

**AUGUST  
1927-1937  
SACCO  
and  
VANZETTI**

**AUGUST, 1937  
Price 10c**

**NEW  
MOONEY  
EVIDENCE**

**Congressman  
HARRY O'CONNELL**

**SCOTTSBORO**

*The Next  
Step*

**ROGER BALDWIN**

*The Menace of*  
**VIGILANTISM**

**VITO  
MARCAANTONIO**

**THE  
BUTASH  
VICTORY**

... HAS CALMER VIEW  
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a Will Withdraw—Refuses  
Accord With Nanking

**Chinese Situation**  
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**CRIMINAL**  
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**SAYS KILLING OF 10  
WAS 'JUSTIFIABLE'**  
Coroner's Jury Gives Verdict  
Clearing Chicago Police  
Memorial Day

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**Alabama**

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the slughters of Alabama against the  
North, aided by skillful and re-  
sourceful counsel, the solicitor  
continued: "Now we are nearing the end of  
that long fight. This jury can ill  
afford to call Victoria Price a mis-  
erable perjurer just because Wright,  
this Negro defendant, says he did  
not do what she says he did. The  
question before you is what punish-  
ment to mete out. "Don't say to yourselves that be-  
cause we consented to the dismissal  
of the special venire in this case  
and waived the death penalty, there  
is any question of doubt, about  
the guilt of this defendant. Let's  
go to the job. Let's get  
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**Jersey Court Holds**  
**Closed Shop Illegal;**  
**Meeting to Gain It Is Unlawful**  
Continued on Page Eight

NEWARK, N. J., July 20.—The  
closed shop is unlawful, a contract  
providing for a closed shop is un-  
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unlawful, Vice Chancellor  
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Special to THE NEW YORK TIMES.  
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GIVE TO THE I. L. D. 1937 SUMMER MILK FUND DRIVE





# LABOR DEFENDER

Published monthly by the

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## Scottsboro VICTORY!

As we go to press the rafters of Pennsylvania Station in New York City are still echoing with the cheers of thousands of Negro and white citizens who came to welcome four of the nine innocent Scottsboro Boys back to freedom. They cheered the victory won after six and a half long years of bitter struggle—a struggle that finally “convinced” the State of Alabama that “five of the boys were innocent of the crime they were charged with.” The shabbiness and viciousness of the Scottsboro frame-up stands more clearly exposed to the whole world than ever before. Alabama lynch law was forced to admit it had no case. The victory won in freeing Roy Wright, Eugene Williams, Willie Roberson, Olen Montgomery is a magnificent victory for the Negro people, for the I.L.D. which entered the fight at the very beginning, for all the progressive forces which united around the Scottsboro Defense Committee during the last two years.

This victory will spur us on to greater and more determined struggle to free all of the innocent boys. Alabama justice still holds five of them hostage to its brutality: Clarence Norris, sentenced to death, Andy Wright, 99 years, Haywood Patterson and Charlie Weems, 75 years, Ozie Powell, 20 years. Roger Baldwin's article on page 6 gives the next legal steps. It was written before the victory was won, but it still holds good. The innocence of the Scottsboro boys is proven before the whole world. The so-called evidence of the State of Alabama is nothing but a pack of shabby, hollow lies. Let the resentment of all justice loving citizens be heard in Montgomery, Alabama. All the Scottsboro Boys must be freed.

## A Mooney Victory

The International Labor Defense is happy to announce that the nation-wide pressure on the California authorities succeeded in improving conditions for Tom Mooney in San Quentin Prison. He was rushed to the prison from a San Francisco hospital much sooner than a serious illness such as his—bleeding stomach ulcers—should permit. He was thrown into a cell formerly occupied by a syphilitic. He was given work to do that was beyond his weakened physical strength. The I.L.D., upon Mooney's request aided in the mobilization of this nation-wide protest, demanding that Mooney received the diet his health, his very life, requires; that he be

given lighter work to do and that he be returned to his old cell. All of these demands have been granted. Chalk up one more victory for united mass action.

## Sacco and Vanzetti

August 22, 1937 marks the tenth anniversary of the martyrdom of Nicola Sarco and Bartolomeo Vanzetti—the good shoemaker and the poor fish peddler who were murdered by the State of Massachusetts. The struggle to save the lives of Sacco and Vanzetti was one of the first in which the International Labor Defense engaged. When we came into being in June 1925, the case was already more than five years old. Every effort was lent to the battle for their freedom. But the obstacles in our path were great—despite the fact that more than sixty million people in every corner of the earth joined the movement in their behalf, despite the fact that organized labor all over the world supported their fight, despite the fact that government officials in every country but our own registered their indignant protest against this travesty of justice. False hopes, illusions in the impartiality of the courts were the greatest obstacle. Until the last moment good, honest, justice loving people by the hundreds of thousands said: “*They will not dare.*”

The I.L.D., still in its infancy, called for united mass action, united mass pressure, united mass defense. But illusions in what might be won from the justices of the Supreme Court—all of whom refused to intervene; in the fairness of the governor—who appointed fancy commissions to investigate; in the high courts of Massachusetts which turned their backs on these Italian workers—hindered the development of the great movement.

But Sacco and Vanzetti did not die in vain. Their memory and their death hovered like a blazing torch in the minds of the American people, enshrined there forever. It was there when they signed petitions for the freedom of Angelo Herndon. It is there when they march for the freedom of the Scottsboro Boys. It is there when they unite for the freedom of Tom Mooney, of Ernst Thaelmann, Matthias Rakosi, Luis Carlos Prestes, all the political and labor prisoners of today.

The LABOR DEFENDER in November 1937 will issue a special Sacco-Vanzetti-Haymarket Memorial number to commemorate in a full and fitting fashion the 10th anniversary of the martyrdom of Sacco and Vanzetti and the 50th anniversary of the death of the Haymarket victims.

In this issue we pay only a passing tribute to their glorious memory and renew our pledge for untiring and ceaseless vigilance and activity in behalf of labor's heroes the world over. The finest monument to their memory will be a powerful united defense

and relief movement that will stand as a bulwark against the onslaughts of fascism and reaction, and a shield to aid and protect all its victims.

## Write to your Congressman!

As the United States Senate hesitated to vote, with a filibuster threatening, on the Wagner-Van Nuys anti-lynching bill whose companion measure, the Gavagan bill, has been passed in the House, Tallahassee, capital of Florida, added two Negroes to the three already lynched since introduction of the measure. A majority of Senators have declared themselves in favor of the measure, but manoeuvres are going on steadily to prevent discussion or vote, which should follow upon the favorable report made by the Senate Judiciary Committee. Prod your hesitant Senator about this. Urge him to see to it the bill comes out for vote, and that he vote in its favor. The bill's number is S.1709.

The Sheppard-Hill Bill still remains as Point No. 1 among measures in the House and Senate which must be defeated if labor is to survive. It provides for the destruction of trade unions and all democratic rights, in the event of war. Its title is “to prevent profiteering in war and to equalize the burdens of war,” but actually not a single clause in the measure provides for any such thing. It's a plain fraud. Congressmen and Senators should be warned that the people are watching, and they can't slip S.25 and H. R. 6794 through with impunity.

The amendments to the Wagner act proposed by Senator Vandenberg have not yet been formally introduced, but they are a big threat to labor and to democratic rights. The idea is to destroy the Act by giving the boss the same as was given to the unions, which leaves it just the way things were before the Wagner Act, and in some measure even worse.

Maybe it won't be Vandenberg who introduces the amendments, and their form may be changed. Put yourself and your organization on record against their content, and in opposition to any measures whatsoever to remove a single particle of the value of the Wagner Act to labor.

How about that Mooney resolution? There's not yet enough steam behind it to have forced a sufficient number of Congressmen and Senators to demand it be brought on the floor. This resolution asks California to free Mooney. In the House it was introduced by Jerry J. O'Connell of Montana, as House Joint Resolution 297, and in the Senate by James E. Murray, also of Montana as Senate Joint Resolution 127.

Congressman John T. Bernard's resolution for an investigation of violation of Civil Rights in Puerto Rico (House Resolution 184), has not yet been reported out of the Committee on Rules. Every day that passes makes such an investigation more pressing.



# STARTLING NEW MOONEY EVIDENCE

It reads like a mystery thriller. It's further proof of the innocence of Mooney and Billings. Information you must have.

Startling new evidence has been uncovered pointing to the real perpetrators of the San Francisco bombing in 1916 for which Tom Mooney and Warren K. Billings have been unjustly imprisoned for the last 21 years.

It is contained in a hitherto secret government document—the testimony of J. H. Van Koolbergen, a British spy,—and it appears in the record of the German sabotage cases on Pages 2543 and 2544 of U. S. Exhibit 600.

This document shows that C. C. Crowley, the special agent of District Attorney Charles

**By Cong. JERRY J. O'CONNELL**

was hired by Fickert, the evidence shows that Crowley admitted paying a certain Lewis "Lew" Smith, a German soldier, \$550, for the following "business":

Crowley paid Smith \$250 for dynamiting a barge at Puget Sound. This job was so successful and gave Crowley so much satisfaction that he gave Smith an additional \$50 for Sunday leave to have a good time. The

got one year. She was Crowley's secretary.

This evidence is new and has never been disclosed since Count Von Bernstoff for the German Government paid \$80,000 to hush this matter up. It has been hushed since General Franz Bopp was released from Leavenworth and returned to Berlin where, with the help of Count Von Bernstoff this evidence was safely kept from Tom Mooney and Warren Billings.

This same Crowley, at the meeting in the Palace Hotel, praised Van Koolbergen's

THE SAN FRANCISCO EXAMINER MONDAY, JULY 24, 1916 3

## VICTIMS OF BOMB LINGERING BETWEEN LIFE AND DEATH

DEAD and injured victims of Saturday's bomb outrage. The diagram illustrates the police theory of the suitcase and alarm clock arrangement, which they believe caused the explosion. It is thought that when the alarm went off at six minutes past two it turned the alarm catch on the back, which engaged a copper plate and completed the circuit of the electric wires connecting with the dry battery and fulminating cap that were used to fire the bomb, loaded with nitro toluol.

George Thomas, Mrs. Eleanor Ramsey, Lee H. Lamborn, O. L. Lanoway, Arthur Nelson, Mrs. Sarah Bry, Thomas Turner, Hyman Myers, M-2 May De, Miss Pearl See, Younger Braden, H. K. Nelson.

