

We the People

of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article I.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature. No Person shall be a Representative who shall not have attained to the Age of twenty five Years, seven Years a Citizen of the United States, and when elected, be an Inhabitant of that State in which he shall be chosen.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote. Immediately after they shall be assembled in Consequence of the Election, they shall be divided into three Classes. In the first Class, the Names of the Senators shall have expired at the Expiration of the sixth Year, so that one third may be chosen every second Year; and in the second Class the Names of the Senators shall have expired at the Expiration of the fourth Year, and in the third Class the Names of the Senators shall have expired at the Expiration of the second Year. Whenever Vacancies happen in the Senate from any Cause, the Authority in that Particular State may fill such Vacancies. No Person shall be a Senator who shall not have attained to the Age of thirty Years, seven Years a Citizen of the United States, and when elected, be an Inhabitant of that State for which he shall be chosen.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators. The Congress shall assemble at least once in every Year, and such Meetings shall be on the first Monday in December, unless otherwise provided by Law.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and may determine the Rules of its Proceedings, and under such Rules as each House may provide, punish its Members in Expulsion, and the Yeas and Nays, in any Case, to be recorded. Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays, in any Case, to be recorded.

Section 6. The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside. And no Person shall be convicted without the Concurrence of two thirds of the Members present. Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Profit or Trust under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment according to Law.

Section 7. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators. The Congress shall assemble at least once in every Year, and such Meetings shall be on the first Monday in December, unless otherwise provided by Law.

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LABOR DEFENDER

SEPTEMBER 1937

PRICE 10c

CONSTITUTION ANNIVERSARY ISSUE

ROCKWELL KENT
JOSEPH R. BRODSKY
LAWRENCE MAYNARD
JOHNSTOWN
SPAIN

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.



Article II.

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives which that State may be entitled to in Congress, but no Elector shall have the Qualification of an Elector in that State.

That they may live

Two hundred thousand children—in Madrid alone—live in the shadow of destruction. The whirr of aeroplane motors, strikes terror into their brave little hearts and sends them scurrying like birds for underground shelters.

Every fascist air raid takes its toll of innocent lives. Every fascist bombardment leaves scores of children crippled for life. Fighting on the battlefronts of democracy, fathers are tortured by thoughts of what may be happening to their loved ones in the rear.

The democratic government of Spain turns to us for aid in solving this problem. They can now move these children, and others from war torn areas of Spain, to shelter, safety and happiness. The government has fine buildings waiting for them, beautiful homes filled with sunshine, happiness, education and freedom from fear.

These homes are fully equipped to house, feed, clothe and educate children, in groups ranging from 20 to 80. All that is required to open their doors to the little refugees and war orphans is—money. Many of these homes are already in full swing. Thousands of Spanish youngsters are safe and learning to laugh again within their gates.

The International Labor Defense which has already sent 2 ambulances and \$25,000 worth of medical supplies to the defenders of democracy in Spain, feels that its next task of solidarity is to provide at least one home for a group of Spanish children. Your contribution will help us establish such an I.L.D. home in Spain. We have set ourselves a quota of \$5,000 for this mission of solidarity.

WON'T YOU SEND YOUR CONTRIBUTION TODAY?

Here is \$.....

Name

Address

City

Mail to International Labor
Defense 80 East 11th Street,
N. Y. City, or any state or
branch office.

- \$2100.00 will equip a home for 80 war orphans
- 1000.00 will maintain 9 war orphans for 1 year
- 700.00 will maintain a home for 80 war orphans for 1 month
- 550.00 will equip a home for 20 war orphans
- 250.00 will equip bedrooms for 20 war orphans
- 180.00 will maintain a home for 20 war orphans for 1 month
- 100.00 will equip a kitchen and office for 20 war orphans
- 50.00 will equip a classroom for 20 war orphans
- 30.00 will provide equipment for 1 war orphan
- 12.00 will equip an infirmary for 20 war orphans
- 9.00 will maintain 1 war orphan for 1 month
- 4.00 will maintain 1 war orphan for 2 weeks
- 2.00 will maintain 1 war orphan for 1 week
- 1.00 will maintain 1 war orphan for half a week



In Cooperation with the
NORTH AMERICAN COMMITTEE TO AID SPANISH DEMOCRACY

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In Cooperation with the
NORTH AMERICAN COMMITTEE TO AID SPANISH DEMOCRACY



LABOR DEFENDER

Published monthly by the
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THIS month marks the 150th anniversary of the Constitution of the United States—an interesting document with an interesting and stormy history. Born in the turmoil following a successful revolutionary war for freedom from Britain's monarchy and tyranny, it was framed by a small group of men who were anxious only to establish a strong, central government that would protect their interests and keep the "rabble"—the rest of us, the mass of the people—in their places, without too much power or voice in the government which they had risked their lives to create on the battle fields of the war.

The Constitution itself, without the amendments, is a rigid definition of the powers of the three departments of government—executive, legislative and judicial. It limits the powers of each and provides for checks and balances by one upon the other—for fear lest one should usurp too much power. (Much attention the nine old men of the Supreme Court paid to that part of the Constitution when they nullified such legislation as child labor laws.) It goes into great detail about the power of taxation, of declaring war, of originating legislation, and it carefully relegates to the states certain distinct and defined powers. (The "states rights" behind which Southern reactionaries oppose Federal anti-lynching laws.)

We cannot here go into great detail about the conflicting forces that battled their way through compromise and trade and produced the Constitution as it stands today. They were the forces of progress and democracy as opposed to the forces of conservatism and reaction. And it was the forces of progress and democracy led by Thomas Jefferson who forced the addition of the Bill of Rights as the first ten amendments to the Constitution. This Bill of Rights contains all the guarantees of human and civil rights for the vast majority of the population—it is the safeguard of the democratic traditions which brought pioneers to this country when it was still a wilderness, which are embodied in the great Declaration of Independence, which make possible—if upheld and protected,—a certain degree of life, liberty and the pursuit of happiness. The Constitution says nothing about civil and democratic rights for the people. It says nothing about the freedom of speech, press, assembly, right of petition, freedom of religious thought, trial by jury, abolition of cruel punishments, all the elements which go into making up civil and democratic rights. All of these are included in the first ten amendments to the Constitution and were fought for with passionate determination by those Founding Fathers who had rebelled not only for freedom from George III of England but for freedom and justice for all.

When Tom Girdler and company, and the Johnstown Citizens Committee talk about the Constitution, they don't mean the Bill of Rights. When reactionaries and Liberty Leaguers oppose the reform of the usurping Supreme Court, social and economic legislation, in the name of the Constitution, they certainly don't mean those amendments which guarantee equal justice, equal political rights for all people regardless of race, color or creed.

They mean the spirit of Toryism which crept into certain sections of the Constitution proscribing the powers of the citizens of the United States, limiting the privileges of "democracy" to the propertied few. When they appeal to the Constitution, they appeal to the power to curb the rights of the many, of the majority.

When we of the International Labor Defense state in the court room, in our public utterances, in every activity that we engage in, that we are fighting to uphold the constitutional rights of the people of the United States, we mean that we are pledged to protect and defend our democratic rights and liberties, those rights which are taken from us every day on the picket lines, in the schools, in the

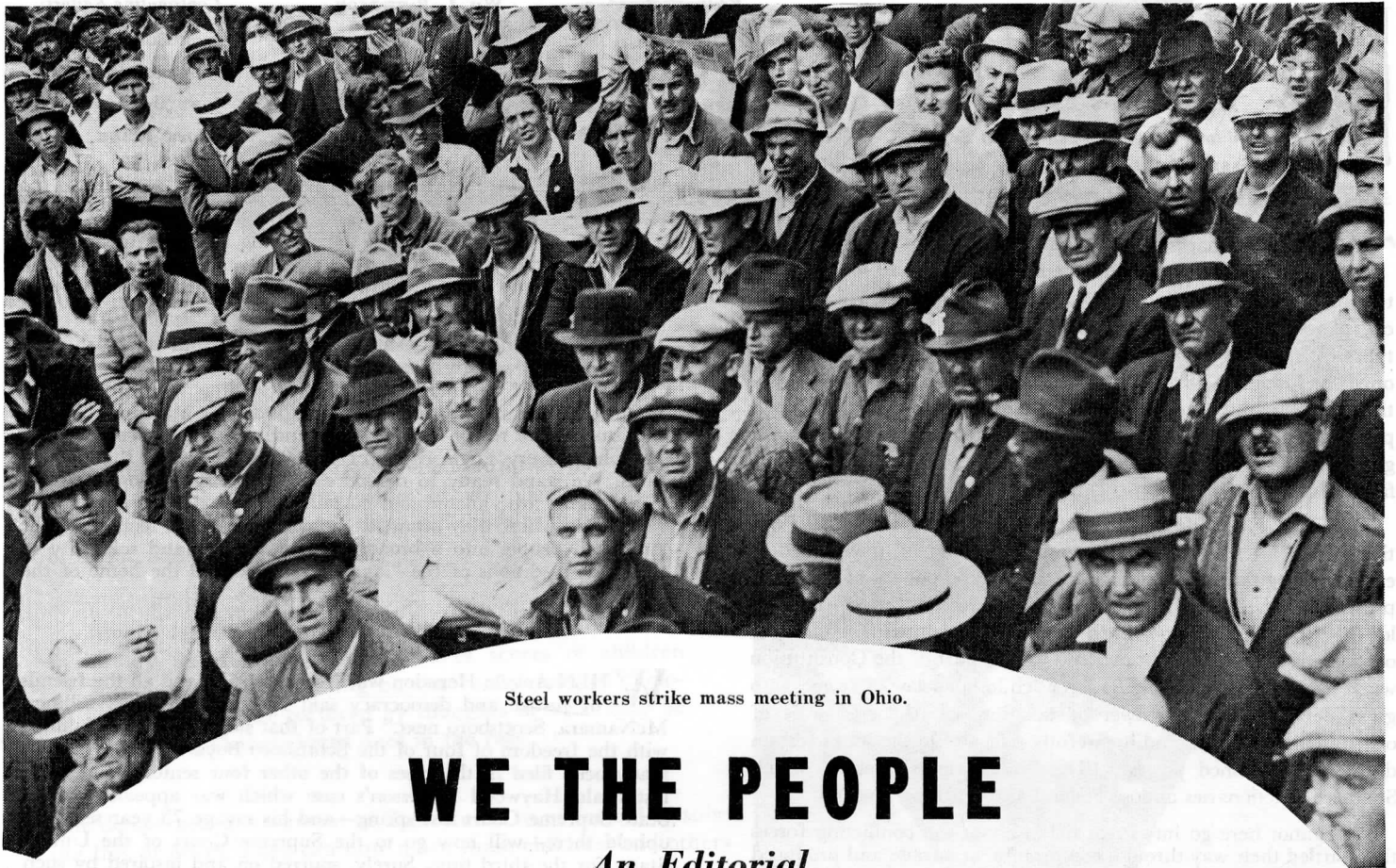
factories, on the farms, in company mining and steel towns where the barons who own them try to own the very souls of the people they employ and write a constitution all their own to justify their plunder and oppression.

Yes, we defend the constitution, uphold it and honor the best that is in that worthy document for the protection of the rights and liberties of the men, women and children who are the real builders of this mighty nation. We regard it as a bulwark against fascism, we are ready to fight tooth and nail without compromise, to uphold every single right for the common people that it contains. We stand ready to defend every American whose constitutional rights are violated and curtailed—to expose those violations mercilessly where they occur, to mobilize the widest sections of the American people into a broad front of defense and solidarity in the great traditions of the "land of the free and the home of the brave."

WHEN Angelo Herndon was freed, we said, and all the friends of justice and democracy said with us: "Mooney-Billings, McNamara, Scottsboro next." Part of that slogan has been fulfilled with the freedom of four of the Scottsboro Boys. Appeals have already been filed in the cases of the other four sentenced at these last trials. Haywood Patterson's case which was appealed to the State Supreme Court last spring—and his savage 75 year sentence upheld there—will now go to the Supreme Court of the United States for the third time. Surely, spurred on and inspired by such truly magnificent victories in the first half of the year 1937, all the friends and supporters of the International Labor Defense will be moved to greater determination and action than ever before in behalf of those victims still behind the prison bars.

