

LOS ANGELES BRANCH

**Civil Rights Defense Committee**

Room 306 Douglas Bldg.

**WITCH**

**HUNT**

**IN**

**The Federal  
Prosecution of the  
Socialist Workers  
Party and  
Local 544—C.I.O.**

by

**GEORGE E. NOVACK**

foreword by

**JAMES T. FARRELL**

Author of "Studs Lonigan", etc.

**MINNESOTA**

- is it treasonable to oppose the war?
- has the Bill of Rights been abolished?
- what was the Minneapolis Union Defense Guard?
- how does the Administration fight the C. I. O.?
- how does the Justice Department serve Daniel J. Tobin?
- have workers the right to choose their own union?

**5 cents**

# THE 29 DEFENDANTS IN THE MINNESOTA CASE

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- JAMES P. CANNON (New York) *National Secretary, Socialist Workers party.*
- GRACE CARLSON (St. Paul) *Minnesota State Organizer, SWP*
- JAY COOPER (Minneapolis) *Minneapolis truck driver*
- OSCAR COOVER (Minneapolis) *Minneapolis Secretary, SWP*
- HARRY DeBOER (Minneapolis) *Organizer, Local 544-CIO*
- FARRELL DOBBS (Minneapolis) *National Labor Secretary, SWP*
- GRANT DUNNE (Minneapolis) *Organizer, Local 544-CIO*
- MILES B. DUNNE (Minneapolis) *President, Local 544-CIO*
- V. R. DUNNE (Minneapolis) *Organizer, Local 544-CIO*
- GEORGE FROSIG (Minneapolis) *Vice-President, Local 544-CIO*
- MAX GELDMAN (Minneapolis) *1939 WPA strike participant*
- ALBERT GOLDMAN (Chicago) *Attorney for the SWP*
- WALTER HAGSTROM (Minneapolis) *Organizer, Local 544-CIO*
- CLARENCE HAMEL (Minneapolis) *Organizer, Local 544-CIO*
- EMIL HANSON (Minneapolis) *Organizer, Local 544-CIO*
- CARLOS HUDSON (Minneapolis) *Editor, Industrial Organizer, Local 544-CIO*
- CARL KUEHN (Minneapolis) *Secretary, Federal Workers Section (WPA workers), Local 544-CIO*
- FELIX MORROW (New York) *Editor, The Militant*
- ROY ORGON (Minneapolis) *Minneapolis truck driver*
- EDWARD PALMQUIST (Minneapolis) *Chairman, Federal Workers Section, Local 544-CIO*
- KELLY POSTAL (Minneapolis) *Secretary-Treasurer, Local 544-CIO*
- RAY RAINBOLDT (Minneapolis) *Organizer, Local 544-CIO*
- ALFRED RUSSELL (Minneapolis) *Former Organizer, Teamsters Local 544, Omaha, Nebraska*
- OSCAR SCHOENFELD (New York) *1939 WPA strike participant*
- DOROTHY SCHULTZ (St. Paul) *Twin City Secretary, Workers Defense League*
- ROSE SEILER (Minneapolis) *Business Agent, Minneapolis Office Workers Union (AFL)*
- CARL SKOGLUND (Minneapolis) *Organizer and former President, Local 544-CIO*
- HAROLD SWANSON (Minneapolis) *Active in Minneapolis labor movement*
- NICK WAGNER (Minneapolis) *Organizer, Local 544-CIO.*

# WHY THIS CASE IS SO IMPORTANT

by JAMES T. FARRELL

*Noted novelist, author of "Studs Lonigan", etc.*

I once heard free speech cynically described as a right which the citizen possesses as long as he doesn't exercise it. Do we want this statement to be more than mere cynicism? Do we want it to be a description of the status of free speech, of civil liberties, in the United States—in the year 1941? These questions, in essence, point to the vital issue involved in the Minnesota "Seditious Conspiracy" case.

This case is the most important involving civil liberties since the trials of the I.W.W. members during the First World War. And it is similar to the I.W.W. cases in its fundamental point. Both constituted attacks on the labor movement. It is axiomatic that there can be no freedom in a society if labor is not free. The basis of our liberties rests, formally, on the unconditional guarantees given us in the Bill of Rights. It rests actually on the freedom of labor. In Italy, when Benito Mussolini rose to power, he undertook an immediate attack on all working-class organizations and he crushed them; in Germany, this was also the first step of Adolf Hitler after he became Chancellor. The major step in the restriction, the abridgment and the abolition of civil liberties is always the same—it is an attack on the political and economic rights of labor. This is why the Minnesota "Seditious Conspiracy" case is of such crucial importance.

In the United States today there are relatively few human beings who will openly declare that they desire to see the abolition of civil liberties. But the statements of men must be tested in practice. Because people declare that they want civil liberties guaranteed, that does not mean that these liberties will be guaranteed. They must be defended day by day against every encroachment. Those tendencies which threaten the civil liberties of the American people must be opposed, no matter what their origin. No danger, no emergency is so menacing that it can justify us in abandoning our rights. Once these are abandoned, we are slaves, no matter what language be used to describe our slavery.

Since the First World War democratic rights have declined and been lost in one nation after another. The curve has been downward. Today, there are few places on this globe where a man is permitted honestly and openly to express his ideas and to defend his convictions. The American people do not want this to happen in the United States. The way to prevent this is to implement and strengthen our civil rights. And we can and must

do this by defending them. Freedom of speech is meaningless if it is freedom to agree with those who are in power. No real social advance is ever attained in that manner.

The ensuing pages document the reasons why the Minnesota "Seditious Conspiracy" case is a major civil liberties issue. Unless this attack on our basic rights is checked, it will establish a precedent for subsequent ones. This is precisely the manner in which liberty dies. Inch by inch it is eaten away. One precedent after another is established. Repressive and reactionary tendencies are built up until they can, in time, resemble a tidal wave. When that has happened—it is too late.

Today, in the United States, it is not too late. We can still preserve our civil rights. It is our highest duty to remain free in a world of the most brutal oppression and tyranny. And we remain free men by defending the liberty of others, as well as of ourselves, whether or not we agree with them.