### FIEND ROBS FAMILIES OF ALL LIFE'S JOY

Barkin, for instance—Lad is Wandering All Day Why His Father Does Not Return Home

Mother of Youth Who Lost His Life Mourns and Will Not Be Comforted for His Passing

**BY ANNIE LAURIE**

Building daddy's been a very good one and a Altona building. And daddy a big man—a big man.

... (transcription of the article text) ...

### KILLED IN EXPLOSION

... (transcription of the article text) ...

### IN LITTLE BIT BITTER

... (transcription of the article text) ...

### ALAMEDA PLANS TO BURY DEAD

### NITRO-TOLUOL, MOST MODERN DEATH AGENT, USED IN BOMB

### ANARCHISTS DID IT: B. F. LAMBORN

Nitro-toluol, compressed into a flat Stuart and Market streets.

### SAW BOMB FALL ON STEUART ST.

Dr. J. More Moss Declares It Was Dropped From Building or Tossed Into Crowd.

... (transcription of the article text) ...

### BOMB DEATH TOLL LIKELY TO BE ELEVEN

Five Victims of Explosion Are Fighting Hard for Life, With Little Hope Held for Recovery

Girl of 19 in Precarious State After Amputation of Leg Another Operation in Prospect

... (transcription of the article text) ...

Photostat of one page of Hearst's San Francisco Examiner for July 24, 1916, showing what was allegedly the bomb "planted" by Mooney and Billings. Actually it was purchased by a German agent for \$75.

M. Fickert met the secretary to the German Consul, General Franz Bopp in Room 7076 of the Palace Hotel in San Francisco where Van Koolbergen came to sell them a bomb he had made to certain specifications for Lieutenant Van Bricken of the consular staff.

Crowley bought the bomb for \$75 and Fickert used it to send Mooney and Billings to prison.

On page 747, Volume II of the Bill of Exceptions in the trial of General Bopp, Von Bricken and Crowley, who was working for the German Imperial Government when he

barge was carrying tons of high explosives en route to England which went up in the air together with the unfortunate night watchman. When General Bopp was informed of this successful "job" by Crowley and Smith he gave them both a trip to New York as a gift and a vacation.

Crowley and Von Bricken were convicted on the Puget Sound job and sentenced to McNeil's Island for two years each while General Franz Bopp, assistant to Count Von Bernstoff got four years at Leavenworth. There was a Mrs. Cornell involved too. This

bomb, said it was worth \$75 and ordered twelve. Only one was purchased and the order for the others fell through.

From four government files this evidence has been extracted by expert research workers, and its main significance is that—comparing the bomb purchased by Crowley from Koolbergen, with photographs of the bomb attributed to Mooney and Billings and printed in William Randolph Hearst's San Francisco Examiner—show them to be identical. Eye-witnesses of the fatal explosion have stated that the Preparedness Day Bomb



was completely destroyed, yet Hearst was supplied with a detailed drawing which appeared in his sheet a few hours after the tragedy.

To return to the connection of Crowley and his assistant "Lew" Smith. Further new evidence discloses these facts:

Martin Swanson, the man who "got" Mooney and Billings and his partner Gustav de Brettville ran a private office on Market Street in the 700 block. They manufactured bombs, they stored nitro-glycerin and dynamite, they had a small ammunition plant on the 12th floor of this building and a three room office. The bomb that was thrown at the Preparedness Day parade, July 22, 1916, was made by Swanson and Company and it was thrown by "Lew" Smith and was seen coming through the air by Dr. J. Mora Moss and Spanish war veterans whose testimony at the Mooney trial was "discouraged" by District Attorney Fickert. Proof of this fact is contained in a letter from Smith's sister, Mrs. Dora Monroe, now in the hands of the Mooney Defense. It states:

*"My brother, Lewis Smith, on his death bed confessed to myself and five others that he threw the bomb into the San Francisco Preparedness Parade on July 22, 1916, that killed ten people and injured forty. He stated that he was promised a large sum of money but was cheated out of most of it."*

These facts I have laid before the House of Representatives on June 1, 1937. The Washington Tom Mooney Defense Committee of which John Jenkins is the chairman, has plenty of facts and documents to back these up. They have an eye-witness to prove that Swanson and his aid manufactured infernal machines on Market Street after they had taken the idea from Van Koolbergen.

The connection between Fickert and Swanson has long since been exposed by President Wilson's investigating commission headed by Densmore of the Department of Labor. The connection between Fickert and Crowley and through him with the German spy ring in America during the World War is clearly proven in government files. The bomb which was shown to the public by Hearst is clearly

a bomb belonging to this Germany spy ring. And still Mooney and Billings are in jail.

A petition to the President of the United States is being circulated by Representative William J. Fitzgerald of Connecticut, a member of Tom Mooney's own Union. It now has nearly 200 signers from the 75th Congress. Twenty-five Senators lead in demanding a Federal Investigation. Senator James E. Murray's Resolution, S.J. 127, has a good chance of passing.

The A. F. of L. Committee to free Mooney and Billings with offices in San Francisco reports the Mooney case will be before the Supreme Court in the fall. Therefore, with Senator J. O'Mahoney as Chairman of the Judiciary Sub-committee anxious to start the hearing in the Senate just as soon as the Supreme Court issue is over, this is our best bet to do something for Tom Mooney. Judge Franklin Griffin and George Davis, San Francisco attorney for Tom Mooney, will be summoned to appear as witnesses.

This will be making history for the working class and the Washington Defense Committee is trying some way to issue a subpoena on the Government of California and the Warden of San Quentin to bring Tom Mooney to Washington that he may finally have a fair and impartial hearing.

The Federated Press, The People's Press, all Labor Papers and The Scripps-Howard papers, 130 Congressmen and Senators, The Women's International League for Peace and Freedom, The International Labor Defense, The International Molders Union of North America and many thousands of labor unions throughout the country, especially the Molders Union, have been bombarding their Congressmen and Senators to sign this petition to the President of the United States, demanding immediate Federal Investigation. Will you do as much? If every union will see that their Congressman and Senator signs this petition, we can force the President of the United States to act.

The workers of Wisconsin, Montana, No. Dakota and Connecticut have secured the signatures of all their Statesmen. If we all pull together, it can be done.

## Ship Ahoy!

### MOONEY HONORED BY SEAMEN

A brief report of an historic convention.

By SAMUEL L. DLUGIN

*National Organizer, International Labor Defense*

One hundred and thirty-five marine workers from 116 ships, 68 men from 16 ports and 18 fraternal delegates from 14 organizations assembled in the first real rank and file convention of marine workers at the Manhattan Opera House in New York on July 17th. Approximately 50,000 men from the marine industry along the East Coast, Gulf and Great Lakes were represented at this convention. Their main task was the adoption of a constitution for the recently organized National Maritime Union.

The most outstanding feature of this great convention was that for the first time the men working at the point of production, the ships on the high seas, were the delegates and leaders of all the proceedings. Not for a minute throughout the entire convention was there any doubt as to whose union convention was in session and who had the say in adopting the rules and by-laws by which the affairs of the union were to be conducted.

The convention and the spirit of all its deliberations were thoroughly progressive. One of the first actions of the convention was to elect the following honorary presiding committee: Tom Mooney, honorary chairman; Warren K. Billings, Scottsboro Boys, J. B. McNamara, Modesto Boys, Seamen in Spain, Matt Schmidt, King, Ramsey and Conner and all seamen in jail for union activities.

Joseph Curran, leader of the last two rank and file strikes on the east coast was elected permanent chairman of the convention and Thomas Ray, another of the rank and file leaders of the seamen, was elected permanent secretary.

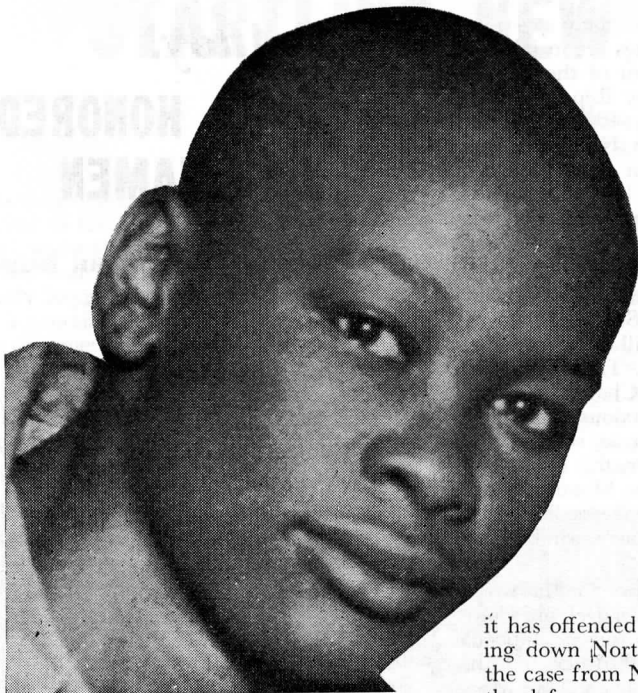
Vito Marcantonio, national president of the I.L.D. and one of the very active attorneys in defense of the seamen in their last two strikes was given a rousing reception when he greeted the convention in the name of the International Labor Defense. Sitting at this convention, I felt surging through every delegate the pride and enthusiasm for their real rank and file union through which they were sure to win great gains. From this convention the marine workers are going on to their National unity convention to be held in Chicago, August 16. All labor should rejoice at this giant baby of militant, progressive, industrial unionism.

The I.L.D. of course has always been and is ever ready to throw all its strength behind the struggles of the National Maritime Union as well as that of all trade unions. Greetings and best wishes for further success to all the marine workers.



Congressmen O'Connell, Coffee, Boileau, Bernard and Burdick examining model of bomb that caused the Preparedness Day tragedy.





Andy Wright, sentenced to 99 years in Decatur, Alabama.

If the Scottsboro cases have become an international symbol of "black justice" in the South, this summer's new trials only clinch the lesson more clearly. For they demonstrate that whatever the evidence no Negro can be acquitted when a white woman, even of the lowest character, accuses him. In only rare cases in a long record in the South have the stories of white women accusers been so plainly discredited that an acquittal was forced.

The Scottsboro boys are still alive because of the relentless fight put up in their behalf by the International Labor Defense, and more recently by the joint defense committee. That defense has pushed every legal issue that could be raised,—the denial of counsel, the exclusion of Negroes from juries, and prejudice in the trials.

