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INDUSTRIAL RELATIONS
SECTION

1922

An Open Letter To President Harding

*From 52 Members of the I. W. W.
In Leavenworth Penitentiary Who
Refuse to Apply for Individual
Clemency : : : : : :*

AP

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and even now, crimes never mentioned during our trials are charged against us. We were "framed up" by the newspapers and business interests.

In spite of the many largely mythical offenses charged in the court room and since, in numerous "confidential reports" emanating from the Attorney General's office, we are innocent of any crime or intent to commit crime. We are workingmen, conscious of our position in society and guilty only of championing the cause of the class to which we belong. We expressed our views about the struggle as we felt we had a legal and moral right to do. Naturally those views were "unpopular" with the vested interests and the thousands of newspapers which uphold those interests.

Our conviction was obtained upon a narrow margin of legal interpretation at a time when sane judgment was impossible. But previously we had been convicted by the capitalist press, wielding its mighty power as always only to serve the rich and powerful and relying upon the weirdly sensational rather than the simple truth to sell its products. In the capitalist newspaper the I. W. W. is like the Mexican in the movie show; he is always the villain.

Our Beliefs Remain Unchanged.

We know that we are now in prison solely for exercising the constitutional right of free speech at a time when discretion might have been the better part of altruism. If it is a crime to exercise the right for which our fathers laid down their lives, then we have no apology to offer. Free speech has always been the one thing we have prized above all others. In this regard we are unchanged. And we cannot bring ourselves to make application for clemency because we wish to avoid being forced into an action that would make hypocrites of us all.

Liberty is sweet to any man in prison, but not sweet enough to us to be purchased at the price of principle. We feel we owe it to the loyal men

and women outside of these walls who still believe in freedom of speech, assemblage and the press, to remain steadfast and uphold these ideals even at the cost of continued incarceration. We cannot do otherwise than refuse to recant. We must continue to refuse to beg for a pardon which in common justice ought to have been accorded to us long ago.

We realize how insignificant are the misfortunes of a handful of imprisoned union men in a world that has witnessed the slaughter and mutilation of millions of its young men, a world that is staggering through disorganization, famine and misery to readjust itself to post-war conditions.

These Ideas Are Vital To All Who Work.

But insignificant as we are and little as we count in the universal scheme of things, the ideals we stand for are not insignificant. They are big and vital and dynamic. They concern every man, woman and child in the working class of America. It matters little what happens to us, but if the American people lose the right of free speech, the loss will be irreparable.

There are other reasons, too, why we must decline to make individual applications for clemency. **We were not convicted as individuals, but as a group. We were convicted of a "conspiracy" of which we are all equally innocent or all equally guilty.** We believe that it would be a base act for us to sign individual applications and leave the Attorney General's office to select which of our numbers should remain in prison and which should go free.

Because of Mr. Daugherty's action in giving out false information about our cases (see for instance the report of the Federal Council of Churches concerning his letter to the Chicago Church Federation) we have little confidence in his motives or in those of the Department which he heads. Frankly, we are fearful that applications for clemency would

give the Attorney General an opportunity to make a gesture of fairness, by releasing some of us and holding the rest to serve out the savage sentences imposed by the courts.

Rather than face this probability, we prefer to stand together as a group, just as we were convicted. We do not believe that the Attorney General's office is acting in good faith in complaining that we have not made proper application. **Recently to put the matter to a test, we prevailed upon one of our number to make application in the customary manner. We selected a young man who is slowly dying of tuberculosis in the prison isolation ward. This man complied with all the regulations. His application was coldly and cynically rejected.**

Another of our number, also in the tuberculosis ward, was released only after he had suffered twelve hemorrhages in one day, it evidently being considered expedient to permit him to die outside the walls.

By refusing, we do not wish it understood that we desire to force the officials of the government to admit that we have been in the "right" and they in the "wrong". This is a question to which only time can give answer.

Our conviction was the result of exceptional circumstances—the stress and tension of the early days of the war and the charging of fantastic crimes against us in the press, making it impossible for us to receive the semblance of a fair hearing.

