

CONCLUSION OF CANNON'S TESTIMONY

— See Page 2 —

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WAR REINSTATES 1917 ESPIONAGE ACT

USSR Faces War On Two Fronts

Pressure On Stalin to Open War On Japan;
He Tries to Resort to Policy of Evasion

By JOHN G. WRIGHT

As a consequence of the extension of the second World War to the Pacific, the Kremlin which has been clamoring so loudly for a "second front" in the *west* is now faced with the prospect of having to wage war on a *second front in the east*.

To be sure, the Kremlin has signed a treaty of "non-aggression" with Japan. The latest dispatches from Kuibyshev indicate that the Kremlin hopes to evade being drawn into the conflict through diplomatic maneuvers. A. T. Steele cables from Kuibyshev as follows:

"Allied diplomats here are eagerly awaiting clarification from Moscow of the Soviet government's policy on the Pacific war. Up to now the Soviet policy has been one of aloof neutrality based on the Russo-Japanese pact of April 13. Russia has done everything possible to avoid a conflict on her Far Eastern front. The Russians are proceeding with extreme caution." (N. Y. Post, Dec. 9, 1941).

But how is it possible now to continue this "policy of aloof neutrality"?

JAPAN'S POSITION

So far as Japan is concerned, the logic of her position calls for an eventual assault upon Vladivostok and the Maritime Provinces. It is impossible for Japan to conduct the war in the Pacific without safeguarding its flank. The very threat that Vladivostok can be used as an air and naval base against Japan calls for "preventive" military action. Naturally, the Japanese militarists want to choose their own time for this crucial move. The arena for Stalin's diplomatic maneuvers is thus restricted not only by his "democratic" allies, but also by Japan herself.

It is therefore clear that far from being strengthened by the latest development of events, the USSR has been gravely weakened.

The idea propagated by the Stalinists that the extension of the imperialist war would aid the defense of the USSR has now boomeranged on Stalin.

On the day before the outbreak of war in the Pacific, Carroll Binder, the editor of the Chicago *Daily News Foreign Service*, wrote:

"If Japan starts hostilities in the Pacific, Russia will play an

(Continued on Page 5)

Nazis Given Free Speech, Labor Leaders Denied It

NEWARK, Dec. 8. — The New Jersey State Supreme Court on December 5 reversed the convictions of nine members of the German-American Bund, pro-Nazi organization, who had been prosecuted under the state's "race-hatred law" for inciting "hatred, abuse, violence or hostility" against racial and religious minorities.

Mere utterances of opinion, no matter what their character, cannot be considered criminal, declared the court, ruling the "race-hatred law" a violation of both the state and federal constitutions.

"To make the speaker amenable to the criminal law, his utterances must be such as to cre-

ate a clear and present danger that will bring about the substantive evils to society that the State has the right to prevent," declared the court.

The doctrine of "clear and present danger" was enunciated by such eminent liberal United States Supreme Court justices as Holmes and Brandeis.

This is the doctrine repudiated by Attorney-General Biddle and the prosecution in the Minneapolis "sedition" trial in which eighteen labor leaders were prosecuted and convicted on the basis of the infamous Smith "Gag" Bill for ADVOCACY of the desirability of overthrowing the government by force and violence." The prosecution, unable

to show evidence of any overt act in furtherance of this alleged end or that the defendants' activities and utterances were a "clear and present danger" to the government, in order to get a conviction, denied the validity of the traditional doctrine of "clear and present danger."

Thus a State Supreme Court, in a state dominated by the most reactionary Republicans and Boss Hague Democrats, argues the doctrine of "clear and present danger" in granting free speech even to Nazi agents. But the Department of Justice rejects this doctrine in prosecuting working-class leaders for their militant defense of the interests of labor.

The first appeal of the defendants goes to the U. S. Circuit Court of Appeals which may, in view of the challenge as to the constitutionality of the Smith "Sedition" Act of 1940, pass the case directly on to the United States Supreme Court. This is the first conviction under this law.

Tonight the 18 convicted and their fellow-defendants — 28 were originally on trial — gathered together for their final dinner in the commissary maintain-

SIX OF THE DEFENDANTS CONVICTED



Reading left to right, top row: Farrell Dobbs, James P. Cannon, V. R. Dunne. Bottom row: Albert Goldman, Grace Carlson, Felix Morrow.

Judge Sentences 18 Minnesota Defendants

Four N. J. Unions Aid Defendants

Four more New Jersey CIO unions have voted their support to the 18 labor defendants in the Minneapolis trial.

Steel Workers Organizing Committee Lodge 1833 — the Worthington Pump local in Harrison — voted to send \$25 to the Civil Rights Defense Committee.

Local 1339 of the SWOC — Jersey City Crucible plant — has donated \$15.

The United Auto Workers local in L.A. Young Spring and Wire Co, Trenton, donated \$5.

Local 402 of the United Electrical, Radio and Machine Workers union in Newark also sent a \$5 check to the committee.

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James P. Cannon, On Witness Stand, Tells Jury About Origin And History Of The Workers Defense Guards

The last two issues of THE MIGTANT printed the testimony of James P. Cannon on the witness stand at the Minneapolis "seditious conspiracy" trial. Under direct examination from Albert Goldman, chief defense counsel and himself one of the defendants in the case, Comrade Cannon told of the formation, activities and principles of the Socialist Workers Party.

One of the charges against the defendants was that they had helped to organize a Workers Defense Guard in Minneapolis. The prosecution contended that the purpose of this Guard was to help overthrow the United States Government, while the defense maintained that it had been organized to protect the Minneapolis drivers union hall and officials against attacks by the Silver Shirts and other fascist groups. The testimony of Comrade Cannon on this page opens with an explanation of this question.

At noon, Nov. 21, Cannon finished his direct testimony, and cross examination by Assistant Attorney General Henry Schweinhaut was opened. In the words of Felix Morrow, "The spokesman for capitalism and the tribune of the people crossed swords."

The technical rules of the court were all in favor of the prosecutor. He could ask questions well-night at random, shifting from subject to subject, filling his questions with broad innuendos in an attempt to prejudice the jury against the defendants. He could interrupt Cannon at almost any point, and he did, seeking to break down the effect upon the jury of what Cannon was saying. He suddenly produced, torn out of context, sentences and half sentences from Marx, from Lenin, from Trotsky, from the 1929-1941 files of the Trotskyist press, from forgotten pamphlets — and demanded that Cannon answer, yes or no, whether he agreed with the quotations.

Yet, despite all these advantages on the side of the prosecutor, Schweinhaut was worsted in the great debate. . . . It was not mere debating skill that enabled Jim Cannon to

WORKERS DEFENSE GUARD IS NOT A NEW IDEA

Q: Will you tell the court and jury the position of the Socialist Workers Party on Workers' Defense Guards?

A: Well, the party is in favor of the workers organizing defense guards wherever their organizations or their meetings are threatened by hoodlum violence. The workers should not permit their meetings to be broken up or their halls to be wrecked, or their work to be interfered with, by Klu Klux Klanners or Silver Shirts or fascists of any type, or hoodlums, or reactionary thugs, but should organize a guard and protect themselves where it is necessary.

Q: How long ago was the idea of a Workers Defense Guard first put forth by the group of which you are a member?

A: Well, I may say that I have known about this idea, which we didn't invent at all, all my thirty years in the labor movement. I have known about the idea of Workers Defense Guards and seen them organized and helped to organize them more than once long before I ever heard of the Russian Revolution.

Q: And did the Trotskyist group ever start organizing these guards before it became the Socialist Workers Party?

ATTACKS BY STALINIST HOODLUMS

A: Yes, in the first year of our existence, in 1929. The Communist Party, the Stalinists, tried to break up our meetings by hoodlum violence. They did break up a number of meetings and we reacted to that by organizing a Workers Defense Guard to protect our meetings, and invited to participate in this guard not only Trotskyists, but other workers' organizations which were also being attacked by the Stalinist hoodlums.

Let me explain this. The Stalinists had a system in those days of trying to break up meetings of the Socialist Party, of the I. W. W., of a group called the Proletarians, of anybody who didn't agree with the Stalinists. They tried the Stalin game of breaking them up, so in self defense, without any theory from anybody, we reacted by organizing Workers Defense Guards to protect our meetings. And I may add, parenthetically, we protected them so well that we put a stop to that monkey business at the cost of a few cracked heads, which I personally greatly appreciated in those days.

Q: I show you a volume of The MIGTANT, marked 1928 and 1930, and ask that you refresh your recollection from that volume, and tell the jury on what occasions Workers Defense Guards were organized by the Trotskyist group. Just read the item, and then tell the jury, without reading the item to the jury.