Tom Mooney is dangerously sick. His jailers seem determined to kill him before they will let him out of their clutches. Warren K. Billings is growing old before his time in the shadows of Folsom Prison. Near him in its cell blocks is J. B. McNamara serving his twenty seventh year of imprisonment. Ernest Thaelmann is still the hostage of bloody Hitler, serving his fifth year of incarceration without trial. Luis Carlos Prestes is suffering somewhere in a jungle hell in Brazil—and hundreds of thousands of men and women are spending their days and nights and weeks and months and years locked away from the world and its activities for which they sacrificed their freedom. Never before has the might of united mass action, united mass defense been so clearly proven as in the last six months. Now is the time to strengthen its ranks still further, to broaden its scope, to increase its power. Support the defense and solidarity movement in this country and throughout the world. Join the International Labor Defense.

THE International Labor Defense pays its tribute to a loyal member of its legal staff who lost his life in Spain, aiding the defenders of democracy there in their heroic struggle against fascism—MAX KRAUTHAMMER. Young in years, he left behind him an enviable record of service to the cause of labor in this country and the cause of freedom the world over. He has not died in vain. Inspired by his great courage—he was cited for bravery in action shortly before he was killed—the officers and members of the I.L.D. will redouble their efforts in the struggle against fascism and reaction, and in defense of all who fall victim to their bloody terror.



Steel workers strike mass meeting in Ohio.

WE THE PEOPLE

An Editorial

Every American school-child learns to be proud of his country, and of his constitution. All the aspirations of the American youth to be part of the revolutionary past of his great country, are expressed in the words of the preamble to the Constitution of the United States.

“We the People of the United States . . .” is the way the constitution opens. Our constitution, the constitution of our forefathers, a constitution of us, for us.

This pride and this feeling of ownership in the Constitution are the backbone of every patriotic sentiment imbibed by us in school. We thrilled to the words . . . “in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, to ordain and establish this constitution for the United States.”

We memorized these lines, repeated them in unison.

Now we have grown up. We are on the picket lines. We are fighting against reaction, fascism, war. Now we want to feel that security we felt when we read those words, “establish justice . . . secure the blessings of liberty. . . .”

But what has happened to that justice we established, those blessings of liberty we secured? How were these principles applied to the strikers who were murdered in the Memorial Day Massacre in Chicago? How do they apply to the Negro people when

they are lynched and the lynchers go unpunished? How do they apply to Tom Mooney, Warren K. Billings, J. B. McNamara, Matt Schmidt, the Scottsboro boys, the Modesto boys, King, Ramsay, Conner, and the hundreds and thousands of others beaten, imprisoned, killed, because they want to “promote the general welfare, and secure the blessings of liberty” for the people of the United States and their posterity? Can it be that what our teachers said was not quite true? Can it be they didn’t tell us the whole truth?

One thing the Tom Girdlers cannot take away from us: “We, the people of the United States.”

We must establish a more perfect union. We can establish justice by fighting every attempt to rob us of this justice.

We can insure domestic tranquility, by banding together to crush the rising monster of vigilantism.

We can promote the general welfare, by defending the right of labor, of the people, of “we the people,” to struggle for their betterment, for the promotion of the general welfare.

We the people of the United States are the majority. It is we who must assert ourselves and through our actions stand four-square for progress, for liberty, against vigilantism, reaction, fascism.

To this assertion and this action, the International Labor Defense stands pledged.

Who Upholds the Constitution?

A description of how that document fares in the courts of this nation.

"The Constitution is what the Judges say it is," said Chief Justice Charles Evans Hughes before he was elected to the United States Supreme Court bench.

That's the way the Supreme Court works, and that is the respect which it has for the Constitution of the United States. It is useful, however, to go back to the original document, to see what it actually says. The Supreme Court has been hacking and haggling away at the document—particularly its most important section, the Bill of Rights—for more than a hundred years. Many times when the nine old men made a decision interpreting the constitution, in years gone by, they tacked that decision on as an amendment. Then the next time they made a decision, they went to the amendment for their authority, and so to this day they make progress backward from the original document. If the Supreme Court justices were ever to look at the original, they would probably declare it fraudulent.

The statement by the present Chief Justice quoted at the top of the page is a dead giveaway. It describes exactly the processes of

By **LOUIS COLMAN**

Assistant National Secretary, I.L.D.

sands of their decisions reflect the same ineffective.

Although judges, police, and other public officials all take an oath to "protect the constitution," it isn't they who do it. The International Labor Defense never took such an oath, but its whole work of defense is one of militant protection of the Bill of Rights.

The courts and officialdom have held (to paraphrase the infamous Judge Taney) that "human beings have no rights that property is bound to respect." The job of the I.L.D. in defense is to overthrow that principle.

A few examples are well known. It wasn't the courts nor the government who established that Negroes have a right to proper representation by counsel. It was the I.L.D. which fought and won for that decision in the Scottsboro case. The same for the decision that Negroes may not be excluded from juries. The same for the voiding of the ancient Georgia insurrection law which pro-



Tom Girdler's idea of a "constitutional" method for keeping steel mills working.

the United States have to put up the fight to get them out.

It's unconstitutional for a striker to be jailed for picketing, but the police arrest him and the courts send him to prison. It's unconstitutional for the big corporations to maintain private armies to war upon their workers. But Tom Girdler of Republic Steel not only has such private armies—the regular police forces become his auxiliaries, and thirteen strikers of Republic Steel have been killed this year.

It's unconstitutional to maintain secret private armies against the people. But Henry Ford has not only a public private army, he has also, together with Girdler, Weir, and other economic royalists, feudal barons of industry, organized a vast vigilante movement which threatens the democratic foundations of our land by force of arms.

And what does the Supreme Court say about all these unconstitutional goings on? The Supreme Court either says by implication in its decisions that it's o. k. with the Justices, or it says nothing, or once in a while when the I.L.D. raises a national storm, or other public pressure is brought upon it, it says that such and such an instance is too glaring, and these people had better watch their step and break the constitution a little more gracefully.

And what do the public guardians of the constitution, the elected and appointed officials say? They say a lot about the Constitution. They rave and rant about it. But the majority of them are talking, not about the document which you see on the cover of this magazine, but about the perversions of it perpetrated by the United States Supreme Court. And in the name of these perversions, they say all these violations are o. k.

The pages of the LABOR DEFENDER for eleven years are a record of the fight of the I.L.D. for constitutional rights, not of property but of human beings. They are glorious pages of history. There are still more glorious pages to write in the future.



Certain "upholders of the constitution" in the U. S. Senate have introduced a resolution making protests like this one in Boston before the Italian consulate there, illegal!

reaction in regard to the rights of the people.

The same disease that has poisoned the Supreme Court carries down through lower courts and officialdom. Time after time on the records of police lawlessness, that phrase "To Hell with the Constitution" appears as the official answer to invocation of this document by the victim. While the phrase itself is not spread upon court records as quotation from the lips or pens of judges, tens of thou-

vided death for independent thought or for action which might displease the rulers of the state by threatening, within the framework of the constitution, their power. The same for the de Jonge case, for the Butash and for hundreds of other cases.

It's unconstitutional for Tom Mooney and Warren K. Billings to be held in jail. But the "guardians of the constitution" are those that hold them there. Labor and the people of

"From This Time Forward, Forevermore"

A critical analysis of the Constitution of the United States and its makers by one of America's greatest artists, who has always been an ardent and able champion of democratic and civil rights. His rewritten Declaration of Independence presented here is a powerful indictment of the present rulers of America and a stirring modern charter of liberty in the great tradition of the original document.

By **ROCKWELL KENT**

"Those who hold and those who are without property have ever formed distinct interests in society," wrote (not Karl Marx) James Madison. And in the United States in 1787 less than a fifth of all the adult males held property; and only they might vote. Five years of peace and "freedom": wide unemployment, wild unrest, increasing debt, impending bankruptcy. The French minister wrote home: "There is now in America no general government—neither Congress, nor President, nor head of any one administration department." The choice electorate was forced at last to act.

For the opening of the Constitutional Convention in Philadelphia, May 14, 1787, not enough delegates were present to form a quorum; on the 25th, with four states unrepresented, with more than half of the sixty-five appointed delegates absent, the convention opened; three days later thirty-seven delegates had come to represent eleven states. (Ten appointed never appeared; one state stayed out.) Throughout four months the members came, dropped in—and out: these aristocratic, cultured, and particularly wealthy representatives once removed of the "distinct interests" of the property holders of America were casual. At last after months of earnest, often passionate, debate, of compromise and adjustment, thirty-nine of the delegates signed; and that contrived betrayal of the Declaration of Independence, the proposed Constitution of the United States, was with some trepidation submitted to the propertied electorate of the thirteen states. How would the lesser rich of "those who hold" receive it! Not too well. By such political manoeuvring, bribery, and economic pressure as have become all too familiar practice in American politics one sixth of the adult males of the country elected misrepresentatively apportioned delegates to state conventions, packed thereby, the bosses hoped, to ratify. They barely did. And when—occasionally by such bare margins as: Massachusetts 187 to 168, New Hampshire 57 to 46, Virginia 89 to 79, New York 30 to 27—Rhode Island ratified by 34 to 32 it was called unanimous enough with Vermont still outside. Thus were we duly constituted for our stupendous march of industrial progress—and the collapse of 1929. Of that Constitution Thomas Jefferson who had written our "Declaration" of July 4th wrote: "some faults revolted me." Richard Henry Lee, who had written the earlier Declaration of Independence of July 2nd, and Patrick Henry bitterly opposed it. Samuel Adams opposed it; then reluctantly came in. The manufacturers were jubilant. At the tail end of a great float in the Federal Procession that celebrated the adoption waved a flag. It bore

the motto: "May the Union Government protect the Manufacturers of America." We, some tens of millions of Americans, are not impressed.

Regardless of the merits of our Constitution many of us are especially unimpressed by it as in any sense a testament of American ideals. It wasn't in 1787; and that it shall never become so the Supreme Court is the nation's guarantee. And yet that millions

of us, as Americans, have ideals, that we possess an inborn, native will toward a social progress that shall be judged in terms of general happiness, we can allow no one to question. We have our written testament, one older and, we hold, more valid than the Constitution. We may suggest it as not untimely that all Americans now at last constitute themselves a supreme court to judge of the validity of the Constitution itself by the



Drawing by **ROCKWELL KENT**



Drawing by ROCKWELL KENT

previous covenants under which the soldiers of the Revolution fought and died.

* * *

July 2nd, 1776; by the revolting American colonies, in general congress assembled, RESOLVED: "That these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them, and the state of Great Britain, is, and ought to be, totally dissolved." ADOPTED. Our independence was declared.

Two days later the Continental Congress, feeling that "a decent respect to the opinions of mankind requires that they (a people) should declare the causes which impel them to a separation," made and adopted that declaration of human rights and aspirations which, concluding by a repetition of the adopted resolution, is now known as THE DECLARATION OF INDEPENDENCE.

"The second day of July, 1776," wrote John Adams, "will be the most memorable epoch in the history of America. It ought to be commemorated as a day of deliverance by solemn acts of devotion to God Almighty. It ought to be solemnized, with pomp and parade, with shows, games, sports, guns, bells, bonfires and illuminations, from one end of this continent to the other, from this time forward, forevermore."

It isn't. Can it be that we Americans have held the severance of allegiance to the British Crown to be less memorable than those purposes to which through severance we gave ourselves? Have we neglected to commemorate the letter of political independence which was proclaimed upon a July 2nd for the spirit of the Declaration of the Fourth? Apparently, and to our everlasting honor, yes.

For the virtue of national independence hangs on what a people does with it: It is for its instruction of a free people in the aims of virtuous government, for its definition of the *rights and duties*, under government, of man, for its proclamation of those rights, and for its pledges to establish them for everyone that the Declaration of the Fourth of July is commemorated by our national holiday. Had a John Adams written of *that* event, the Fourth, he might have said: "It ought to be

commemorated as a day of deliverance by solemn acts of devotion to God Almighty. It ought to be solemnized by the reading in the churches, in public assemblies, in all homes, by everyone, of that testament of our American faith, The Declaration itself. All people, old and young, should be adjured to solemn reflection upon it toward a full and serious realization of its promises, and, out of their hearts and reawakened wills, to the pledging of themselves, mutually, to each other, for the winning of those rights, the achievement of those promised blessings, and toward the perpetuation, from this time forward and forevermore, of both."