Other legal issues still remain. The present convictions will be appealed on the ground that the Alabama law prohibiting more than one change of venue deprives these boys of due process of law because of the impossibility of getting a fair trial in Decatur. Motions to transfer the cases to the federal court on the ground that the state cannot give them a fair trial have been denied, but they constitute the ground for appeal.

Every possible move has been made by the defense committee to remove prejudice in the handling of the cases. A Southern lawyer of ability was engaged, Clarence R. Watts of Huntsville, home of the chief witness against the boys, Victoria Price. Mr. Watts tried the Patterson case with uncompromising devotion. Northern lawyers took a back seat. The break in the succession of death sentences when Patterson was sentenced to seventy-five years in prison was doubtless due in part to Mr. Watts' participation. But it is becoming evident that even if the cases were left wholly to Southern lawyers convictions would follow. Even with Mr. Watts' participation, Clarence Narris has again been sentenced to death.

In the light of all this, the defense cannot be successfully attacked on the ground that

# SCOTTSBORO-- The Next Step

The savagery of the new Scottsboro trials exposed and the next steps in the most hideous travesty of justice in our times, presented. This was written before the victory. It still holds for the five remaining Scottsboro Boys.

By **ROGER N. BALDWIN**

*Acting Chairman, Scottsboro Defense Committee*

it has offended Southern sentiment by sending down Northern lawyers and conducting the case from New York. Southern friends of the defense are now agreed that the outcome would be precisely the same if Southern lawyers only appeared, or if national organizations identified as northern were out of the cases. So deep-rooted is Southern prejudice in favor of the word of any white woman, whatever her character, against any Negro, that no defense set-up can overcome it. Prosecutors may embroider that prejudice with references to "lawyers from New York," but

Judge W. W. Calahan, determined to murder or entomb the Scottsboro Boys. But he, together with other Alabama reactionaries, was forced to admit the frame-up against the boys, and to free four of them.



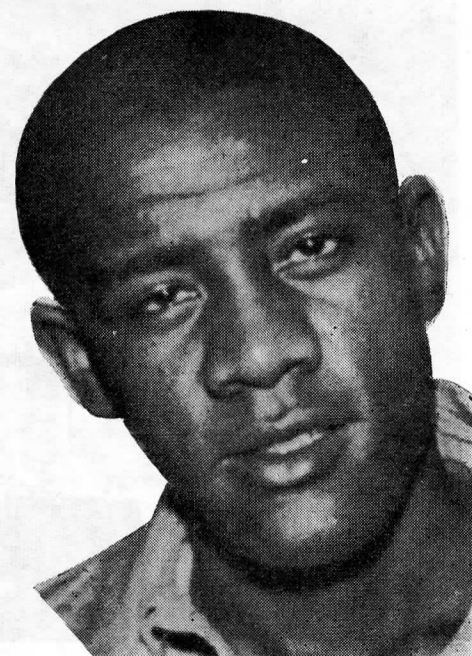
to the crime of rape. Despite rumors of compromise, it has never for a moment considered such a course. The proposals for compromise all came from the prosecution's side in the interest of "the good name of Alabama."

The appeals will now go on under the direction of Samuel Leibowitz, volunteer defense counsel, who has given his time and effort without stint. The boys will go back to their quarters on the top floor of the Birmingham jail for another long wait. As soon as possible the Supreme Court of the United States again will review. And it is a safe bet that the record of southern justice will show errors which will send the cases back again for trial. Some day Alabama may conclude to set the boys free without trial. For there is a limit even to Alabama's willingness to pour out money and effort to get convictions which are always reversed. But only a ceaseless and uncompromising defense will achieve the ultimate freedom of nine black boys of whose innocence all reasonable folk have long been certain.

the prejudice remains as effective without it.

The issue of Communism, of course, still gets into the case, as it gets into most everything else which smacks of justice or progress. Even Samuel Leibowitz, chief defense lawyer and long a member of the regular Tammany organization in New York, is characterized,—privately, not in the court room,—as a "Communist." But with a defense composed of seven national organizations mostly non-partisan, civic or religious, the radical label has been less commonly applied. Nor has it been applied at all to the distinguished citizens of Alabama who have constituted themselves a Southern committee to attempt to get justice. With the leadership of the national defense movement in the hands of such distinguished liberals as the Rev. Allan Knight Chalmers, chairman, Pastor of the Broadway Tabernacle, New York, and Colonel William Jay Schiefflin, treasurer, the political disinterestedness of the defense has become abundantly clear.

The Scottsboro Defense Committee will appeal every conviction. Believing in the complete innocence of all the boys, it will not be a party under any circumstances to compromises which involve a plea of guilty



Charlie Weems, sentenced to 75 years.





Vigilantes on the march against union men in steel. Note the masked faces and ammunition.

## THE MENACE OF VIGILANTISM

There was a time in the history of our country when public officials denounced vigilantism, as being in conflict with the regular procedure of "law and order." Today, we are treated to the shameful spectacle of public officials not only condoning, but organizing vigilantes to undermine our democratic institutions. And they do it—in the name of "law and order."

Vigilantism is one of the greatest menaces facing the American people today. It has established a center in Johnstown, with Mayor Shields of that town as its sponsor. From this center radiates the organization of all sorts of "citizens' committees," "back to work associations," and all sorts of other names as phoney as their purpose. These are being formed in every industrial community in the country. Their aim is to destroy American democracy. And they have the backing of Tom Girdler, Henry Ford, and the other big industrialists, in everything they do. Their only law is force of arms.

On July 15, the vigilantes held a national conference in Johnstown, to mobilize their forces for a drive to put over the so-called "Johnstown Plan." There were very few people invited to that conference. But they were the cream of the vigilante organizers of the country. Their whole conference was an open call for union-busting. "Thank God for Tom Girdler"—who murdered steel strikers in Chicago—was the refrain of the speeches they made.

These worthy citizens assembled and passed very illuminating resolutions, which were printed at a cost of at least \$100,000 in paid advertisements in the nation's press. They spent that much of somebody's money—who has that much money readily available anyway?—to say that they are not vigilantes, and to invite support for their

By VITO MARCANTONIO

President, International Labor Defense

"Citizens National Committee" with a vigilante program.

It's the old game of splitting. This time they want to split the trade unions from the middle class, and they invite support from all who "agree that the time has come for a reasonable and common sense revision of a labor policy which has been proven by experience unsound and impractical. If it is left unchanged, if you have learned nothing from the bitter experience of the past months, YOUR community may be the next to suffer."

And to what bitter experience do they refer? To the doubling of trade-union membership in the United States, to the organization of steel, auto, rubber, and other basic industries into powerful industrial unions in the C.I.O. The fact is that this has been a bitter experience for the economic royalists.

The Johnstown preamble and resolutions state:

*"WHEREAS certain public officials in high places as well as minor executives of the law throughout the country have failed to use the authority given them as a trust under oath to protect American citizens in their inalienable right to work. . . ."*

Funny that these are the same people that want pink slips for all WPA workers!

*" . . . and WHEREAS occasions have arisen where we can no longer look to certain constituted authorities to protect human constitutional rights. . . ."*

These are the same Republic Steel boys speaking now who murdered ten steel strikers in South Chicago, and 3 in Massillon, Ohio, for exercising their human constitutional rights.

*" . . . Therefore, as loyal American citizens we feel it is our patriotic duty to perfect a nation-wide organization whose function it shall be to restore and protect those constitutional rights that have been taken from American citizens by certain unworthy officials."*

It seems that in some places the authorities challenged the right of the steel masters to murder strikers.

And this is to be an organization to protect the "constitutional right," not to organize and fight for decent living conditions, but to commit murder. This is a "nation-wide organization" whose function it is to prevent labor from organizing, to protect the right of these gangsters to carry on their trade. No call to vigilantism and lawlessness could be more clearly stated. It is a declaration for fascism, and the beginning of the organization of fascism.

The International Labor Defense has made its stand known to the officials in Johnstown. It has called upon Governor Earle to use his office to curb the Johnstown "Plan." It has exposed the actions and statements of such public officials as Congressman Cox of Georgia, Congressman Hoffman of Michigan, who have violated their oath of office by calling for vigilantism against the CIO and its organizers right from the national capitol. It calls all individuals and organizations who hold justice and democracy dear to raise the alarm in their committees, to scotch at their very inception organization of vigilante groups, to demand from their representatives in Congress and from the Federal government prompt and immediate action to investigate and abolish every group that threatens our democratic institutions.

Alertness is essential. Inertia will enable the vigilantes and the power behind them to root themselves in many parts of the country.

(Continued on page 15)





Vigilantes on the march against union men in steel. Note the masked faces and ammunition.



# TOM GIRDLER IN ALABAMA

By JOSEPH S. GELDERS



Real defenders of the right to work. Youngstown steel pickets.



Tom Girdler's defenders of the "right to work"—armed thugs.

Speaking at the fashionable Mountain Brook Country Club in Birmingham, Alabama, this spring, T. M. Girdler, chairman of Republic Steel Corporation's board, had some very nasty things to say about the Wagner Labor Relations Act. Comparing collective bargaining contracts with the marriage contract, he said that the industrialists and bankers associated with him "don't like shotgun weddings," and went on to explain that "we feel pretty seriously about this subject of being forced into something you don't want to do . . . We are not going to do it, not in a hurry, which means, I think, that we won't do it at all." His speech was made not only to Republic's Southern management but to Birmingham's bankers, lawyers and industrial leaders.

Republic dominates the steel picture in many an Ohio and Michigan city and in a few Pennsylvania, Connecticut, and Minnesota towns; but in the Birmingham steel area Republic Steel Corporation is small fry. It has two blast furnaces at the Thomas plant in Birmingham proper and a few ore and coal mines and has recently acquired the properties of the Gulf States Steel Company, employing 2600, in the nearby town of Gadsden. Republic's output accounts for much less than 10%—nearer 5%—of Birmingham's iron and steel. But the noise they make and the disturbance they create is out of all proportion to their size.

A prominent Birmingham churchman, one thoroughly familiar with Republic's labor policy, recently made a statement in which he said that "the abuse of the plain man's rights by an industrial machine closely organized on a national scale to flout the law" discredits our fundamental American character and "invites these alien radical movements to come here and root in ready prepared soil." I would have described the movement as "militant and progressive trade unionism" rather than "alien" and "radical."

