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THOUSANDS of well-disposed citizens know only in a general way that there is any active interference with freedom of opinion in the United States. They know there's an issue, but they don't know the facts.

This collection of instances of police and mob interference with free speech and freedom of assemblage is taken from official records in the files of the American Civil Liberties Union. They represent only a fraction of the attacks on civil rights. They are, however, representative of the methods used. They deal with all the chief radical groups,—the Workers' Party and Socialist Party, militant labor and the I. W. W. They cover cities from the Atlantic to the Pacific and from North to South; meetings on private as well as on public property; times of strike and times of peace.

Those who are familiar with the facts and don't need this evidence, might well pass these little stories on to someone who doesn't yet understand what "free speech" is all about.

A LITTLE AFFAIR IN KANSAS CITY

William Z. Foster gives an account of police tactics typical of the sort often encountered by radical speakers. He says:

"On September 17, 1923, I was billed to speak at Carpenters Hall, Kansas City, Mo. The meeting was under the auspices of the Labor Defense Council. A crowd of 350 was there. The meeting went off in good shape without disturbance and the crowd had almost all left the hall when several plain-clothes men arrested me together with the man in charge of the meeting. We were taken to the police station and booked for "investigation." Then we were placed in a filthy cell two flights underground, the floor of which was covered with an inch of water. We were segregated from the body of prisoners.

"Later in the evening we were bailed out by a Defense Council lawyer and in the morning appeared before the judge charged with disturbing the peace, the chief witness being the police sergeant. *Upon questioning as to whose peace had been disturbed the sergeant declared that it was the peace of the audience.* He admitted that there was no excitement at the meeting and stated that the audience was not intelligent enough to get excited.

"The case for disturbing the peace seemed too thin for this judge and we were discharged."

FOSTER—AND A BISHOP

Even when such men as Mr. Foster take along a bishop and talk within thirty minutes of Broadway, they may get the rough stuff. Bishop Paul Jones of the Fellowship of Reconciliation appeared with Foster in Newark on January 11, 1924, after Foster had been publicly warned by the Director of Public Safety that he could not speak in Newark "anywhere, any time, or under any auspices." Bishop Jones reports the results:

"The chairman set up his stand on a side street and hung out a banner announcing the meeting. He then opened the meeting by reading passages from the United States Constitution. As he did this, two plain-clothes men stepped up and asked him for his permit and told him he couldn't speak. They made as if to pull him from the stand, but he insisted on speaking. Then they probably phoned for the patrol wagon and assistance.

"I was introduced, and again the police interposed and informed me I could not speak, but I went ahead for ten minutes and was about to give way to Foster when the wagon arrived. I continued speaking until two officers in uniform told me to get down. They got hold of my arms and helped me into the wagon.

"When I had stepped down Foster mounted the box and said as much as 'Fellow citizens.' They put him into the wagon. . . . At the station house we were interviewed by the precinct captain. It was perfectly evident that he was not interested in the fact that we had spoken without a permit. Ignoring the fact that the chairman had not been arrested and that I had spoken, he addressed himself to Foster. What did he want to do in Newark? What did he represent? Why? No charges were booked against us, but the chief tried to get Foster to promise that he would not speak on the streets again. Foster refused, saying, however, that he had no desire to speak on the streets, but was forced to do so because he had been denied a permit to meet in a hall."

Bishop Jones and Foster instituted suit against the police for false arrest, and the objection to Foster's speaking was soon after withdrawn through a formal agreement between the attorneys representing the City and the plaintiffs.

THE QUEER WAYS OF THE QUAKER CITY

Philadelphia has a police control of meetings which is at once arbitrary, unique, and outside the law. All hall-owners in the city require those arranging meetings to get a written police permit.

Every hall-owner understands that if he lets his hall to persons who have no such permit, he will be the object of police persecution, and his license may be revoked on some technical ground. The control is just as complete and effective as if authorized by law, and it has the advantage of being proof against court proceedings. Every effort to test it out has failed to get results.