"Reflect upon it." Its list of grievances, the grievances of the people of the American Colonies in 1776, are not exactly ours. We have won our freedom: have we gained our *rights*? Have we? Have all of us? Reflect! In the place of those old abuses which time and circumstance have altered or abolished write in such few—there must be some—as may, despite our watchfulness, have come to be. Retain the spirit and revise the facts. And ending this amended testament, our Declaration of July 4th, 1937, with the concluding covenant of the older document, let us renew each year that pledge our Fathers took.

Such an amended Declaration for Americans today, with but one word of the original preamble changed, might read as follows:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute Despot-

ism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of the people; and such is now the necessity which constrains them to alter their former System of Government. The history of the present propped and ruling Class is a history of repeated injuries and usurpation, all having in direct object the establishment of an absolute Tyranny over the Masses. To prove this let Facts be submitted to a candid world.

It has involved us in foreign wars for its own aggrandizement and profit.

Its controlled organs of public information (the radio and the press) have, in its own special interest, consistently perverted or suppressed the truth.

It has corrupted our electoral system, our government, and our judiciary.

By its Supreme Court's usurpation of authority it has abridged our Bill of Rights and persistently negated the will of the people as expressed by their legislative assemblies.

It has obstructed child labor legislation.

In the midst of plenty it has precipitated periods of depression, of wide spread unemployment, of distress. It has pauperized millions of the people.

It has suppressed freedom of speech, fostered and employed a vast system of domestic espionage, fomented internecine discontent and war, made the police its hirelings, deputized gangsters and drafted the people's militia to assault and kill the workers. It has arrested and imprisoned the people's leaders.

It has fostered lynching, and built and fostered the Ku-Klux Klan and the Black Legion. It is active toward the supplanting of Democracy by Fascism and the final abrogation of man's rights under our Declaration.

It has monopolized and exploited against the people's interests the lands and the natural and industrial resources of America. It has suppressed and exploited the people of America.

We, therefore, the people of the United States of America, heirs under the Declaration of Independence to the Rights that it proclaims, appealing to the Conscience of the World for the rectitude of our intentions, do, in the People's Name, solemnly declare: That these United States of America being the modern descendants of those original United Colonies which declared, fought for, and won their independence shall still be held dedicated to the establishment and perpetuation of those unalienable Rights to Life, Liberty, and the pursuit of Happiness for the achievement of which our independence was attained. And for the support of this Declaration, with a firm reliance on the principles of democratic Government, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

New Zealand

New Zealand has sent its first three nurses to aid in medical work for the defenders of democracy in Spain. They had to travel 13,000 miles on their mission of solidarity.

South Africa

A committee in the city of Johannesburg, South Africa has sent its first ambulance to Spain.

Austria, Germany

In Austria and Germany countless men and women have been arrested for collecting funds for relief to the men, women and children in Spain. These collections were made right in the factories.

Italy

In Italy, in the port of Genoa, demonstrations in behalf of Loyalist Spain were organized by the dock workers. One longshoreman, father of 4 children was among those arrested. He was tortured and beaten, and later found "hanged" in his cell. Further demonstrations followed this outrage.

Defending Madrid!

In the streets of Shanghai and Canton, at the borders of the Tibetan Plateau, in nomad tents on the Mongolian steppes, on the houseboats of the Yangtze, and the fishermen's junks of the Tung Hai, a new song is being heard.

No one knows who wrote the text, nor who composed the music. It is a true folk song, the creation of the masses of people and it expresses what they feel and think.

The name of the song is DEFEND MADRID:

*Hurl highly explosive hand grenades
Against Franco, the murderer and incendiary.*

*Arise, arise for the sake of liberty
For the independence of your fatherland
Hasten all to the fighting front for peace,
To the struggle for life and death*

*Against the running dogs who are bartering
the country away.*

Defend Madrid.

*Defend the cause of peace throughout the
world.*



Mussolini got a black eye from the defenders of Madrid!

A Battle Has Been Won

A keen and all-inclusive summary of the Scottsboro case by one of the first attorneys to be connected with the world famous defense. Important facts about the victory of freedom for four of the nine innocent boys and the increased struggle in behalf of the remaining five.

By **JOSEPH R. BRODSKY**



Mother Ada Wright and her youngest son Roy, at the Scottsboro victory celebration in New York—the first time she saw him a free man.

Six and one-half years ago nine Negro lads, ranging in age from twelve to nineteen years, were riding a freight. Some southern white boys on the same train, seeking to invoke the law of jim-crowism, sought to force some of the colored boys who were traveling together to jump off the fast moving freight; the Negro boys resisted, and won the fight that ensued.

The defeated white boys complained to the telegrapher at the station at Paint Rock, and he telegraphed ahead to Scottsboro. There an armed posse stopped the train and combed it

from engine to caboose. The haul netted the nine Negro lads, two white boys, and two white girls who were also riding the freight.

At Paint Rock, then, the situation was as follows: Two hundred armed vigilantes, nine poor defenseless Negro boys, two white girls—and a report that the Negro lads had actually licked some white boys in a fight aboard the train. All the ingredients of a southern cocktail were present, and it was speedily concocted.

A grand jury was immediately called; rape indictments were found against all the Negro boys on the complaint of the two girls—Victoria Price and Ruby Bates.

A rush trial was ordered; within three days four separate trials were completed; eight of the boys—Haywood Patterson, Clarence Norris, Ozie Powell, Willie Roberson, Andy Wright, Olen Montgomery, Eugene Williams, and Charlie Weems—were convicted and sentenced to the electric chair; in the case of the last and youngest, Roy Wright—whose trial took exactly 22 minutes—the District Attorney, bowing slightly to a growing flood of protests initiated by the International Labor Defense, which had begun to reach the trial judge before the end of the farcical trials, asked for life imprisonment. One jurymen took the District Attorney seriously and continued to vote for life imprisonment instead of the death penalty; the other eleven insisted that Roy Wright be fried in the electric chair, just like the other eight—and so there was a disagreement.

Six and one-half years ago they were condemned, but less than six and one-half weeks ago four of the boys were unconditionally released. The other five are still in jail: Norris under sentence of death, Haywood Patterson and Andy Wright sentenced to 75 years in jail, Weems to 99, Powell to 20 years on a plea of guilty to stabbing of a sheriff who had goaded and assaulted him on one of the numerous trips between the Decatur and Birmingham jails.

Four are free—a battle has been won; five are in jail—so the war still continues, the war for the unconditional release of the remaining Scottsboro boys.

Eleven times Victoria Price has taken the stand, and each time added to the gory details of the horrible attack upon her; each time she has told how she was beaten with

guns over the head so that her face was all swelled, how her neck was scratched till the blood ran when she was pulled back as she attempted to escape from the gondola where the alleged attack took place; each time she told how her private parts were lacerated and torn as her legs were pulled apart so that the fiends might consummate their dastardly act, each time she identified positively all nine of the boys.

The International Labor Defense which had stepped in immediately after these convictions, carried the cases to the Supreme Court of the United States; all over the world protest against the obvious frame-up was mounting; the Supreme Court reversed the convictions and ordered new trials. At the new trials held before Judge James J. Horton, to whom the cases had been transferred from Scottsboro on a motion for a change of venue by the defense, Dr. Bridges, of Scottsboro, who had examined Victoria Price and Ruby Bates immediately upon their arrival at the Scottsboro Jail, testified. His testimony proved conclusively that Victoria Price had lied; he had examined her from the hair on her head to the nails on her toes, and found no swelling or lacerations on the head caused by blows from a gun butt; he found no scratches on the neck; he found no bruises or tears around her private parts, or any indication that she had been assaulted.

At this trial Ruby Bates exposed the frame-up of which she as well as the defendants were victims, and told how she had been bullied into making a charge which was not true—and exonerated the boys completely.

But the jury convicted.

Judge Horton set the verdict aside, characterizing the prosecutrix, Victoria Price, as unworthy of belief.

But the southern ruling class, which, like all ruling classes, maintains its position of power through force—in the south the lynching noose is the particular method—was not content.

Millions the world over had begun to sense the outrageous frame-up that was being visited against the nine Negro lads: they had begun to understand that it was not merely

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Olen Montgomery



Eugene Williams



Willie Roberson



Respect for the Flag—illustrated by Brooklyn police on strike duty!

The RED CROSS of the Labor Movement

What the New York State I.L.D. was able to do for the shipyard strikers in Brooklyn and how they feel about it.

By **HAROLD BERG**

President, Brooklyn Heights Branch, I.L.D.

Picket arrested! Worker beaten by police! "Call the I.L.D." "You don't have to call them. They are already on the job." These snatches of hurried conversation are heard almost daily now on the New York waterfront, which, since the latter part of June, has been the scene of one of labor's most militant struggles. A strike voted on by the members of the Industrial Union of Marine and Shipbuilding Workers, C.I.O., resulted in the walk-out of over 15,000 shipyard workers in the Port of New York area. Operations in every shop were stopped completely and for a short while peaceful picketing and a presentation of the workers' demands to their employers were the only incidents to be noted.

In a few weeks, however, the yard owners began to grow impatient with the solidarity of the strikers and decided to take measures to break it. They initiated a "Back-to-work" movement, sent thousands of telegram requests for return to work, and with the aid of the local churches called mass meetings in such places as the Knights of Columbus hall. All these efforts failed and the plants remained shut.

Then, realizing that these ruses could not trick the strikers and split their ranks, the employers concentrated their efforts on the opening of one yard, the Robins Dry Dock in Brooklyn with a real old-fashioned strike-breaking campaign. Scabs were imported from other states, workers who had been dis-

charged for stealing and other such offenses were called back, and with a tremendous effort and expense they mobilized a few hundred men to make a pretense at what they called "normal operations" in this yard which had previously employed 1500 men.

Up to this point the I.L.D. had been called upon a few times for legal aid in cases of several pickets who were arrested for alleged disorderly conduct, and had been successful in their defense. With the opening of the ship-yard and the police provocation and brutality which accompanied it, the I.L.D. began to play a role which endeared it to the hearts of the strikers and brought home the need for such an organization as ours, "The Red Cross of the Labor Movement."

The police have been used to "protect" the strikebreakers. There have been as many as five hundred police in front of Robins Dry-Dock at one time, armed with their guns and clubs. They ride through the ranks of the pickets with their horses and motor cycles, swinging their clubs like cossacks, and then make arrests at random for the disorder which they have created. One of the strikers, Peter Burban, was arrested and beaten on the picket line and taken to the police station. He walked into the station, *but was*

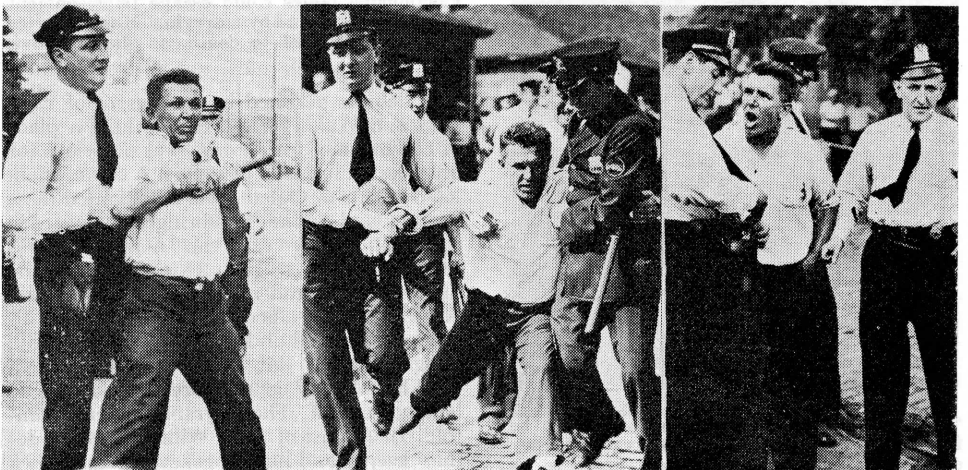
carried out to the hospital in a stretcher. The officers claim he hurt himself sitting down on a chair too hard. Women as well as men have suffered severe injuries from the blows of clubs or the galloping hoofs of the police horses.