In the heat of anger an individual may often say or do things he is afterward ashamed of. It is possible, we suggest, that nations are at times capable of doing identically the same thing. It will always remain a shameful memory that the business interests of America, with the connivance of the press, succeeded in manipulating the laws of this war-distracted nation to their own ends as they did in our case.

Our indictment and conviction followed a campaign of intense vilification and suppression directed against us as members of an unpopular labor organization. Previous to this, and subsequently, we endured onslaughts of class cruelty to be compared only with the burning of witches and the persecution of the abolitionists. Exile and torture and deliberate murder in Bisbee, Tulsa, Red Lodge and Butte and in a host of other towns have been our lot.

Officials Are Not Above Criticism.

If there is reason to believe that injustice has been done, there is no reason why all this injustice should remain hidden—even if the blame falls to some extent upon elected and appointed officials at Washington. Those gentlemen are not above the criticism of the American people, when it appears that they have been using their power for unjust ends. Officials are, in theory at least, the servants of the people, and whenever those servants forget their duty to the great majority and serve only the rich and powerful, it is time the nation knew that fact.

What was the crime charged against us? We will quote from the indictment. The majority of the prisoners now in Leavenworth were convicted under the initial indictment at Chicago, Count Four of which is the keynote of the Sacramento and Wichita indictments as well. Count Four is all that remains of the original Chicago and Wichita indictments (and by logical inference all that remains also of the Sacramento conviction.)* For the appeals courts in both the Chicago and Wichita cases threw out as unproven the “industrial” counts charging sabotage, destruction of property and all manner of newspaper-made charges.

* Further comment on the legal status of the Sacramento case is contained further on in this letter, and is outlined at length in the statement presented to you with the General Defense Committee's petition.

Count Four follows: “. . . the offense of unlawfully, feloniously and wilfully causing and attempting to cause insubordination, disloyalty and refusal of duty in the military and naval forces of the United States when the United States was at war; and this through and by means of personal solicitation, **of public speeches, of articles printed in certain newspapers** called ‘Solidarity’, ‘Industrial Worker’, ‘A Bermunkas’, ‘Darbunenu Balsas’, ‘Il Proletario’, ‘Industrial Unionist’, ‘Rabochy’, ‘El Rebelde’, ‘A Luz’, ‘Allarm’, ‘Solidarnosc’, etc.”

As appears clearly from the above, **we are, under the law, serving sentences for the expression of opinion and for nothing else.** This fact has been cleverly disguised by some of the gentlemen in the Attorney General’s office, for when persons interested in us have visited Washington, they have been told—and are sometimes frightened away by—all manner of fabulous and misleading “confidential information”, which it is claimed has been gathered by the agents of the Department of Justice.

It may be asserted that the Department officials accepted these reports in good faith. If so, there is absolutely no justification for using wild and unproven charges to keep men in prison, when the prisoners themselves are ignorant of the charges and are not permitted to face their accusers and when even the trial court and jury were not permitted to consider the accusations.

Apocryphal Evidence Brought Into Play.

Just a few days ago it was seriously charged in one of the “confidential reports” that it was our purpose in 1917 to call a strike of the I. W. W. marine transport workers in Philadelphia and other ports shipping munitions. This, it was claimed, was to have been the culminating act of our “conspiracy” to cripple the government in conducting the war. It was further claimed that this sinister plan was thwarted only by the timely raids by

Department of Justice agents in September, 1917. Nothing of this sort was charged against us in the trial and no evidence was introduced to prove that at any time we had considered such a move.

Many reputations have been made by small men with big ambitions who were shrewd enough to exploit the bad name the papers had given us. **Nearly every one of our persecutors, who was not found guilty of grafting, has since been promoted to a remunerative position. It has been the same in prison. Even the atavistic negro who beat our boys into insensibility in the prison dungeon with a club was given his liberty as a reward.** A few days later he was arrested for committing another murder and is now serving a life sentence in Indiana.

Technically we are not behind the bars for hindering the government's prosecution of the war. No overt act of this kind was charged against us nor proved. We are charged with **conspiring to hinder the war by means of spoken and printed words.** This is the charge, but the truth is that we are in prison for recognizing the irrefutable fact of the class struggle and for advocating the solidarity of labor.