Elizabeth Gurley Flynn fell afoul of this system, as have other liberal and radical speakers, when she went there to speak in March, 1921, at a Sacco-Vanzetti Defense meeting, scheduled for 10 o'clock on a Sunday morning, and for which no police permit had been secured. What followed illustrated the police temper when they thought something was being put over on them.

Miss Flynn happened to stay the previous night at the home of two friends who knew nothing about the meeting, but accompanied her to Garrick Hall. There they found 30 policemen and a sergeant on guard. Miss Flynn and her friends were seized and hustled into a small room in the hall where they were subjected to close questioning by the sergeant. According to Miss Flynn's statement:

"He was almost hysterical with excitement. Who had arranged this meeting? Where was the permit? Why had I come to disturb the people of Philadelphia? Didn't I know that a real American (Mr. Harding) was now at the helm of the nation and intended to make short work of radicals like me? What business had I defending anarchists and convicted murderers?"

"He took my brief case and found in it copies of the *Nation*, *New Republic*, and *World Tomorrow*, and read aloud to the wondering cops an article from the *International Socialist Review* on Karl Liebknecht. 'For this,' he shouted dramatically, 'I will put you under arrest.'"

Miss Flynn was promptly taken into custody along with one of her friends, the other being ordered out of the hall. They were put in a patrol wagon outside where they found twelve Italians. From them they learned that the audience had been driven from the hall and all those who admitted being speakers or on the committee had been arrested. Arraigned before a magistrate on a general disturbance of the peace charge the evidence against Miss Flynn was a letter from a prominent New York lawyer on a matter then pending in the courts and a copy of a Sacco-Vanzetti Defense leaflet "Are They Doomed?". They were held on \$1,000 bail and until their friends could raise it they resided for several hours in Moyomensing Prison. All the prisoners were then released without definite charges, though some of them later had deportation proceedings brought against them. It cost Miss Flynn \$100 for lawyers and expenses.

THREE TRIES FOR FREE SPEECH AT VINTONDALE, PA.

Arthur Garfield Hays, Civil Liberties Union attorney, during the coal strike of 1922 invaded the coal town of Vintondale, Pa., closed for years to "free speech" by means of armed guards, in order to prevent organization of the mines.

Mr. Hays tells the story as follows:

"There were three assaults made on Vintondale. The first was in May, 1922. At that time the party, consisting of lawyers, union men and some newspaper officials, were ridden down by the coal and iron police. We left the town and in the afternoon appeared with warrants for the arrest of six of the members of the mounted police and of the secretary of the Vinton Colliery Co. These men were later indicted for assault and battery, were tried before a jury, were found guilty and fined.

"A few weeks subsequent to this we obtained an injunction preventing interference with a meeting which was held in Vintondale on property of the United Mine Workers. The coal and iron police patrolled the center of the street; across the way were hundreds of curious miners interested in this unusual spectacle. Mr. Justice Kephart of the Supreme Court of Pennsylvania, fearing bloodshed and violence if the meeting were permitted, stayed the operation of the injunction, but this was too late to prevent the meeting. The stay was later vacated, but the injunction case was never tried.

"Following this on the evening of the trial of the gunmen, I, with two newspaper reporters, went to Vintondale to hold a meeting. The attitude of the coal and iron police had changed. I was asked to delay the meeting until an officer could communicate with the burgess as an ordinance had been passed prohibiting meetings without a permit. I refused to postpone the meeting, and there was no interference. All three of us who were in the party thereupon proclaimed to one another the Bills of Rights of Pennsylvania and the Declaration of Independence. The night was cold and dark and the meeting did not last very long, but there was no interference."

UPTON SINCLAIR AT SAN PEDRO

When the strike of the I. W. W. longshoremen was on in San Pedro (Los Angeles' harbor) in May, 1923, 600 strikers were rounded up and held in an improvised stockade after the jail was filled. This high-handed procedure aroused friends of civil liberty in Los Angeles, who arranged a public meeting of protest. Upton Sinclair, as the chief figure in the affair, describes what happened in this telegram to the Civil Liberties Union:

"Committee of eight visited the mayor demanding protection for free speech meeting. Mayor promised complete guarantee our constitutional rights and no interference providing no violence.