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## **WITCH HUNT IN MINNESOTA**

by **GEORGE E. NOVACK**

On July 15, 1941 twenty-nine people were indicted by a Federal Grand Jury in St. Paul, Minnesota, on charges of "seditious conspiracy." The indictment had been drawn up by the U. S. Department of Justice.

Among these indicted were the national and local leaders of the Socialist Workers Party and the officers of Motor Transport and Allied Workers Industrial Union, Local 544-CIO.

This prosecution is the most sweeping government attack upon the democratic rights of labor in many years. For its parallel, one would have to go back to the mass trials of the I.W.W. during the last World War.

The Minnesota "seditious conspiracy" case has become an issue of national importance. Hundreds of publications throughout the country have featured and commented upon the Federal indictments. News of the arrests was flashed around the world. The case has aroused vast sections of the American trade union movement.

Forces are lining up on both sides. The Roosevelt administration's action has been backed up by the conservative press, Democratic and Republican leaders, certain reactionary AFL officials and the Communist Party. The prosecution has been vigorously denounced as a serious threat to civil liberties and organized labor by the CIO, Labor's Non-Partisan League, the United Auto Work-

ers, the American Civil Liberties Union, *The Nation*, *The New Republic* and other outstanding labor organizations and liberal spokesmen.

What is the true story behind this unprecedented Federal prosecution? Why were the officers and members of Local 544-CIO indicted at this particular time? Who prompted the prosecution? What are the real views and activities of the Socialist Workers Party? Is there any basis to the charge that the defendants were "conspiring" to overthrow the U.S. Government by force and violence? What is the significance of this case for civil liberties and labor's rights?

These are the questions we propose to answer in this pamphlet.

### **TEAMSTERS LOCAL 544 MAKES MINNEAPOLIS A UNION TOWN**

The "seditious conspiracy" prosecution has arisen directly out of the influence of the Trotskyists, the Socialist Workers Party, in the trade union movement in Minneapolis. The storm center of the struggle is Teamsters Local 544, in which members or sympathizers with the policies of the Socialist Workers Party have played a leading role. Local 544 has been the spearhead and stronghold of the most militant and progressive sections of the labor movement in Minneapolis and the Northwest, ever since it consolidated itself as a powerful union organization by winning a series of strenuously fought strikes in 1934. These strikes made the Minneapolis Teamsters Union and its leadership nationally famous.

The leaders of 544 became known throughout the Northwest as hard-hitting fighters, uncompromising trade-unionists, and tough opponents. Under their inspiration and guidance Minneapolis, in a few years, became transformed from the leading open-shop city in the U. S. to one of the most strongly organized union centers.

In the process of building their own union and extending trade-unionism, the leaders of Local 544 had to engage in an uninterrupted series of battles and controversies with employers and their agents, city officials, police, National Guardsmen, strike-breakers, Silver Shirts, etc. This is not the first time members of 544 have been charged with "conspiracy" by the Department of Justice. During the 1939 WPA strikes 162 workers, led by 544's Federal Workers Section, were arrested en masse and held for "conspiracy". After 32 strike leaders had been convicted, nation-wide labor protest forced the government to release the other 130 defendants.

### **544'S FIRST FIGHTS WITH DANIEL TOBIN**

In the course of their struggles the 544 leaders made many bitter enemies inside as well as outside the labor movement. Not

least amongst these was the President of their own International organization, Daniel J. Tobin. Tobin opposed the militant policies which had enabled the Teamster leaders of Minneapolis to establish their union and defend it against all kinds of attacks. During the 1934 strikes, he publicly denounced the leaders of the union as "Reds" and branded their strike action as "illegal".

In 1935 Tobin expelled the Local from the International Brotherhood of Teamsters and tried to set up a rival local. A year later, however, although he had declared its leaders would never again be permitted to head a union in his International, Tobin had to readmit the local. The CIO was growing and was about to break away from the AFL. Tobin took back the local as a lesser evil. 544's leaders were also advised by CIO officials they consulted at that time to return to the AFL.

During the next five years, Local 544 was instrumental in building the teamsters movement in Minneapolis and the entire North-Central area into the most powerful labor force in the Northwest. The 11-state North-Central Area Committee, inspired and directed by 544's leadership, brought over 200,000 over-the-road drivers into the Teamsters International under a closed-shop area-wide contract signed in the fall of 1937. Although he knew that Farrell Dobbs belonged to the Socialist Workers Party, Tobin had to appoint Dobbs, Secretary-Treasurer of Local 544, as International Organizer in charge of this area. When Dobbs, one of the 29 now under indictment, resigned as International Organizer in January 1940 to become Labor Secretary of the Socialist Workers Party, he informed Tobin of his decision. Tobin assured Dobbs that he could always return as an International Organizer. At that juncture Tobin was more interested in the dues-paying members Local 544's leadership could bring into his International than he was in hounding the Trotskivists for their anti-war stand.

At the last Teamsters' International Convention in September 1940—I.B.T. conventions are held only once every five years—the 544 delegates led the fight against two important measures sponsored by Tobin. They defeated a proposal that Tobin be given powers to enforce arbitration upon affiliated locals in any dispute with the employers. They fought against raising Tobin's annual salary from \$20,000 to \$30,000 a year, but Tobin won that point. The convention battles ended in an uneasy truce between Tobin and Local 544.

In the Spring of 1941, immediately after the Local 544 elections, a "Committee of 99", composed of a small group of disgruntled union members, but backed by Tobin from the start, filed charges against the elected officers of Local 544 with the

Executive Board of the I.B.T. They accused 544's leaders of being "Communists" and "radicals" and therefore unworthy to head the union. The charges were the same as those made three years before by five discredited members of the union, who, abetted by the open-shop employers' organization, the Associated Industries, had instituted a legal action against 544. Local 544 had successfully fought and defeated this suit in the courts. After the most thorough examination of the books, records and activities of the union, District Judge Carroll ruled that the union's leadership had carried on the affairs of the union in a legal, efficient and honest manner.

The earlier accusers in the so-called "Fink Suit" had called upon the Court to remove 544's leadership and appoint a receiver for the union. Now the "Committee of 99" appealed to Tobin to take this same step. On the basis of their charges, Tobin ordered a Committee of 544 leaders to attend a hearing held before International officers on April 8, 1941 in Chicago. At that hearing, the 544 delegation presented its refutation of the charges leveled against them.