It was during these days of real terror that the I.L.D. began to really serve the workers. Protest telegrams and delegations were sent to the authorities by the N. Y. State Office and the various branches. Our lawyers who were called on continually for the scores of trials and hearings that mark this strike, began to go down to the picket lines in order to be on hand immediately when the arrests are made. A medical aid department has been mobilized by the I.L.D. which functions at strike headquarters. Injured pickets are brought here by I.L.D. members to receive treatment and in addition the doctors are always on call. When some weeks ago, a sit-down demonstration was organized on the street car tracks leading to the Robins plant, our I.L.D.'ers were right there among the strikers, and were bodily yanked from the tracks by the "gentle" hands of the police along with the pickets. On that day our medical aid service was pressed into parti-

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Above: What the strikers and their wives were doing to the scabs during the Robins Dry Dock shipyard strike in Brooklyn, N. Y. Below: What the cops did to the strikers.



Imprisonment for Debt

According to the history books this evil is no more. According to this authority on the subject, who has made a careful and detailed study of the field, is still exists.

By **JOSEPH HARRY LOUCHHEIM**

Imprisonment for debt was the scandal of 17th, 18th and 19th century England, and colonial days in our own country. Anyone owing money could be thrown into jail—even before a debt had been adjudged due. There he stayed—because while he was in jail he could not earn the money to pay up. There, for the most part, he died. The debtor was at the mercy of the jailers—greedy, profit-seeking, brutal men—in filthy, dank, unhealthy prisons. The necessities and comforts which he required were sold by the jailers at exorbitant profits to themselves. If he could afford to pay for it, the debtor lived in a “sponging house,” in an expensive suite near the prison, even buying for himself the privilege of a weekend spree, or a handsome meal or a drink. In time, however, the wardens and jailers milked these men dry and sent them back with the great majority of poor debtors huddled together on “the common side” to exist in want and misery. But even here they had to pay. Originally the creditor was responsible for supplying his debtor with bread and water “*to the end he did not die in prison for default of sustenance,*” and the cost of this support was added to the debt he owed. In reality the creditor evaded this responsibility, and so the debtors relied on charitable gifts from the public. To facilitate these gifts each prison had a begging grate—a small room open to the street with a strong grating behind which sat the prisoner, who called the attention of the passerby by monotonously chanting, “Pray, remember the poor prisoners!”

If the debtors survived death from starvation they still had to face disease and torture. In 1732, Thomas Baston, a prolific pamphleteer, estimated that about “60,000 miser-



“Send us your huddled masses longing to be free,” says the Statue of Liberty. And they came in millions to escape such cruelties as imprisonment for debt.

Illustration from Charles Dickens' *PICKWICK PAPERS* showing the interior of a debtors' prison in England. Dickens was one of the active crusaders against this evil, vividly described in the article on this page.



Fashionable ladies could escape imprisonment for debt in England by marrying. Many married convicts sentenced to death, as shown above.

able debtors perished in the prisons of England and Wales.” Fleet Prison, long a place of confinement for debtors, was notorious for cruelties inflicted on prisoners. A commission, led by General Oglethorpe, investigated these horrors and found Bambridge, the warden in 1792, guilty of “the most notorious breaches of trust, great extortions and the highest crimes and misdemeanors in the execution of his office.” But Bambridge, although displaced and temporarily put in jail, bought himself out and went unpunished, until haunted by the memory of his crimes he hanged himself. These tyrannies were manifold. In August of 1729 William Action, deputy keeper and head turnkey of Marshalsea Prison was tried for the murder of Thomas

Bliss, a prisoner. The indictment stated that the defendant cruelly and feloniously beat and assaulted Bliss, put irons of great weight on his legs, placed him in a damp strong-room, put on his head an iron instrument called a skull cap which slowly tightened, and applied thumbscrews. After hearing evidence, the jury returned a verdict of not guilty! One woman died in a county gaol in Devon after being imprisoned forty-five years for a debt of nineteen pounds (less than \$100.)

The abominations were investigated and exposed. General Oglethorpe's commission evoked a tempering of the severity of the laws; *The Society for the Discharge and Relief of Persons Imprisoned for Small Debts*, founded in 1772 by James Neild, released about 700 prisoners, stating in its rules and orders:

“that such debtors shall have preference, as are most aged and infirm; have the largest families unprovided for; are the most likely to be useful to the community; and appear to have lost their liberty by unavoidable misfortunes; at least, not by vice or extravagance.”

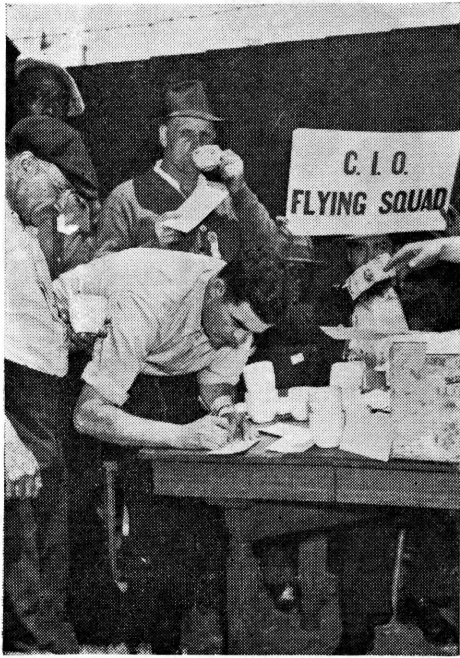
Goldsmith, Thackeray and particularly Dickens molded public opinion in favor of abolition of imprisonment for debt. Dickens' *Pickwick Papers* contains the memorable scene describing the death of a poor man who had been in debtor's prison for twenty years, and sums up succinctly the suffering and misery of this unfortunate debtor who had ultimately obtained his discharge by death in saying,

“He had finally been discharged, but he had grown so like death in life that they knew not when he died.”

From time to time statutory provisions were passed which changed the amount of a debt for which a man could be imprisoned, or arranged new terms for leases, or alleviated the brutal jail conditions, but there was no move to repeal the law itself. In spite of this remedial legislation it was not until 1869 that imprisonment for debt was completely abolished in England.

The United States, basing its law on the common law of England, also imprisoned people who owed money. But conditions were probably less onerous than in England due to three factors; after a short period of

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The CIO defies vigilantism in its steel organization drive, recruiting all steel workers regardless of race, color, creed or political affiliation.

Vigilante Headquarters Johnstown, Pa.

By DAVID LURIE



Johnstown's vigilantes in uniform—black tin helmets.

Johnstown, Pennsylvania, long famous as the scene of floods, has now become notorious as the birthplace of the Johnstown Plan, the first attempt to organize vigilante action on a national scale since the Ku Klux Klan. The immediate occasion for the setting up of the Citizens Committee, which was to launch the "Plan" was the strike at the Cambria Plant of the Bethlehem Steel Company. The causes lying behind this vigilante movement was the nationwide attempt to smash the rising trade union movement, which, in the shape of the C.I.O. was sweeping the steel country before it.

The strike at the Cambria Plant, which involved a triple alliance of railroad men, coal miners and steel workers, was two days old when the first vigilantes appeared. These were deputies sworn in by Danny Shields, reactionary, stupid, ex-convict Mayor of Johnstown. They appeared on the streets decorated with badges, clubs and shiny black tin hats. Only once were they in actual conflict with the strikers. That was the first day when they attacked the picket lines together with the city police. The strikers reformed their lines as soon as the attack was over. Mainly the vigilantes rode around in taxis in the residential districts, far away from the mills and the workers homes along the streets leading to the mill gates.

While a great fuss was made about the protection the deputized vigilantes would afford the city, with Shields posing for pictures while swearing in the second hundred vigilantes or while ordering new tin hats and clubs, actually the vigilantes did little—for there was little for them to do.

And although the vigilantes served their purpose during the few days they existed unmolested as deputized tin hatted monkeys. When Governor Earle proclaimed martial law in the second week of the strike, he ordered Shields tin hat brigade disbanded. Before that however, the vigilantes had done their job. They had helped to create an atmosphere of disorder and terror in the middle class sections of town, giving every housewife a feeling that murder was on foot in the streets and every business man downtown the thought that arson and pillage was in the air. Johnstown is a small city, with a population of 66,000. Greater Johnstown, as it is affectionately called by the Chamber of Commerce, which includes all the suburbs and boroughs surrounding the Flood City, comprises 110,000. When such a small city is suddenly filled with screaming motorcycles on which are mounted armed patrolmen, and every corner has two or three helmeted and armed men, the immediate impression is one of terror.

That was the purpose and achievement of the vigilantes who appeared mainly in residential sections far from the scene of the strike.

The idea of terror, of the need for drastic measures, the planting of the fiction that the strikers were disorderly men bent on gaining outrageous demands, was the purpose of the full page ads of the Citizens Committee which appeared in the first week of the strike. The ads, appearing in the two Johnstown papers, which although morning and evening papers, and with a seemingly different editorial policy, are owned by the same publishers, screamed: *We Are Ready!* It announced that the Citizens Committee was ready to meet any situation. It told Johnstown that the Committee was prepared to take any steps for the preservation of law and

order. It was an open statement of vigilante intentions although when and where law and order had been broken and when and where and how the Citizens Committee had been formed remained a mystery.

Perhaps the best explanation of what the Citizens Committee considered law and order to be was afforded by the sermon of one of the leaders, Rev. Stanton, of the fashionable Presbyterian Church in Westmont, exclusive section of the city. Governor Earle had declared martial law on Friday afternoon. His proclamation closed the plant, sent state troopers in to patrol the city and put Johnstown immediately into a state of calm. But the Rev. Stanton, together with all but two of the ministers of the town, fulminated against the martial law in a manner which was a disgrace to any pulpit in this country. Stanton called for an end to martial law—although the martial law made for law and order. But as it turned out, that was not the sort of martial law Stanton wanted. The man who was later to become the head, together with a bunch of professional agitators and red-baiters, of the Johnstown Plan, wanted not Governor Earle's idea of martial law but Governor Davey's. Where Earle closed the plant, in the hopes that the men and the company could then sit down to negotiate, Governor Davey of Ohio used the Ohio National Guard to drive the strikers back into the plants of the Youngstown Sheet and Tube and Republic Iron and Steel plants, at the point of bayonets.

So enraged were the Bethlehem Steel stooges in the Chamber of Commerce at the declaration of martial law, which interfered with the plans to smash the strike with vigilantes that they even planned to have Stanton make an inflammatory speech over the radio, in defiance of martial law. They hoped to get Stanton arrested and then start a crusade among church men all over the land. Their idea of law and order was to smash the strike and get peace in Johnstown through an absolute humbling of the workers' ambition to be dealt with, through a signed contract, in recognition of their rights as human beings. One has only to compare the homes in Cambria City, working class section with the exclusive Westmont which rises on the hill far above Cambria to understand what the workers wanted.

With martial law came the first real blast of the Citizens Committee. The Committee had so far issued one ad—threatening vigilante action. It had held a meeting in the high school—which Clare Hoffman, the loud mouthed, gun-toting Congressman from Michigan addressed. Now it appeared once more with an ad—entitled "*We Protest*" which appeared in newspapers all over the country. It announced its intention to form a nation-wide organization to protect the

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The Unholy Three of Steel: Tom Girdler, Eugene Grace and W. Irvin.

A People Radiant--Unbeaten Unbeatable

One of the most beautiful, moving, informative accounts of Madrid—one year later. A story written under shell-fire. It is a privilege and an honor to announce that the author is an active member of the International Labor Defense, now fighting for democracy in Spain.

By LAWRENCE MAYNARD

One day last week, I sat at a table in a cafe in the Gran Via, drinking coffee and eating peach sherbet. "This," said my companion, "is the cafe where General Mola said he would drink coffee six months ago."

