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The Irvin Trial: Legal Lynching

By MARY BELL

On July 16, 1949 in Groveland, Florida, four American citizens were arrested on charges of rape. Classically, Ernest Thomas, Sam Shepherd, Charles Greenlee and Walter Lee Irvin were Negroes. Classically, the arrests grew out of the accusations of a white woman, Norma Lee Padgett. The case has become known—after an unforgettable American classic—as the "Little Scottsboro Case."

Following a three-day spree of mob violence against the Negroes, Thomas was shot by a deputized posse for "resisting arrest." Shepherd was shot and killed by a deputy sheriff on the eve of his re-trial. Greenlee is on a Georgia chain gang.

Walter Lee Irvin survived beatings in custody and the attempt at murder by the sheriff, only to undergo a second legal lynching in the recently concluded trial in Ocala, Marion County, Fla., population 12,000.

The second trial in 29 months for Irvin was the result of the Supreme Court order for a re-trial. The verdict was handed in after less than two hours' deliberation by twelve white men and true, after seven Negroes of a panel of 100 had been dismissed.

"Justice has been done," amended Sheriff McCall, the law enforcement officer who killed Shepherd and attempted to kill Irvin, at the conclusion of the trial. "Justice" had presided in Ocala, Marion County, where Negroes are supposedly to be treated more fairly than in neighboring sections, in a Jim Crow courthouse on Magnolia Street.

WHITTLING JUSTICE

An Elmo Roper poll ordered by the National Association for the Advancement of Colored People had shown that 43 per cent of the white residents of Marion County were convinced of Irvin's guilt without evidence. The presiding Judge Futch refused to have the poll offered in evidence and denied a motion for a change of venue. Judge Futch denied most of the defense motions, while whittling a great deal on the bench.

The white woman, Norma Lee Padgett, 17 years old two years ago at the time of the charge, was in court with her three-month-old baby. She was described in a sum-

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ANTI-FASCISTS APPEAL FOR AID—

Franco Regime Starts New Wave of Terror in Spain

By HAL DRAPER

A new wave of terror against the opposition appears to be under way in Franco Spain, as the fascist regime institutes a series of trials against prominent militants, with death penalties threatened as the outcome. While Americans have not been informed of this by the U. S. press, the retiring American ambassador to Franco, Stanton Griffis, has been gilding the Falangist dictator in public statements as if he were a convert to democracy.

The socialist resistance movement of the Spanish POUM, as well as other anti-Franco forces, has called for international actions of solidarity to save the men facing death at the hands of Franco's hangman and to stop the threatened judicial processes against others still facing trial.

Last December, in Seville, 75 members of the underground CNT (syndicalist National Confederation of Labor) were given savage sentences for anti-Franco activities. The new cases now also involve Barcelona and Valencia.

There can be little doubt that one of the reasons why Franco feels bold enough to take the offensive at this time is his financial and diplomatic backing from this side of the Atlantic.

Franco's Method

Last week LABOR ACTION carried the first part of a first-hand report on "The Face of Franco Spain" by a correspondent who stressed how great a blow it was to the cause of the Spanish people when the U. S.

swung toward a rapprochement with Madrid, especially for those who had entertained illusions about help from Washington. In his next part (to be published next week—crowded out of this issue) the same correspondent notes, as of the time of his trip, that there is no atmosphere of terror visible to the naked eye of the traveler, not since 1944. There is not, to be sure, a Stalinist-type terror which strikes fear into every home; but Franco is nevertheless starting new and fierce attacks against the opposi-

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FLORIDA: "The Court Is Ready to Hear the Case"



Halley Slaps Liberal Party; Queens Election Shows Liberals Must Stress Own Organization

By GORDON HASKELL

NEW YORK, Feb. 25—The Liberal Party leadership got a swift kick where it hurts most last week when Rudolph Halley, elected president of the New York City Council on the Liberal Party line last November, all but repudiated the party.

Speaking to press reporters Saturday after delivering an address before the fourth annual Columbia College Forum on Democracy, Halley obtrusively reminded his audience that he was not a member of the Liberal Party, and that he would welcome the support of a "cleaned-up" Democratic Party if he should some day run for mayor.

"I am undoubtedly a Democrat," he emphasized. "I have not left the Democrats. The party has left Democrats like me." By the "party," he meant the New York Tammany machine.

This open declaration of Halley's real political loyalties was not altogether unexpected. At a banquet given in his honor last December, the Liberal Party leadership openly hinted at their fear that Halley would not "stick" with them. (See LABOR ACTION, Dec. 24 last.) Yet this declaration, coming quite gratuitously and at a time when no practical political decision seems to force it, can be interpreted only as a calculated attempt by Halley to open his way into the graces of the Democratic machine, regardless of the effect on the Liberals. And even if the statement was not premeditated, it gives a clear insight into the real thinking and loyalty of the Liberals' most prominent recent standard-bearer.