#### **TOBIN MOVES AGAINST 544**

*Fortune Magazine* for May, 1941 appeared with an article on the International Brotherhood of Teamsters which emphasized the racketeering prevalent in Tobin's International and taunted him about the Trotskyist leadership of Local 544 in Minneapolis. Tobin, sensitive to the criticism of Big Business, answered that he was going to rid his organization of such elements. But he acted, not against the racketeers, but solely against the "Reds."

In the May, 1941 issue of his *Teamsters Journal*, Tobin published an editorial, stating that some Minnesota teamsters were "known advocates of the Socialist Workers Party" and threatened that anyone who would not resign from the party would be removed from the ranks of the I. B. T. Other editorials in the *Teamsters Journal* warned all members who did not loyally support President Roosevelt's policies, particularly his policy toward the war, that they had no place in the Teamsters International and would be liable to disciplinary action by Tobin. The official organ of the Minneapolis Teamsters, the *Northwest Organizer*, had persistently opposed Roosevelt's labor and war policies.

Upon the appearance of 544's delegation at the meeting of the International Executive Board at Washington the first week in June, Tobin asked that they agree to his appointment of a dictator-receiver over the union, with absolute powers,

including the power to expel anyone. Local 544 rejected this proposal that same week.

For a month before, negotiations between 544 and the Minneapolis employers for the renewal of the union contracts which expired on June 1st, had produced no results. It was stated in the Minneapolis press that the employers were awaiting the outcome of the June meeting with Tobin, when they confidently expected that the leadership of 544 would be ousted and replaced by Tobin appointees.

### **544 GOES CIO**

At a regular membership meeting held on June 9th, 544's delegation to Washington and its officers presented these facts in reports to the nearly 4,000 members present of the more than 5,000 in the union. By a well-nigh unanimous vote, the members decided to disaffiliate from the I.B.T. and to apply for a charter from the United Construction Workers Organizing Committee of the CIO. After thoroughly investigating the union and the record of its leadership, this charter was granted by A. D. Lewis, President of the United Construction Workers Organizing Committee, who announced that it was the first step in a "streamlined CIO organizing campaign among the Motor Transport and Allied Workers of the entire midwest area to bring them into a modern, progressive industrial union." The Minneapolis Ice-Drivers Local 21, the Austin (Minn.) Drivers Union, the Ottumwa (Iowa) Teamsters Local voted to follow 544's example in leaving the AFL for the CIO. Teamsters' locals elsewhere were considering similar action. This was demonstrated a short time later in Michigan when 5,000 teamsters in Detroit and entire AFL Drivers Locals in Flint, Pontiac, Lansing, Monroe and other cities went over to the CIO.

### **TOBIN ASKS ROOSEVELT FOR HELP AGAINST 544-CIO**

Four days after Local 544 voted to join the CIO, as the movement it initiated was gaining momentum and extensive support, Tobin telegraphed President Roosevelt, appealing to the Government to take action in this matter. Tobin's statement said in part: "The withdrawal from the International Union by the truckdrivers union, Local 544 and one other small union in Minneapolis, and their affiliation with the CIO is indeed a regrettable and dangerous condition. The officers of this local union... were requested to disassociate themselves from the radical Trotsky organization... we feel that while our country is in a dangerous position, those disturbers



who believe in the policies of foreign, radical governments, *must be in some way prevented from pursuing this dangerous course . . .* (*N.Y. Times*, June 14, 1941).

Upon receipt of this message from Tobin, the President's secretary, Stephen Early, issued the following statement to the White House press conference: "Mr. Tobin telegraphed from Indianapolis that it is apparent to him and to the other executives of his organization that because they have been and will continue to stand squarely behind the government, all subversive organizations and all enemies of our government, including Bundists, Trotskyists and Stalinists are opposed to them and seeking to destroy loyal trade unions which are supporting democracy.

"Mr. Tobin goes into considerable detail and states that he is going to issue a statement from the Indianapolis office of the teamsters union. When I advised the President of Tobin's representations this morning, *he asked me to immediately have the Government departments and agencies interested in this matter notified*, and to point out that this is no time, in his opinion, for labor unions, local or national, to begin raiding one another for the purpose of getting memberships or for similar reason." (*N.Y. Times*, June 14, 1941).

### **ROOSEVELT SENDS THE F.B.I. TO MINNESOTA**

Within a few days after Tobin's appeal and the President's statement, Henry A. Schweinhaut, Special Assistant Attorney General of the Department of Justice, was sent to Minneapolis with several aides to prepare the raids and the indictments which followed. On June 27th, F.B.I. agents raided the Socialist Workers Party headquarters in Minneapolis and St. Paul, seizing books by Marx, Lenin and Trotsky, copies of the party's publications (although these were on public sale in many places), red flags and photographs.

Acting Attorney General Biddle announced from Washington that same day: "the principal Socialist Workers Party leaders, against whom prosecution is being brought, are also leaders of Local 544-CIO in Minneapolis . . . and have gained control of a legitimate labor union to use it for illegitimate purposes." (*Minneapolis Star-Journal*, June 28, 1941).

Frank Barnhart, Regional Director of the CIO's United Construction Workers Organization Committee and personal representative of John L. Lewis, immediately denounced the raids as "a smear campaign against the CIO". He charged that President Roosevelt had instigated the action in payment of his political debt to Tobin, a member of the Democratic Party

National Committee and head of the Democratic Labor Committee in the 1940 Presidential election. He accused the U.S. Department of Justice with intervening on behalf of the AFL against the CIO in their dispute over the Minneapolis teamsters.

### **INDICTMENTS BY THE SCORE!**

On July 15th the Department of Justice obtained from a Federal Grand Jury in St. Paul indictment of 29 people on charges of "seditious conspiracy." Among those indicted were the officers and most active members of Local 544-CIO and national and local leaders of the Socialist Workers Party. Bail was first set at \$5,000 each. Upon protest by attorneys, bail for the sixteen 544-CIO members was reduced to \$3,500 each. This was provided by the National CIO. The bail of ten others was reduced to \$2,500 each. This was provided by the Civil Rights Defense Committee. Three of the defendants were released on their own recognizance.