Our prosecution, in the light of recent events, is seen to have been the first step of the organized employing interests to crush and demoralize the forces of organized labor. Our imprisonment was the starting point of the open shop drive, of the movement toward establishing the Industrial Court, the Landis Award, and the recent wage-cutting union-wrecking campaign of the militant employing class.

Old-Line Unions Now Under Fire.

We claimed at the beginning that if the old line unions unresistingly permitted the I. W. W. to be persecuted for their loyalty to labor, those very unions shortly would be called upon to face the same ordeal themselves. Our prediction was all

too true. With us, at the psychological moment, the war was used as convenient camouflage to obtain a conviction which could not otherwise have been obtained. But with the "conservative" unions the employers have now let down the mask, and they are out to defeat all organized workers in order to keep labor divided and unresisting in the face of unrestricted exploitation.

It is pretty generally known to intelligent wage workers and to students of social science that the Industrial Workers of the World is a labor union, and not a mere anti-war nor anti-militaristic organization. Its avowed object is to create among the disinherited workers a spirit of solidarity similar to that enjoyed by the employing class, which at present owns and controls practically all of the earth and the machinery of production.

We Oppose All Capitalistic Wars.

The purpose of this solidarity, as stated in the preamble of the I. W. W., is "to enable the workers to carry on the every-day struggle with the employing class and to carry on production when capitalism is overthrown." But it is true that the admittedly small membership of the I. W. W. and its elected officials were opposed to capitalistic wars as a matter of general principle. Both the officials and the rank-and-file were endeavoring to build, in their modest way, a civilization in which war and human exploitation would be impossible. To this end our efforts were unceasingly directed.

We believed in 1917, and we believe now, that the present social and economic order is wasteful, planless, chaotic and criminal. We are frankly dissatisfied with this arrangement of things, which we call capitalism. We seek to replace it with a well-ordered and scientifically managed system in which the actual producers will own, democratically control and have access to the earth and machinery of production carrying on the production of goods for

the benefit of the many instead of the enrichment of the few.

We want to help build up a system of society without class hatreds or class struggles—without any classes at all—a system wherein social parasitism and exploitation of man by man will forever be impossible. We believe this system will be one of productive co-operation instead of commercial competition, and that the workingmen, farmers and engineers can so order the world that the only distinctions between various groups of human beings will be those of culture, personality, refinement and the ability to serve the common good. **We are striving, in short, to build up a civilization worthy of the intelligence of man.**

We believe this change to be inevitable—the next step in the evolution of human society. Five years of brutal persecution have not changed our conviction about those things in the least.

With these views in mind it should be easy for any one to understand how a group entertaining them would stand on the subject of war. **We did not look upon the war in Europe with approval, but at the same time we did not elect to advise our members not to register, nor to desert, nor to be mutinous or disloyal. Such a procedure, by reason of its recklessness and obvious futility, would have endangered the very existence of our organization.** It happens that such interpretations were tortured out of our publications and letters, but only at the expense of truth and fair dealing.

Our “conspiracy” to oppose the war consisted in pointing out the economic causes of all wars and in showing that unemployment, reaction and misery invariably follow in their wake. We tried to show that war, in spite of all pretense about its noble purposes and beneficial effects, usually results in making the rich richer and the poor poorer. The prosecution contended that by doing these things we

were discouraging enlistment. After having read all about our organization in the newspapers, the jurors who tried us were no doubt convinced that this was one of our minor offenses. In 1918, it would have been possible to have convicted us of anything, no matter how preposterous.

Members of the I. W. W. were advised (in our weekly newspaper Solidarity) to register, but to register as "I. W. W. opposed to war." This was done in order to record a moral protest against what we conceived to be the inevitable onrush toward world disaster. Further than this expression of disapproval, we committed no act that could possibly be construed as criminal or "overt".