CRANMORE SHOWING

Halley's statement was made a few days after the results were in for the congressional by-election in the 5th district of Queens on February 19, in which the Liberal

Party candidate had gotten a poorer vote than the Liberals had hoped. Running as an independent candidate against the candidates of both major political machines, Cranmore got 2,646 votes, Republican Robert T. Ross 17,300, and Democrat Hugh Quinn 11,442.

One feature of the Liberal Party vote in this election was that it polled a much larger vote than the candidate of the American Labor Party, Thelma Bearman, who got 1,221 votes, despite the fact that the ALP has been traditionally stronger than the Liberals in this district.

Cranmore's showing was without a doubt disappointing to both the leadership and the ranks of the party. He conducted a spirited campaign, and the party activists pitched in with a will. They were aided by several unions in addition to the Ladies' Garment Workers and Milliners, which form the backbone of Liberal trade-union support in the city.

The high hopes of the party people for at least a very strong showing, if not a victory, were based to no small degree on the fact that Halley had run a close second to the winner in that district last fall.

CHIEF NEED

It would be quite useless to try to draw any definite conclusions from this election. The election was announced only a few weeks before the date of voting. (The election was to fill a vacancy left when the former incumbent resigned to run for district attorney of Queens County last fall.) The Liberal Party had a little more than a week in which to organize and carry out its whole campaign in a district which had never been one of its strongholds, and in which it had never had a solid local organization.

Further, the vote was extremely light. The total vote was only

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New Wave of Terror in Spain

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tion which he fears.

The situation and the need are outlined in an appeal issued by the Spanish POUM on February 13 and just received by us:

"A Falangist military tribunal in Barcelona has just condemned to death nine militants of the CNT. Some weeks back, in Seville, another tribunal of the same kind imposed the death penalty on Antonio Nunez and Dionisio Ruda, anarchist fighters of the Andalusian resistance.

"The repressive apparatus of Franco's totalitarianism is continuing its terrorist work. The scandalous trials of Barcelona and Seville signal the beginning of a new period of crimes against the people. Other trials are in sight. Included are the trials of the 27 in Barcelona and of our Comrade Gerardo Baldris, POUM militant, head of a division during our civil war, for whom the death penalty is likewise being asked.

"Franco and the Falange feel strong because the big powers, which yesterday condemned him, today support and tolerate him. And also because the international labor movement and liberal forces in the world have appreciably lessened their activity against the Franco tyranny.

"The Barcelona and Seville trials, like those which are to take place shortly, are an insulting challenge to the labor and democratic forces which throughout the world keep alive opposition to the regime of hunger, oppression

and terror which rules in Spain. This challenge imposes an urgent duty, which cannot be avoided, on the international working class and on its trade-union and political organizations.

"We must save the worker-militants condemned to death in Barcelona and Seville. We must stop the new trials which are being prepared. The Falangists must be stopped dead. By every means we must come to the aid of the Spanish people and of their courageous underground resistance.

"There is no time to lose. What is needed is a great international mobilization against the Falangist tyranny and in defense of its victims. Against the Franco terror! Save the men condemned to death in Barcelona and Seville!

"EXECUTIVE COMMITTEE of the POUM."

BALDRIS CASE

More details are available on the case of Gerardo Baldris. Writes *Batalla*:

"The Francoists are preparing other trials [in addition to those of Barcelona and Seville]. Among these, it has been announced, there will soon be the case of our Comrade Gerardo Baldris.

"Gerardo Baldris, a worker on the Madrid subway and a POUM militant of that city, during the civil war showed himself to be a revolutionary military leader of rare quality.

"Our party is not one of those which manufacturers or invents leaders and heroes. Thus, during the hard days of the civil war, it

did not devote itself to the task of exalting the merits of the men who, under its banner, gave exceptional service in the cause of the revolutionary struggle against Franco. Among these men—many of them known only to those at whose side they fought—Gerardo Baldris is outstanding.

APPEAL FOR HELP

"As soon as the military-fascist insurrection broke out, Baldris jumped into the fight without hesitation. He was the top commander of the POUM militia in Madrid. Later, once the army was organized, he fought on the Aragon and Levante fronts. In command of a brigade, he intervened brilliantly in the battle of Teruel. When Levante fell, Baldris was head of a division.

"The Valencia trial is therefore a shame and a disgrace, after a lapse of 13 years, against a revolutionary military leader.

"They are going to ask the death penalty for Gerardo Baldris, who has already been savagely tortured.