A: The first one is dated January 1, 1929. It refers to a meeting addressed by me in New Haven, Connecticut, under the title, "The Truth About Trotsky and the Platform of the Opposition." It is a news account of the meeting.

Q: Well, Mr. Cannon, just read that and then tell the jury what you remember about that incident.

A: Well, I remember it very well, because they sent a gang of hoodlums to the meeting and they broke it up and didn't permit me to continue my speech, and created a fight, and in the midst of the fight the police came to the hall and declared the meeting dissolved. That is a report of a meeting in the Labor Lyceum at New Haven, Connecticut, December 21, 1929.

Q: And did you subsequently organize any Defense Guards to protect your meetings?

A: Yes, in the same account is the report of a second meeting held in Philadelphia on December 27th, with Max Shachtman as the speaker, and it states there that, profiting by the experience in New Haven, they organized a Workers Defense Guard which came and protected the meeting, and the speaker was allowed to continue without disruption.

GROWTH OF FASCIST MOVEMENTS BEFORE THE WAR

Q: Now, with reference to the Workers Defense Guard advocated by the Socialist Workers Party, what formal action did the party take at any time?

A: Well, in this later period of 1938 and '39, in some parts of the country we were confronted with an incipient fascist movement. Different organizations with different names began preaching Hitlerite doctrines in this country, and tried to practice Hitlerite methods of physical intimidation of workers' meetings, of Jews, Jewish stores, and suppressing free speech by violent methods.

In New York it became a rather acute problem. The various Bundists and associated groups in New York developed the practice of breaking up street meetings when either our party or some other workers' party would attempt to speak under a permit given by the city authorities. They had a habit of going around and molesting Jewish storekeepers, picketing them, and beating them, and challenging them to fight, and so on.

There was an organization rampant at that time called the "Silver Shirts". I don't recall them in New York, but at various points in the West and Mid-West.

Q: Do you recall the Christian Front?

THE CHRISTIAN FRONT AND BUNDISTS

A: Yes, in New York the Bundists and the Christian Front,

They Were Formed To Protect Workers' Parties And Unions Against The Attacks Of Fascists And Hoodlums



James Cannon, National Secretary S.W.P. and Felix Morrow, Editor of THE MIGTANT.—(Minn. Morning Tribune Photo)

triumph over the Assistant U. S. Attorney General. Mr. Schweinhaut was undoubtedly the best that Attorney General Biddle and official Washington could produce for this unsavory assignment. But the prosecution founded on the rock which splits all frame-ups eventually: the rock of the truth."

THE OPENING OF THE CROSS-EXAMINATION

Q: Did you ever hold a meeting where you spoke where Workers Defense Guards protected the meeting?

A: Yes. Here in The MIGTANT, (indicating) under date of January 15, 1929, which reports a meeting addressed by me in Cleveland, Ohio, on the same subject about which I was speaking then, "The Truth About Trotsky and the Russian Opposition," and the account in the paper tells about a gang of Stalinists who came there and tried to disrupt the meeting, and heckled the speaker, and they began to try violence —

Q: You were the speaker, were you?

A: I was the speaker, and I recall very well that I stood there waiting to be protected by a guard which we had organized, and the report says that the Workers Guard, under the leadership of Elmer Boich, finally formed a flying wedge and put the disrupters out of the meeting, and the speaker was allowed to continue to the end.

Q: And subsequently to that, did you ever speak at meetings where Workers Defense Guards were organized to protect those meetings?

A: Yes, here is a report in The MIGTANT of February, 1929, and it tells about two meetings addressed by me in the city of Minneapolis.

Q: And do you remember what happened at those meetings?

A: Yes, the first meeting we attempted to hold in some lodge hall here — I forget the name, A. O. U. W. Hall, it is reported here — I recall at this meeting, before the meeting started, a gang of Stalinist hoodlums invaded the meeting and attacked Oscar Coover with blackjacks, where he was standing at the door taking tickets, I think, and forced their way into the hall before the crowd had come, got front seats, and then as the crowd came in and I went to the front and tried to speak, they got up and interfered and heckled and disturbed and disrupted the meeting until it finally ended in a free-for-all scuffle, and I didn't get a chance to make my speech. Then this account here tells —

Q: Well, what do you remember?

A PREVIOUS GUARD IN MINNEAPOLIS

A: Yes, it is reported here in this issue of the paper that we then went to the I. W. W. Hall here — that is, another radical organization which we are not affiliated with, but who had also suffered from these Stalinist tactics, and asked them if they would cooperate with us in organizing a guard to protect the meeting, so that I could speak on the subject that I was touring the country then on, "The Truth About Trotsky and Our Platform." They agreed.

We formed a Workers Defense Guard in Minneapolis in January, 1929, and the I. W. W. gave us the use of their hall, They had a hall of their own somewhere down here on Washington Street. We advertised the meeting widely and announced that this meeting was going to be held under the protection of the Workers' Guard. And I personally know that there was such a guard, that they equipped themselves with hatchet handles, and stood along the side of the hall, and stood out in front, and announced that nobody should interfere with this meeting. I spoke for about two hours there without any interference, under the protection of that Workers Guard.

Q: So that you can say from your knowledge that the Workers Defense Guard —

A: There are more news accounts here, if you want them.

That was a period until we finally established our right to be let alone, and then there was no more need for the guard, and we dissolved.

For example, in Jersey City picketing was denied by these means and the right to strike infringed upon — very serious questions of the invasion of civil liberties by unofficial bodies.

Basing ourselves on the experiences of the German and Italian fascist movements, which began with gangs of hoodlums and ended by destroying completely the labor unions and all workers' organizations and all civil rights — we came to the conclusion that the fascists should be met on their own ground, and that we should raise the slogan of Workers Defense Guards to protect workers' meetings, halls and institutions against hoodlum violence by the incipient fascists.

We discussed that with Trotsky; his part in it was primarily

an exposition of the development of the fascist movement in Europe. I don't recall now whether he originated the idea, but at any rate he heartily seconded it, that our party should propose that the unions, wherever their peace was menaced by these hoodlums, should organize Workers Defense Guards and protect themselves.

Q: And did the unions follow the advice of the party?

UNIONS DISCUSS THE PROBLEM

A: Well, I recall that we organized, in cooperation with some other radicals and some Jewish people — even some Jewish Nationalists who didn't agree with our Socialist program, but agreed on defending their human rights to live — we formed at that time a Workers Defense Guard in New York. To protect not only the meetings of our party but of any organization menaced by these hoodlums. To protect citizens from molestation in the Bronx, where these hoodlums were intimidating and insulting Jewish people. This guard had several scuffles and fights with these gangs.

Then conditions in the country began to change. The economic situation in the country improved a bit. The question of the European war began to absorb attention, and take it away from these provincial American Hitlers. The fascist movement dropped into passivity and our Workers Defense Guard in New York didn't have anything to do and it just passed out of existence. In Los Angeles, if I recall correctly, there was a similar experience.

Q: Did any International trade unions ever adopt that idea, as far as you know?

A: I don't know. I know the question was raised in the Garment Workers Union, which had a double concern about the matter because, first, as a labor union they were menaced by the growth of fascism, and second, a large percentage of their members are Jews who are considered proper victims by these

hoodlums. A resolution was passed in favor of the idea in one of the garment locals in New York, and was referred then to the International Executive Board for consideration, and some correspondence and some interviews between our comrades who had sponsored the idea and the officers of the International Ladies Garment Workers Union took place. I don't think it developed any further, either positively or negatively, because the fascist movement subsided and the issue got cold.

WHAT HAPPENED TO THE GUARDS

Q: So that the issue of the Workers Defense Guard died down because a change of conditions occurred?

A: Yes. We retained the proposal for Workers Defense Guards in our program. I believe it is on the editorial page of THE MIGTANT as one of the points we are proposing as a practical program.

Q: And it becomes vital especially in view of a possible fascist movement in our country?

A: Yes. At that time our paper was full of stories and articles about the Bundists and the Christian Fronters, and so on, but if you look over the files, they show a gradual recession of reports about fascist violence. And the question of the Workers Defense Guard left the pages of the paper and is only occasionally raised there now in a slogan.

(Defendants' Exhibit H was marked for identification).

THE WITNESS: (Continuing): — I might add, Mr. Goldman, that so far as I know, there doesn't exist now any functioning Workers Defense Guard in any part of the country that our members are associated with, not to my knowledge. But we retain the idea for practical education in case the unions should again encounter the experience of those days.

MR. GOLDMAN: I offer in evidence, Your Honor, Defendants' Exhibit H-1 to H-5, inclusive, being a copy of a resolution entitled "Convention Resolution on Workers Defense Guard," published in the Socialist Appeal of July 7, 1939.

THE COURT: It will be received.

MR. GOLDMAN: I do not intend to read it, because the witness made an exposition of it.