We did not rashly seek to array our feeble strength against the colossal sweep of the world conflagration. No matter how sharp our disapproval, nor how clearly we foresaw the ruin and devastation it would bring, we were not so foolish as to imagine that we could stop the war. We felt we had done all in our power by stating the truth as we saw it. Among the 166 of us who were indicted in the Chicago case, three were dead, two had never existed, one had never been a member, and three were out of the country. There was only one eligible for military service who failed to register.

Very few of us knew one another until we were herded together in the dark cells of the Cook county jail in Chicago. Only a minority of those arrested were paid officials of the union; the majority were miners, loggers, and other workers indicted hit-or-miss, so they might serve as an example to terrify other workers.

Punishment Severest In America

The reaction of our union to the war was identical with that of the advanced section of the labor movement the world over. Surely the war lords of America did not expect every one in the land to

agree with their project at once and without discussion of any kind! At that time, wisely or unwisely, we raised our voices in dissent. If that was a culpable act, we have been punished for it far more savagely than the dissenters of any other civilized country on the globe.

Persecution is not new to us. Some day the truth about the incredible atrocities perpetrated upon class-conscious workers in the Land of the Free will become known to the people. At present one could hardly recount them to the average press-chloroformed citizen without being suspected of *dementia persecutoria*. Our imprisonment is only one episode in the story of the labor movement of America, only an incident in the history of the union to which we belong.

Raiding of numberless union halls, indiscriminate shooting and slugging of union workers, the tar and feathers of Tulsa, the rifles and machine guns of the mob at Bisbee, the rope which broke the neck of Frank Little, who was taken from the bed where he lay with a broken leg—these and many other crimes against us were winked at by the capitalist press and actually aided and abetted by the officials whose business it was to penalize such offenses. The victims of these outrages, and not the perpetrators of them, languish in prison.

Nation Swept By Storm Of Lies

This was the atmosphere which pervaded the country when we were arrested. Even the minds of well-meaning persons, with no reason to hate us, were lashed into fury by lies in the press, in the movies, and from the rostrum. "Spies" and "disloyalists" must be hunted down at all costs and without delay.

There was an ear at every keyhole, and an eye at every pane. Every one was watched except those respectable and patriotic grafters, who thinking in terms of millions and whooping it up for the war,

already had their arms in government funds up to the elbows. Cant was rewarded with preferment and real devotion to the country's welfare with abuse and imprisonment.

The profiteers of big business were as secure then as now, despite the weak gesture now being made to bring them to justice. It was the period of the White Terror in America, a dark hour never dreamed of by the pioneers who turned the virgin sod, nor by the revolutionary idealists who promulgated the Declaration of Independence as a challenge to the political tyrannies of the world.

Our homes and halls were raided without proper authority. Our private effects and correspondence were destroyed or seized without proper warrants and used against us both before the grand juries for indictments and before trial juries for convictions. The sabre rattled continually during our day in court, and the scraping of the spurs of army officers who fought the war in swivel-chairs was frequently heard.

The first jury panel in the Chicago case was dismissed upon the flimsiest of pretexts by a vindictive and thwarted prosecution. Defense witnesses, before our very eyes, were intimidated, brow-beaten, or arrested. And what was even more disastrous to us, the efforts of our friends to raise funds for our defense were hampered in every conceivable way.

The government did everything possible to wreck our defense. The following facts are matters of record, which have never been disputed.

After our arrest in 1917, the General Defense Committee was organized in Chicago to protect our interests. Realizing the desperate need for publicity about the various I. W. W. cases, the committee caused tracts to be published in an effort to set forth our side of the controversy. Numerically these were of little importance compared with the ocean

of newspaper lies which deluged us daily. But they were all we had.

On December 17, 1917, an army of United States marshals and detectives raided the General Defense Committee's headquarters on a search warrant admittedly void (in fact the warrants used against us were stated by the U. S. Court of Appeals to have been defective). All work in the printing department and defense offices was arbitrarily stopped—mailing, addressing, everything. The defense committee was put out of touch with attorneys, witnesses, investigators, and all contributors to the defense funds.