"International action to save the men condemned to death in Barcelona and Seville must be effective enough also to stop the crime they are going to commit against Gerardo Baldris!"

The appeal to the conscience of the world which the fighters against fascism send should touch no one more than American workers. For it is this country which is engaged in herding the Western

powers into line to save Franco's skin, and, as we have mentioned, it is Stanton Griffis' lying picture of the Franco regime which has gotten into the newspapers.

Men who are sacrificing for a democratic and socialist Spain sit in prison, without even being told exactly what charges are laid against them; they are not allowed to have the assistance of civilian counsels; instead they are provided with a list of unknown officials approved military lawyers who owe their allegiance to Franco; they are to be tried under the infamous "Law Against Banditry," under which anyone opposed to the regime can be condemned as a "bandit" and terrorist.

"PROGRESS"

And at this time, within the last month, Griffis has been telling the world that Franco Spain has made "a great deal of progress in freedom." The "progress" he is referring to, it turns out, is confined to the right of Spanish Protestants to hold their own services, and even this Franco-lover admits in passing that "there is still very little freedom for labor or for assembly." But progress is progress when a dictator has to be whitewashed to fit into the "democratic camp," at a time when the U. S. has already established a permanent mission of its Mutual Security Agency in Spain.

In fact, Griffis proposes the Falangist generalissimo as "the normal and natural mediator" for the disputes between the West

and Egypt and other Middle Eastern countries! What counts for Griffis, as for his like-minded superiors in Washington who appointed him, is Franco's laurels as an "anti-Communist" crusader. It matters little to them that among Franco's active and persecuted opponents, only a tiny handful are Stalinists. In the overcrowded "Model Prison" of Barcelona, for example, only 15 of the inmates are Stalinists; all the others are socialists, republicans and syndicalists.

SHADES OF HITLER

But obviously Griffis is not thinking of Franco's services against any mythical Communist Party danger in Spain today. He is thinking precisely of Franco's "anti-Communism" in overthrowing the republican government of Spain at the head of a fascist uprising, with the aid of Hitler and Mussolini! He said, on returning to New York about a month ago:

"There is a rising tide of friendly feeling toward Spain in the United States based on the realization that Spain began to fight Communism twenty years ago. In its understanding of the dangers of Communism, Spain is fifteen years ahead of the United States."

As the London *Tribune* commented: "What a pity Hitler and Mussolini can't be resurrected. Their gallant record is even more ancient than Franco's."

Griffis is not speaking for the American people. The Spanish resistance is asking American labor to demonstrate that.

Irvin Trial: Legal Lynching

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mation by the prosecution as "an honest, old cracker girl, raised in Lake County, Florida, who has never been in any trouble in her life." Her story, baseless or not, was entirely unsubstantiated throughout the trial. The New York *Post* said she was "as pleased as a bride" at the verdict of guilty, "with her baby playing in her lap."

In the first hearing two years ago, it had been testified that she had gone to the hospital after the alleged attack. This time, there were no medical witnesses at all. The defense produced two "surprise witnesses" who gave startling testimony which was effectively unchallenged, except for courtroom histrionics, by the prosecution.

FAKED PRINTS

One of these was a white soldier, Lawrence Burtoft, the first

person Mrs. Padgett had seen after her presumed ravishment. He told the court that she had not mentioned rape at all, and Mrs. Padgett confirmed this fact. She had waited outside his store in nearby Okahumpka until it opened in the morning.

A Miami criminologist testified for the defense that the plaster casts of Irvin's footprints were faked by the sheriff, the impression being concave and hinting of a shoe-tree insertion, rather than convex as in the case of a normal print.

The defense was sponsored by the NAACP. The prosecution had sought unsuccessfully to bar the Northern "invaders." It charged that a "campaign of vilification" had been conducted against Florida. Its attempts at proof dealt with such NAACP phrases as "legal lynching" to describe the earlier trial.

When the NAACP won on this

issue, Thurgood Marshall became the chief attorney for the defense, assisted by Jack Greenberg. The use of a Negro lawyer in this area was unprecedented in the memory of the participants in the case.

HIS TONGUE SLIPS

Marshall urged the jury that "Justice and the U. S. Constitution are color blind." Prosecutor Buie countered, "You have the right, you men who sit on this jury, to rise to the protection of your women." And: "Just use your good horse sense."

On the closing day, another prosecutor, Hunter, tried to explain why Irvin had returned home on the night of the supposed rape instead of fleeing. "Don't you know that they decided that if they ran away they would be chased? That's why they went home and went to bed. Don't you know that's the colored way of doing things?"

Revealing a sensitivity to the outside world, Hunter told the press he had meant "the criminal way."