Militant trade unionism, amounting almost to a religion, with all the heroism that these words imply, is the first answer of red-blooded working men and women to the brutality of Republic's labor policy. The Thomas furnace strike of 1934 to 1937 is an example of what I mean. Local 137 of the Mine, Mill & Smelters' Union was organized at Thomas furnace shortly after the enactment of NRA. Everything was done strictly according to the law. The vote conducted by the Labor Board gave the union a 30 to 1 majority over Republic's company union. Then Republic started firing union men—first 25, then 50. A strike vote was taken.

As the strike drew out from days to weeks Republic's tactics became more brutal while the strikers grew more determined (and heroic). Beatings, arrests, frame-up prosecutions did not shake them. Months went by. Hunger, blacklists, scab labor and the connivance of the law enforcement officers, with the company—against such odds, and lacking experience, the union men were obviously defeated, but the union would not yield an inch; they had not learned how to conduct a strategic retreat. More arrests, exorbitant bail, hand-picked juries, convictions, im-





The LABOR DEFENDER presents here the last two letters written by Sacco and Vanzetti before their execution on August 22, 1927. It is our purpose to make of these documents a monument and a ritual to two of the greatest men this country has ever known. It is our hope that they will be read aloud to groups of people on August 22, 1937, in tribute and honor to their great spirits. Let their beautiful and inspiring words be heard throughout the land on the tenth anniversary of their cruel and unjust martyrdom. Let their memory live forever in the ranks of that cause for which they gave their lives.

# NICOLA SACCO BARTOLOMEO VANZETTI

Murdered in Massachusetts

AUGUST 22, 1927

If it had not been for this thing, I might have lived out my life talking at street corners to scorning men. I might have died, unmarked, unknown, a failure. Now we are not a failure. This is our career, and our triumph. Never in our full life could we hope to do such work for tolerance, for justice, for man's understanding of men as now we do by accident. Our words—our life—our pains—nothing. The taking of our lives—lives of a good shoemaker and a poor fish peddler—all. That last moment belongs to us—that agony is our triumph.  
Bartolomeo Vanzetti, after being sentenced to death.

## The Joy of Freedom

My dear Son and Companion:

Since the day I saw you last I had always the idea to write you this letter, but the length of my hunger strike and the thought I might not be able to explain myself, made me put it off all this time.

I never thought that our inseparable life could be separated, but thought of seven dolorous years makes it seem it did come. But then it has not changed really the unrest and the heartbeat of affection that has remained as it was.

Much we have suffered during this long Calvary. We protest today as we protested yesterday. We protest always for our freedom. If I stopped my hunger strike the other day it was because there was no more sign of life in me. Because I protested with my hunger strike yesterday, as today I protest for life and not for death.

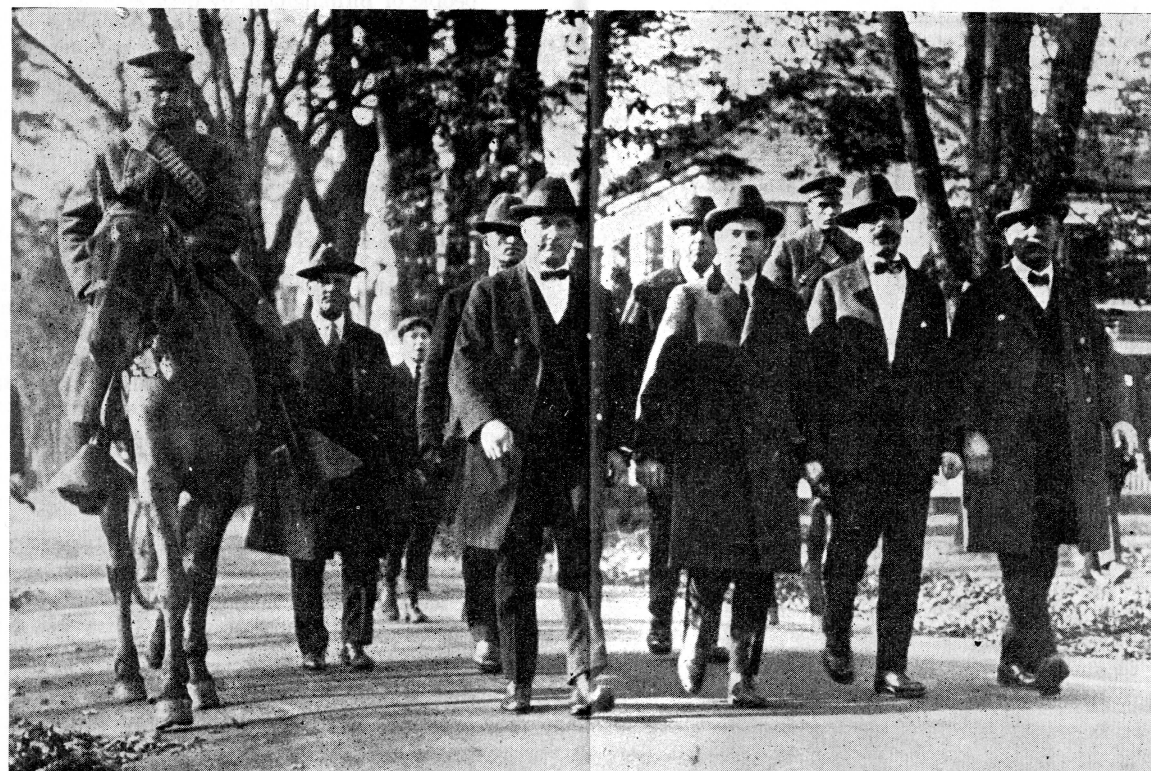
I sacrificed because I wanted to come back to the embrace of your dear little sister Inez and your mother and all the beloved friends and comrades of life, not death. So, son, today, life begins to revive slow and calm, but yet without horizon and always with sadness and visions of death. But remember always Dante, in the play of happiness, don't you use all for yourself only, but down yourself just one step at your side and help the weak ones that cry for help; help the persecuted and the victim, because they are your better friends; they are the comrades that fight and

fall as your father and Barto (Vanzetti) fought and fell yesterday for the conquest of the joy of freedom for all the poor workers. In this struggle of life you will find more love and you will be loved.

Much I thought of you while I was lying in the death house—the singing, the kind, tender voices of the children from the playground, where there was all the life and joy of liberty—just one step from the wall which contained the buried agony of three buried souls. It would remind me so often of you and your sister Inez. And I wish I could see you every moment. But I feel better that you did not come to the death house so that you could not see the horrible picture of three lying in agony waiting to be electrocuted because I do not know what effect it would have on your young age. But, then, in another way, if you were not so sensitive, it would be very useful to you tomorrow, when you could use this horrible memory to hold up to the world the shame of the century in this cruel persecution and unjust death.

Yes, Dante, they can crucify our bodies today as they are doing, but they cannot destroy our ideas that will remain for the youth of the future to come.

Dante, I say once more to love and be nearest to your mother and the loved ones in these sad days, and I am sure that with your brave and kind goodness they will feel less discomfort. And you will also not forget



## Liberty and Justice to All

My dear Dante:

I still hope, and we will fight until the last moment, to vindicate our right to live and to be free, but all the forces of the State and of money and reaction are deadly against us because we are libertarians and anarchists. I write little of this because you are now as yet too young to understand these things and other things of which I would like to reason with you.

But if you do well, you will grow and understand these things and other things, your father's and my case and your father's and my principles for which we will soon be put to death.

I tell you now from all that I know of your father, he is not a criminal, but one of the bravest men I ever knew. Some day you will be able to understand what I am about to tell you; that your father has sacrificed everything dear and sacred to the human heart and soul for his faith in liberty and justice for all. That day you will be proud of your father, and if you come brave enough you will take his place in the struggle between tyranny and liberty and you will vindicate our names and our blood.

If we have to die now you shall know when you will be able to understand this tragedy in its fullest, how good and brave your mother has been with you, your father and I during these eight years of struggle, sorrow, passion, anguish and agony.

Remember, Dante, each one who will say otherwise of your father and I is a liar, insulting innocent dead men who have been brave in their life. Remember and know also, Dante, that if your father and I would have been cowards and hypocrites and rinnegators to our faith, we would not have been put to death. They would not even have convicted a leprous dog; as they framed against us. They would have given a new trial to a matricide and a habitual felon on the evidence we presented for a new trial.

Remember, Dante, remember always these things; we are not criminals; they convicted us on a frame-up; they denied us a new trial; and if we will be executed after seven years, four months and seventeen days of unspeakable tortures and wrongs, it is for what I have already told you—because we were for the poor and against the exploitation and oppression of the man by the man.

The documents of our case, which you and other ones will collect and preserve, will prove to you that your father, your mother, Inez, my family and I have been sacrificed by and to State reason of the American plutocratic reaction.

The day will come when you will understand the sense of the above written words, in all its fullness. Then you will honor us.

Now, Dante, be brave and good always. I embrace you.

Bartolomeo Vanzetti.



Above: Sacco and Vanzetti on their way to the Charlestown death-house after 7 years of torture and hope. Judge Thayer tried them, sentenced them and blocked all roads to new trials. Left and right: The death masks of Sacco and Vanzetti against a background of a few of the tremendous mass demonstrations held in their behalf throughout the world. They have not died in vain. Their spirit lives on in the ranks of the ever growing movement for united defense and relief. On this the 10th Anniversary of their martyrdom the International Labor Defense pledges to carry on in their glorious tradition.

to love me a little, for I do—Oh, son, thinking so much and so often of you.

Best fraternal greetings to all the beloved ones, love-kiss to little Inez and mother. Most hearty affectionate embrace.

Your Father and Companion.





# WE WIN THE BUTASH CASE

An analysis of the decision by a lawyer who never lost an appeal. Excerpts from the "evidence" and a message from Paul Butash.

By **HART E. BAKER**

*Attorney for Defense*

In June of this year, the Supreme Court of Indiana, influenced by mass pressure of the working-class and liberal and progressive elements of the community, freed Paul Butash.

Paul Butash became known all over the United States about a year ago as the solicitor for the "Literary Digest" who was arrested in Angola, Indiana on the same charge as Angelo Herndon, namely, *inciting to insurrection and the overthrow of the government by force and violence.*



Chicago's Police Commissioner Allman. He "fully approved" the Memorial Day massacre.