For twelve days the police camped on the premises. On the twelfth day they were compelled by a court order to vacate. **But before the police relieved the place of their presence, government agents swooped down with a ten-ton auto truck and carted off vast quantities of defense literature, circulars, envelopes, contribution lists, and even more or less valuable blank paper—practically everything we had. Up to the present writing none of this property has been returned. Resultant injury to our defense was incalculable.**

During our trial many documents tending to disprove the government's accusations were not to be found. This was not the case with anything which could be construed by the prosecution as evidence of "guilt".

On February 1, 1918, the Chicago post office authorities, without giving any warning, suddenly held up all mail from our defense headquarters. All letters and bundles were labeled "Nixie, I. W. W." What happened to them we have never learned. The General Defense Committee first heard of this move when correspondents in various parts of the country complained that they had received no

acknowledgment of letters and funds sent to the defense.

On February 10, the Chicago Tribune announced that **300 bags of defense mail had been held up by government order at the Chicago post office. No reason for this action was given. At no time was it claimed that our defense literature was "seditious."** It was not seditious in any sense, but simply truthful.

Evidently the express companies had been admonished to adopt a similar policy, for when the Defense Committee sent them bundles of printed matter for forwarding, the bundles were returned marked "Refused by order of the U. S. government". Not until after our conviction did the express companies alter this policy.

Such tyrannous and illegal practices could have no other aim than the absolute crippling of our defense. The government succeeded in depriving the defense of many thousands of dollars, much invaluable information, and numerous witnesses needed to counteract the charges made in court. Large quantities of letters and money orders never reached the defense. Many arrived too late to be of help in the trial. **After he had been in prison more than a year one defendant received a letter from a prospective witness offering to testify in his behalf!**

In the Chicago case the accused were held in jail for a year before the trial. A military band ensconced conveniently below the courtroom windows, kept up an almost incessant blare of patriotic music while their "crime" was being considered by the jury. A movie theatre near the federal building where the trial was staged, displayed conspicuously a flaming poster advertising "The Menace of the I. W. W." This advertisement was lurid with bombs, torches and bags of German gold. It was in

plain view of the jurors when they went out for meals or recreation.

Verdict Returned In 55 Minutes

Surrounded by this atmosphere, is it surprising that twelve "good men and true" took only 55 minutes to consider the cases of one hundred men—and to convict? A judge whose bitterness in "loyalty" and labor cases has since caused the reversal of at least one case tried before him, sentenced the Chicago group alone to serve 878 years in prison and to pay fines totalling \$1,500,000.

Even more flagrant is the Wichita case. The defendants indicted at Wichita were held in jails unspeakably vile and unsanitary for more than two years before being taken to court to have their innocence or guilt determined by a jury of their peers. **Not a fragment of evidence was introduced to show that any of them had ever expressed themselves on the subject of war.** They were members of the I. W. W. That was sufficient.

As a piece of brazen injustice and brutality, the Sacramento case is without parallel in American history. Here the "third degree" was applied so ruthlessly that one defendant, an Oxford graduate, was driven insane. This brutal method was employed in an attempt to force a "confession".

The Sacramento men, with the legal farce of the Chicago trial fresh in their minds and despairing of justice in an American court, refused to participate in their own legal lynching, and remained consistently silent throughout their trial. Stool pigeons, spies and perjurers appeared against them, each laden with envenomed and untruthful evidence. Absurd as these charges were, the Sacramento men disdained to answer. "What would have been the use?" they say. "The trial was only a hollow formality. We were convicted before we went to court just as were the Chicago and Wichita

defendants." This is the attitude they took in adopting the "silent defense".

Sacramento Case Stands Alone

And because no defense was offered and no exceptions made to the irregularity of their trial it was impossible to appeal the Sacramento case and have the industrial counts reversed as was done in the other cases. The injustice of this case stands out by itself because, in contrast to the Chicago trial in which numerous defendants were paid officials of the union, none of these men had been in the employ of the organization. They were common workers selected from thousands in California as a "horrible example". Any of the others among the thousands would have served the purpose as well, and would have been convicted as easily.

Captain Alexander Sydney Lanier, of the U. S. Military Intelligence Corps, in a painstaking review of the evidence against the I. W. W. in the Chicago case saw clearly the injustice done to us. With the facts of that case resting heavily on his conscience, as he said, he made a noteworthy appeal to President Wilson.