There are other indications that Florida was responding, if abortively, to the tremendous protest aroused over this case. Irvin revealed, after the trial, what had been suspected earlier: an agent of Governor Warren had tried to make a deal whereby Irvin would plead guilty, thereby drawing a life sentence rather than a death penalty, with the chance of getting off in seven years or so for good behavior. To Irvin's credit, and without the insistence of his attorneys, he chose to plead not guilty. "I would have been telling a lie on me," he said.

PUSHED AROUND

Now back in the Florida state death house in gray coveralls, with mustache shaved again as the prison guards had told him it would be, Irvin can at best look forward to a third trial if the Supreme Court again orders a re-trial—and again in Florida on some other Magnolia Street.

He will repeat the monotonous days in jail. Of his previous 30 months, he had said, "I have nothing to do but look at the ceiling. I think about my family, about how I've been pushed around, about my innocence. I asked the head of the library to send me books to read. I wrote him six letters, asking for books, beginning in 1949 and going through 1950, but he never answered. I don't write no more."

Mrs. Threat, Irvin's sister, said: "Walter liked to sing. He

used to sing with a church quartet. He liked to do work—plowin', any of it. He always wanted to be doing something. We were together a lot."

WORLD LOOKS ON

The story of the "Little Scottsboro" case has made the headlines in French, German and Italian and, of course, all the Iron Curtain tongues. But more important, the "Little Scottsboro Case" is related in the tongues of people who are colored. They are the majority of the world's population. Their allegiance is sought after by the U. S. which purports to lead the concert of democracy against totalitarianism.

What are the supposed reasons for the frenzied militarization of the West, NATO, the European army, and atomic-weapons development? A crusade of democracy and freedom against dictatorship and tyranny. The West is, it claims, arming and seeking allies in a struggle against a system which denies rights, justice and equality to the individual, which imprisons without trial or on frame-up evidence.

The Stalinists are trained to react with Pavlovian reflexes when their concentration camps in Russia are mentioned: "Yes, but what about the Negro in the U. S.?" Nearly everyone knows now that their pretended indignation is sheer demagoguery. But it is not demagoguery when the same question is asked by millions of Asians and Africans, and for that matter millions of white people of other continents: "What about the Negro in the United States?"

They Need Your Help!

Local New York of the Independent Socialist League has been regularly mailing packages of food and clothing to needy workers in Europe. The relief committee has especially urgent need for clean, wearable clothing for children of school age, particularly in the 12-14 age group. Please bring or send your contributions to the city center of the ISL, at 114 West 14 Street, 3rd floor, New York City.

Young Nazi Hoodlums in Philly

By FRANK HARPER

PHILADELPHIA, Feb. 19—A student fascist "Hitler Youth" movement has been uncovered at the Olney High School in the north central area of the city. The extent, origins, and ideological

ties of the school group remain the subject of investigation, speculation, and controversy. However, it is well-established that a number of acts of bigotry and terrorism against Jewish students and the community have been committed by youthful ringleaders under the swastika emblem.

About a month ago a meeting in a synagogue in the Olney area was disrupted by a "Molotov Cocktail" thrown through a window. Later another bottle of burning gasoline was placed in the school building during or immediately after a meeting of a parents' club. There have been unverified rumors of fascist leaflet distributions at the school, goosestep parades in the corridors, and the wearing of armbands in the classrooms. There

has been a similar but apparently unrelated incident in West Philadelphia in an attempted firing and bombing of a synagogue after a Girl Scout meeting.

The principal of Olney High and the school boards are on the pan. They deny the incidents reported within the school. Undoubtedly there has been rumor-mongering and horseplay by the students, which has tended to magnify and confuse the picture. It has been admitted that the school library copy of *Mein Kampf* has had unusually popular circulation in recent months. Moreover, about half a dozen youth are being held by authorities as ringleaders. One of these is a son of a known German-American Bundist who committed suicide after the defeat of the Nazis.

FASCIST LINKS?

Among the city agencies involved are: the Juvenile Bureau, Police Department, Commission on Human Rights, and the district

attorney. The newly elected Democratic DA, Richardson Dilworth, after vowing to uncover the adult organizations in back of the student terrorists, has concluded that no such groups are involved. Some members of the Human Rights Commission have credited the incidents to "sick, twisted and distorted minds"; others are convinced that there is a tie-up with remnants or revivals of fascist groupings which existed in the neighborhood in the thirties and forties.

It is likely that this latter viewpoint is the most correct. The detailed planning and execution of the incidents indicate mature advice. Sociological factors such as the overcrowding of the schools, the aftermath of "two-income" families, and the uncertainties faced by the youngsters in this permanent-war period are undoubtedly operative and increase racial and ethnic tensions in schools. They do not, however, explain the unique developments at Olney High.