The jury which tried him in the small rural town of Angola was composed of Legionnaires, Black Legion men, wives of ministers and retired farmers, former members of the Ku Klux Klan, and other fascist elements. The witnesses against Butash were members of the American Legion who had engaged the hall and arranged for the meeting at which Butash was invited to speak by these same witnesses, and all of his remarks mentioned above were contained in replies which he made to questions put to him by the members of the audience, who later testified against him in Court. This shows that the case was obviously a frame-up and the Supreme Court of Indiana recognized this fact by saying, in its opinion, that Butash was trapped into committing *what the witnesses for the State thought was a crime.*

The Supreme Court of Indiana also stated in its opinion, that the questions from the audience assumed that there was something wrong with our system of Government and our economic set-up, and that the replies of Butash were only the expressions of his own opinions upon the economic or political questions of the times, and the possible partial solution for them, or else, a mere facts.

From a legal point of view, the decision of the Indiana Supreme Court is valuable because, hereafter, the prosecutor under Criminal Syndicalist laws will not be able to obtain convictions merely upon proof of what the accused said, but must also produce evidence that the audience was incited and aroused by the statements of the accused to take violent action at once, looking toward the immediate overthrow of the present form of government.

The high value of this decision to the working-class is that the State's Supreme Court at last recognizes that a person may freely express his opinion upon the economic or political questions of the day and offer a possible partial solution for these questions and may make predictions that a change in the present form of government could only be brought about by a revolution and the use of force, if necessary, without being guilty of a crime punishable by imprisonment for a long term of years in the penitentiary.

This decision, following so closely after the decision in the Herndon case, also shows that the courts, like every other department of the government, are sensitive to public opinion, as manifested by the mass pressure of the working-class. The force of public opinion, which was outraged by the reactionary decisions of the Supreme Court of the United States, induced President Roosevelt to recommend to Congress that the Court be made more liberal, and in consequence of this demand of the majority of the people of this country voiced by the President, the Court upheld the Wagner Labor Relations Act, sustained the Women's Minimum Wage Law,



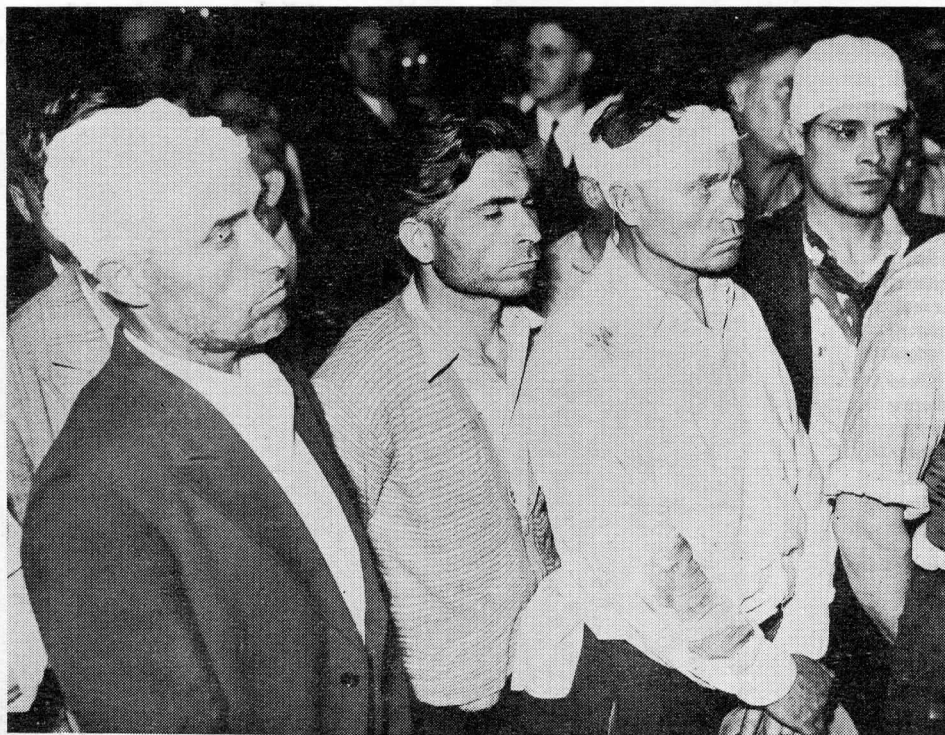
Sen. LaFollette shows Chicago's Police Supervisor Mooney murder evidence.

freed Angelo Herndon, and following in the wake of these cases, the Supreme Court of Indiana has freed Butash from the Indiana Criminal Syndicalist Law. Further agitation of this nature is sure to result in the outright repeal of such laws wherever they constitute a threat against the democratic civil liberties of the workers to discuss political and economic conditions, and work for their reform.

## THE EVIDENCE

Paul Jackson, being duly sworn, reported that on or about the 19th day of May, 1936, in the County of Steuben and State of Indiana, Paul Butash unlawfully and feloniously advocated and incited at a public gathering in a public place in the City of Angola, Indiana, saying the following:

- 1st. That he is sponsored by Soviet Russia.
- 2nd. That he favored the overthrow of the constitution and the government of the United States by armed forces.
- 3rd. That he favored the seizing of the United States government by revolt.
- 4th. That we had the revolution of 1776 and now we will have the revolution of 1936.
- 5th. That the masses should overthrow the "rich uncles" of Wall Street by seizing their property.
- 6th. That he favored the overthrow of our constitution of the United States by armed force.



Victims of Memorial Day Massacre charged with "conspiracy"—to get shot!



# For the Families of Chicago's Dead and Wounded

BY JAN WITTENBER

WITNESS THE DEAD—  
THEY CANNOT SPEAK

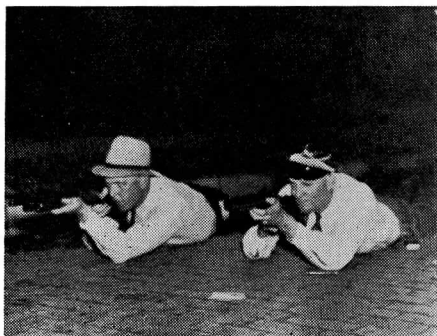
Hilding Anderson	Leo Fransisco
Earl Handley	Otis Jones
A. Tagliori	Joseph Rothmund
Kenneth Reed	Earl Handley
Albert Causey	Sam Popovich

The eleventh victim miraculously escaped the mop-up squad of police. As a result of vicious clubbing he is now an inmate of the Elgin insane asylum. Twenty year old Frank Stanken has had sections of his leg sawed off in a desperate effort to check gangrene that eats it's deadly way up a once young and healthy body. Specialists are in doubt as to whether he may survive. Nicholas Sevrich, a boy of 9, will be crippled for life. Joseph Nimth, 23 years of age, shot in the leg. It is still infected. Harry Harper, had his eye gouged out. Three days after he was bonded out of Bridewell Hospital, he had still not received treatment.

Frank Skultity, shot through the abdomen. Has been in a hospital since May 30th. John Letito, age 23, shot in leg now lame. Emil Riccio, shot in shoulder blade from behind, has lost use of right arm. Michael Dolic, shot in back and groin, may be crippled for life. Dominic Esposito, Nick Kruga, Philbert Morena, James Raw, Max Luna and others were shot in the head or clubbed so severely that they risk a fate similar to Joseph Hensley now in an insane asylum. Luna stated in an affidavit, "By instinct I wanted to run but I couldn't leave my buddy on the ground being beaten by the police." Carl Nelso lost two fingers that will prevent his returning to the Steel Mill job he held before the strike.

The Illinois State office of the International Labor Defense has been performing a Labor Red Cross task since Memorial Sunday. It bonded out the wounded and dying. It helped to bring order out of chaos in the

hysterical hours of blood and screams. It gave relief to the families and to the strikers. It is supplying milk to scores of children of many families whose fathers were killed or wounded. It is cooperating with the Woman's Auxiliary. But it's a job with overwhelming odds against you when resources are strained and there are so many to care for. Many people deserve a medal for setting an example of social consciousness that should inspire others. May other people respond as they have done. Money directed to the strike quarters at 11317 Green Bay Ave., Chicago, Ill., or to the ILD office at 30 N. Dearborn will find its way into the hundreds of needy homes of those who fought for elementary human rights or constitutional rights for those who may be technical. They are the advance guard of democracy and involve the honor of all progressive and liberty loving people.



Special murder guards for Republic Steel at Massillon, Ohio. Toll—3 dead.

7th. That all colleges belong to the student body.

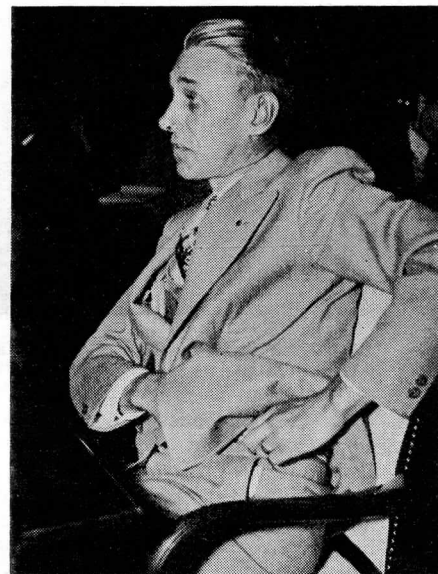
8th. That all business belongs to the masses.

9th. That all factories, if not given up peaceably should be seized and operated by the masses, the former owner being put on the same wage as the mass workman, then and there being contrary, etc. \* \* \*

On May 19, 1936 he appeared at the grocery store owned and operated by Burton Richardson in the City of Angola, Indiana. After canvassing Mr. Richardson and Algi A. Ewers for subscriptions to the Literary Digest, he conversed with Mr. Ewers. During this conversation Butash stated, according to Richardson's testimony in court:

"The part I heard of it, Mr. Butash said that we had to change our system of government here. He demonstrated by putting three marks on a sheet of paper, one mark was a shoe factory of the rich, the second mark was a shoe factory for the middle class, and the third for the poor class, which he said were made out of paper . . . the soles were made out of paper, he said, and we should do away with the second and third class and all wear good shoes the same as the rich man out of the first factory."