A hailstorm of additional indictments has been heaped upon the officers of 544-CIO. On July 14th the Hennepin County Grand Jury, on a Tobin complaint, indicted Miles Dunne, President, and Kelly Postal, Secretary-Treasurer of 544-CIO, for "embezzling funds" claimed by the AFL.

On July 18, Carl Skoglund, organizer of 544-CIO, was arrested and held for deportation on \$25,000 bail. On Monday, July 28th, the Hennepin County Grand Jury voted four new indictments against Secretary-Treasurer Kelly Postal and Organizer Moe Hork for "first degree larceny." *This makes a total to date of 66 charges against those connected with this case!*

The Government's aim in heaping these indictments upon the officers and members of Local 544-CIO is plain. By crushing the union beneath the enormous burden of expensive and prolonged litigation involved in fighting the cases and by terrorizing its members, the Government helps Tobin throttle his CIO rival.

The CIO union has also had to contend with hostile actions on the part of State and local authorities. On September 19th, 1941 State Labor Board administrator Blair denied Local 544-CIO's petition for elections to determine which union represents the workers and certified the AFL without elections as bargaining agent for the Minneapolis motor transport workers. Local 544-CIO has appealed Blair's outrageous decision both in the courts and to the National Labor Relations Board.

### **LOCAL 544-CIO FIGHTS ON**

The spirit with which Local 544-CIO faces this fight was expressed in the following speech by Frank Barnhart, Regional

Director of the UCWOC, at a membership meeting on August 11, 1941.

"The United Mine Workers is a great and powerful organization. It has had members and leaders in every jail in America. But labor's enemies were never able to break the United Mine Workers.

"The CIO organized the steel workers and the auto workers. The CIO has never tackled a fight it didn't finish. The CIO came to Minneapolis to stay until this Local 544-CIO fight is won." (*The Industrial Organizer*, August 14, 1941).

The fight on behalf of the 29 defendants in this case is thus part of the CIO's struggle to maintain democratic trade unionism amongst the Minneapolis teamsters and to build a powerful industrial union of motor transport workers throughout the nation.

### **PROSECUTION RUSHES CASE**

On September 11th Federal Judge Joyce overruled the demurrers of the defendants and set the date of the trial for October 20th in the Federal Court in Minneapolis. The request of the defendants for more time to prepare for the trial was vehemently opposed by the prosecution.

The Federal prosecutors are obviously hurrying the case along, anxious to obtain quick convictions.

Convictions of the Minneapolis CIO leaders will not only signally assist Tobin in crushing his competitor but, as both Labor's Non-Partisan League and *The Nation* have pointed out, will also set a precedent for further government prosecutions against other militant trade unionists. This was clearly indicated by Assistant U. S. Attorney-General Schweinhaut, who was quoted in the *St. Paul Dispatch* of June 28, 1941 as saying: "We cracked down here first. Mr. Biddle has said this is only a start. So you can expect other actions to follow shortly."

### **POLITICAL MOTIVES FOR THE PROSECUTION**

This case, however, is by no means a simple trade union affair. It is essentially a *political* prosecution. This was pointed out by the American Civil Liberties Union in its letter of protest to Attorney-General Biddle on August 20, 1941: "It seems more reasonable to conclude that the government injected itself into an inter-union controversy in order to promote the interests of the one side which supported the administration's foreign and domestic policies."

Tobin is a 100% supporter of Roosevelt's policies. He is

also among the most prominent members of Fight for Freedom, Inc., the foremost pro-war organization in the United States. In many recent public statements, Tobin has declared that opposition to the President's war policies is "un-American" and incompatible with membership in his Teamsters International.

Local 544's weekly, *Northwest Organizer* (now *The Industrial Organizer*) on the other hand, has been a severe critic of Roosevelt's anti-labor actions and a resolute opponent of his war policies. For example, in an editorial on May 29, 1941 against Roosevelt's use of troops as strike-breakers, *The Northwest Organizer* said: "The forces most belligerently determined to put this nation into the 'war for democracy' are the very forces who imitate Hitler by taking away what democracy we still possess, and would beat down and crush labor... American labor doesn't want any part of this war. American labor is determined to defend its unions and its rights, including the right to strike."

Tobin moved to expel the 544 leaders at this particular time because, among other things, they refused to recant their avowed anti-war stand. This was affirmed in a statement issued on June 28th by Frank Barnhart, Regional Director of the UCWOC: "Not long ago Tobin issued an ultimatum to the officers and members of the AFL Teamsters Union ordering them to give unequivocal support to Roosevelt's war policy under threat of reprisals against them by Tobin if they failed to comply... A great majority of the membership of the AFL Teamsters Union is opposed to Tobin's high-handed methods and moth-eaten organizational policies. There are also many who are opposed to the war, especially in the north-west area. This is not Hitler Germany. The U. S. is still a democracy. The people of this country still have a right to express their opinions about the policies of both Tobin and Roosevelt."

### **SOCIALIST WORKERS PARTY OPPOSES WAR**

The political basis of the prosecution is unmistakable in the proceedings against the Socialist Workers Party. The Socialist Workers Party has consistently and uncompromisingly opposed Roosevelt's policies as "imperialist war policies". That the government acted against the Socialist Workers Party because of its anti-war position was explicitly acknowledged by Acting Attorney-General Biddle, who was quoted in the *Minneapolis Tribune* of June 28th, 1941 as saying: "The principal basis for the prosecution is found in the Declaration of

Principles adopted by the Socialist Workers Party in December, 1938." The pertinent phrases mentioned by Biddle include the following: 'If in spite of the revolutionists and the militant workers, the U. S. Government enters a new war, the Socialist Workers Party will not, under any circumstances support that war but will, on the contrary, fight against it.' According to Biddle, "the 1938 Declaration says the Party would use a war crisis to overthrow capitalism in this country and substitute for it socialism."

The administration's inclination to stamp even the mildest critics of its war course as "seditious" is exemplified in Secretary of War Stimson's charge of treason against Senator Wheeler. If one member of the Cabinet can stigmatize an isolationist Senator as a traitor for sending to a few conscripts post-cards expressing opposition to entering the war, surely Roosevelt's Attorney-General would not hesitate to treat the revolutionary anti-war position of the Socialist Workers Party as "seditious activity."