"I then interviewed the owner of the property known as Liberty Hill and obtained written consent for meeting. A large delegation of us, including attorney, interviewed the police authorities at the harbor. They said mayor had instructed them contrary to his promise to us. They would permit no meeting and would arrest immediately if we attempted. Chief Oaks declared his will supreme, practically martial law, and threatened me personally saying no bail would be allowed if we were arrested. I read him the Bill of Rights in the police station."

Then the party informed the police they would read the Constitution on the hill and proceeded there in an orderly manner. They started to read. Sinclair's wire continues:

"I was arrested and book taken from me. Kimbrough then started to recite same passage and with Prince Hopkins was arrested, also Hugh Hardyman. We were at once spirited away and held incommunicado for 18 hours. Repeated requests to telephone for lawyers denied. Finally the clamor of newspaper men forced Oaks to allow them to see us but on condition of pledge not to reveal where we were all this time. All jail and police authorities were lying to my wife and attorneys as to my whereabouts refusing all requests to see lawyer.

"They brought us secretly to city jail, locked us in cells refusing all requests to see lawyer. Wife tipped off by one of Oaks' men as to plot to rush us into court just before closing, force hearing without our lawyers and then railroad us to place unknown. My wife got lawyer to jail who demanded right to see us and secured release on bail."

The charge against the quartet was first "suspicion of criminal syndicalism," later changed to misdemeanor with a long array of specifications including conspiracy, inciting to violence, incendiary utterances, and blocking traffic. The case was dropped by agreement after Sinclair and company had instituted suits for damages against

police officials, the mayor and the heads of the big lumber companies behind them.

THE LAW AND ILLEGAL VIOLENCE

Perhaps the most shocking case of mob violence by officers of the law was the near-lynching of Salvador Rose, a Proletarian Party street-speaker in Toledo, Ohio. The affair took place on the night of August 7, 1923. Mr. Rose tells it in the following affidavit, backed up by his wife:

"About 10 P. M. while listening to my wife, Mrs. Jane Rose, speaking from a public platform, I noticed a group of police in uniform jump from automobiles. They surrounded Mrs. Rose and myself and told us we were under arrest.

"We then were ushered by the police to a waiting automobile and whisked away to a lonely country road about 23 miles out of Toledo with two more of the kidnapping motors following. We then stopped and I was taken out of the car, a noose was put around my neck, the loose end being swung around the limb of a tree. They proceeded to lift me off the ground by tugging at the loose end of the rope and then letting me down again."

After this had continued for some time until Mr. Rose was nearly strangled, one of the men tired of the sport and said firmly to his fellows: "You are going too far. If you hang this man I am going to make it hot for you." After a hurried conference and the hysterical entreaties of Mrs. Rose, the rope was taken from Mr. Rose and he was forced to sign a statement renouncing his connection with the Proletarian Party. The lynching party then returned to Toledo, leaving the Roses to walk back to the city.

Mrs. Rose was pregnant at the time of the outrage; as a result her baby was still-born three months later. Court action was impossible chiefly because Mrs. Rose was physically unable to return

to Toledo to identify the kidnappers. When she could it was too late to bring a suit with any prospect of success. The City Council and the Public Safety Director of Toledo both refused to probe the affair seriously. Political and other influences blocked any effective investigation.

THE KLAN AND THE WOBLIES

National attention was attracted to Port Arthur, Texas, on June 30, 1923, when James E. Holland and John Murray, organizers of seamen in the I. W. W., were taken out by a Ku Klux Klan mob, aided and abetted by the chief of police and his force, inhumanly flogged, and chained with their necks together, stripped of all their clothes and driven out of the city. This was done to intimidate the I. W. W. and stop the organization of longshoremen and oil workers.