"We asked him how we were going to do this and he said, Mr. Butash said the masses would take care of this. He finally said we'd do that through a revolution. \* \* \* Mr. Butash said there was the war of '76 and the Civil War, and there was going to be one more, the Revolution; and the Revolution of 1936 would be the same thing. \* \* \*



Chicago's Serg. Lyons showing how police carry clubs. "Strikers are foreigners," he said.



Mr. Abt and Secretary Wohlforth of the LaFollette Committee examine Massacre movie.

## A MESSAGE FROM BUTASH

During the ten long months of a five years sentence that I spent in the Indiana penitentiary I had one satisfying conviction that enabled me to carry on. That was the International Labor Defense. Fellow prisoners would kid me and say, "We've heard that before." I knew that the same defense that freed Lawrence Simpson, Angelo Herndon and hundreds of others could not fail me.

Were it not for the I.L.D., I would still be serving my sentence. The arrest, persecution and conviction of an innocent man, means nothing to the forces who under the name of Americanism violate the very laws they are supposed to uphold. The work of the I.L.D. forced the State Supreme, Court to say, that the whole incident was so trivial as to be beneath the notice of the law."

Let us all carry on with the I.L.D. and gain still greater victories for humanity and the American people. I owe my freedom to the progressive people who supported the I.L.D. and the American Civil Liberties Union which joined in support of my case. I pledge to give unselfishly of my time to strengthen the drive for defense and relief.

# OUR MEN ARE DEAD

**A cry from bleeding, fighting hearts. Since this was written Hitler's axe-man's toll has reached 81. The pictures are of new Nazi victims.**

We are the wives and families of men executed in Germany because they were adversaries of Hitler and his policy.

We do not know each other personally; we live scattered in various countries. Only a few of us have succeeded in escaping to other countries and it is those of us who have succeeded who are able to speak to you; we are only a small number of hundreds equally as unfortunate.

went to other countries, travelled from town to town, from country to country, attending meetings, writing articles and appeals, arousing interest throughout the world.

This proved in vain and the same day came for us all, a day which we shall always remember. Again a brief visit to a dark cell, a last word, a last letter. A night during which each second seemed an eternity and yet at the same time hastened the approach

We turn to you and appeal to you as to a woman, to your heart, to your human feelings and your sense of duty. Come to the help of other women to save them from what we have been obliged to suffer. Hundreds of men are in German prisons, risking death, seven unexecuted verdicts of death have come to our knowledge and the condemned men and their families live in terrible anxiety between hope and fear. Hundreds of women are facing a fate just as terrible as ours. We beg you to think of these innocent and desperate women, think of the cruel days and weeks that they live fighting for the lives of their husbands against a hard and merciless adversary. Think of these women, think of their children!

You can act. You have influence, you have



**Adolf Rembte,**  
sentenced to die



**Max Madalena,**  
life imprisonment



**Kaethe Luebeck**  
12 years hard labor



**Fiete Schulze,**  
beheaded, 1935



**Robert Stamm,**  
sentenced to die

We have never met but we have all experienced the same thing, lived through the same anguish.

One day uniformed men entered our houses and took away our husband, our son, our father. We remained for a long while without news of him, without any contact with him. Then we learned in some way of the accusation which was made against them and we were horrified, for we knew that the accusation against them was false and we had proofs of their innocence.

We took these proofs before the courts. Everywhere we met with rebuffs, with laughter, with mockery. We began to understand that it was not a question of the truth. We realized that these men were to be annihilated because they were opposed to war, because they had helped victims of the terror, because they were for peace, for progress, for freedom and humanity.

Then the trials began. Sometimes we were permitted to be present, often we could only wait, trembling, in the corridors of the court or in the road to exchange a brief glance with these men who were so near. We learned that the proceedings brought no proof of guilt and we began to hope again.

Then came the verdict: beheading by the axe.

At this news we became faint but we knew that we had to control ourselves. Now we should become stronger. It was necessary to profit by the last and very small possibility of escape. Some of us stayed in the country writing innumerable letters, waiting for weeks in the anterooms of the present rulers of Germany clamoring for justice. Others

of dawn and we learned: he was no more.

We beg you, do not turn away from these visions of horror, try to imagine what we have lived through. Force yourselves to think that until now 77 men in Germany have fallen under the axe because of their sincere convictions. Study the fate of any of them and you will be convinced of their innocence. They are 77, the last 7 were condemned to death in secret, not a line about their trial, about the accusation, or the verdict, was published, only a brief notice was issued after the executions. But all of them had wives, mothers, children. Some of these women who fled from their country, which became hell for them, appeal to you. The large majority of women so hardly hit and who share our misfortune, are in Germany. It is not possible for them to join their appeal to ours. You must therefore consider our appeal for help as theirs.

friends who think like you. Unite your voices, tell Hitler that you, that your social sphere, that humanity, cannot accept what is happening today in Germany.

Help! Help! Help!

Lucy EGGERT, wife of Johannes EGGERT, executed on Feb. 2, 1937.

Henriette FISCHER, wife of Herman FISCHER, executed on May 19, 1934.

Edith FISCHER aged 10 and Egon FISCHER 7 years, his children.

Louise LUETGENS, wife of August LUETGENS, executed on August 31, 1933.

Else LUETGENS, aged 12 years, his daughter.

Wilma KROOS-SCHULZE, wife of Fiete SCHULZE, executed on June 7, 1935.

Lotte SCHLAGSIS, the bride of Rudolf LINDAU, executed on Christmas 1933.

## Tom Girdler in Alabama

*(Continued from page 9)*

openly placed himself on record as being in sympathy with the open shop policy of the corporations and against the CIO and asserts that, come what will, he intends to keep industry open in Gadsden according to its own program.

In Gadsden vigilante actions can no longer be justified as actions in support of "law and order"—Republic company gangsterism has become much too crude and open for that. An entirely new theory has been developed in their attempt to gain community support for the crimes of their thugs. They turn from a condemnation of "force and

violence" to a glorification of the same—would you believe it—in the name of 1776.

Condemning the Birmingham Age-Herald for a mild reproof of recent excesses, L. C. Hardaway of Gadsden wrote an open letter to the paper in which he says in part: "Gadsden is made up of true, independent, loyal American citizens, people who think more of their country in a minute than these weak-kneed editors, who are anxious to submit to domination by a foreign element, could ever think. Gadsden is made up of people who are willing to fight for what they think is right, people who are not afraid to shed a little blood to avoid greater bloodshed

*(Continued on page 19)*





Maine's police "escort" a girl shoe-striker from the picket line.

# History Repeats Itself

In 1806 it was Philadelphia. In 1937 it's Maine. But the "conspiracy" against labor is the same.

By SASHA SMALL

In the years immediately following the successful Revolutionary War for freedom, the war that created the United States, every section of American society was thrown into a period of readjustment.

American labor, determined to achieve "life, liberty and the pursuit of happiness," was beginning to organize—particularly the shoemakers, tailors and printers.

It was among the shoemakers that we find the first continuous organization of American wage earners in the Federal Society of Journeymen Cordwainers of Pennsylvania. While the average daily wage was still 80c to \$1, the shoemakers through their organization had achieved weekly wages of \$10 to \$11, considered very high for those early years of the 19th century.

They made valiant efforts to organize their forces. They banded together in a secret association, with a primitive ritual of taking an oath not to work at lower wages and not to work with non-members, and worked out ways and means for bettering their hard lot.

It is little wonder that the militant shoemakers (cordwainers as they were called) were the first to come in conflict with the law and be haled before the courts.

On November 1, 1805, eight of them, from Philadelphia, were indicted by a grand jury, upon charges brought by their masters, charges of forming "a combination and conspiracy to raise their wages."

The indictment was very lengthy and specific. It named all eight and stated:

*"Not being content to work at the usual prices and rates for which they and other workmen and journeymen in the same art and occupation were used to work . . . did with force and arms, combine, conspire, confederate and unlawfully agree together that they would not work but at certain large prices and rates . . . and that there would be threats and menaces and other injuries to prevent any workmen from working for such a master (who would not meet their demands) and they refused to work at the usual prices."*

This was the crime of the Philadelphia shoemakers for which they were tried in 1806. The jury in their case was carefully selected. It was finally composed of two innkeepers, a merchant, three grocers, a tobaccoist, a watchmaker and a tailor. A man named Jonathan Wharton was almost chosen, but when it turned out that he was a shoemaker he was not allowed to serve.

The case of these shoemakers became a cause celebre. The Jeffersonian Democrats took over their defense. They hired Caesar Rodney, one of the signers of the Declaration of Independence, to be their attorney. The Jeffersonian press supported their cause to the fullest extent. The prosecution, backed and paid for by the masters' associations, hired Jared Ingersoll, a known Tory and a Federalist. The debate in the court room centered mainly around the battle of English law dating back to the middle ages versus the principles of the Declaration of Independence and the Bill of Rights.

Summing up for the defense Rodney said:

*"If you are desirous of introducing a spirit of inequality into our government and laws, if you think the laborer and the journeyman enjoy too great a part of liberty . . . such disposition will lead you to convict the defendants. If on the other hand you are satisfied with the wise and liberal principles of our government . . . if you are content with the blessings enjoyed under our free constitution which secures to the citizens an equality of rights which recognizes no distinction of classes, I shall look for a verdict of acquittal."*

The men were found guilty, convicted and received fines as their sentence. The evidence against them proved nothing but the fact that they were organized. The "force and arms" was a beating to one scab.

The precedent established in this case lasted for many years, and masters and bosses in many parts of the country attempted to crush the efforts of American labor to organize by prosecuting their workers for "conspiracy." This method of union busting lasted right up until the Civil War and in some

isolated cases after that. But when labor grew too strong for such methods, when you could no longer arrest a whole union of, say 50,000 members, the frame-up system was called into being for sniping off the leaders.

But now in the year 1937 we find history repeating itself. Up in Maine where the shoemakers are trying to organize their forces under the militant leadership of the CIO, the manufacturers and their lawyers decided to dig back to the beginning of our history and they came up with "conspiracy" charges against the leaders of the Lewiston-Auburn strike. Fifteen CIO leaders and members were tried and convicted on charges of "conspiring to unlawfully injure the business of the Charles Cushman Company." In quoting the statutes of Maine which define a conspiracy the county attorney showed that this was an act in which two or more conspire with intent, the result of which brings about an offense punishable by a prison sentence.

The evidence in the Maine cases was the usual story. The picketing of the strikers "interfered" with the business of the company. The scabs were "menaced" and so forth and so on.