"I am of the opinion," he declared, "that these men were convicted contrary to the law and the evidence, solely because they were leaders in a revolutionary organization against which public sentiment was incensed and the verdict rendered was in obedience to public hysteria and popular demand, due to the hysteria of the time."

The I. W. W. cases were tried in widely separated parts of the country—Chicago, Kansas City, Kansas; and Sacramento, California. The sentences imposed by the trial judges ranged from twenty years to nothing at all!

And how is one to explain the inequality of the sentences given to the members of the three groups of prisoners? The three groups were tried before different judges, under a blanket indictment, and

for the same offense. On a trumped-up "conspiracy" charge of this sort the work of determining the various degrees of technical "guilt" must be very difficult indeed.

In the Chicago case, 15 men were sentenced to 20 years each; 33 men to 10 years each; 33 men to five years each; one man to 18 months; 12 men to one year and one day; two men to 10 days in the county jail; while four received no sentence at all. The irony of this unprecedented example of judicial barbarity is made keener, to one familiar with the facts of the case, by the haphazard manner in which these sentences were parcelled out.

Judge Had Prima-Donna Nerves

Two Chicago I. W. W., for instance, suddenly had their time extended from a year and a day to 20 years because of remarks uttered by them which ruffled the judge's prima-donna nerves. A moment later His Honor saw fit to drop from the case one of the foreign-language editors, a man long active in the I. W. W. organization. With one exception, the remaining editors were given the maximum sentence of 20 years. "Wisely or unwisely," Judge Landis often remarked, "the law has given me the power to decide what sentences shall be imposed."

Mr. Daugherty has said this: "In the Debs and similar cases, a reasonable punishment is necessary as an example to others, and when this is accomplished, there is no justification for further punishment. Debs has been imprisoned for two years and eight months. The law has been vindicated and a lesson taught which will never be eradicated from the pages of history... **Undoubtedly in the case of Debs a far heavier sentence was imposed than would have been imposed upon another citizen for like utterances.**"

But Debs received a sentence of only 10 years, while 15 I. W. W. members received sentences of 20 years each. In the light of Mr. Daugherty's state-

ments, what are we to conclude from the fact that relatively unknown workers who were convicted on the same charge as Debs were given sentences twice as heavy, have served twice as long, and are still behind the bars?

During the Christmas "act of grace" last year, a man was released from Leavenworth who had been sentenced for the crime of leaving the United States illegally during the war and selling the plans of American machine guns to German officers in Mexico. This man was released by commutation.

His crime was forgiven, but more than 100 I. W. W. remained behind the walls! Is this also a "lesson that will never be eradicated from the pages of history?"

Our trials, such as they were, and the appeals accorded us, are said to have filled all the requirements of justice. Our conviction, in part, has been upheld by the Appellate Courts, and in all three cases refused consideration by the United States Supreme Court. In the estimation of the enemies of labor we are the type of men who belong in prison on general principles.

According to the records in the prison office, we shall remain here until our sentences of 10 or 20 years are served—the last of us leaving the big front gate, if we serve our full sentence, in 1940. And now we are told that we must either beg mercy for a crime that we did not commit, and make the proper gesture of repentance, or remain in prison until we are released by expiration of sentence.

We Stand Unshaken, Cost What It May

In the face of such an alternative, we have decided to stand by our principles, no matter what the cost. We cannot see that an application for clemency would be anything but a repudiation of the principles of civil liberty we were arrested for upholding. The I. W. W. has waged many free speech fights in the past. Its members have always

stood firm whenever the right of free speech was threatened. We are standing firm now.

We are not opposed to applications for clemency on general grounds. We can conceive of circumstances which would make it expedient for labor prisoners to make such applications, if the ends of the labor movement would be served by so doing. In such cases we are not seeking to establish a precedent. But in matters of principle, conscience and civil rights, we believe men can serve best by unfaltering devotion to the ideas they are committed to uphold.

