrep-



HENRY J. LENNON, PROSECUTION WITNESS

ancy like this?!

The other “star witness” for the prosecution told lie after lie. The judge, however, found an excuse for this — “She is trying to save her reputation,” he said, when the cross-examination became hot.

Horacek was found guilty for being a member of the Workers Party and for distributing, in 1923, Workers Party literature. The judge, in his instructions to the jury, was compelled to make it clear that no overt act was committed by the defendant, but that it was merely a question of membership in the Workers Party. It was established that the Workers Party was a legally recognized political party in the state of Pennsylvania, that it was duly registered with the proper government authorities. It was established that defendant’s name was on the ballot during the Presidential elections in 1924. Yet, the verdict was “guilty.”

The question of “literature” was the biggest joke in the courtroom from the very beginning to the very end. The main “crime” of the defendant consisted in receiving a bundle of the party’s program and *Liberators* in 1923, shortly before the arrests in Pittsburgh took place. The program was read in full to the jury by the attorney for the defense.

No copy of *The Liberator*, which, by the way, had second class mail privileges, was produced. None of the jurymen ever saw a copy. No article of *The Liberator* was read to show it was seditious. The only “evidence” produced was a bill for 50 copies sent to Horacek by the Liberator Publishing Company.

“You see,” raved the District Attorney, waving the bill before the jury, “you see, gentlemen and ladies of the jury, 50 copies of this so-called *Liberator* was sent to this defendant — *fifty copies*, mind you!”

The old gentlemen and ladies of the jury nodded their heads, their minds were all made up. Yes, what other evidence was needed? The bill for 50 copies of *The Liberator* is right in the hands of the District Attorney, what else is needed?! What matters if *The Liberator* was, in 1923, a semi-liberal, semi-artistic magazine with second class mail privileges and sold on newsstands and bookstores in practically every city of this country? Yet, this bill played the main part in finding Horacek “guilty.” It was not even established that he really received the bundle or that he distributed any copies of this horrible *Liberator*. The bill was sufficient for the jury to make up their minds.

Who is this horrible “red” who was found “guilty”? A draftsman by trade, a member of the Machinists’ Union, naturalized citizen since 1908, a resident of Pittsburgh since 1912, well educated, employed in one of the largest establishments of this country. Guilty, for what? For being a member of the working class — one who has brains enough to fight for the interests of his class. For this “crime” his home was raided, his personal belongings — designs, plans of a new invention — stolen in the name of “law and order” by representatives of the state. A farce of a trial was granted to him. He was found “guilty” and may be sentenced to spend the next 20 years of his life behind prison bars.

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