## **RIGHTS OF FREE SPEECH VIOLATED**

The full text of the indictment drawn up by the Department of Justice is reprinted at the end of this pamphlet. The accusations therein, as can be seen, refer in large measure solely and simply to the revolutionary political opinions held by the Socialist Workers Party. The Socialist Workers Party does not deny its revolutionary views nor its uncompromising opposition to war. It does deny, however, that the Government has any right to prosecute on that account.

The Socialist Workers Party has the same legal and constitutional rights as any other political party to advocate its ideas and propagate them. This position fully accords with our best democratic traditions and with the Bill of Rights. The right to express one's own ideas by speech or in writing or through assembly is an elementary democratic right. Rights of opinion are specifically protected against Federal violation by the First Amendment to the Constitution which states that Congress "shall make no law abridging the freedom of speech or of the press or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

This right of free speech is unrestricted and unconditional. It cannot be denied on the ground that the doctrines advocated are revolutionary or displeasing to the administration in power. The Government's attempt to deprive the Socialist Workers

Party of its right of free opinion and expression clearly encroaches upon this provision of the Constitution.

The prosecution has already been condemned and will be fought on this ground by the American Civil Liberties Union. The violation of law in this instance is not on the part of the Socialist Workers Party but on the part of the Federal prosecutors.

### **REAL IDEAS OF THE SOCIALIST WORKERS PARTY**

Nor is the Socialist Workers Party a secret, conspiratorial organization as the Government attempts to depict it. It is a legal political organization which has for years openly conducted political activities and participated in the labor movement. Its program has been published in numerous books and pamphlets, its views are currently expressed and discussed in various publications, its indicted leaders have long been active as prominent personalities in working class circles.

The accusation that the Socialist Workers Party is guilty of "advising, counselling and urging insubordination, disloyalty and mutiny" in the armed forces of the U. S. is based entirely upon the political ideas propagated by the party. No overt acts are specified in the indictment to back up this charge. In fact, the avowed military policy of the Socialist Workers Party provides no basis for such activities or allegations. For example, the Socialist Workers Party does not seek to gain control of the naval and military forces of the U. S., as alleged in the indictment. The Party's program calls for "military training of workers financed by the government and under control of the trade unions." There is nothing illegal in this proposal to place trade unions in charge of military training. The Plattsburg training camps, which the U. S. Government approved and subsidized, were organized and controlled by private agencies and individuals for the purpose of training business and professional men in military science. The Socialist Workers Party proposes that this same right be extended by the Government to the trade unions.

### **WHAT WAS THE UNION DEFENSE GUARD?**

The only overt act allegedly committed by the defendants, which is specified in the indictment, is the formation of the Union Defense Guard, organized three years ago by members of Local 544. According to the prosecution, this Union Defense Guard was the instrument the Socialist Workers Party plotted to use for overthrowing the Government by force and violence. A brief account of the formation and functions of the Union

Defense Guard will suffice to dispose of this absurd accusation.

The Minneapolis Union Defense Guard was organized as an outgrowth and answer to a series of threats of violence against Local 544 and of actual vigilante attacks upon unions in other parts of the nation during the summer of 1938.

On June 22, 1938, Ralph H. Pierce, one of the leaders of the "Associated Independent Unions", launched by Minneapolis employers to fight organized labor, told officials of Local 544 and the Minneapolis Central Labor Union that George K. Belden, head of the Associated Industries, had raised \$35,000 to import gunmen to assassinate three leaders of Local 544. Eight months earlier Patrick Corcoran, Secretary-Treasurer of the Minneapolis Teamsters Joint Council, had been assassinated by unknown gunmen. The day after Pierce said the murders were to be committed, Minneapolis police found a car containing two high-powered rifles with telescopic sights near the Central Labor Union headquarters. This lent credence to Pierce's story.

During 1938 the Fascist Silver Shirts were extremely active in the Twin Cities. Roy Zachary, National Organizer, openly called at Silver Shirt meetings for gangster bands to raid the General Drivers Hall. The Minneapolis papers disclosed the fact that Belden, head of the Associated Industries, had attended these Silver Shirt meetings. This tie-up between the Silver Shirts and the Associated Industries, which included the leading anti-union employers in Minneapolis, convinced the members of Local 544 that measures should be taken to protect the Union hall and leaders from attack.

Numerous acts of anti-labor violence by fascist and vigilante gangs at that time in other parts of Minnesota and in New Orleans, Westwood, California, Steubenville, Ohio, New York City and Jersey City, crystallized this conviction.

## **ACTIVITIES OF THE DEFENSE GUARD**

The formation of the Minneapolis Union Defense Guard was announced in the September 8, 1938 issue of the *North-west Organizer*, the official organ of the Teamsters Joint Council. The functions of the Union Defense Guard were described in this story as "defense of the Union's picket lines, Union headquarters and members against anti-labor violence."

The activities of the Union Defense Guard demonstrate that such was its sole function. At meetings held in the basement of the Drivers Hall general discussions took place on

methods of repelling attacks by fascist gangs. None of the guard members carried or possessed arms.

One of the two allegations of overt acts in the indictment charges the defendants with collecting arms and ammunition to overthrow the Government. The Union Defense Guard purchased two 22-A caliber single shot target rifles, two 22-caliber single shot target pistols, and some ammunition for target practice in the basement of the General Drivers Headquarters. These four practice rifles and ammunition were purchased from funds raised through the sale of tickets to dances and public entertainments held at the Drivers Hall.

I. F. Stone wrote in *The Nation* of July 26, 1941 that the Government was especially alarmed by a test mobilization of Guard members held one evening during September, 1938 in downtown Minneapolis. "What did they do when they got there?" Mr. Schweinhaut, the Department of Justice prosecutor, was asked. Schweinhaut said they went to the Gaiety, a local burlesque house. He said that each admission cost 75 cents and "the Government wants to know who paid for the tickets." "This was told me in all seriousness," was the caustic comment of *The Nation* reporter. "I have heard of the Gunpowder Plot. Maybe this will go down in history as the G-String Conspiracy!"