You can take the witness.

THE COURT: I think we might recess at this point.

(AFTERNOON RECESS)

NEXT WEEK:

THE MIGTANT will carry a section of the brilliant final argument to the jury made by Albert Goldman, chief defense counsel and leading defendant

THE OPENING OF THE CROSS-EXAMINATION

By MR. SCHWEINHAUT (Prosecutor):

Q: Now, you stated on direct examination that the expropriation of private property, without compensation, was not a principle of the Socialist Workers Party, but I want to read to you from the Declaration of Principles this sentence, and ask you a question about it:

"The most important of the social economic measures to be taken by the workers' state in its initial period is the expropriation and socialization, without compensation, of all monopolies in industry and land, or mines, factories, and shipping, all public utilities, railroads, airplane systems, and other organized means of communications, all banks, credit agencies, and gold stores, and all other supplies and services that the revolutionary government finds it necessary to take over in order to lay the foundations of a socialist society."

What have you to say about that, Mr. Cannon?

A: If I remember correctly, I said it is not a principle of Marxism that property taken by the government cannot be compensated for.

Q: Are you quite certain you were discussing Marxism as distinguished from the program of the party at the time?

A: I think I referred to Marxist authorities. I had in mind particularly the authority of Trotsky.

Q: Well, in any event, it is a principle of the Socialist Workers Party that such property shall be taken without compensation?

A: That is in the Declaration. But it is not a principle.

Q: Would you mind explaining why the present owners of the property, who have acquired their ownership, at least, by constitutional means, would be given nothing for it? Why is that principle embodied in the program of the party?

A: The Sixty Families who own the bulk of the industries and banks of America are not rightfully entitled to so much ownership and power over the lives of the people who produced this property by their labor.

Q: You would give them, then, no credit for their own industry and effort, education, intelligence —

A: Yes, I would give them the same credit that every citizen will have who participates in the production of the wealth of the country — that is, the opportunity to function in the new society on the basis of equality.

Q: Yes. But I am talking about the time when you take the power and with it the property, as of that time you would take it over without any compensation, and I ask you, therefore, why you do not at that time take into account the effort, the industry, the intelligence, and I might add, the risk of loss, that has been constantly present, of those people?

CONCERNED WITH WELFARE OF THE MASSES

A: What we are concerned with is the welfare of the great

THE ROLE OF AMERICA'S SIXTY FAMILIES

Q: Well, now, you would expropriate the property, not only of the Sixty Families, but of anyone who owns property in a large measure, is that correct?

A: Our program specifically excludes the expropriation or interference with small proprietors. We speak of people who have big holdings and exploit labor. Their property shall be transferred to the ownership and control of the public as represented by the Workers' and Farmers' Government.

Q: Where did the term "Sixty Families" originate?

A: To my knowledge, it first came to public attention through a book written by a brilliant journalist named Ferdinand Lundberg.

Four or five years ago Mr. Lundberg conducted researches into the ownership and control of American industry, banks, and so forth. Out of an exhaustive research he produced a remarkably documented book entitled, "America's Sixty Families," in which he set out facts and figures to prove that the decisive control of American industry, banks, and other institutions which represent the real economic wealth and power of this country — that this is concentrated in the ownership and control of sixty families whom he listed.

Mr. Lundberg's work, as far as I know has never been seriously contested. I recall that even such a representative figure of the present Administration as Secretary Ikes spoke on the radio and referred to this book as authority for some position

he was taking in a current political dispute.

Q: Now, then, you have used the term, when you use it in the party literature, literally then, have you not, having specific reference to sixty specific families?

A:

Schweinhaut Asks About The Sixty Families

Inquires What Will Happen To Them In A Workers State

(Continued from page 2)

Q: And then, in order to suppress the capitalists, should they resist you, it follows, of course, that you must suppress the government?

A: We are going to change the government.

Q: So you are going to suppress the Government as a natural concomitant of the transaction of suppressing the capitalists. That is correct, isn't it?

A: After we get the majority and get the power — if that power comes into our hands by peaceful, democratic processes, in that case we will radically change the whole structure of the government, reorganizing it on a basis of council representation, as I described this morning.

Q: Well, now, suppose the Government doesn't follow the example of Count Karolyi and turn it over to you. Then you are going to take it, aren't you?

A: You mean if they resist a majority in a democratic election?

Q: Oh, you are going to do it by election?

A: We are participating in elections all the time. All that we have said is that the ruling class of this country will resort to violence before there is a fair opportunity to test the majority or the minority in the democratic process.

Q: Well, now, tell us how you think that is going to come about and work out here in this country. Don't, for the purpose of that question, if you please, use the illustration of any other

HOW THE BOSSES WILL TRY TO STOP US

A: As our party grows, it in itself will be a reflection of the growth and development of the broad labor movement, the trade unions. The unions will be pushed more and more along the lines of aggressive action, because the capitalists of America don't think the workers are entitled to decent living and decent hours and will try to squeeze the workers down.

The capitalists will try to use the pretext of "National Defense" and the war danger to deprive the workers of the right to strike. And once they have deprived the workers of the right to strike on so-called patriotic pretexts, then the capitalists will begin squeezing down wages and refusing concessions, and pushing the workers on the road to a more radical attitude toward the state of affairs, and our party will grow with that.

The next thing that will probably appear on the horizon is attempts of these Sixty Families and their supporters to stop the popularizing of ideas inimical to the capitalists, and to check by legislation the organization of the workers. You have the beginning of it here in Minnesota with the Stassen Anti-Strike Law.

They will begin arresting people for expressing their honest opinions, and putting them in jail, framing them up. They will begin organizing bands of fascist hoodlums as, in Germany, Fritz Thyssen, the big steel magnate, confessed that he gave millions of marks to finance the organization of Hitler's hoodlums. The task of Hitler's hoodlums was to go around breaking up workers' meetings, and by violent assaults depriving the workers of their civil liberties and democratic rights.

Q: The capitalists will use legislation?

A: Yes, legislation violating the first amendment of the Constitution which prohibits this kind of legislation.

And in this situation they will go through the war. They won't stop with any army of a million and a half; they will organize an army of five million. They will send millions of American boys abroad for imperialist war adventures to protect their markets and their profits. Lives will be lost. Conditions at home will grow worse, because all this sixty to one hundred billions of dollars that they are appropriating for the wasteful expenses of war has got to be paid for by somebody and they will try to make the masses and the poor farmers pay it.

Misery will grow and increase, and demands will grow in this country, among people who want freedom and a right to live, for some way out of this madhouse of war and unemployment and growing fascism.

WE WANT RIGHT TO ADVOCATE OUR IDEAS

Q: Will this be during the war now, this part in your story?

A: Well, it can happen during the war, if the war is prolonged. Or it can happen in a catastrophically rapid manner at the end of the war, when millions of men return home from victories or defeats, as the case may be, to find no jobs waiting for them, and the whole economic prosperity of the day is exploded because it is based on the production of armaments.

The moment they stop building battleships and bombers and guns and ammunition, and all the other implements of war, you will have an army of fifteen to twenty-five million unemployed in this country. The small business men will be ruined and the farmers who have been in a chronic crisis for twenty-five years will have still worsened conditions.

The people of this country are going to begin thinking seriously then about finding some kind of a political solution for

REACTIONARY LEGISLATION AND FASCIST VIOLENCE

Q: How are they going to stop you from doing that — won't they let the people vote?

A: They can stop it in various ways.

Q: How are they going to do that?

A: They can abrogate elections.

Q: Tell us about that, please.

A: That has been done, you know, so many times and in so many countries, that there is nothing novel about it.

Q: How are they going to do that?

A: By cancelling elections; and you know, we are not the only ones who anticipate such possibilities.

Q: You mean, they are just not going to permit any elections to be had?

A: Even such a public figure as Lindbergh has raised the question seriously whether there will be Congressional elections permitted in 1942. I think he is ahead of time, but it is not necessarily a Trotskyist idea that they will stop elections.

Q: Possibly I haven't made myself clear. I am trying to find out now, how the capitalists are going to prevent you from being elected into office? You said there were several ways they could do that. One of them is to abrogate elections. Now, I ask you what you mean by that? Do you mean that the capitalists will not permit any elections at all to be held?

A: That is possible, yes.

Q: Is that one way you think you are going to be prevented from being elected into office?

A: That is one way, yes; that has been done.

Q: Here?

USE OF REFERENCE TO OTHER COUNTRIES

A: Not here yet, no. In France, the Pétain government wasn't elected and doesn't permit any elections to test it. They put an end to the democratic parliament. I personally think that —

THE COURT: I think, Mr. Cannon, you ought to stick to the text suggested by the question. We are not interested in elections in France at this stage of the proceeding.