These cases are now being appealed to higher courts and their outcome will have deep significance for the entire labor movement. It is curious how historically minded manufacturers become in their battle against strikers. But that same history shows that conspiracy charges did not prevent American labor from organizing and winning all the rights enjoyed and defended today. The Tories of the olden days were licked and the Liberty Leaguers of Maine had better brush up on that history if they refuse to read the handwriting on the wall.

## The Menace of Vigilantism

(Continued from page 7)

In the spirit in which Paul Revere roused the American country side with the cry that the British were coming, the I.L.D. calls the American people to vigilance and action against the vigilantes. Our appeal is addressed particularly to those broad sections of the population which constitute the middle class. Don't be fooled by fair words. The "right to work" in the Johnstown Plan is actually the right to recruit and to arm scabs, the right to smash trade unionism, the right to crush the democratic and civil rights of labor, the right for armed bands—official or otherwise—to take the law into their own hands and ride union organizers out of town, break up picket lines, smash food kitchens, interfere with the solidarity and unity of labor.

An attack upon these fundamental and constitutional rights of labor is an attack upon all democratic rights. Unity of action to preserve these rights is the crying need of the day if the best interests of the American people are to be served.

# *A Letter from* **MADRID**

**Portrait of a gallant city  
filled with heroic men, women  
and children.**

We drove into Madrid in the late afternoon. The several roads leading to the city were crowded with traffic. We saw lorry loads of food and arms from Catalonia, groups of soldiers, cars and wagons covered with camouflage paint, motor cycles and crowded buses. The atmosphere was charged with excitement and animation.

Even those who have never seen Madrid can picture what it is like. Think of any city you know. Imagine it having had no paint on it for nine months, and no roads mended. Imagine the shops with the shutters up. Many of them are really open though they appear to be closed. Imagine small queues of women outside all food shops. Imagine large holes a yard or two across in the walls of some of the houses, and the same in the roads, roughly filled in, fallen masonry lying about in heaps and some broken windows. Picture a few of the buildings in the centre of the city burnt thru by bombs with only the outer walls left standing. Imagine the cafes almost devoid of food and drink, but remember that it is only a fraction of the city that is so affected. For although all these people in the streets have had no time to think about new spring clothes, although for months Italian bombs and shells have scattered death and destruction, there is another side to the picture. Street sellers cry their wares in the Puerta del Sol; newsboys shout the names of their papers. Soldiers on leave drink what they can get in the cafes and go to the pictures. Every one is working, active and busy. Mothers push perambulators under the trees in the afternoon sunshine. Lovers walk out in the evening. Children play at ball and skipping in the streets. Troops march off to the front and workmen in overalls go to and from the factories. This is no city of desolation. This is a city of vitality and life.

One afternoon we stopped to buy oranges from an old man with a barrow in the roadway. We patted his donkey. The old man was pleased. "Ah, she's a knowing beast," he said, "a good animal, so steady with the barrow, you know." A little later we made friends with some boys in the street. We heard about their fathers and brothers at the front. "Why are you playing in the streets? Why aren't you at school?" we asked.

"The schools are shut," they replied. "The fascists bomb schools." "My teacher's at the front," said another lad, "been there for months."

"Wouldn't you like to come with us to Valencia? We could take you to a place where you would have plenty to eat and a big garden to play in," we said. A boy of 15 replied, "I'll stay here till there's nothing to eat but rice, but I won't leave Madrid."

We went back to the centre of the city. The shelling had ceased, but the air was still burdened with the smell of explosive and crumbling masonry and dust. By the curb a barrow load of oranges was upset, and a



Madrid—after a bombardment.



A Spanish mother and her child—after a bombardment.

dead donkey lay in its own blood. "The knowing little beast" had not been able to run from the fascist shell, and a poor old man had lost his means of livelihood. Three more dead donkeys, smashed vehicles and other scenes of destruction met us, yet the people of Madrid scarcely seem to notice them. There was a spirit of courage and defiance, of activity and keenness to get on with their work.

But in spite of the courage of the children the Republican Government considers it advisable (and many will agree) to send the children away where they can have better food and good schooling. One morning we arranged to meet a Spanish teacher who was taking 25 children in an English coach under the care of an English driver to a village in Valencia. We were about to leave the house just after 6 a. m. when the shelling began



again. The old woman who was cleaning the doorstep stood up and watched the sky. Shriek, thud, and crash of stones.

"Ah, me!" she sighed. She called to a man who was taking down his shutters. "Antonio, come inside; it isn't safe." But she did not go inside herself. "Oh, it doesn't matter," he answered and went on working.

Shriek, thud, and crash of stones.

The children climbed into the coach. The teacher called the roll. Some of the mothers were crying a little, but the children were very quiet. Only one boy of ten sat rubbing his eyes. "If you cry," said one of the girls, "people will think you are a fascist. Only very tiny babies are allowed to cry."

When we came to that strip of the road that is so near the fighting that all drivers take it quickly, the boys stood up, and looking across the country where the fascists are, they all cried, "The Sierra!"

"My father's out there," whispered one boy. They all gazed intently. There was a pause. No one spoke. We heard distant firing and then only the noisy rattle of the coach. Would they cry after all?

"Let's sing," said one of the girls, and simultaneously they broke into "The International."

The valiant and indomitable spirit of Madrid is reflected in its children. Not only in Madrid, but in all our journey across Spain we met this unconquerable defiance, this belief in ultimate victory. You could see it

(Continued on page 18)

## Cigarettes from Home



Cigarettes, chocolates, coffee—and milk—clean socks and a newspaper—small comforts taken for granted here—are priceless luxuries to dream about in Loyalist Spain's front-line trenches.

More than 2,000 men have left the offices and factories, the colleges, ships, farms and homes of America—to fight for democracy in a country racked by fascist invaders. They have left families and friends behind—the familiar sights and voices that made this "home."

**GIVE THEM MATERIAL ASSURANCE OF YOUR SUPPORT!** Every letter from "somewhere in Spain" brings requests for American cigarettes. ". . . You can't

realize what a good smoke means until you've stuck it out for weeks, losing count of the days, fighting, resting, waiting for an advance, under nerve-racking bombardment for hours on end—without a smoke." *Such appeals cannot be overlooked.*

**THE FRIENDS OF THE ABRAHAM LINCOLN BRIGADE**—125 W. 45th St.,—sends monthly shipments to the Abraham Lincoln and George Washington Battalions, which together form the Lincoln Brigade. Already one million cigarettes, five tons of chocolate, 1000 books—to mention only a small part of the provisions—have gone to Madrid to be distributed to the American fighters going up to the front and the wounded behind the lines.

**MORE IS NEEDED AT ONCE! SEND YOUR CONTRIBUTION TODAY**—small or large—but as much as you possibly can spare—in care of the **LABOR DEFENDER**, 80 East 11th Street, N. Y. C.



Today, under President Eamon De Valera, many Irish republicans are being held in Free State prisons for their political convictions. Their sentences range from six months to ten years. They have been put behind bars by the Military Tribunal, created by Cosgrave under Article 2A of the Constitution, commonly called the Coercion Act. The crime is usually "sedition," which may mean anything from shouting "Up the Republic!" to the possession of arms.

On his election in 1932 De Valera was pledged to abolish the Coercion Act. He did not abolish it, but has used it with constantly increasing viciousness to persecute the very forces that put him in power. Among the prisoners now serving time for republican activities is Maurice Twomey, Chief of Staff of the Irish Republican Army, which position De Valera himself once held.

During the past few years hundreds of republicans have served prison terms for loyalty to their cause. Steadfastly maintaining that the only legal government is the republic proclaimed by the men of the Easter Rising in 1916 and overwhelmingly ratified by the people in the General Election of 1918, they have refused to recognize the authority of the Free State Government.

In May of this year forty republicans were in the prisons of the Irish Free State, sent there under the Coercion Act. In the six counties of the North, nineteen republicans were serving sentences under the Special Powers Act. In June, 1936, when the annual gathering of republicans at the grave of Wolfe Tone in Bodenstown had been banned, the number was much larger than this, both North and South. During all of 1935 and 1936 it was larger. The number of political prisoners is comparatively small now because the republican movement has been forced more and more underground,

## "UP THE REPUBLIC"

By  
**ETHEL TURNER**

and most of its active membership is "on the run."

Ireland is no exception to the rule that in most countries political prisoners receive harsher treatment than actual criminals. **PRISON BARS**, a little four-sheet monthly published in Dublin by the Women's Prisoners' Defense League, corroborates facts, already common knowledge in Ireland, as to the treatment republicans have received in prison.

The scandal of the death of Sean Glynn, found murdered in his cell in Arbour Hill a few months ago, will not easily be forgotten. The Governor of Arbour Hill had gone to this youth's cell and offered him his release if he would sign an undertaking to leave the I.R.A. Sean refused. The next day he was found strangled to death. The Coroner's jury returned a verdict of suicide. The Church, as well as the people, did not credit this verdict, for the remains lay in the parish church, and a huge Limerick crowd followed the boy to the grave. He had been sentenced for trying to attend the Wolfe Tone commemoration in June, 1936.

Sean MacSweeney, brother of the martyred Terence, and Thomas MacCurtain, son of the Lord Mayor of Cork who was murdered by Black-and-Tans in 1920, hunger-struck their way out of prison last year. Donald O'Donaghue, editor of the suppressed republican weekly, **AN POBLACHT**, was also released when almost dead of starvation. They made statements about the cruel treatment of prisoners in Arbour Hill.

In the Gloss House and in other prisons

the conditions are much the same as in Arbour Hill.

De Valera's Government last July published their "New Prison Rules," which are nothing more than the old, inhuman British rules in use before the days of prison reform. On the first page, paragraph Four reads:

"The Prisons (Ireland) Acts 1862 to 1907 and the Penal Servitude Acts 1853 to 1891 . . . shall apply . . ."

Under these rules silence is enforced. Gifts of food are not allowed. In most cases prisoners are held incommunicado. Relatives and friends have in vain tried to see them. There have been frequent cases of insanity. Only after the Sean Glynn scandal has the government made a concession with regard to smoking, stating that "the prisoners may smoke at the discretion of the Governor."