The show of strength of the Union Defense Guard drove the Silver Shirts into hiding and inactivity. With the disappearance of the Silver Shirts the Union Defense Guard discontinued its target practice and drills and its sole functions thereafter were dances, and acting as ushers at union picnics and affairs. It last functioned in December 1940 when Guard members acted as ushers at the Christmas party for children sponsored by the Minneapolis Teamsters Joint Council!

Such is the record of the "armed forces" which were supposedly planning to march on Washington and take over the government. Who does the prosecution expect to believe that story? Indeed, this accusation had already been dismissed as baseless in the 544 "Fink Suit", when Judge Paul S. Carroll stated in his findings: "According to the Union's position, these so-called 'defense guards' were organized 'to meet the threat of Silver Shirt leaders and other anti-labor gangsters' and to defend armed raids against union halls. It was not shown that these men were ever armed or did other than general policing at their picnics and things of that sort."



## INDICTED UNDER REACTIONARY SMITH "OMNIBUS GAG" ACT

The indictment has been drawn up under the provisions of two laws. One is a new law, the Smith "Omnibus Gag" Act, introduced by a Poll-Tax Congressman, Howard W. Smith of Virginia, and passed in 1940. The Smith Act is the most reactionary piece of anti-labor legislation ever enacted in the U. S. and was so characterized during the debates in Congress. "This bill is an attempt to put an end to this trend toward real democracy", said Representative Geyer of California. "It is an attempt to break the labor movement... It is an attack on a minority group."

"It is enough to make Thomas Jefferson turn over in his grave," said Representative Martin of Colorado. "It is without precedent in the history of labor legislation. It is an invention of intolerance contrary to every principle of democracy."

The American Civil Liberties Union pleaded with President Roosevelt to veto the Smith Bill on the ground that it was unconstitutional and "would become an instrument of oppression against unpopular minorities and organized labor." President Roosevelt nevertheless signed it.

The American Civil Liberties Union's prediction has now been fulfilled in the Minnesota case. According to *The Nation*, the Department of Justice itself has no confidence in the constitutionality of the Smith Act: "Off the record, at least one official engaged in the prosecution is prepared to admit that the Supreme Court may find the sedition provisions of the Smith Act unconstitutional. For the first time in peace, since the Alien & Sedition Laws of John Adams, a mere expression of opinion is made a Federal crime. Under these provisions, a man might be sent to jail for ten years because he circulated such un-American documents as the Declaration of Independence and Lincoln's Second Inaugural, for both 'advocate, abet, advise, or teach the duty, necessity, desirability or propriety of overthrowing or destroying any government' by force."

The other law, Section 6 of Title 18 of the U.S. Code, governing "seditious conspiracy," was passed in July, 1861 during the Civil War to be used against the Confederacy. Since no particle of evidence can be presented in this case of any such open armed rebellion against the government, this law obviously cannot apply. As *The Nation* points out: "The rebellion of which the Trotskyist leaders of Local 544 are guilty was leaving the AFL for the CIO." It is not a penal offense for American workers to quit one labor organization for another.

## **THE REAL FACTS IN THIS CASE**

Our review of the facts in this case has irrefutably established the following points.

1. After Local 544 had voted to disaffiliate from the AFL and join the CIO, Roosevelt responded to Tobin's plea for assistance by setting in motion the machinery of the Department of Justice which resulted in the raids and indictments. This intervention of the Federal authorities on behalf of one labor organization in its controversy with another constitutes a rank abuse of the legal functions of the Government.

2. The Socialist Workers Party does not conspire to overthrow the government by force and violence. Its object is to educate the majority of the people to accept the idea that a change in the social system is necessary to solve their economic and social problems.

3. There was no conspiracy whatsoever on the part of the defendants to overthrow the government by force and violence. The attempt to depict the Minneapolis Union Defense Guard as an armed band organized for this purpose is fantastic.

4. The Government is violating the free-speech provisions of the Constitution by instituting this repressive criminal action against the Socialist Workers Party.

5. Through this prosecution the Government is attempting to crush militant and independent unionism and to stifle the anti-war forces in the ranks of labor.

Roosevelt seeks to imprison the leaders of the Socialist Workers Party because of their anti-war views, as Woodrow Wilson jailed Eugene V. Debs and other socialists for opposing the last war. Attorney General Biddle is today prosecuting the militant unionists of Local 544-CIO as Attorney General Palmer prosecuted the members of the I.W.W.

## **CIVIL LIBERTIES AND LABOR'S RIGHTS IMPERILED**

Will the American people and the American labor movement fight to maintain their civil liberties and democratic rights? Or will the Roosevelt administration, under pretext of wartime emergency and in defiance of the Constitution, abrogate and deny them? This is the central issue posed by this case.

The Administration's attitude toward civil rights today has been bluntly expressed by the prosecutor. During the Senate Judiciary Committee hearings on his nomination early in September, in defense of FBI tapping of Harry Bridges' wires, Attorney General Biddle declared: "It is a dirty business, of

course... but we have abandoned civil rights before in times of war." (*New York Times*, Sept. 5, 1941).

### **NATION-WIDE PROTEST AGAINST THE PROSECUTION**

Labor's Non-Partisan League, the political arm of the CIO, of which John L. Lewis is Chairman, has emphasized the menace of the prosecution to the union movement. "Witch-hunting tactics of the Justice Department under A. Mitchell Palmer in World War I are being revived here as history repeats itself in World War II. This is a clear case of Justice Department interference in a trade union matter. The incident is regarded generally as an attempt by the Justice Department to establish a precedent. If it is successful, many informed observers are expecting other indictments of labor figures who do not toe the mark."

"This is one of the most serious issues involving civil liberties to arise in the U.S. in many years," wrote *The New Republic* on July 28, 1941. "That the Minneapolis case is tremendously important goes without saying. President Roosevelt and Acting Attorney General Francis Biddle have repeatedly promised that there would be no such violations of civil liberties as stained the honor of America in the last war. For a country preparing to fight for the principles of democracy, now to violate these principles... would be unforgivable; it would be worth ten divisions to Hitler."