Q: (By MR. SCHWEINHAUT): Now, I don't want to pro-

revolution. But how do you think it is going to work out here? Let me suggest your train of thought upon that: You say that if they resist an election, or something of that sort — tell us what you mean by that; give us the program as you envision it.

A: As things are going now, and as they conceivably can in the near future, we, as a minority party, will keep preaching our doctrines, recruiting members, doing our best to grow bigger, more popular, and get more support.

HISTORIC DEVELOPMENTS ON OUR SIDE

Naturally, if we have to rely solely on the effectiveness of our arguments, things remaining as they are, we will not grow very fast; but we, as Marxists, believe that historical development will come powerfully to the aid of our ideas. Continued bankruptcy of the present system, its inability to solve its problems, its worsening of the conditions of the people, will push them on the road in search of a solution of what seems to them an absolutely hopeless situation.

Under those conditions our program can appear to the people more and more plausible, more and more reasonable, and we can begin to become a stronger party. It has happened before with parties of similar ideas.

Q: I understand now; you are doing all right. But understand that I want you to tell us how you think it is going to work out in this country.

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We Will Resist Attempts Of The Capitalists To Suppress Our Ideas And Institute Fascism

(Continued from page 3)

Q: What do you mean by "control over officers exercised by the ranks?"

A: We are in favor of the ranks having the privilege of electing their officers in the military establishment, the same way they have the privilege of electing their city officials in civil life, or their union officials in the unions. We believe that on the whole they would get a better grade of officers, and one in whom they would put more confidence, than by having officers imposed upon them. You will get a better discipline because of the democratic right granted to the rank and file to select their officers.

Q: Now, will you have a sort of political commissar, if that is the proper word, which would have control over the officers in the army?

A: Well, that all depends on whether the officers are considered reliable or not.

Q: They had it, I believe, did they not, in Soviet Russia?

A: Yes, in the army after the revolution they had a lot of officers trained in the Czarist regime.

Q: Would that be what you mean by democratic control of the officers?

THE QUESTION OF POLITICAL COMMISSARS

A: No, no, that is an entirely different thing. By democratic control of the officers, we mean the right of the ranks to elect them and to recall them.

Q: But would you have any representative of the state administrative office, or whatever you call it, with the troops, and in control of the officers?

A: You are speaking of the institution of commissars in the Russian army?

Q: I don't know whether I am or not. I am asking you.

A: I will explain that, but that is a different point. In the reconstituted army, organized by Trotsky after the revolution, they naturally had to rely on tens of thousands of officers who had been trained under the Czarist regime. The workers had had no chance to train any of their people to be officers. Many officers rallied to the support of the Soviet government, for various reasons. Some of them became converted to the revolution. Others remained hostile to the revolution but were patriotic to the country, and were willing to fight to defend it against the interventionists. Others reconciled themselves to reality, and made the best of it.

But many of them, naturally, were considered politically unreliable. The control exercised by commissars over them was not a control from the ranks such as we propose by election. This was control from the top by the government. The commissar was appointed as a trusted representative of the central government to work with the officer and see that he conducted himself loyally. That is what was worked out in life in the Russian experience.

We haven't even mentioned it in our program, because we don't know what will happen here.

I should add that insofar as these officers became assimilated into the new regime, and new officers were trained, the necessity for the commissar over the officer of doubtful loyalty was eliminated, and to that extent the institution was reduced.

Q: I would like to know whether or not having those political commissars is embraced within the program of the Socialist Workers Party?

A: No, I don't think it is stated in our program.

Q: I am asking you.

A: No, it is neither incorporated nor rejected. It is one of numerous ideas that remain to be answered.

Q: They had the same system in the Spanish Civil War recently, didn't they?

A: To some extent they did, yes.

EXAMPLE OF NEED FOR MILITARY TRAINING

Q: Will you explain to us a little bit, or use the Spanish Civil War as an illustration of the desirability of your own program that there be training under trade union control and that

SCHWEINHAUT READS SOME QUOTATIONS

November 21, 1941
10:00 o'clock a. m.

JAMES P. CANNON

One of the defendants, previously sworn, recalled, testified as follows:

CROSS EXAMINATION

By MR. SCHWEINHAUT:
Q: Mr. Cannon, I want to read to you a clause from the "Communist Manifesto," about which Mr. Goldman interrogated you on Friday or whenever it was: "The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions." Does that represent the Party's view or not?

A: Insofar as it is incorporated in the Declaration of Principles it does. We have interpreted that, as all other Marxist writings, in our own way, as it appears in the Declaration of Principles.

Q: You will agree, will you not, that, taken as it stands, and without anything else, it amounts to advocacy of the overthrow of the Government by force?

A: No, I do not interpret it that way.

Q: You do not agree that that is what that means?

A: We do not interpret it that way, but in the Declaration of Principles —

Q: I am asking you whether or not, taking this language alone, and without anything else, do you not agree that it amounts to advocacy of the overthrow of Government by force?

A: No, not necessarily because the authors of that same document, in the statement that I cited the other day, stated specifically that they thought their aims could be attained, at least in England, by the process of parliamentary democracy.

Q: Now, you know that that is not in answer to my question, don't you, Mr. Cannon? Let me ask you this, please: Taking that language which I just read to you alone, and without anything else, don't you agree that it amounts to advocacy of overthrow of Government by force?

A: No, I don't think so, because the authors themselves have interpreted it differently at least in the case of England.

Q: All right — we will let that go. When you give out the "Communist Manifesto" to your members, do you caution them against that sentence?

A: I don't know, particularly, that we do. We publish it as a historic document, 98 years old.

Q: You would expect the members of the Party, when they read that, to understand when they read it, that it does not represent the views of the Party, and that it does not advocate overthrow of Government by force?

A: We expect the members of the Party to be governed by the Declaration of Principles.

REFORMS AND REVOLUTION

Q: Now, I wish to read to you from the "Founding Conference of the Fourth International," where I find this phrase: "The strategical task of the Fourth International lies not in reforming capitalism but in its overthrow." Doesn't that mean that

sort of thing? Will you elaborate on that for us a little bit?

A: I mentioned that the People's Front coalition secured a majority in the elections. The reactionary minority then revolted and started a rebellion by armed force, taking with them a considerable section of the staff of the army.

On the other hand, as is nearly always the case, a section of the staff remained loyal to the legally constituted government. A large section of the ranks remained loyal to the government, as was the case here in our Civil War — there was a division in the army.

The workers previously had clamored for arms, but the Popular Front government had refused to give them arms, and delayed so long that the workers hadn't acquired any training in the use of arms. That is one of the reasons for the victory of fascism in Spain.

The workers' organizations were the most aggressive opponents of the fascists. Our party in Spain, while it did not give political support to the People's Front government, did support and participate in the military struggle to beat back the fascists, fought in the army side by side with the republicans and democrats and so on.

The unions and workers' organizations found that they could organize and equip and put men in the field far better through their own machinery than they could through the People's Front government. The powerful unions there organized their own regiments. The political parties organized their own regiments, and they were incorporated in the fighting lines side by side with the republicans and the official forces, and fought together. Without them, a serious military struggle wouldn't have been possible in Spain.

If the workers of Spain had had opportunity for military training in the previous years, particularly had they had a chance to train men to be officers, I think it is quite possible that the military outcome in Spain would have been different.

Q: Let me ask you this: The Loyalist Army during the war had adopted, had it not, a theory of democratic control over officers and election of officers somewhat like that advocated by your party?

A: I believe to a certain extent that prevailed at first in some of the regiments controlled by the unions. Whether it prevailed in the army as a whole, I don't really know. I am not acquainted with sufficient intimacy with the military side of the Spanish Civil War to know that.

THE ELECTION OF OFFICERS

Q: Your party believes that the present army of the United States should be run that way, doesn't it?

A: Yes, we believe the ranks should have the right to elect their officers.

Q: Right now?

A: Right now.

Q: And in the event we get into the war?

A: Yes, all the more so then, because then it is all the more important to the ranks of the soldiers to have officers that they want and that they can trust because they are going into dangerous situations. It is a very, very unhappy business to be sent into danger of one's life under officers who are not trusted.

Q: Your party members are instructed, are they not, to continue to be faithful to the party principles and theories after they are inducted into the Army?

A: They are not instructed, but it is taken for granted that a man who is educated in our movement never forsakes his principles under any circumstances.

MR. SCHWEINHAUT: Would your Honor be willing to suspend at this point?

THE COURT: Ladies and gentlemen of the jury, tomorrow is Thanksgiving Day, and we shall observe it. I hope you have a pleasant day and a comfortable one.

You will please keep in mind the admonitions of the court.

We will recess now until ten o'clock on Friday morning.