The flogging followed the arrest of Holland on the vague charge of vagrancy. When taken to the police station the officer in charge said he did not care to see him and left the office. Shortly after this he was told to leave the station, whereupon he was seized by the mob. The leader of the mob was a certain MacBride, a Ku Klux Klan gangster and a tool of the local oil interests.

A charge of felony was made against MacBride and when a courageous local judge ordered a change of venue to a district not controlled by the Ku Klux Klan, MacBride declared himself willing to enter a plea of guilty and go before the Grand Jury and tell the names of the twelve others in the flogging party, if the court would rescind the order of change of venue. This was done and MacBride was fined \$50.00 and costs for aggravated assault. He failed, however, to appear later before the Grand Jury until arrested for contempt

and put under bond. In court he refused to name his accomplices on the ground that it would ruin him. No legal process could compel him to do so, and he suffered only the condemnation of the court.

The result has been the cessation of Klan violence and the unrestricted right of the I. W. W. to organize and agitate even in a Texas town.

FASCISM IN OLD FORGE, PA.

Although Socialists have become fairly well tolerated and are not usually molested by the police, they occasionally get the treatment accorded other reds. In Old Forge, Pa., a mining-town near Scranton, two Socialist Party speakers, both American citizens, were twice ejected forcibly from the town and put over the county line by order of a mayor who had once been a socialist himself. The story illustrates effective co-operation between local police, county constables and state constabulary. Here's the story from affidavits:

On June 9, 1923, Birch Wilson and Girolamo Valenti went to Old Forge to address a meeting of Italian Socialists. Mayor Constanzo of this town is well-known locally for both his Fascist sympathies and his contempt for the Eighteenth Amendment.

As the speakers were sitting in the home of a friend before the meeting, they were suddenly seized by policemen acting under orders of Mayor Constanzo. Asked if they had a warrant the policemen replied: "We don't need any warrants for fellows like you." They were then thrown into an automobile and taken to the town hall escorted by state troopers, who had participated in the arrest, as well as by Sheriff James Reap. "At the hall," says Valenti's affidavit, "we were searched by the burgess, the sheriff, and the sergeant of the

state constabulary." Some of their literature was seized, after which they were taken to the county boundary and warned not to come back.

But they did. The second time they came, June 13th, they were representing the Civil Liberties Union. The same police line-up was there to welcome them, with the exception of the state troopers, who had been misinformed of the hour of the meeting. This time they were seized by the Chief of Police and the mayor as they began to speak. They were taken again by force to the town hall and from there out of town. The mayor on this occasion delivered himself publicly of these words:

"I will keep the Socialists from speaking here now and forever. The conditions in our community are fine. People are in good humor and making plenty of money. I refuse to have agitators, covered under the name of socialism, who are radicals in the sense that they preach the red flag, come into the community and make speeches. I questioned them and when they admitted they came to make socialistic speeches, I deliberately ran them out of town."

Valenti and Wilson prepared damage suits against the officials and for months efforts were made in vain to find a local lawyer in Lackawanna County willing to file them. Not until May, 1924, almost a year later, was an attorney found who would risk the consequences.

FIGHTING PERSISTENCE WINS

In Centralia, Wash., the lumber interests have made repeated attempts to "get" Elmer Smith, a young attorney identified with defending I. W. W.'s. Smith was booked to speak in Centralia one day in February, 1923, on the subject "The Road to Freedom."

When the handbills announcing the meeting appeared, the Chief of Police and the mayor went personally to Smith's home and told him he would be arrested if he spoke. The meeting was put on as planned, and Smith was arrested after he had discussed the First Amendment to the Constitution for four minutes. "No objection was made to anything I had said," Smith reported, "and they claimed I was being arrested under a new local criminal syndicalism ordinance which is patterned after the state criminal syndicalism law."

Smith was jailed and charged with "*speaking under the auspices of the I. W. W.*" The relevance of this charge may be gathered from Smith's letter:

"Mayor George Barner himself addressed the same meeting, explaining to the crowd why I was arrested. As he was introduced by the same chairman who introduced me, he was certainly speaking himself 'under the auspices of the I. W. W.!' I was fined \$20.00 and given five days."