At every table were men in uniform on leave from the various fronts. Many were wounded, with bandaged arms or heads. All were talking of our great summer advance against the fascists, of our brilliant capture of Villanueva de la Canada, and other towns. All were eager to get back into the fight. I, who had taken part in the capture of Villanueva de la Canada know that it takes courage for a wounded man to want to go back. That had been a fight in which strong men felt that to go on another meter would be impossible. The blistering hot sun had tortured us. Running across the baked slopes of the mountain had exhausted every inch of our bodies. Enemy bullets had whistled and whined on each side and overhead. More than one man had stumbled, and said, "I can't move any farther." But they had gone on—discarding every ounce of excess weight, including food and possessions treasured all through the war. We kept only our rifles, our ammunition and our water bottle. It hurt me to throw away the large blank book in which I had for months been writing notes and impressions for the book I hope some day to write, but it went along with everything else in my pack. And we went on—and the enemy town was captured.

The wounded and the men on leave talk of this, and are eager to return to their battalions.

The big, comfortable bar of the Gran Via hotel was crowded with men in uniform drinking coffee, eating ices. In the old days this hotel was the hanging out place of the idle, the aristocrats, the sleek officers of the old reactionary army. Now it belongs to the workers who are defending Madrid. Many fascist shells have fallen in the street in front of this hotel. It is across the way from the big Telefonica—the telephone building which has been the objective of fascist fire

for so many months. Sand bags protect the entrances to the hotel. Bombs falling outside hardly disturb the coffee drinkers in the bar.

I look up at the telephone building. Every window is shattered. There are shell holes in the upper floors. The building has withstood terrific punishment, but still stands, still is used by the telephone company, and the people of Madrid still have the use of their phones. Behind the sandbags which cover the doors business goes on as usual.

I had dinner at the Hotel Alphonso. Once one of Madrid's exclusive hotels, the front of the building is scarred and shattered by shells and bombs. Its well-furnished rooms are now occupied by soldiers on leave, by political workers, by men who are giving their whole time to the winning of this war. A room for the night costs three pesetas—about 12c according to current rates of exchange. My dinner, consisting of soup, potato and meat stew, wine, bread and fruit, cost 2 pesetas—8c. Later, in the smoking lounge, sitting in an elegant red-plush upholstered chair at a little table, I had coffee for 2c. The Alphonso is run as a collective enterprise for the benefit of those who are active in the war. It is managed by the Communist Party of Madrid.

In the Puerta del Sol the sidewalk merchants sell their novelties as usual. There are many soldiers buying rings, buttons, pins, bearing the insignia of trade unions and political parties. There are many hammers and sickles. I have an S.R.I. ring, and a pin with the S.R.I. symbol—the hand reaching between bars. I buy a military cap for 3 pesetas, to replace the one I lost at the front. I buy a comb for half a peseta, and a few other needed things. The sidewalks are crowded. No one seems to fear an air raid, although almost every day the fascists still drop bombs in that part of the city. I look at the buildings in the Puerta del Sol, and see the holes in the walls made by Franco's shells. The pavements have been permanently stained by the blood of innocent women and children.

Franco had hoped to terrorize the civil population of Madrid. His air raids and artillery bombardments are aimed at the morale of the city. But after seven months the people are not even alarmed when enemy planes are sighted, when bombs and shells fall nearby. The other day I heard machine gun fire and the buzz of motors overhead. I looked out. People were standing at windows, on balconies, in the street, gazing skyward with calm interest. "Those planes must be ours," I said; "the people don't seem to be worried."

But in a moment, other planes arose. Soon I was watching a battle in the air over Ma-



"My blood is mixed with my tears, but I am unbeaten and unbeatable"—a Spanish mother.

Madrid. From the Spanish newspapers, we learned that our planes had brought down seven enemy planes. Next day, early in the morning, we were awakened by the unforgettable sound of bombs exploding in the city. Franco's planes were retaliating.

The planes brought down are always Fiats, Heinkels, Capronis—German and Italian. We know where they came from. We know where the bombs were made, those bombs that kill women and children. We swear that fascism shall be exterminated *everywhere*.

We are supreme in the air. Our white planes with the red markings on the wings fill the skies. The people of Madrid look up with bright hopeful faces, and exclaim, "Nuestras,—ours!" They watch our aviators swooping down upon the enemy planes, bringing them down in flames. They cheer. When they see a plane falling they never doubt whose it is. We Americans say, "I wonder if that was one of ours, or one of the enemy, that fell." But the Spanish people cheer, and say, "Nuestra gloriosa avions (our glorious aviation)" and are *certain* whose plane has fallen. And official reports casually prove them right!

There is no terror in Madrid. Now there is enthusiasm and great hope. Are not our heroic troops driving back the fascists? Does this not mean the early complete liberation of Madrid? The people are cheerful. They sing. They go to hear brave, strong Pasionaria speak. They listen to comrade Diaz on the radio. They are a people radiant with the bright light of victory growing stronger every day.

Madrid is not on her knees begging for help. Madrid is La Pasionaria standing proudly on her feet, pointing to her victories and her long resistance to the invaders, telling the world its duty. She does not weep. She does not cringe and cry, "Please be kind and help me." She stands protectively over her martyred dead and calls out, "For a year now I have held the enemies of democracy at bay. I have fought *your* battle, stood between you and fascist terror. My blood has been mixed with my tears, but I am unbeaten and unbeatable. The final conflict has begun. Now *you* must do your part. Now I expect you to help in the final blow at the fascist beasts. This is your duty which you owe to me."

I hear shells bursting as I write. I smile.



One of the thousands of magnificent posters issued in war-torn Spain by the Ministry of Education of the democratic government. Most of them are truly great works of art.

Soon those shells will fall no more in Madrid. We march to victory. To the borders of Portugal and into the sea we shall drive the fascists. Then the people of Spain shall choose for themselves the political future of their country. Salud!

The SRI in Action

A short report on what the I.L.D. of Spain is doing. A more detailed report was presented at its recent congress in Madrid.

By MATILDA LANDA

In Madrid we have several wonderful hospitals, many convalescent rest homes, first aid stations and schools for training nurses. We equipped scores of ambulances and organized the production of stretchers, blood transfusion apparatus, etc. In addition, 365,000 pieces of clothing and more than 1,125,000 pounds of food were distributed among the population while 68,000 pieces of clothing and 85,000 pounds of food were turned over to military headquarters.

During a special collection campaign more than a 1,000,000 coats and 60,000 pairs of shoes for women and children were assembled and distributed. Simultaneously with this, relief was extended to 21,968 emigrants from Toledo. Also 20,000 toys, a gift from the Soviet Union, were distributed by the S.R.I. of Madrid. The average weekly turnover of the Madrid S.R.I. is in the neighborhood of \$20,000.

The S.R.I. in Albacete has organized 10 hospitals. It is also the center from which 130,417 pounds of miscellaneous food products, 568,000 bouillon cubes, 6,875 cans of vegetables, 4,134 head of cattle, 8,000 dozen eggs, over 5,000 gallons of wine, and 16,250 packages of cigarettes and tobacco, were sent to the front. The Albacete S.R.I. collected over \$30,000 in less than five months.

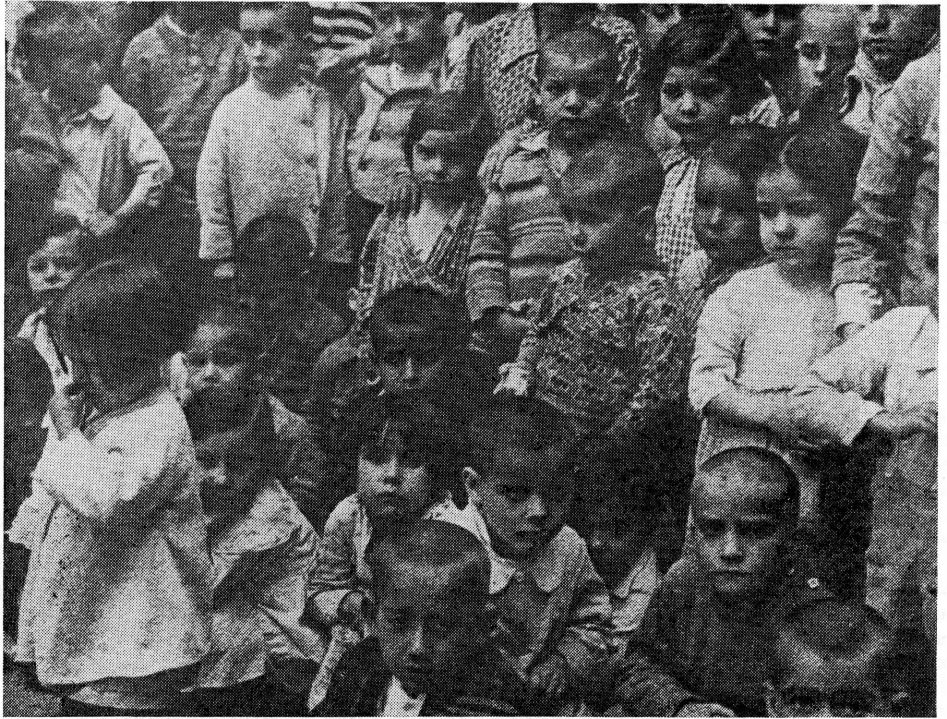
In Alicante the S.R.I. established 32 hospitals with 3,275 beds. 200 trucks loaded with food were sent to the various fronts. Eight kindergartens have been organized and 8,000 refugees in addition to the families of 200 Loyalist militiamen supported. Four sewing shops are now run by the S.R.I.

From Almeria, the S.R.I. sent 115,500 pounds of food to Madrid, 6,000 pounds to Sigüenza and 10,000 sacks of bread to Guadalajara. The monthly collections of money there amount to about \$5,000.

In the province of Badajoz the S.R.I. established 5 hospitals and 5 first aid stations. Over \$6,000 was raised and spent on medicines alone. Another \$5,000 was raised and spent for relief to refugee mothers and children. The entire sum collected in the province amounted to more than \$15,000.

In Cuidal Real the S.R.I. operates 8 hospitals.

In the province of Guadalajara, there are 3 S.R.I. hospitals. The organization here also cared for 20,000 refugees and distributed 12,246 pieces of clothing. From Catalonia comes the following report: before the fascist uprising the S.R.I. there had 5,000 members. In February 1937 there were over 50,000 of whom 10,000 are members of the C.N.T.—anarchist trade unions. In all, the S.R.I. has over half a million members.



Top: A group of Spanish war orphans waiting to be evacuated to safety. You can help us establish an I.L.D. home for them. Left: Front page of the International Brigades' News Bulletin issued daily in seven languages. One of its editors is an American I.L.D.'er. Below: The kids are helping to build trenches against fascism. Above: Basque refugee children in the Soviet Union.



"Good Neighbor Policy . . ."



The Ponce Massacre, Palm Sunday, 1937. Note that only the police are armed.

Further proof of where the guilt lies in Puerto Rico.

By GILBERTO CONCEPCION

On the 13th, of this month, attorney Julio Pinto Gandia, acting President of the Nationalist Party of Puerto Rico, Lorenzo Piñero, acting secretary of the Party and eight other Nationalists will be brought to trial at Ponce, the second largest city of Puerto Rico, charged with the responsibility for the bloody events which occurred in that city on Palm Sunday, March 21st, when, as we said in the May issue of the Labor Defender, twenty persons were killed and from 150 to 200 wounded.

Immediately after the shootings Governor Blanton Winship reported to the State Department, in substance, that there was a pitched battle between members of the Nationalist Party of Puerto Rico and Puerto Rican police.

However, a few days following the publication of my article, a commission of investigation was formed, composed of Emilio S. Belaval, President of the Atheneum, Mariano Acosta Velarde, President of the Bar Association, Fulgencio Piñero, President of the Teachers Association, Francisco M. Zeno, Editor of "La Correspondencia," Antonio Ayuso Valdivieso, Editor of "El Imparcial," José Dávila Ricci, of the Editorial staff of "El Mundo," Manuel Díaz García, Past President of the Medical Association and Arthur Garfield Hays, general counsel for the American Civil Liberties Union, who acted as Chairman. After hearing a number of witnesses, the commission came to the conclusion, as it appears from the brilliant seventy page "Report of the Commission of Inquiry on Civil Rights in Puerto Rico" rendered May 22, 1937, that there was no battle at all, but that there was *massacre* of unarmed citizens *by the insular police*.