(Whereupon, at 4:35 o'clock P. M., a recess was regularly taken until 10:00 o'clock A. M., Friday, November 21, 1941).

WHAT WE MEAN BY 'GOOD SOLDIERS'

Q: Do you mean by that statement that your people, when inducted into the army, would be good soldiers?

A: Yes.

Q: And that they would seek to further the military efforts of the United States?

A: We say that our people must be good soldiers in the army, in the same sense that they are good workers in the factory, and good unionists in the union. Otherwise, they could not possibly have any influence over their comrades.

Q: How can you reconcile that statement with the statement appearing in the Socialist Appeal of August 1, 1939: "A Socialist who preaches national defense is a petty bourgeois reactionary at the services of a decaying capitalism." How do you reconcile your previous answer to my question, with the statement made there?

A: We are not in favor of defending the present regime. We are opposed to the present regime.

Q: And your members who are soldiers in the army, when they are inducted into the army, will be opposed to it?

A: So far as their ideas are concerned, yes, so far as their expression of opinion is concerned, insofar as they are permitted to express their opinion.

We do not believe in capitalist authority and direction in the factory, either, but as long as we are in the minority and cannot prevent it, we work in the factory, and insist that our people be good workers.

A: And while you are working in the factory, you try to do everything you can to fight against the bosses?

A: We do everything we can in the way of explaining and propagandizing to our fellow-workers the idea that it is better for them to own the factories than to be wage-workers under the control of a private owner.

Q: And personally, you ridicule the idea of defending the United States Government, don't you?

A: In the sense of giving political support to all forms of capitalist government, yes.

Q: I will read from one of your own speeches, and see whether that means political opposition. On November 14, 1939, in a speech of yours, you said —

A: What was the date again?

WHEN WE WILL SUPPORT WAR

Q: November 14, 1939. This speech of yours was reported in the Internal Bulletin, for members only. You said: "Some comrades speak nowadays of giving 'conditional' defense of the Soviet Union. If you stop to think about it we are for conditional defense of the United States. It is so stated in the program of the Fourth International. In the event of war we will absolutely defend the country on only one small 'condition'; that we first overthrow the government of the capitalists and replace it with a government of the workers." Did you mean political opposition by that?

A: I meant, that in that case we would withdraw our political opposition and become political supporters as well as military participants of the war.

Q: Do you think that statement is consistent with what I just read, which was stated by you in your speech?

A: That is what I meant by it. We have never at any time said we would not fight in the army of the United States along-

editorial entitled, "Court Attacks Menace Labor's Right to Live and Fight." It says among other things, "If it is necessary to violate an injunction there should be no hesitation to do so. If it is necessary to disregard a decision it should be disregarded." Doesn't that mean that you do not believe in waiting to get control of the Government, so as to change the system; that you are going to openly resist and defy constituted authority today?

A: I do not agree that that is a correct statement of our policy, and I do not think it is embraced in the Declaration of Principles.

Q: No, it is not, but do you agree with the sentence I read to you?

A: No, I do not agree with that statement.

Q: Then your editors made a mistake when they said that?

A: I think so, yes.

Q: There never was any correction of it, was there?

A: I don't know. I am not familiar with it.

Q: Well now, you have sort of supervisory power over the editorial staff, do you not?

A: Yes, as a member of the Political Committee.

Q: You do not recall any correction of it, do you?

A: I read our press, but not every word of it. I see, quite frequently, items in the paper, which I consider errors in writing, and I know it is impossible to have a paper published under these conditions without careless and foolish statements being made in it from time to time.

Q: And you agree that this is both careless and foolish — is that true?

A: I think so, yes.

Q: Don't you agree that it is entirely consonant and consistent with the general editorial policy of the Party press?

A: Yes, as a member of the Political Committee.

Q: Let me read to you some quotations from the publication "What is Trotskyism," designated as "Outline Course No. 2, by Jack Weber," also distributed by your Party: "To realize socialism, Marxism posits that it is first necessary to destroy the state machinery of the capitalist ruling class: namely, the army, the police and the state bureaucracy." And then: "The policy of Marxism remains that of utilizing the war and the arming of the workers to further the interests of the world revolution, to turn the imperialist war into civil war, to look upon the bourgeoisie at home as the main enemy." And then: "The working class cannot win power by pursuing a policy of pacifism." Doesn't that mean that you and your Party intend, in the forthcoming civil war, if we get into it, to use that means for fomenting civil war?

WE WILL OFFER THE ALTERNATIVE OF SOCIALISM TO WAR

side of the rest of our generation, in time of war. We said, "We will not give political support to war."

Q: Let's see whether your statement in the Declaration of Principles is consistent with what you just said: (Reading) "If, in spite of the efforts of the revolutionists and the militant workers, the U. S. government enters a new war, the S. W. P. will not under any circumstances support that war but will on the contrary fight against it. The S. W. P. will advocate the continuance of the class struggle during the war regardless of the consequences for the outcome of the American military struggle; and will try to prepare the masses to utilize the war crisis for the overthrow of U. S. capitalism and the victory of socialism."

Q: Does that mean that you are supporting the war effort?

A: No, I have never said that we support the war effort. We do not. We oppose it.

Q: And could one of your Party members observe that principle and be a good soldier?

A: He could; he not only could, but he will, in the same way that he can be a good worker in a shop while opposing wage labor in the shop. We cannot prevent it as long as we are in the minority.

Q: The declaration of Principles also says: "The Socialist Workers Party opposes and will continue at all times to oppose every form of social-patriotism, all advocacy of 'national union' or 'suspension of the class struggle' during war time" —

A: That is under conditions of a capitalist government.

Q: You mean under the present conditions in this country today, do you not?

A: That is right.

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Cannon's Testimony Ends With Some History

(Continued from page 4)

work the same way as in a shop. Indeed, the main purpose of industry now is supplying the army. Where would you draw the line? There is hardly an industry that won't be mobilized either for the manufacture or transportation of materials for the army. The masses are in the army, or working to supply the army. The workers are subject to military exploitation. We go in and defend the interests of the slaves of military exploitation, just as we go into the factory and fight against the capitalist exploitation there. Our basic line everywhere is the class line.

The second point is to be careful, cautious. Make no putsches, make no premature moves that expose us and separate us from the masses. Go with the masses. Be with the masses, just as the Bolsheviks were in Kerensky's army. Why can't we do that here? And how otherwise can we do it? How otherwise, in a world dominated by militarism, can we see our way to world salvation except through military means? And how can we get these military means except by penetrating the army as it exists?"

You mean by that, do you not, that you want your members, when inducted into the army service, to preach your doctrines to other soldiers in the army, and thereby defend them against military exploitation by their commanding officers? Isn't that a fair statement of what that means?

FAVOR DEFENDING SOLDIERS' RIGHTS

A: Our Party is in favor of defending the rights of the rank and file soldiers, their democratic rights to decent treatment, their rights to express their opinions and to petition Congress, to elect their officers, at least their lower officers, generally protecting them against capitalist mistreatment.

Q: And that is what you want your members that are in the army now to do, to speak in favor of and to propagate those ideas?

A: Yes.

Q: In the army?

A: In the same way that they do it in the shop.

Q: But you do not think that would obstruct the military effort of the army?

A: If you will read that again you will see that we do not want any putsches. We say to the members "Do not make any putsches, and do not obstruct the army." It is our direct instruction to our people not to create obstruction of the military operation, but to confine their efforts to propagandistic

OUR INDEPENDENT TASKS IN TIME OF WAR

Q: Now, on June 29, 1940, the Socialist Appeal published this from the report of the Manifesto of the Fourth International: "Independently of the course of the war, we fulfill our basic task: We explain to the workers the irreconcilability between their interests and the interest of blood-thirsty capitalism; we mobilize the toilers against imperialism; we propagate the unity of the workers in all warring and neutral countries; we call for the fraternization of workers and soldiers within each country, and of soldiers with soldiers on the opposite side of the battle front; we mobilize the women and youth against the war; we carry on constant, persistent, tireless preparation of the revolution — in the factories, in the mills, in the villages, in the barracks, at the front and in the fleet." You want the soldiers to do that, don't you?

HOW TO END THE SLAUGHTER

A: Yes, I think that is a summation of the idea, for the soldiers and everybody to do that. That is the way to put an end to this slaughter.

Q: And you do not think that promulgating those ideas in the army during the war would obstruct the military efforts?

A: Not in the sense of opening up the front for the advantage of opposing armies, no. We are offering this solution to the soldiers of all the imperialist armies, but it does not mean and could not mean in any sense that we want to sabotage the operation of the American Army in the interests of an opposing army. You will not find it there, or anywhere else in our literature.

Q: Well, that is a difference in points of view. In the Socialist Appeal of March 30, 1940, appears this editor's note in the Workers Forum, which says: "Entering the Army upon being drafted is necessary for our work." What do you mean by that?