From the time of our arraignment until now, we have steadfastly maintained our innocence. And we do not feel disposed to lie ourselves into freedom now—not even as a matter of expediency in filling out the forms conforming to Departmental procedure. We are well aware that the machinery of justice does not recognize that innocent men may be in prison, but when such is the fact we believe it is asking too much to expect the victims themselves to gloss over the delinquencies of their persecutors.

We decline for several reasons to make the hypocritical gesture of recantation, but chiefly because we are convinced that history will some day vindicate our stand and brand our vindictive persecution as one of the things of which America has just reason to be ashamed.

Ideals Cannot Be Altered By Force

We believe in and uphold civil liberties because we are convinced that only through open and free discussion can the right idea prevail. Ideals are matters which cannot be altered by force. We claim that the honest convictions of the human mind cannot be caged with iron bars; we claim that the stream of human progress cannot be dammed with prison walls.

Our bitterness does not count; it is only to be

expected. But the thing which does count is that for years the incidents of our persecution will be remembered with growing exacerbation by our friends outside of these walls. These things will be recalled by the workers of America every time the injunction, the bayonet, and the anti-labor laws are used against them when they strike to better their conditions. It will serve as an example of class discrimination in a republic that pretends to treat rich and poor alike.

What We Are Asked To Give Up

Unjust imprisonment everywhere breeds more bitterness than repentance, more hatred than fear, more impatience with the law than respect for it. In our case we are told to remain in prison until we give up certain ideas which we have long held.

What are those opinions which we are called upon to give up?

First, the class struggle. We believe the class struggle to be a scientific fact, like the circulation of the blood or the law of gravitation, and that understanding of the class struggle makes possible the only logical explanation of the history of the race. Are we to be kept in torture until, like Galileo we recant, reserving the *e pur si muove* for the consolation of our own souls?

Second, the idea of the solidarity of labor. We must forever forswear our belief in the necessity for a One Big Union of Labor, or we will not be permitted to associate with our fellow men. This we cannot and will not do. Every man among us will die firm in the belief that the unification of the divided forces of labor is the only salvation for the working class.

Third, our criticism of the so-called "rights of private property." We still believe it criminal for a few social parasites to be permitted to own the means of production upon which the masses of mankind depend for food, clothing and shelter. Our

belief in the social ownership of the socially-used machinery of production will remain unshaken in spite of all the further persecutions that may be heaped upon us.

Fourth and last, our conviction that wars are largely the result of capitalistic intrigues for plunder and spheres of influence. We still believe that wars are a calamity and a curse rather than a benefit to the human race. And we believe that only an enlightened working class can make wars impossible. Nothing we have learned of world events since we came to prison has tended to show that we are wrong in our estimate of these things.

We serve notice upon the men who directed our inquisition that their medieval methods of seeking to change the convictions of human minds by force have failed. If it is their intention to keep us in prison until we admit we are wrong about those things, they might as well throw away the keys at once. They will never need them.

It may be said that we are not behind the bars for our opinions, but for a "conspiracy" to violate specific laws. Why then, we ask, are only workingmen, adhering to the above mentioned industrial heresies, held in prison? Why were all the alleged violators of war laws, save ourselves, released long ago? From A. Mitchell Palmer's report, as Attorney General, we understand that **there were 946 convictions under the so-called Espionage Act. Of that number 418 were convicted in court. But out of the 418 convicted, only 71 I. W. W. members and five others are now behind the bars.**

To those who are inclined to doubt our assertion that we are imprisoned for the crime of being workingmen with "unpopular" opinions, we wish to call attention to the following men convicted in the United States courts for violating the Espionage

Act. These men never entered prison. They are all bankers, politicians, millionaires:

Rolf, Vermont, millionaire manufacturer. Pardoned.

Peters, Minnesota, millionaire politician. Pardoned.

Bliss, Virginia, millionaire politician. Dismissed.

Scodny, New York, millionaire politician. Dismissed.

Spivey, Arkansas, millionaire politician. Pardoned.

McElfish, New Jersey, carpet king. Pardoned.

Ramsey, Rhode Island, button king. Pardoned.

Dierks, Ohio, banker. (Served six days). Pardoned.