The unarmed citizens were massacred probably in an attempt by the colonial government to terrorize the demonstrators who were going to parade in favor of the Independence of Puerto Rico and to protest the incarceration of Dr. Pedro Albizu Cam-

pos, President of the Nationalist Party, and of seven of his comrades, convicted on charges of conspiracy to commit several offenses against the U. S. government because of their struggle for the freedom of their homeland. It is important to note that Dr. Albizu Campos and his fellow prisoners were rushed to the federal penitentiary of Atlanta, Ga. on June 7, 1937 from the jail in San Juan, where they had been held without bail, after the U. S. Supreme Court refused to issue a writ of certiorari to review the sentence of affirmance of the Circuit Court of Appeals in Boston.

In a mass meeting of the American Civil Liberties Union recently held in New York City, Arthur Garfield Hays, said:

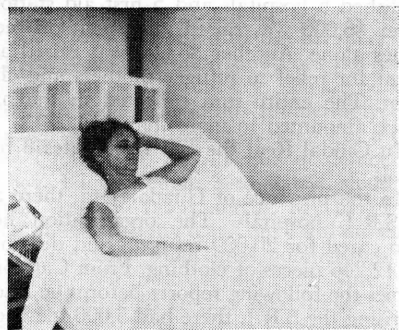
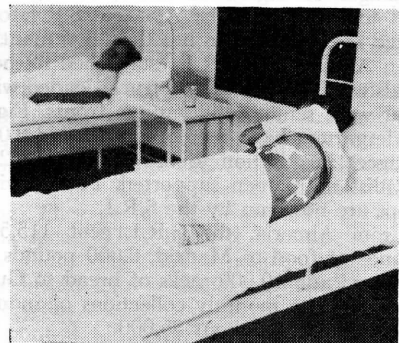
"The most effective piece of evidence consists of photographs of the scene. Just before the shootings two photographers representing newspapers were stationed in a balcony across the way from the Nationalist Club. When the police started to advance on the crowd one of the photographers took a picture; the other photographer raised his camera to his eye, but before he was able to snap his picture two or three shots rang out. He then took his picture, and this not only shows the police drawing guns, but actually shows one of the policemen firing into the crowd. It also shows the Nationalists unarmed and surrounded by police, and in front of them were some eighteen policemen, all in threatening attitude and drawing weapons. In back of them were some fifteen policemen with Thompson sub-machine guns and alongside them were the armed police." "In spite of this, and in spite of the continued repression of meetings of Nationalists and others in Puerto Rico, Governor Winship insists that the Government recognizes the civil rights of the people. The answer is not made by us, but *by the photographs*."

The photographs illustrating this article, published now for the first time, add force to the powerful argument of Mr. Hays. They

show how the demonstrators were chased like animals and shot through the back. They prove without the slightest doubt that the prosecution and the pending trial of Pinto, Piñero and the other Nationalist leaders stand as a denial of the ideals and traditions of the U. S. and as a shame upon its system of justice.

After the Hays investigation, the persecution of the supporters of Independence is still more intense. The imprisonment of Nationalists and the search of their homes are on the increase. Mrs. Mendoza de Palacio, an eminent journalist and teacher, was not hired to teach in the public schools during the next school term "for the good of the service" . . . that is because she is for Independence, against the teaching "*in English*"—not of English—in our schools and because she testified courageously before the investigation committee notwithstanding her ten years of service with the highest rating. In general, the situation of Puerto Rico is unbearable. We are groaning under the heels of the National City Bank of New York, the Chase National Bank, the sugar barons and the Wall Street economic royalists who control our market, our lands and industries, our credit, our utilities and our finance.

The progressive forces of this country must increase their pressure upon the Government which pretends to be for a New Deal in the United States and for a "good neighbor policy" in America, a policy in which no one will believe as long as Puerto Rico remains a colony—to force it to hear the demand of all Puerto Rico and of Spanish America and free Dr. Albizu Campos and his followers, to end the colonial status in Puerto Rico—source of unrest and ill feeling between North Americans and Puerto Ricans—to stop the prosecution and punishment of innocent persons as the ten patriots waiting trial in Ponce for a crime they did not commit and finally to secure the success in Puerto Rico, the Ireland of America, of the ideals of Jefferson and Lincoln, Bolívar, and Alamán, Martí and de Hostos.



Photos referred to in this article showing three victims of the Ponce massacre. Note the wounds in the back.

Defending the Constitution in California

A straight-forward account of a thrilling battle against reaction
in one of its main strongholds.

By **HERBERT NUGENT**

Secretary California Conference of the Repeal of the Criminal Syndicalism Act and
Assistant Secretary, Northern California District I.L.D.

Reactionary terror scrapped the Constitution in San Francisco during the hot July days of 1934. On July 5th, "Bloody Thursday" the police attacked the picket lines of the striking maritime workers, gassed, clubbed and wounded scores and killed two—Walter Sperry, ILA member-world war veteran and Nick Bordoise, Cooks Union member—organizer Mooney Branch ILD.

The labor movement of the city reacted instantly. Union after union voted to join the General strike and on July 16-17-18 the city was strike bound.

Led by the Hearst press, every daily newspaper in San Francisco screamed for vigilante action against the organizations of the workers. The police department, the National Guard, the fakers amongst the labor leaders, combined to follow this lead, dictated by the Waterfront Employers and the banks.

Union and I.L.D. headquarters, Communist Party meeting places, the Western Worker, scores of homes were raided; hundreds of workers were beaten and jailed; workers' property destroyed.

During the three years that have passed since those events the people of San Francisco have carried on a determined, unceasing battle to win back the civil liberties guaranteed in the Bill of Rights. Typical of this long fight is the incident—one of hundreds—that occurred in the Spring of 1935.

The police broke up a street meeting and led several speakers away to the nearby station house.

One of the workers protested. "The Constitution guarantees free speech. You have no right to break up our meeting."

"The Constitution," answered a cop, "Is locked up in Chief Quinn's safe."

It is not so safely locked up now. Last March, the organized labor movement of San Francisco, assisted by a Citizen's Committee, in which the I.L.D. participated, succeeded in winning a majority of voters to repeal the city's anti-picketing law that had been enacted twenty years ago at the time of the Mooney and Billings frame-up.

Pickets are not driven from the streets as they were before. The first workers to conduct mass picketing after repeal of the law were the WPA workers who were protesting wholesale layoffs. At first the police attacked the pickets and arrested many. Mass meetings were called to protest these arrests. The International Labor Defense posted bail and won freedom for every one of the thirty-two arrested pickets.

"What is the charge against the arrested pickets?" ILD representatives asked the police.

"What you gonna charge them with Sergeant?" the cop answering the phone would inquire.

Varied charges would be named—"distur-

bing the peace" "illegal advertising on the streets," etc.

The police did not select the charges so well in once instance. They had intended to charge the pickets with "failure to move on" but named a section of the code that charged them with "failure to move an animal or vehicle at the command of an officer"! George Andersen, ILD attorney, called this to the court's attention during the trial, declared that the pickets had neither automobiles nor horses, dogs nor any other animals with them on the picket line. The charges were dismissed.

Arrests soon stopped due to the militant stand of the workers. The great hotel strike

followed. Before the Palace, the Fairmont, the St. Francis and other famous San Francisco Hotels picket lines were maintained for 94 days. Arrests were few. Today the girl clerks of Woolworth's and other dime stores are picketing the length of Market Street. The workers fought and won the right to picket. How long this will last depends upon the growing solidarity of the workers and middle class people of San Francisco.

Frequent picket lines have been thrown around the Italian and German Consulates here in protest against Mussolini's and Hitler's invasion of Spain. These lines have been viciously attacked by the police. These attacks can be explained in part by the fact that in the office of the German Consulate on Sansome Street, in the heart of the Wall Street of the West, sits Mannfried von Killinger, San Francisco Nazi Consul, described by Hon. Samuel Dickstein in a speech in the House of Representatives, as "an expert in murder, arson and sadism" who has the strong cooperation of the San Francisco police department's infamous "red Squad."

On January 28 the American League Against War and Fascism called a picket line in front of the Nazi consulate. Before the pickets had a chance to line up the police attacked them. Two men were clubbed. Elaine Black, Secretary of the Northern

(Continued on page 17)

MARITIME FEDERATION PROTESTS FASCISM!

30 MINUTE
STOPPAGE OF WORK
ON AUGUST 2ND, 1937 AT 2:00 P.M.

MARITIME WORKERS! --- FIREMEN! --- SEAMEN! --- LONGSHOREMEN!
MASTER MATES AND PILOTS! --- ENGINEERS! --- RADIOMEN!

ALL OUT FOR A THIRTY MINUTE PROTEST
AGAINST THE INVASION OF SPAIN BY NAZI AND FASCIST TROOPS

PROTEST THE OUTLAWING OF ALL TRADE UNIONS
IN NAZI GERMANY AND FASCIST ITALY

PROTEST THE IMPRISONMENT OF ALL
POLITICAL AND LABOR PRISONERS!

THE ABOVE STOPPAGE OF WORK ACTION WAS PASSED
AT THE MARITIME FEDERATION CONVENTION ASSEMBLED
AT PORTLAND, OREGON AND CONCURRED IN BY THE
SAN FRANCISCO BAY AREA DISTRICT COUNCIL NUMBER 2

ALL OUT 2:00 P.M. MONDAY
AUGUST 2ND 1937

Leaflet issued by the militant Maritime Federation of the Pacific. The stoppage was highly successful and entirely "peaceful," as a result of the heroic defense of civil rights conducted by the I.L.D. of California together with all progressive forces in that state.

I.L.D. Aid to Trade Unions

Two letters from CIO unions in Chicago written to the Illinois State I.L.D. and a report from Hawaii. The I.L.D. stands ready at all times to give all and every assistance possible in defense of the rights of trade unions.

Dear Sirs:-

Your activities in behalf of our members who were involved in the Memorial Day affair, has been brought to the attention of our lodge. We wish to take this opportunity to thank you most heartily for your great and unselfish assistance which you have rendered to these men and our organization. We feel that this service is invaluable to us in our struggle for justice. Therefore Lodge No. 1181 of the Amalgamated Association of Iron Steel and Tin Workers, extends a vote of thanks to you for this aid, and hope that your interest in our organization will continue.

Fraternally yours,

(signed) E. JOHNSON, *President*

(signed) W. BENNETT, *Rec. Sec.*

Lodge No. 1181, A.A.I.S. and T.W. of N.A.

Dear Sirs and Brothers:-

The Federation membership at the general meeting July 29th has asked me to express our gratitude to you for the very timely assistance you gave us during our strike at the Universal Oil Products Co.

A motion that the Federation go on record as supporting the I.L.D. was carried unanimously.

The bail which you raised almost instantly for four of our men helped us greatly in a critical situation. We are glad that we can rely on you for such prompt aid and expect to make good use of your services during the coming months.

Fraternally yours,

(signed) GODFREY THOMSON

Secretary Chicago Chapter F.A.E.T.C.

From the Hawaiian Islands

The First Annual Convention of the Hawaiian Federation of Labor, held in Honolulu, on July 5 passed a resolution calling for the establishment of a branch of the International Labor Defense (I.L.D.) in the Islands.

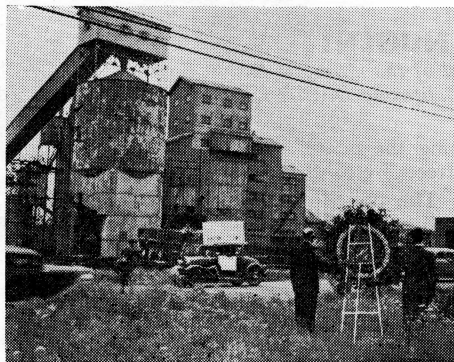
The resolution, introduced by Ben Shear, Sailors Union of the Pacific, declared that union men have been discriminated against when on trial before the Island courts, controlled by the big island corporate interests known as the Big Five, and that the same is true of the attorneys retained to defend workers.

VIGILANTE HEADQUARTERS, JOHNSTOWN, PA.

(Continued from page 11)

"right to work" and it called for a conference of similar "law and order" gangs to be held in Johnstown.