According to **PRISON BARS**, a short time ago the Lord Mayor of Dublin lent the Mansion House for a Commission of Inquiry into Prison Conditions. The Commission was composed mainly of doctors and lawyers and Visiting Justices with prison experience. The objective was to prevent further tragedies by sifting evidence and recommending prison reform. It invited the Government to send a legal representative to be present at the hearing of evidence.

Mr. De Valera's reply was to call into play the ever-ready Coercion Act and declare the Commission of Inquiry an illegal association. He has warned all papers, including the British Imperialist Irish Times, not to print news about the treatment of political prisoners. The conspiracy of silence prevails.



## Solidarity Is O.K. With Johnny

A short story with a message.

By JOAN HARDY

The house stands in a row of gray misery. Six shacks, one exactly like the other. None of them painted. All of them with leaky roofs. All of them with three wretched splintery stairs leading straight into the front—and only door.

Ragged children rush around in a game of cowboys and Indians. Their shouts are the only cheerful thing about this street. It isn't paved. It's black and grimy. The pale faces of women seen through the open door-way or out in back hanging clothes on the line are drawn, sorrowful and so tired.

But the kids whoop around. Johnny is the Indian chief. He is ten but small for his age. Wiry, alert, with bright black eyes. A real fighter and a real leader of his "braves."

You see Johnny is not just a bright, lively boy. He has a special reason for striving to be the bravest youngster on the street. He wants to show everybody—from the cop to the company police that he isn't afraid of anything or anybody. Because Johnny is the head of a family of four—mother and the three girls.

The girls are all right, says Johnny, when pressed hard for an opinion, but after all—girls are girls and they're sissies. But you got to take care of them anyway and stick up for them when any of the wise-guy bullies tease them. Mother can't watch out for them in the street, or in school. She's got her hands full at home—cooking and mending and sewing and washing to keep them and the house neat and clean.

Mother says it's next to impossible because the only clothes they have are so old and worn and made over. There isn't any money to buy new clothes with. Johnny knows that because he helps Mother with the

figuring. There's \$3.25 from the relief—when it comes. That relief lady—every time you give her a chance—she stops the relief. She says there isn't enough to go around. She says they're not really "unemployed"—that's a little bit hard for Johnny to figure, because none of them are working and doesn't that mean they're "unemployed"? But Mother and Johnny go down there and keep after her and then she gives them the money.

Then there's the other relief. That comes from New York every month on the 16th. Mother says that's the real relief. You don't have to go asking for it. It just comes regular as clock work and you know you can always count on it.

It's been coming regular like that for the last four years, since they took Dad away to prison. Johnny is very proud that he remembers all about that time.

Dad was one swell guy all right. He was a real leader—like Johnny wants to be when he grows up. Johnny imitates him in all the games, talking back quiet but real firm to the cops and the thugs that filled the town during the strike and standing up on the steps telling all the people about their rights

Then the company went and said Johnny's father had murdered somebody. That was crazy—he never did anything wrong in his whole life, he never had a gun or a knife or anything. Johnny tells the story well and very convincingly. "My Dad is innocent," he says with his chin up. "And he's gonna be freed too—soon—and he won't stay in that old jail for 25 years."

That's where the relief comes in. Up in New York, Johnny tells his friends, there's a place called the I.L.D. It's not only in New York. It's all over the country, but the

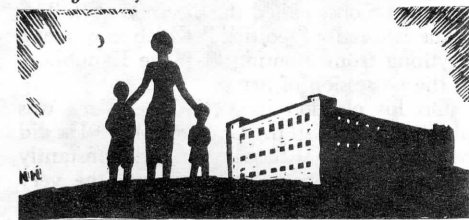
letters come from the main I.L.D. in New York. And every letter has money in it. And the way they get the money to send to Mother is, they tell all the people about Johnny's father and all the other men in jail like him. And they tell them about their kids, and the people give money so the kids can have a home.

"Johnny, come in here for you supper," Mother's voice interrupts the game. The big Indian chief obeys. The girls are sitting at the table already—and in addition to the food there's milk for everybody. Cold, sweet milk.

They just started having it, a few weeks ago, because the I.L.D. letter had extra money in it for milk. The letter said people all over the country were giving money for a Summer Milk Fund for the boys and girls whose fathers are in jail for labor (that's us says Johnny). After supper Mother said it was time for the letter to Dad. Johnny writes a weekly report for the whole family to Dad. He tells him everything that happened. Every single thing. And this week there's special news—about the Milk money from the I.L.D. Dad will be glad. He was last year too, when they told him about it and the year before. Johnny knows just what his answer will say. It will say that Johnny and Mother must write a letter to the I.L.D. asking them to thank all the friends all over the country for the solidarity they showed him and his family.

Solidarity is the longest word Johnny knows. And he's taught it to the girls too. It means milk in the summer and relief all year round, and a big check at Christmas and a big bundle of clothes and toys and presents.

It means that lots of people know Johnny and think of him and the girls and Mother and Dad and want to help them all they can. That's what solidarity means and it's O.K. with Johnny.



### A Letter from Madrid

(Continued from page 17)

in the faces of the women who came out of their cottages in that village in Valencia and took the children from us. An old man addressed himself to one of the older lads.

"Are you willing to work?"

"Of course."

"Then I'll teach you to prune trees. You can help us to fight the fascists here in the orchards."

The very soil of Spain speaks of courage and determination, for it is cultivated right up to the firing line. We have seen the young crops; we have seen the men and women ploughing.

Italy and Germany may pour in their arms and their armies, but they will never conquer a people with so proud a spirit, a people who know why they are fighting. The people of Madrid have stood up to hunger and bombardment, they will live to build a new democracy, the heart of the Spanish Republic. They are invincible.



# VOICES FROM PRISON

## A MILK DRIVE APPEAL

From  
MOTHER  
BLOOR



Mother Ella Reeve Bloor

It is a long time since I addressed a direct and personal appeal to the members and friends of the International Labor Defense. But I want to lend my voice to the appeal that comes to us for milk for those boys and girls whose fathers are in jail for labor. It is a cry that we must answer—a responsibility that we must all help meet—for the responsibility is ours. Those men and women who are behind the bars today in labor's cause, are there because they fought to defend the rights and liberties that are ours. They defended our rights at the risk of their very lives and at the sacrifice of their freedom.

### Glad you saw him

I received your letter a few days ago and was glad to get it and also the money that you sent. I could not have gone to see my husband last Sunday if your money had not come just then, for I did not have any at all. He sure was glad of his money, too, and was glad to hear that you are trying to get him and the other men a parole. Sam Moss says thanks for his money too.

I wish I could write the thanks that are in my heart for you all and I trust that we may overcome all this trouble. I am glad you had such a successful National Conference. We are all well and send our love.

VIOLA COBB

(Her husband, Ned Cobb, Negro sharecropper, is serving a 15 year sentence on an Alabama chain-gang.)

### Our Officers greet you

All of your letters of recent date have been received and their fullest contents noted. Also money order and fraternal greetings to all labor's heroes behind the prison bars. It is

We must show our solidarity with them by doing all that we can to help keep their little children well and strong.

A successful Summer Milk Drive will do that. It will supply those youngsters with something that is essential for them all. If you haven't made your contribution yet, get busy and do it now, before September 1 when this drive ends. It is little enough to do for those splendid men and women in prison today for no other crime than their loyalty to a great ideal—freedom, happiness and prosperity for us all.

wonderful the great work your are doing, helping others, looking after the children and the families while the fathers are in prison. You not only send us your message of heartfelt solidarity but you also pledge for continued ceaseless efforts to fight for our freedom and our safe return to our homes and families. I read your letters many times and the interesting news I receive from them is something wonderful as well as the great work you are doing for us.

If there were many more members like the I.L.D. has today to take heart and pledge themselves to take care of the children, and fight for freedom and democratic and civil rights in the good old U.S.A., it sure would be a wonderful country to live in. All I can say is, keep up the good work. I am with you a thousandfold. Your new officers are swell and I was so glad to see that champion of civil rights, Marcantonio, now the president of the I.L.D. and Robert Dunn the new treasurer. And we know what Anna Damon can do. It is terribly warm here. Only 110 in the shade, but that doesn't change my warmth and sincere greetings to you.

PATSY CIAMBRELLI, Folsom Prison  
(one of the Modesto Boys)

### From the Gallup Miners

These few lines are in answer to your very kind letter we had the pleasure to receive a few days ago. And we thank you for your kindness and the money enclosed. And at the same time we thank you for your thoughtfulness in sending us the greeting cards while you were in Washington. And in these lines we aim to express our profoundest gratitude for your tireless efforts in our behalf. We were glad to hear the conference in Washington was such a success.

We remain as ever your friends,

JUAN OCHOA  
MANUEL AVITIA  
LEANDRO VELARDE

(The Gallup prisoners—serving 45 to 60 years at hard labor on a murder frame-up.)

### We are with you

Your greetings from the National Conference held in Washington, D. C. have been received. Needless to say I was glad to get it. From reliable sources I heard that the Conference was a success. For, myself, I can rest assured that if you members of the International Labor Defense promise to give us your support, we are sure of getting some action.

REUEL STANFIELD  
(one of the Modesto boys)

### Greetings for Spain

Received your letter. And very glad to hear that your work is getting along so well. I know that the fight that is being waged will continue until the right side wins.

I hope the crisis over in Spain will soon end and the people will unite in one body for the good of all.

JESS HOLLINS  
(serving a life sentence in Oklahoma on a frame-up rape charge)

### Tom Girdler in Alabama

(Continued from Page 14)

in the future. All of your ranting about law and order! It seems to me that the American Revolution in 1776 was against the laws of the time . . . We are not afraid of a little trouble now, because we know that worse trouble always follows such communistic organizations as the CIO."

Recent actions of the Gadsden Central Labor Union show that Gadsden labor is learning fast. On June 17 they invited a committee of writers, ministers, and professors, to make an investigation of the denial of civil rights. They also set up a law and order committee, which has since become a permanent civic organization with a membership of labor representatives together with liberal business and professional people. The central body has endorsed the aims of the law and order committee, which include independent political action in support of democracy.

According to William Mitch, CIO leader who led a delegation to the governor to protest the Gadsden situation, "There is a frame-up on the part of authorities who are playing hand in glove with that group which has been responsible for subsidizing the courts and beating up the workers." Gadsden labor is organizing not only to overcome this condition but to take a place at the head of the progressive labor forces in the South.



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**1937**



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**NOVEMBER 1937**

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