He appealed from this decision and brought suit against the police. The matter was finally settled out of court and Smith won his right to speak. The next meeting on April 1st, held under the joint auspices of the Civil Liberties Union and the I. W. W. was attended by over 4,000 people in a town of about 7,500 population, with Elmer Smith as the principal speaker.

McKEESPORT'S MUSSOLINI

What the mayor of a western Pennsylvania city controlled by the United States Steel Corporation will do even in the absence of a ripple of industrial unrest was illustrated by Mayor George H. Lysle of McKeesport, when the Workers' Party attempted to meet there on September 9, 1923.

Mr. Lysle's tyrannical interference with radical and labor meetings is a matter of long standing, fully covered in the Inter-Church World Movement's Report on the steel strike of 1919.

When the Workers' Party planned a series of meetings in McKeesport in 1923, they were met by Mayor Lysle's point-blank refusal to issue permits, though there was no law authorizing permits for meetings.

This attitude of the mayor caused the Workers' Party to call in the Civil Liberties Union to make a legal test. Slovak Hall was first secured and also a corner lot for use in case the hall should be closed by the police.

On the evening of the 9th, the speakers, Jay Lovestone, Fred Merrick and Robert W. Dunn, went to the hall accompanied by witnesses and their attorney. As expected, the hall owners refused to honor their agreement, having been intimidated by the mayor. Policemen in uniform and plain-clothes appeared at the hall to back up the hall manager. Thereupon the speakers adjourned to their private lot. Motorcycle police and patrol motors full of blue-coats raced ahead to the lot, and succeeded in attracting a curious crowd which covered the sidewalk with a scattered overflow on the street. After being introduced before beginning his speech, Merrick told the crowd to come on to the lot, which most of it did. Merrick had spoken three minutes when the police received the order to arrest. They arrested Lovestone and Dunn, together with a local man who was holding an American flag behind the speakers, and a boy with a package of literature.

The five were put in a cell at the station house, charged with disorderly conduct, desecrat-

ing the Sabbath and meeting without a permit. They were released on bail. The next morning before the magistrate they were each fined \$25.00 and costs. Testimony at the magistrate's trial revealed that:

One had been holding the flag.

Another had been caught with a bundle of literature which the magistrate didn't relish. A pamphlet entitled "Free Speech in Western Pennsylvania" was composed chiefly of a speech by Dr. Harry F. Ward in Pittsburgh.

The rest had opened their mouths to the extent of a few words about the Constitution.

On advice of the attorney all paid their fines and appealed. The magistrate promised to produce the permit ordinance under which they had been convicted. Later in the day the speakers with their attorney called on Mayor Lysle and were brusquely informed that there was no ordinance about meeting permits, and that the arrests had been made on his own order. "I refuse to talk about it with you men," and he shut the door.

A few days later a copy of the only McKeesport ordinance that seemed to be available for the prosecution was sent to their attorney. It is entitled:

"An ordinance to preserve the good order of the City of McKeesport, and to restrain and suppress disorderly houses, gambling houses, houses of prostitution and places where liquors are sold without license, and providing penalties for the violation of the same."

Appealing to the County Court the free-speech contestants were confronted with police witnesses who could not cite any disorderly conduct at the meeting, but who contended that a part of the audience had blocked the streets. The appellants

showed by a half dozen witnesses, including a motorman and a conductor on a street car which passed at the time, that the crowd on the street was only incidental to the arrival of the police patrol. The Allegheny County judge, however, sustained the verdict of the magistrate and increased the fine of the distributor of the pamphlet by \$75.00, because he didn't like a line of Dr. Harry Ward's interpreting Cooley on "Constitutional Limitations" to include even advocacy of force and violence within the limits of free speech.

This decision was appealed to the Superior Court at Pittsburgh and the case thrown out on a technicality.

The attorney for the Carnegie Steel Company was associated with the state in the case as well as Department of Justice "experts" on radicalism. Mayor Lysle still rules McKeesport.