A: Is there a connecting sentence with it?

Q: It is from Exhibit 215-A. Mr. Smith will get that for

He Answers Schweinhaut's Attempts To Make It Appear Russian Revolution Was Made By Minority



Roy Orgon and Kelley Postal, two of the defendants who were acquitted, and Farrell Dobbs. — (Minn. Morning Tribune Photo)

work, to gain the sympathy and support of the rank and file masses.

Q: And you believe that your people can propagate that kind of stuff in the army and not obstruct the military efforts?

A: Yes, I think so. I think military life, as a matter of fact, will be a whole lot better, the more the rights and feelings of the rank and file soldiers are considered. The whole conception of militarism based on a rank and file without organization rights, and with arbitrary discipline imposed from above, without any expression of opinion or consideration for the feelings of the masses — we are just as much against that in the army as in the factory or in civil life.

Q: And the way you are talking now is the way you want your members to talk in the army, is it?

A: Each in his own way.

better instructed in tactics and in military arts, the better they will be able to defend their socialist regime against the efforts of the minority reactionaries to overthrow it.

Q: This is the context from the Workers Forum, editor's note, March 30, 1940: "We follow Lenin; we oppose war, not as a measure of self-expression, but as an integral part of our struggle for the overthrow of capitalism. Entering the Army upon being drafted is necessary for our work."

A: For our people, or people under our influence, to refuse to accept conscription, the only thing they would accomplish would be to simply isolate themselves from the generation who are going to decide things in the future, and such individual or minority actions are utterly false and incompatible with the aims of a Party that can only realize its program by support of the majority.

That is why we oppose conscientious objectors, and why we oppose draft-evaders. We oppose all people who try to set themselves up as individuals against the majority. Our policy is to submit to the decision of the majority, but to oppose it in our political activities, to speak against it.

Q: In October, 1938, you made a speech on "Ten Years of the Fight to Build a Revolutionary Party in the United States"

DEFENDING THE LEGALITY OF THE RUSSIAN REVOLUTION

Q: When you were tracing the history of the Russian revolution, you said this: "The Kerensky government was losing ground because it was not solving any problems of the people. The Bolsheviks' slogans of 'Bread' and other slogans — those were the slogans that the masses wanted. The Bolsheviks got a majority in the Petrograd Soviet. On November 7th was held the Congress of the all-Russian Soviets. The Bolsheviks had a majority there, and simultaneously with the meeting of the all-Russian Soviet, where the Bolsheviks had a majority, they took the power from the government." Now, do you want us to understand from that, that the Bolsheviks took power by virtue of a majority vote of the Congress of the Soviets?

A: That is right.

Q: Do you not mean that the contrary was true?

A: No, I do not.

Q: Don't you know that there was a planned insurrection before the Congress, and that the insurrection actually took place before the Congress met?

A: No. The Congress met the morning after the struggle had begun, and confirmed the new government.

Q: The fact is that the insurrection was started and was completed before the Congress ever met, isn't it?

A: No, the power was in the Congress, and the Congress was the real power.

Q: Well, just answer my question, please. Isn't it a fact that the insurrection had been planned and actually carried out

before the Congress ever met?

A: No. The question was submitted to the All-Russian Congress of the Soviets on November 7th. That is why they call it the November 7th Revolution.

Q: Don't you know, further, that Lenin persistently warned against waiting for the Congress and doing it in a legal way?

A: Oh, that was one time that Lenin was overruled.

Q: And who won?

A: Trotsky won.

Q: Isn't it also a fact that Trotsky ridiculed the notion that it was done legally?

A: No, on the contrary, Trotsky commented on the legal sanction of the action by the Soviets. That was why it was delayed to November 7th.

Q: Isn't it also true that he lulled Kerensky into inaction by pretending to wait until the Congress met, so that it could be decided legally who was to take power?

A: He did not pretend to wait. He waited.

SCHWEINHAUT READS FROM TROTSKY

Q: I submit that the contrary is true, in that Mr. Trotsky said so, and I would like to read to you about ten pages or so from the "Lessons of October", and then you can tell me whether I am right or wrong.

(MR. SCHWEINHAUT reads from pages 74 and 80 of Trotsky's "Lessons of October.")

MR. GOLDMAN: I submit, Your Honor, that this book was ruled out of evidence. I have no objection if he wants to read one or two or perhaps three sentences, but to take advantage of cross-examination and put into evidence what the Court has ruled out, I think is going a little too far.

THE COURT: Well, this has to do, I assume, with the dispute between counsel and witness, as to the facts with reference to which the witness takes one position and counsel takes another. Now this is an attempt to impeach the statements of the witness by the means indicated. I assume he has a right to do that. He may continue to read it.

MR. GOLDMAN: Exception.

(MR. SCHWEINHAUT reads pages 80-81 from Trotsky's "Lessons of October.")

MR. SCHWEINHAUT: Now, am I right or wrong, Mr. Cannon, that the insurrection actually started and was concluded before the Soviet Congress put its seal of legality on it?

CANNON EXPLAINS A LITTLE HISTORY

A: If you will permit me, I will show you where you are wrong. You misunderstand the whole thing; my authority for the evidence I gave here was Trotsky. He wrote the most authoritative and authentic history of the Revolution. Perhaps I should mention several things to show where you are wrong:

First, those pages you have read show that there were three different opinions in the Central Committee of the Communist Party. Lenin said they had a majority, and they should take the power without waiting. There was the opinion of Zinoviev and Kamenev who thought the Bolsheviks did not have a majority and should not take the power. And the third opinion was Trotsky's that they could base the assumption of power on the legality of the Soviets.

Second: those pages you read prove that both the Mensheviks and the Bolsheviks derived their authority from the Soviets. In November it became clear that the Bolsheviks had won the majority in the Soviets. Kerensky, who formerly had the majority in the Soviets, prepared to move troops from the capital. What did the troops do? The troops refused to go until ordered by the Congress of Soviets. The Congress of the Soviets convened on November 7th. It was revealed that the Bolsheviks had the majority, and their assumption of power was confirmed.

In this all-Russian Congress of Soviets were present the other parties who had been the majority of yesterday. They spoke and debated there. When the vote was taken, the Bolsheviks had the majority. The Bolsheviks offered to give proportionate places in the government to the other parties. They refused and walked off. The Bolsheviks did, as a matter of fact, incorporate into the government a section of Kerensky's party, the left wing of the Social Revolutionary Party.

It seems to me that here is an excellent illustration of how a revolutionary party, after long propagandistic work, succeeded in a political crisis in winning over to its side a majority of the population represented in the most authoritative body, the Soviets of Workers', Soldiers' and Peasants' Deputies. And the Bolsheviks, adapting themselves to the legality of this authoritative body —

Q: Now, just a minute. Are you still telling us how it occurred, or are you just telling us now that you think it was a mighty fine thing?

A: No, I am explaining the legality of the development, as against your interpretation that it was illegal. And it seems to me —

Q: I don't want your opinion on that. If you want to go on and tell us what happened, all right. Don't characterize it that.

MR. SCHWEINHAUT: That is all.

compendium of anti-free-speech legislation.

YOUNGSTOWN, O.

CRDC MASS MEETING

SUNDAY, DEC. 21

3 P.M.

CENTRAL AUDITORIUM

W. Boardman Street

USSR Faces War On Two Fronts

(Continued from page 1) over this route as well depend primarily on available ships. Any attempts on the Kremlin's part to maintain "aloof neutrality" will in the long run mean a cessation of all material aid. On the other hand, the Soviet Union faces the prospect of fighting on two fronts with the probability of receiving even less material aid in the future than in the past.

The terrible danger which the Soviet Union confronts as a re-

sult of the extension of the war to the Pacific is thus quite obvious. Stalinist policies are incapable of doing anything except aggravating this danger.

Once again, history is reaffirming the fact that only revolutionary policy can save the Soviet Union. A revolutionary appeal to the masses of Germany and of Japan could transform the course of developments literally overnight. Such an ap-

peal would have almost immediate repercussions in the white-hot atmosphere of Japan, whose rulers have gambled everything on a desperate military adventure in order to maintain themselves in power.

To defend the USSR successfully it is necessary to summon the workers and peasants of Europe and Asia to struggle for socialism, the only outside aid that can stop war and save mankind.

18 Convicted Under Smith Act--But Which Section?

MINNEAPOLIS, Dec. 6. — Chief defense counsel Albert Goldman, in a brief oral argument this morning in Federal court for a new trial for the 18 convicted "sedition" trial defendants, presented Judge Matthew M. Joyce with an unanswerable question:

On which of the five charges made in Count 2 of the indictment were the defendants found guilty?