Where the money for these ads had come from, no one quite knew. The S.W.O.C. charged that Eugene Grace of Bethlehem had been aided by E. T. Weir, head of the National Steel Corp. Certainly, not small town Francis Martin, cashier of the biggest bank in town, nor Danny Shields had the money to put up the initial \$5,000 spent by the Citizens Committee in the first day of its existence. Nor was their money enough to bring



Wreath being placed at the scene of the Memorial Day Massacre at South Chicago Republic Steel plant, in honor of the memory of those murdered there by Chicago police.

"The need for labor defense is always urgent" the resolution continues, "and has always been urgent, as exemplified by the necessity of bringing to Hawaii by Clipper airplane on June 17, Grover Johnson of the International Labor Defense to defend nine Filipino workers on the Island of Maui, who were unable to obtain independent counsel here."

"Therefore be it resolved that the Defense Committee of the Federation set up a branch of the International Labor Defense in Honolulu, that the I.L.D. be contacted notifying them of this move, that funds be raised in all ways possible by the defense committee to create a permanent defense fund for the defense of helpless workers who are unable to secure help for themselves; that organized labor throughout the United States and the Hawaiian Islands be appealed to for help in carrying out this project and that the help of the I.L.D. be obtained for instructions as to how to carry out this project."

Grover Johnson was sent on the Clipper by the I.L.D. in order to defend nine strike leaders, arrested to break an island wide strike. His prompt arrival resulted in the stopping of the trial and the setting of a new trial for July 27 with a change of venue to Honolulu. Funds to properly conduct the defense of these nine workers are urgently needed and should be sent to The Committee for Defense of Hawaiian Workers, 1005 Market Street, Room 405, San Francisco Cal.

the high powered advertising agency, John Price Jones of New York into the picture. The Jones firm moved into the Chamber of Commerce offices with two high pressure publicity men, who immediately began their campaign of raising money and organizing the Johnstown Plan.

No direct tie-up between the Bethlehem Company and the Citizens Committee has yet been proved, although it is expected that the hearings before the National Labor Relations Board will bring such proof. But practical proof there is in plenty. The thing that the Citizens Committee sought to do was to

smash the strike in the name of the "right to work." Temporarily spiked by Governor Earles' declaration of martial law, the Committee now went even further. It actually called for the overthrow of a government which considered the rights of the strikers at least equal to that of the company. It attempted to organize a national vigilante movement, directed against the trade unions.

And all this was done in the name of the "impartial middle class." Indeed, the Johnstown papers ran long editorials about the stake of the middle class, and sought to make out that by acting in opposition to the strike, the middle class would be neutral. The Citizens Committee did steal the show at first as far as the public was concerned. Subsequently, a movement was started by local people, calling for democratic settlement of the strike. The S.W.O.C. began a series of broadcasts by prominent individuals—Sen. Wagner, Congressman Maverick, Bishop McConnell and others. A movement was also launched to prepare a civil rights conference to rally the forces of progress and democracy in Johnstown and other parts of the state to combat vigilantism.

The Johnstown strike is not over, as such strikes never are until the workers win their just demands. But neither is the Citizens Committee movement over. Johnstown is a warning and a lesson. Permit the professional red baiters and the stooges of the big corporations full sway and they will not only strike against the economic interests of the workers, they will move on to more talk and possible action in overthrowing what American democracy we have.

Danny Shields started as a confidential man and spy for Bethlehem on its grounds. He then became saloon keeper, bootlegger and Mayor, remaining a Bethlehem man. But Danny spoke always in terms of the middle class he was protecting from the strikers. Those who have read Sinclair Lewis' book, "It Can't Happen Here" might travel to Johnstown—and looking at the Bethlehem plant which lies innocently in the heart of the city, or at the Chamber of Commerce office in the eighth floor of one of the downtown office buildings—might well say: it is happening here.

THE RED CROSS OF LABOR

(Continued from page 9)

cularly heavy duty. As soon as a picket is arrested and thrown into jail, food and cigarettes are sent into him by our Prisoners Relief Department which has a representative on the scene almost all the time.

The strikers appreciate our efforts, and on the many occasions when they called for us to send speakers to their mass and closed membership meetings, these representatives who addressed them were received with enthusiastic ovations. One of the National Organizers of the Union came to our New York City General Membership Meeting on July 22, and in his speech to us, extended heartfelt thanks and greetings from his Union.

It is just these things which the struggling workers on strike need so badly—immediate medical aid, lawyers, relief, attention to the arrested, solidarity—which the union itself cannot organize in the confusion of events, that the International Labor Defense can offer as an expression of its solidarity. We in New York, pledge ourselves to continue this work in defense of labor's rights, and to be on hand always to succor the injured and jailed victims of the struggle against reaction.

In the Shade of the Alamo

In memory of a real leader of the people of Texas, murdered four years ago this month.

By **ROBERT WARREN**

The working people of Texas are awakening from the sleep of generations and organizing to secure their rights. But before the CIO began its drive across this vast state, there were pioneer labor leaders who carried on the fight, often starving themselves, but determined to succeed. Such a man was my friend, Earl Barlow.

I still wonder, four years after his death, how one man could have done so much within the space of a few months. I wonder, and then I recall that men like this dead leader always arise. Theirs are the voices which fall even upon deafened ears. Theirs are the hands which mold hopeless men and women into fighters for liberty and justice.

Earl Barlow, represented by birth and training, the great revolutionary tradition of the American people. His father was an old Socialist who sold radical literature. Born in Kentucky, a state settled by poor whites, Earl found the usual odd jobs. He finally became a carpenter, and his craftsmanship was so sure that a table built by his hands became a thing of beauty.

When the World War was declared, Barlow went into the army. "I was fooled like every other man who fought," he told me once over a cup of coffee. "I was made to believe that we were fighting for democracy and for the common people of the world. But look what we did fight for"—and his eyes looked sadly out of the window toward some barefooted little Mexican children playing outside of a ramshackle hut.

Barlow first came into contact with the revolutionary movement in 1932. Maddened by slow starvation, the people of Houston organized an Unemployed Council and by the hundreds demanded food before the City Hall. At that time, Barlow was working for his meals in the local Salvation Army headquarters. He took advantage of his job to recruit members for the Unemployment Council. "That will do you far more good than this begging for soup," he told the people whom he helped to feed. Because he advocated organization of the unemployed, Barlow was fired by the uniformed hypocrites who dish out Scripture with one hand and stale sandwiches with the other. The man, in the shabby serge suit, with kindly eyes and the gentle but strong face, soon became the principal figure in the Unemployed Council.

When the Communist Party held its national nominating convention in 1932, Barlow was elected as a delegate from Texas although, at that time, he was not a member of that party. But following his return from the convention, he joined, and became its treasurer in Houston. That same year, he was the Communist candidate for Lieutenant-Governor, polling more votes than any other candidate on the state ticket.

Relief conditions were probably worse in Fort Worth than in any other Texas city. Several false organizations, one backed by the Chamber of Commerce, had fooled the unemployed bitterly. Men congregated on the courthouse lawn, bummed smokes from each other, and cursed conditions. But there was

little idea about what might be done. There was still in existence a small unemployed organization headed by an adventurer who afterward proved to be a stool-pigeon. But until Barlow came and took over this group, there was nothing done except speech-making.

Within two weeks after Barlow had come to Fort Worth, an isolated little group had grown into a mass organization of 800 members. The rich of Fort Worth tried to buy off this militant new leader, but they found that a Communist was not for sale. They threatened death to those who followed Barlow, but the reply was scores of new members in the Unemployed Council.

Every session of the City Council was interrupted by a delegation of the unemployed demanding to know what those politicians were going to do for the hungry. At a public mass trial, attended by several thousand people in Burnett Park, the city officials were declared guilty of starving the unemployed.

And over all towered the figure of Earl Barlow directing, speaking, organizing.

In August, 1933, the Texas Relief Commission announced that jobless people must pick cotton for whatever wages might be offered or—starve. On the night of August 31, the Unemployed Council met to protest

against this cruelty. Barlow and two other members were elected as a committee to send off a telegram of protest to the then Governor Miriam A. Ferguson.

That was the last time the unemployed of Fort Worth saw their leader alive. Barlow and his companions were arrested that night by detectives who had followed them from the meeting to the telegraph station.

Barlow died, his body horribly mutilated, September 1, 1933, at the age of forty. He was undoubtedly "third-degreed" to death, although the police claimed that he had been killed as the result of a fight with another prisoner.

Prisoners in jail do not have electric torches with which to burn the legs of their fellow-prisoners. Nor does a bullet hole in the back of a man's head indicate death at the hands of another man who has been disarmed at the time of his arrest. Barlow's dead body indicated that he had been killed by people who were past masters in slaughter. If nothing else were needed to prove this belief, why was Barlow transferred to the county jail while the other two members of the Unemployed Council committee were left in the city prison?

The grand jury whitewashed, of course, the fiends who did the job. But the final judgment in the case of Earl Barlow did not come from that handpicked jury of merchants and real estate speculators. It will be given in the years to come by the workers of Texas as they build their trade unions and struggle against the few who have stolen the largest state in the Union.

The dead may rest when the Living awaken! Earl Barlow may rest in peace. The workers of Texas are organizing!

Defending the Constitution in California

(Continued from page 15)

California District, International Labor Defense, protested to the police. She was promptly placed under arrest together with 8 of the pickets. The case of all is now on appeal against the conviction of the trial court where sentences of from 10 to 25 days were imposed.

During the trial of the Sacramento workers eight of whom were later convicted under the criminal syndicalism act, the ILD held a meeting one Sunday afternoon in 1935 in support of Assembly Bill 419 for repeal of the C. S. statute and release of the workers on trial. This meeting was broken up and Leo Gallagher, famous labor attorney, and 9 others arrested.

In the vicinity of San Francisco worse conditions prevail. The Constitution is openly flouted whenever workers' rights are involved. At Salinas last year during the great lettuce strike there, all the reactionary and open Fascist forces banded together to attack the workers. The State Highway Police, the city and county officers, vigilante gangs, the sell-out labor officials organized a campaign to break the strike. Tear gas, mass arrests, raids and general terror were the weapons used. So bad was the situation, that the San Francisco Chronicle, a Republican sheet, carried on its front page a story that ran for weeks entitled "It Did Happen Here."

At Eureka, in the Redwood lumber belt, at Stockton, inland port and agricultural center, at Vacaville in the great wine-grape

growing section of the state, at Amador County, in the Mother Lode gold mine district, workers have been killed, wounded and jailed or their constitutional right to hold meetings denied.

The battle is just beginning. In San Francisco the labor movement has made great progress in winning certain civil rights.

Picket lines were established August 2 by the powerful Maritime Federation of the Pacific at the German and Italian consulates and every dock. The picketing was conducted during the half-hour coast-wide strike of all Maritime workers in protest against:

1. The invasion of Spain by Nazi and Fascist Troops.
2. The outlawing of all trade unions in Nazi German and Fascist Italy.
3. The imprisonment of all Political and Labor Prisoners.

These picket lines were not attacked.

However, the reactionaries of San Francisco are already working vigorously for a counter attack against workers' rights to organize, strike and picket. The Waterfront Employees, the Hotel Association, the Downtown Association and numerous other anti-labor groups are now circulating a petition to place an anti-picketing law on the November ballot. Consequently despite the victory of labor in repealing the law only last March the entire fight may have to be waged all over again.

In this section we have been made to realize that "Eternal vigilance is the price of liberty."

A BATTLE HAS BEEN WON

(Continued from page 8)

nine boys that the south was after, but that they were, through the attempted execution of these boys, sending a message written in blood to the millions of Negroes below the Mason-Dixon Line to the following effect; Dare not hope; dare not struggle for betterment of your conditions; your lot is to suffer and to bear such burdens as we may place upon you.

From all over the world demonstrations in protest against the barbarous, brutal, clumsy frame-up was pouring into the capital at Montgomery, Alabama.

These trials were again held, and again resulted in convictions and sentences to death; this time before "Speed-Up" Calahan, who had been brought in to displace the courageous Judge Horton.

Again the Supreme Court felt compelled to reverse the decisions.

The defense had raised the issue of systematic exclusion of Negroes in Jackson County, where the boys were indicted, and from the petty jury in Morgan County, where the boys were tried.