The thousand delegates to the last annual Convention of the United Auto Workers held at Buffalo in August not only pledged full support to Local 544 in its fight but unanimously protested against this use of the FBI "to oppress or harass any labor organization in the pursuit of their legitimate activities."

"Even the language of the indictment has the peculiar twist of Stalin's famous frame-ups in Moscow," writes John Dos Passos in an article condemning the prosecution in *The Nation* of September 6, 1941. "If the defendants are convicted," he says, "a precedent will have been set that bodes ill for this country's liberties."

The American Civil Liberties Union has publicly protested the prosecution and is cooperating with the defense in fighting the case.

These labor and liberal organizations have realized that a successful prosecution of the Socialist Workers Party and the leaders of Local 544-CIO would become the forerunner of an

“all-out” attack upon other trade union militants and minority political groups.

That is why the 29 defendants in this case are today the front-line fighters in the cause of civil liberties in this country. That is why they merit whole-hearted moral and material support from every progressive organization and individual genuinely concerned with maintaining our democratic and constitutional rights. That is why the Civil Rights Defense Committee has been organized. That is why their fight against the prosecution must be won.

## TEXT OF THE FEDERAL INDICTMENT

At a stated term of the District Court of the United States of America for the district of Minnesota begun and held at the City of St. Paul, within and for the district and division aforesaid, on the first Tuesday in April, being the first day of April, in the year of our Lord one thousand nine hundred and forty-one, by a duly empaneled, charged, and sworn grand jury of the United States of America within and for said district, it is presented in manner and form following, that is to say:

The Grand Jurors of the United States of America within and for said district in the name and by the authority of the said United States of America, upon their oaths present that from and before the 16th day of July, 1938, and continuously thereafter until the day of filing of this indictment, in the Cities of Minneapolis and St. Paul, in the State and District of Minnesota, and within the jurisdiction of this Court, and in the City of Chicago, State of Illinois, and in the City and State of New York, and elsewhere, one

Vincent Ray Dunne, Carl Skoglund, James P. Cannon, Farrell Dobbs, Miles B. Dunne, Felix Morrow, Grace Carlson, Oscar Coover, Harry DeBoer, Jake Cooper, Max Goldman, Carlos Hudson, Alfred Russell, Edward Palmquist, Rose Seller, Albert Goldman, Oscar Schoenfeld, George Frosig, Emil Hanson, Dorothy Schultz, Kelly Postal, Clarence Hamel, Carl Kuehn, Roy Orgon, Ray Rainbolt, Grant Dunne, Harold Swanson, Walter Hagstrom and Nick Wagner hereinafter referred to as “defendants,” then and there being, did unlawfully, wilfully, knowingly, and feloniously conspire, plan, combine, confederate, and agree together and with each other, and with divers other persons to the Grand Jurors unknown, hereinafter referred to as “co-conspirators,” to overthrow, put down, and to destroy by force the Government of the United States of America, and to oppose by force the authority thereof.

And the Grand Jurors do present that as part of said conspiracy and as ways and means by which it would be accomplished, the following steps, among others, were to be and were taken, all in the city of Minneapolis, State and District aforesaid, and elsewhere within the period of time alleged in this indictment:

1. The defendants, who were officers, leaders, active members, and in control of a certain political party or organization known as the Socialist Workers Party, which said party or organization was composed of a large number of persons, the exact number being to the Grand Jurors unknown, would procure, induce, influence, incite, and encourage

the members of the Socialist Workers Party, and divers other persons, whose names are to the Grand Jurors unknown, to join with them to bring about the overthrow by force of the Government of the United States, and the destruction thereof by force, and the opposition by force to the authority thereof.

2. The defendants would seek to bring about, whenever the time seemed to them propitious, an armed revolution against the Government of the United States, and the authority thereof.

3. Said armed revolution would be brought about and joined in by the workers and laborers and farmers of the United States, or as many of them as said defendants and their co-conspirators could procure and induce to engage therein.

4. Said workers, laborers and farmers would be by the defendants and their co-conspirators urged, counseled, and persuaded that the Government of the United States was imperialistic, capitalistic and organized and constituted for the purpose of subjecting workers and laborers to various and sundry deprivations and for the purpose of denying to them an alleged right to own, control and manage all property and industry in the United States, all to the end that said workers and laborers would be willing to take part in the armed revolution envisaged and projected by said defendants.

5. Members of the Socialist Workers Party would be placed in key positions in all major industries, among others the transportation, mining, lumbering, farming, shipping, and manufacturing industries, so that said party members could and would induce, persuade, and procure the workers and laborers in said industries to join said party, embrace its principles and objectives and obey the commands of its leaders, thereby enabling the defendants and other leaders of said Socialist Workers Party to obtain and exercise absolute control of all industries in the United States to the end that by paralyzing the same, said projected armed revolution could be more easily and successfully accomplished.

6. Members of the Socialist Workers Party would be placed in key positions in all trade unions and said party members would especially endeavor to obtain absolute control over such trade unions, so that the members thereof, comprising a vast number of workers and laborers in the United States, would be subject to the will and commands of said party leaders, thus enabling the defendants and their co-conspirators to bring about a complete stoppage of work in the major industries of the United States at any given time, and preventing thereby the duly constituted Government of the United States from adequately defending itself against the armed revolution the defendants conspired to bring about.

7. The defendants and their co-conspirators would endeavor by any means at their disposal to procure members of the military and naval forces of the United States to become undisciplined, to complain about food, living conditions, and missions to which they would be assigned, to create dissension, dissatisfaction and insubordination among the armed forces, to impair the loyalty and morale thereof, and finally to seek to gain control of said naval and military forces so that the enlisted personnel thereof would revolt against its officers, thereby enabling said defendants to overcome and put down by force and arms the constitutional Government of the United States.

8. When the Selective Service Act was passed, the members of said Socialist Workers Party would be urged to willingly accept service, but after being induced into the army of the United States, to do everything in their power to disrupt, hinder, and impair the efficient function-

ing thereof, and when the appropriate time came to turn their weapons against their officers.

9. The defendants and their co-conspirators would, and they did advocate and attempt to bring about control of the militia by the workers and laborers of the United States, especially by trade unions; and the defendants would advise, counsel, and encourage the said workers and laborers to arm themselves and to become proficient and trained in the use thereof so that they would be better equipped to overthrow, destroy, and put down by force the Government of the United States.