Goldman didn't know and neither did the judge or anybody else; except maybe the jury, and the technicalities of the legal procedure had made it impossible for the jury to report on just what it found the defendants guilty and what not guilty in Count 2.

Here is how this judicial puzzle came about.

The indictment consisted of two counts. On Count 1, based on the 1861 "sedition conspiracy" statute, the jury found all the defendants not guilty.

On Count 2, the jury found 18 of the 23 defendants guilty, and "recommends leniency."

That, however, does not answer the question on which sections of Count 2 the jury found the defendants guilty.

For Count 2 consists of five numbered sections, as follows:

The defendants allegedly conspired to:

1. "Advise, counsel urge" and "distribute written and printed matter which advised, counseled and urged insubordination" in the armed forces.

2. "Advocate, abet, advise and teach the duty, necessity, desirability and propriety of overthrowing the government by force and violence."

3. "Print, publish, edit, issue, circulate, sell, distribute and pub-

lish matter advocating" forcible overthrow of the government.

4. "Organize societies, groups and assemblies of persons to teach" the same.

5. Become members of such groups.

Now, on which of these five sections of Count 2 were the defendants convicted?

The recommendation of leniency by the jury tends to indicate that the jury did not consider the defendants guilty on all five sections. But the jury had no way of indicating that fact. It was limited by the court to a blanket verdict of guilty or not guilty on Count 2.

Attorney Goldman pointed out to the judge this morning that Point No. 1 under Count 2 — the charge of advising insubordination in the armed forces — should never have been submitted to the jury at all. The judge should have dismissed that part of Count 2, on the ground that no substantial evidence relevant to that part had been presented by the prosecution.

"EVIDENCE"

The only "evidence" on this point was some oral testimony by two or three government witnesses to the effect that one or two defendants had told them that soldiers should "complain" about food and living conditions in the army.

The judge answered Goldman that, since "some" evidence had

been offered on this point, the judge had been bound to submit the question to the jury. It is within the discretion of a federal judge to dismiss all or any part of any count in an indictment when he believes that no substantial evidence has been introduced warranting the submission of that point to the jury.

Most of the newspapermen present wrote dispatches in which they referred to the jury's verdict as if it were limited to Point 2 of Count 2 — "advocating . . . desirability . . . of overthrowing the government by force and violence." The newspapermen undoubtedly did so guided by the fact that the main contention between prosecution and defense was whether the defendants advocated violence or whether they predicted the use of violence against the workers by the reactionary minority.

OTHER COMPLICATIONS

Add to this muddle the fact that the jury's verdict was undoubtedly a "compromise," as indicated by the recommendation

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To defend the USSR as the main
fortress of the world proletariat,
against all assaults of world imperialism
and of internal counter-revolution,
is the most important duty of every
class conscious worker.

—LEON TROTSKY

JOIN US IN FIGHTING FOR:

1. Military training of workers, financed by the government, but under control of the trade unions. Special officers' training camps, financed by the government but controlled by the trade unions, to train workers to become officers.
2. Trade union wages for all workers drafted into the army.
3. Full equality for Negroes in the armed forces and the war industries—Down with Jim Crowism everywhere.
4. Confiscation of all war profits. Expropriation of all war industries and their operation under workers' control.
5. For a rising scale of wages to meet the rising cost of living.
6. Workers Defense Guards against vigilante and fascist attacks.
7. An Independent Labor Party based on the Trade Unions.
8. A Workers' and Farmers' Government.

'Militant' Ownership

Beginning with this issue, THE MILITANT is no longer published as the official organ of the Socialist Workers Party.

THE MILITANT will be published henceforth solely upon the responsibility of The Militant Publishing Association, its owner and publisher.

All statements contained in this and future issues of THE MILITANT represent the views of the officers and editors of The Militant Publishing Association.

Bill Of Rights Day

By act of Congress and Presidential proclamation, December 15 has been declared Bill of Rights Day, commemorating the 150th Anniversary of the adoption of the first ten amendments to the United States Constitution. Roosevelt has called upon "the officials of the government and upon the people of the United States, to observe the day by displaying the flag of the United States on public buildings and by meeting together for such prayers and such ceremonies as may seem appropriate."

It is appropriate at this time to commemorate the adoption of the Bill of Rights. This should indeed be an occasion for workers and progressives to get together, with or without prayer and ceremony, to organize a fight in defense of those principles of free speech, free press and freedom of assembly, which are menaced as never before in American history.

On that very day when Roosevelt signed his proclamation, November 28, the defense counsel for the 23 Minneapolis "sedition" trial defendants was making his final plea to a federal jury to uphold the principles of the Bill of Rights against the attempt of Biddle and his Department of Justice to railroad the defendants to prison for advocating Marxist and socialist ideas. 18 of these defendants have since been convicted on the basis of the Smith "Gag" Act.

The prosecution and conviction of these 18 trade union and working-class political leaders — because of their expressed opposition to the Administration and its war policies and their belief in the militant defense of labor's interests during the war — is a grim commentary on the December 15th celebration. If this conviction is per-

mitted to stand, and the Smith Act is upheld by the Supreme Court, a terrible blow will have been dealt the Bill of Rights.

Moreover, this prosecution under the Smith "Gag" Act comes in the midst of the tremendous drive against all the rights of labor now under way in Congress. Those same Congressmen who had lifted their voices in pious accord to vote "aye" for the resolution to proclaim Bill of Rights Day did not hesitate to vote by overwhelming majority for the Smith Slave Labor Act, one of the most drastic proposals for the shackling of organized labor ever introduced into Congress.

The very best way for all workers to honor the Bill of Rights on December 15 is to pledge themselves to win the defeat of the 1941 Smith Slave Labor Bill and work for the freedom of those convicted under the Smith Gag Act of 1940.

What Happened To The 'Isolationists'?

The very first casualties of the latest stage of World War II were the American "isolationists" who exploited the anti-war sentiments of the masses up to the moment when the anti-war movement faced its first serious test.

In the previous period of the war, many persons who judged the opposition to war from a completely superficial point of view were unable to distinguish between the position of the "isolationists" and that of the Trotskyists. Some were even under the delusion that the "isolationists" would remain firm.

The debacle of the editorial policy of the New York *Daily News*, one of the leading isolationist newspapers in the country, is typical: In its Sunday morning edition it printed an editorial attack against Roosevelt entitled, *Why should we believe in him?* which quoted a half column of Roosevelt's broken promises to keep America out of war if re-elected for a third term. In the evening edition of the same day its editorial called for "full support" of Roosevelt.

Senator Wheeler, leader of the "isolationist" wing in Congress, who long ago promised to stump the country in favor of war when war actually broke out, paid the first installment of his promise in the evening of December 7 with the declaration that Congress "must declare war."

All the rest of the leading "isolationists" crawled among the dusty ruins of their pretentious edifice.

Charles A. Lindbergh broke a two day silence to say, "Our country has been attacked by force of arms, and by force of arms we must retaliate."

General Robert Wood declared for the America First Committee, "Of course we will support the war."

Herbert Hoover stated, "Our decision is clear."

Senator Nye said, "There is only one thing for Congress to do — declare war."

George T. Eggleston, editor of *Scribner's Commentator*, an "isolationist" magazine, summed up briefly what had happened to the whole grouping: "There will be no more of the old policies."

The Stalinists And The 'Appeasers'

When the House of Representatives on December 3 passed by an overwhelming vote the Smith Slave Labor Bill, the Stalinist *Daily Worker* of December 5 denounced this blow against labor as the work of "appeasers" and "tories". Those who supported the Smith Bill were "the appeasers who voted against Neutrality Revision and against conscription... It is the brainchild of those who have been sabotaging or hindering the defense program."

Obviously, the Stalinists were attempting to convey the impression that all those who voted for the Smith Bill were "agents of Hitler", while those who were for the war were against the bill.

In attributing passage of the Smith Bill in the House to "appeasers", the *Daily Worker* conceals the fact that a majority of Democrats, all supporters of the administration's foreign policy, voted for the Smith Bill.

With the outbreak of the war in the Pacific, moreover, every single Congressional "apeaser" voted for a declaration of war. The distinction between "appeasers" and non-appeasers has been completely wiped out. The "appeasers" — the backers of the Smith Slave Act — are now in the same camp with the Stalinists.

SPECIAL DECEMBER GIFT OFFER

History of Russian Revolution by Trotsky (\$3)

Living Thoughts of Marx by Trotsky (\$1.25)

BOTH FOR \$2.98

Modern Bookshop

27 UNIVERSITY PLACE NEW YORK CITY

War Entry Reinstates Espionage Act Of 1917

(Continued from page 1) what judicial decisions have construed the Espionage Act to be. The words of the statute itself, when reasonably interpreted, can apply only to those who incite or attempt to incite actual interference with the conduct of the war, but these decisions brought all criticism under prosecution.