Once more the southern lynchers turned to frame-up. The jury book was forged; the names of Negroes, which latter the defense had produced to prove that they were eligible for jury duty, and who had courageously stated that they would be willing to serve if called, had been forged on the jury rolls, long after the jury lists had been drawn and filled. To this day no indictment has been found against those responsible for this clumsy forgery, even though it was condemned by the United States Supreme Court.

Today the prosecution releases four boys, and admits that after thorough and complete investigation two of them—Eugene Williams and Roy Wright—were twelve and thirteen years at the time of the alleged "raping," which means that they never should have been tried in the Circuit Court; that their cases should have been transferred to the Juvenile Court.

When did the prosecution make this investigation? Was it when they convicted Eugene Williams and had him sentenced to the electric chair in Scottsboro? Was it when they fought the appeal from the conviction of that sentence in the Court of Appeals of Alabama, which Court of Appeals was compelled, in the light of the undisputed testimony as to Williams' age, to reverse the conviction?

As to the other two who were freed—Willie Roberson and Olen Montgomery—the prosecution now states that they have investigated and now are convinced that "Victoria Price made a mistake" when she identified them as some of her assailants.

"Made a mistake!" What a euphonious way of saying "lied deliberately." The prosecution is now forced to admit that Victoria "made a mistake" as to Montgomery and Roberson, whom she has identified on eleven different occasions; as she identified the others on the same occasions, is it not ordinary common sense to assume that she may have been mistaken as to the identity of the others? If she lied as to these two, then should she be believed as to any of the others?

No; the truth of the situation is that the lynchers in Alabama have not been able to hold out against the world cry of protest; they have hit upon what they think is a

clever scheme to satisfy lynch opinion in the south, and protest opinion in the rest of the country. Let four go—and that should convince the world that we are just and merciful; send five to a living death—and that will satisfy lynch sentiment in the south.

Why do the bourgeois of Alabama fear the Scottsboro case? Why have they felt it necessary to make this concession of freeing four of the boys? This was not the result of any deal or compromise, any rumors or charges to the contrary notwithstanding. It was an unwilling concession forced from the prosecution.

Why did they make it? Because they have come to see that Scottsboro symbolizes the growing unity of black and white in united defense against their common exploiters. They want to get rid of the Scottsboro case, so as to stop it from being a living issue.

If those who have at any time in the past raised their voice in protest against the dastardly frame-up typified in the Scottsboro case, or have ever contributed a penny towards the defense of these boys, allow themselves to be lulled into inaction because of the tremendous partial victory gained, then the southern lynchers will have indeed planned wisely. But if the millions who have been stirred by Scottsboro will realize, as they must, that freedom of four of the boys under an admission by the prosecution that they were innocent, proves beyond any possible shadow of doubt that the five still in jail are equally innocent, then the demand for the freedom of those five boys will become more powerful and will force open the doors of Kilby Prison and compel their unconditional release.

All lovers of liberty, all those who believe in helping and aiding the struggle of suppressed minorities for a better life will, under the leadership of the Scottsboro Defense Committee, which has so courageously and intelligently carried on the defense of the Scottsboro boys till now, raise the struggle for the freedom of the remaining five to new heights.

Scottsboro is historic in the struggle of the Negroes for emancipation. The fight for the Scottsboro boys made possible the freeing of Angelo Herndon; if it were not for Scottsboro the fast growing Sharecroppers Union, to which increasing numbers of black and white tenant farmers in the south are pledging allegiance, would not be a reality.

Four boys are free—a glorious battle has been won, but the war goes on, the war which will end only when the remaining Scottsboro boys are likewise unconditionally released.

IMPRISONMENT FOR DEBT

(Continued from page 10)

imprisonment the prisoners could work off their debts in servitude, since the need for labor in the colonies was so great; laws were passed earlier making the creditor support the destitute debtors; and insolvency laws were enacted at an earlier date. And the early Workingmen's Parties in this country made abolition of this evil one of the foremost planks of their platforms.

The conditions in the prisons must have been as horrible as in England. Essays on the subject in 1811 by J. D. Fay describe a New York prison in a colorful manner,

"The prison itself would sooner convince men that imprisonment for debt is morally wrong, than all the logic that could be used on the subject . . . When the hour of refreshment ar-

rives there shall be no food for him—when midnight comes, faint and famished as he is, he shall have no place to rest. He shall be sick, but no physician shall attend him—he shall tell his suffering to his keeper—but instead of sympathy he shall meet with curses. Let him breathe the air of pestilence in summer and no fire shall cheer him in the blast of winter. He shall subsist on the scattered crumbs of charity with just strength to drag about his emaciated body, and the weight of his miseries shall so exhaust the powers of his mind, that he shall have but just enough intelligence to understand how abject and wretched he is."

Has imprisonment for debt been abolished?

The jurist and the historian, relying on their knowledge of legal terminology, technical definitions, and referring to the constitutions of thirty-nine states and the legislation of the other nine, will reply that imprisonment for debt has been abolished.

The average citizen, who knows little history and no legal theory, relying on his contact with the law, the personal experiences of friends and relatives, and referring to the news in the daily papers, will answer that imprisonment for debt still exists.

He knows for instance, the case of the five marble strikers in Vermont, who after serving a frame-up sentence on assault charges were threatened by long imprisonment for a \$12,000 suit. The scab, whom they were "found guilty" of assaulting, was all set to sue them for \$12,000. This meant jail since they could never pay such a sum—and Vermont permits imprisonment for debt. Their defense succeeded in forcing a settlement out of court for \$500 and raised the money to pay this "debt." He is acquainted with the story of "Alimony Row" and its occupants. He knows that a wife, by application to the court, can have a husband who has defaulted in his weekly or monthly alimony payments imprisoned regardless of the fact that the husband has no property or income.

The practice of paying by imprisonment of certain debts owed to the State is even more familiar to the average citizen. He knows that if two men, one well-to-do and the other poor, each are fined ten dollars for disorderly conduct, the rich man pays his "debt" and goes home, while the poor man, unable to pay immediately, for non-payment goes to the House of Correction. According to the latest federal statistics available, 47 per cent of all the persons committed to prison in this country were imprisoned for non-payment of fines, and of this group 60 per cent for fines under twenty dollars.

Is the answer of the average citizen wrong when he says imprisonment for debt has not been abolished? What difference does it make to him whether he owes twenty dollars, must pay twenty dollars damages, is ordered to pay twenty dollars a month, or is fined twenty dollars? To him in each case the twenty dollars is money he owes, a "debt" he must pay. And if in any case he is imprisoned for non-payment, he knows that he is being imprisoned for not paying the "debt" he owes. The abolition of imprisonment for debt is technical rather than actual.

When, daily, persons who are not able to "pay" in cases of tort judgments court orders and fines—when hundreds of strikers who lack defense funds with which to post bail and pay fines must languish in jails—there is a sharp reminder that the movement for the abolition of imprisonment for debt, although it has accomplished its original purpose, still has a vital, necessary function to perform—the abolition of its modern counterparts.

VOICES FROM PRISON

From a Nazi Death Cell

I am sorry to say that they kept your letters from me. I do not know why. They did not give me any reason for this.

Although I did not receive your last letter my thoughts are still with you. Nothing can hinder us in our thoughts or feelings. I know we are as one. I am proud to know you are so brave, and I send you my heartiest greetings. I read about the storm in the Rhineland. It must have been awful. St. Peter can no longer find his way about this world of ours, or he may be adapting himself to the wild conditions down here. But still Spring has fully come to our homeland. Longings and hopes are being realized. Even if the old forces oppose the Spring with storm and hail in the desire to maintain their power, it is all without avail—still Spring will come. If yesterday we sang: "I can hardly wait for the first flower in the garden, the first blossom on the tree . . ." today we are already witnessing a new life. The higher the sun rises on its path from East to West, the more and sooner will disappear the old and the hideous reminding us of the misery we will have overcome. In closing, just a few words. The books recently given to me from the prison library were much better than they have been up till now. They give food for thought, and thus shorten the dull, dragging hours of imprisonment. It is well so. For the reading of the newspapers about the conditions in the outside world fills one with bitter rage which cannot be overcome so quickly. I am feeling quite well.

(Written by Robert Stamm, former Reichstag deputy, to his wife. He has been sentenced to death by the Nazis. His life can still be saved.)

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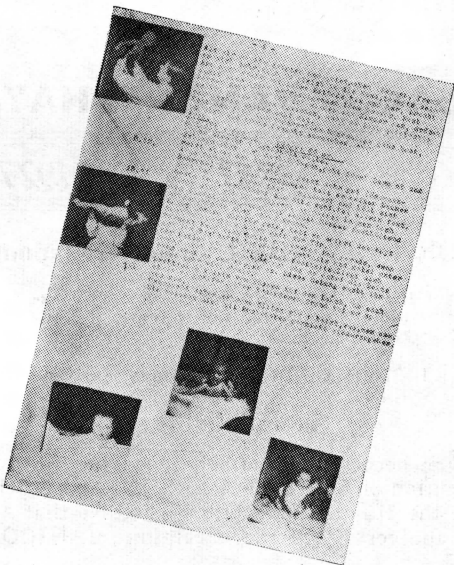
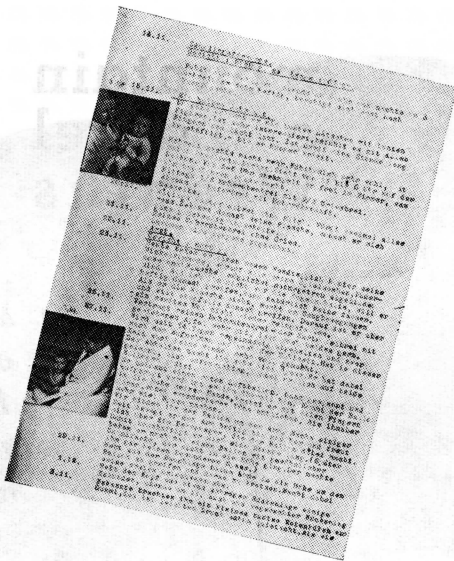
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(wife of one of the Gallup miners, serving 45-60 years at hard labor in New Mexico.)

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REUEL STANFIELD, No. 58034
(one of the Modesto boys.)



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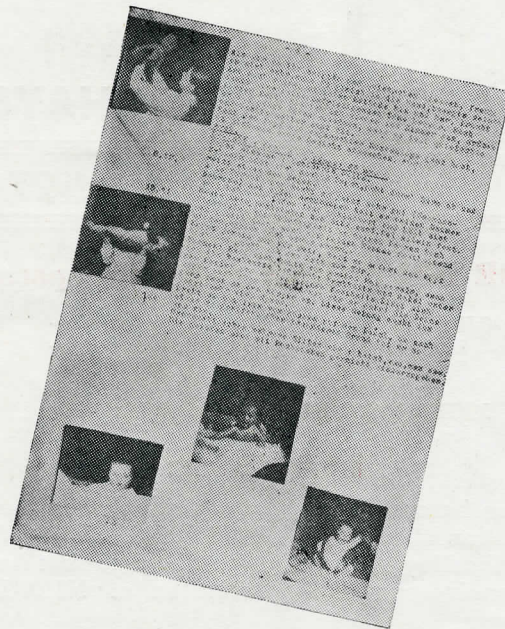
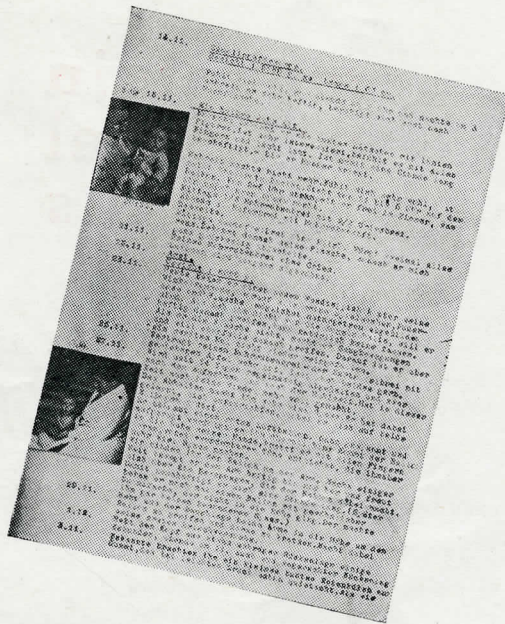
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