10. Workers and laborers would be, and they were, organized into military units which would be armed and drilled and taught how skillfully to use pistols and rifles, which said units would be, and were, called "Union Defense Guards"; said units would ostensibly be used for protection against violent attempts to destroy trade unions, but were in truth and fact, designed and intended to be used ultimately to overthrow, destroy, and put down by force the duly constituted, constitutional Government of the United States.

11. The said defendants and their co-conspirators would, and they did, by and for the use of themselves and other persons to the Grand Jurors unknown, procure certain explosives, fire-arms, ammunition, weapons and military equipment, for the aforesaid purpose.

12. The said defendants and their co-conspirators would, and they did, accept as the ideal formula for the carrying out of their said objectives the Russian Revolution of 1917, whereby the then existing Government of Russia was overthrown by force and violence, and the principles, teachings, writings, counsel and advice of the leaders of that revolution, chiefly of V. I. Lenin and Leon Trotsky, would be, and they were, looked to, relied on, followed and held out to others as catechisms and textbooks directing the manner and means by which the aforesaid aim of the defendants could, and would be, accomplished; and accordingly, certain of the defendants would, and they did, go from the City of Minneapolis, State and District of Minnesota, and from other cities in the United States to Mexico City, Mexico, there to advise with and to receive the advice, counsel, guidance, and directions of the said Leon Trotsky.

13. The said defendants and their co-conspirators would, and they did, endeavor to procure and persuade as many other persons as possible to join with them in their undertaking by printing, publishing, selling, distributing and publicly displaying and by causing to be printed, published, sold, distributed, and publicly displayed, written and printed matter, including leaflets, pamphlets, newspapers, magazines and books which advocated, advised and taught the duty, necessity, desirability, and propriety of overthrowing and destroying by force and violence all governments in the world said by the defendants, their mentors and leaders, to be imperialistic and capitalistic, and of the governments so characterized, the Government of the United States of America was said to be the foremost. Contrary to the form of the statute in such case made and provided, and especially contrary to Section 6 of Title 18 of the United States Code, and against the peace and dignity of the United States.

## SECOND COUNT

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present that heretofore, to-wit: beginning the 28th day of June, 1940, and continuously thereafter until the day of the filing of this indictment, at the Cities of Minneapolis and Saint Paul, in the State

and District of Minnesota, and within the jurisdiction of this Court, and in the City of Chicago, State of Illinois, and in the City and State of New York, and elsewhere, one Vincent Ray Dunne, Carl Skoglund, James P. Cannon, Farrell Dobbs, Miles B. Dunne, Felix Morrow, Grace Carlson, Oscar Coover, Harry De Boer, Jake Cooper, Max Goldman, Carlos Hudson, Alfred Russell, Edward Palmquist, Rose Seiler, Albert Goldman, Oscar Schoenfeld, George Frosig, Emil Hanson, Dorothy Schultz, Kelly Postal, Clarence Hamel, Carl Kuehn, Roy Orgon, Ray Rainbolt, Grant Dunne, Harold Swanson, Walter Hagstrom, and Nick Wagner, hereinafter referred to as "defendants," then and there being, did unlawfully, willfully, knowingly and feloniously conspire, plan, combine, confederate and agree together and with each other, and with divers other persons to the Grand Jurors unknown, hereinafter referred to as "co-conspirators" to commit certain acts prohibited by certain statutes of the United States, namely, Section 9 and 10 of Title 18 of the United States Code, in that they in the Cities of Minneapolis and Saint Paul, State and District of Minnesota, and elsewhere, and during the period of time alleged in this count:

1. With the intent to interfere with, impair and influence the loyalty, morale and discipline of the military and naval forces of the United States, would

a. Advise, counsel, urge, and cause insubordination, disloyalty, mutiny, and refusal of duty by members of the military and naval forces of the United States, and

b. Distribute written and printed matter which advised, counseled, and urged insubordination, disloyalty, mutiny and refusal of duty by members of the military and naval forces of the United States, and

2. Knowingly and willfully would, and they did, advocate, abet, advise and teach the duty, necessity, desirability and propriety of overthrowing and destroying the Government of the United States by force and violence, and

3. With the intent to cause the overthrow and destruction of the Government of the United States would, and they did, print, publish, edit, issue, circulate, sell, distribute and publicly display written and printed matter advocating, advising, and teaching the duty, necessity, desirability and propriety of overthrowing and destroying the Government of the United States by force and violence, and

4. Would, and they did, organize and help to organize societies, groups and assemblies of persons to teach, advocate and encourage the overthrow and destruction of the Government of the United States by force and violence, and

5. Would be, and did, become members of and affiliated with such societies, groups and assemblies knowing the purpose thereof.

And the Grand Jurors do present that the said defendants and their co-conspirators would, and they did, attempt to carry out and accomplish said conspiracy in the manner set out in numbered paragraphs 1 to 13, inclusive, in the first count of this indictment; Contrary to the form of the statute in such case made and provided, and especially contrary to Section 11 of Title 18 of the United States Code, and against the peace and dignity of the United States. Dated July 15, 1941

WENDELL BERGE,  
Assistant Attorney General  
HENRY A. SCHWEINHAUT,  
Special Assistant to the  
Attorney General

VICTOR E. ANDERSON,  
United States Attorney for  
the District of Minnesota

This Pamphlet Has Been Published By

## **The Civil Rights Defense Committee**

*Organized to Aid the 29 Defendants in the  
Minnesota Federal Prosecutions*

**JAMES T. FARRELL, Chairman**

**JOHN DOS PASSOS, Vice Chairman**

**CARLO TRESCA, Vice Chairman**

**GEORGE NOVACK, Secretary**

### **EMERGENCY APPEAL!**

The Civil Rights Defense Committee needs \$7,500 immediately to defray the heavy costs of fighting this case. Aid the 29 defendants by contributing promptly and generously to their Defense Fund. Make all checks payable to the

### **CIVIL RIGHTS DEFENSE COMMITTEE**

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**SOCIALIST WORKERS PARTY**

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