SUPREME COURT DECISION

Now was this true only of the lower courts in the first World War period. Typical of the outlook of the U. S. Supreme Court was the 7-2 decision in *Pierce vs. U. S.*

The court upheld the conviction, under the "false statements" clause of the Espionage Act, of three Socialists for being local distributors in Albany, New York, of "The Price We Pay", a pamphlet by St. John Tucker, a prominent Episcopal clergyman.

In upholding their conviction the majority decision, written by Justice Pitney, culled out of the long pamphlet three passages, five sentences in all, as constituting "false statements." These were:

1. "Into your homes the recruiting officers are coming. They will take your sons of military age and impress them into the army... And still the recruiting officers will come; seizing age after age, mounting up to the elder ones and taking the young-

er ones as they grow to soldier size."

2. "The Attorney General of the United States is so busy sending to prison men who do not stand up when the Star Spangled Banner is played, that he has no time to protect the food supply from gamblers."

3. "Our entry into it was determined by the certainty that if the allies do not win, J. P. Morgan's loans to the allies will be repudiated, and those American investors who bit on his promises would be hooked."

As proof that statement 3 was false, Justice Pitney stated:

"Common knowledge — not to mention the President's Address to Congress of April 2, 1917, and the Joint Resolution of Congress of April 6 declaring war — would have sufficed to show that the statements as to the causes that led to the entry of the United States into the war against Germany were grossly false..."

Thus the highest court in the land, by an appeal to the President's Message as sufficient authority on the facts, condemned as criminal an assertion that the war was imperialist in character.

SUPPLEMENTS IN 1918

The original Espionage Act of June 15, 1917 was not the only legislation of this kind during the last war. Eleven months later, on May 16, 1918, at the insistence of Attorney-General

Gregory, the original Act was supplemented by an amendment, sometimes called the Sedition Act of 1918. To the three offenses already listed under Section 3 of Title I of the Espionage Act, the amendment added nine more offenses, as follows:

(4) Saying or doing anything with intent to obstruct the sale of United States bonds;

(5) Uttering, printing, writing, or publishing any disloyal, profane, scurrilous, or abusive language, or language intended to cause contempt, scorn, contumely or disrepute as regards the form of government of the United States;

(6) Or as regards the Constitution;

(7) Or the flag;

(8) Or the uniform of the Army or Navy;

(9) Or any language intended to incite resistance to the United States or promote the cause of its enemies;

(10) Urging any curtailment of production of any things necessary to the prosecution of the war;

(11) Advocating, teaching, defending, or suggesting the doing of any of these acts;

(12) Words or acts supporting or favoring the cause of any country at war with us.

This 1918 amendment was repealed on March 3, 1921, leaving the original Act operative as soon as the United States entered the second World War.

GPU Plans Killing Jacson Then Blaming N. Trotsky

With Date for Sentence of Trotsky's Assassin Approaching, Stalin's Agents Are Desperate to Put Him Where He Can't Talk

By WALTER ROURKE

MEXICO, Dec. 5. — As the time for the sentence of "Jacson", Trotsky's assassin, draws near, the G.P.U. is increasing its activities to liquidate his case in one way or another. Today, Natalia Trotsky published in the Mexican press two letters received by her secretary that appeared to be a provocation of the G.P.U. — a plan to kill Jacson and place the blame on the Trotsky household. Comrade Natalia believed that only by publishing the facts could the possible use of these letters against her and her friends be definitely eliminated.

The fact that Jacson is still in jail more than a year after his crime does not at all indicate that his G.P.U. friends have been inactive. But their first move was to try legal means — to hire a clever lawyer who tried to find or invent irregularities in the trial. However this attempt has met with complete failure. The judge, Rivera Vasquez, and the Prosecuting Attorney, Elenes Espinosa, are very capable and honest men. Jacson's defense recently appealed for a reopening of the case which the judge had closed in compliance with the constitutional provisions; this appeal was denied. All that now remains in the case is a presentation of conclusions by the prosecution and defense and then the pronouncement of sentence by the judge.

HOW SIQUEIROS GOT AWAY

Thus the G.P.U. is faced with the necessity of settling the case by illegal means; no doubt it wants to do this before the sentence so as to avoid having its agent condemned by Mexican justice. This was achieved in the case of Alvaro Siqueiros, leader of the May 24th attack on Trotsky. He was released on bail and fled from the country. His case remains "open." Two illegal possibilities are available. One to buy Jacson's escape; or, if by any chance this proves impossible the other possibility is to do away with Jacson in his cell in order to once and for all finish with the constant danger he represents because of what he knows.

It has been known that the G.P.U. on the outside and Jacson on the inside of the prison have been making preparations for his escape. For instance a report that proceeded from a prisoner in the same penitentiary described the celebration held in Jacson's cell during the night — music, liquor, women, with officials of the prison participating; also Jacson was permitted to take walks around the prison during the night when supposedly all prisoners were confined to their cells. Upon receipt of these reports, Natalia Trotsky turned them over to the District

especially after having been turned down energetically, or this constituted an attempt at a provocation by the G.P.U. against Natalia Trotsky. In the light of the latter possibility, Comrade Natalia delivered the two letters to President Camacho. With his permission, photographic copies of these letters were delivered to the press of Mexico City on December 4th.

STATEMENT OF NATALIA TROTSKY

In her letter to the press Comrade Natalia said: "His refusal of the policeman to make a formal statement and his insistence on writing a letter barefacedly making the same proposition (to kill Jacson for a price), make me believe in the possibility of a provocation by the G.P.U. against me and my friends. The G.P.U. will try, perhaps, to kill its agent, Jacson, and blame the Trotskyists... The public should know from now on that the future liberators and possible assassins of Jacson are his colleagues in the G.P.U. We do not lend ourselves to provocations and our only interest is that the murderer be judged by the Mexican tribunals and that he remains alive in jail."

Thus, it looks as though the latest attempt to terminate the Jacson case has met with failure. For in spite of whatever excuses the director of the prison may give for the scandalous relations that existed between Jacson and his jailers, one thing is certain: the resulting publicity and heightened public interest in the case as well as the official measures taken must make more difficult the task of organizing either the escape or killing of Jacson. The G.P.U. has to and no doubt will begin to reorganize its plans — this time more carefully. In the meantime the date of the court decision and sentence draws nearer.

CRDC PROTEST MEETINGS

In Chicago

Hear V. R. DUNNE Sunday, Dec. 21, 3:30 — Morrison Hotel.

In Los Angeles

Hear the following noted trade union leaders and liberals: CAREY McWILLIAMS, EUGENE JUDD, L. B. THOMAS, A. L. WIRIN on Sunday, Dec. 21, 8 P. M. at Embassy Hotel, 9th & Grand.

The Crimes Of Stalin

By Lydia Beidel

Stalin and Hitler's Seizure of Power, 1931-33

BACKGROUND

In Germany: By 1931, German economy fell to such a low level that the United States had to intervene in order to save German capitalism. Unemployment and hunger were rampant. The mood of the proletariat and lower middle class was explosive. The Social Democratic Party maintained its hold upon a dominant section of the workers and continued its policy of depending on the "liberal" capitalists to solve the workers' problems. The strength of the Communist Party grew, but because of the sectarian and adventurist policies of the "Third Period," not at the rate made possible by the growing economic political crisis.

The Weimar Republic was bankrupt; cabinet followed cabinet in rapid succession, each moving further to the right.

THE RISE OF NAZISM

The last hope of the capitalist class was the Nazis. This party mobilized the desperate, ruined middle class in the service of monopoly capital. By demagogic promises to solve their problems, the Nazis got middle class support for attacks on the workers' organizations.

The Nazis, financed by big business, grew rapidly. They increased their strength by more than 5 million votes in the period from 1928 to 1930, polling 6,406,397 votes in the Reichstag elections of the latter year. In March 1932, Hitler received 11,338,571 votes, while in April of the same year Hitler got over 13,000,000 votes.

REACTION OF THE STALINISTS IN GERMANY

In 1930, after the election figures showed such a large increase in support for Hitler, the official organ of the C. P. of Germany said: "14th of September (election day) was the high point of the National Socialist movement of Germany. What comes after this can only be decline and fall."

In 1932, Remmeli, a C. P. deputy in the Reichstag, stated (on October 14): "... once they (the fascists) are in power, then the united front of the proletariat will be established and it will make a clean sweep of everything... We are not afraid of the fascist gentlemen. They will shoot their bolt quicker than any other government."

TROTSKY'S WARNINGS

Trotsky and the Left Opposition warned of the need for a united front of the workers' organizations against the fascists. This was the crux of the matter. After Hitler came to power, it would be too late;