In addition to these, we know of many men convicted on criminal charges, like O'Connor and Powell, given leniency because they were "moneyed men", and James Dorsey, millionaire dealer in tubercular cattle. Dorsey's sentence was cut repeatedly, until he was finally released without doing more than a small portion of his sentence. We know of no case where poor men were shown similar consideration.

If it is still contended that we are guilty in some degree of working against the prosecution of the government's war aims, we call attention to the following convicted German agents—all caught red-handed while doing the sordid work of the Imperial German Government. These men served their little

time with us, but have long since gone into the world again:

Von Bopp, plotter and dynamiter. Paroled to Germany.

Von Shack, plotter, dynamiter and spy. Paroled to Germany.

Von Rintelen, plotter, dynamiter and spy. Paroled to Germany.

Von Brinken, plotter, dynamiter and spy. Commuted.

Von Hausen, plotter, dynamiter and spy. Commuted.

Von Lichten, plotter, dynamiter and spy. Commuted.

There may be mentioned also Ritz, commuted after 63 days in prison; Froewerck, paroled after his sentence had been cut from 10 years to one year and a day; Sipert (partner of Froewerck) who received a commutation of sentence. But probably the most atrocious of the German spy cases is that of Jacobsen (of Welland Canal plot fame) known as Germany's arch-spy, dynamiter, and poisoner and the man who financed many of Germany's anti-war intrigues in the United States, Canada, and the Orient. This worthy was commuted after serving only 64 days in prison. He was frequently heard to boast that he "had too much money to remain in prison." Jacobsen was not even deported! At present he is managing a profitable real estate business in Chicago.

Comparatively few bona fide German spies were ever prosecuted under the Espionage Act. To the best of our knowledge, none of them is now in prison.

We are under the impression that the Espionage

Act was designed, as the name implies, to rid the country of the menace of **espionage**—spying in the interests of hostile powers. We believe that the American people thought this law was to be used against men like those mentioned above, instead of against American workingmen like ourselves.

The conclusion forced upon us by all this is that we are not being held as bona fide violators of the Espionage Act, nor for working against the government's war program, as did the German spies and dynamiters. All the spies and dynamiters have long been at liberty. They were all pardoned, commuted or paroled.

For some reason our crime is considered more heinous than theirs, more reprehensible than the crimes of thieves, pimps, perverts and paranoiacs. **Four thousand men convicted of felonious offenses have entered and departed from these walls since we were brought here.** We are now reckoned among the "old-timers". There are at present only a hundred odd men in Leavenworth who were here when we arrived.

Even the confessed and convicted German spy receives commutation without application, while we are expected to beg for mercy.

Seven of our number have died, four have gone insane, two with virulent tuberculosis are slowly dying in the steel-barred T. B. ward. One boy is doing his third year in isolation—in The Hole. There is not one of us who will not bear the scars of the prison until he dies.

We rest our case, Mr. President, with the highest court of all, the great mass of thinking workers in America. We know that if they could know the truth about our case, they would not consent to our further imprisonment.

To those who do know the truth, we say:

"Go, traveller, to Sparta, and say that we lie here on the spot at which we were stationed to defend our country."

Signed at Leavenworth Penitentiary on a day in August, 1922, by the following 52 members of the Industrial Workers of the World:

20-Year Prisoners

A. V. Azuara
Richard Brazier
Ralph Chaplin
Forrest Edwards
Charles L. Lambert
James Rowan
Sam Scarlett

10-Year Prisoners

Elmer Anderson
G. J. Bourg
Harry Brewer
Robert Connellan
Alexander Cournos
C. W. Davis
Pete De Bernardi
Mortimer Downing
Frank Elliott
Joe Graber
John Graves
Harry Gray
Peter Green
Henry Hammer
William Hood
Bert Lorton
Chris Luber
J. A. MacDonald
Philip McLaughlin

10-Year Prisoners

George O'Connell
John Potthast
James Quinlan
Vincent Santelli
Don Sheridan
Archie Sinclair
James Slovick
Myron Sprague
James P. Thompson
J. Tori
John I. Turner
George Voetter
John Walsh

5 to 9-Year Prisoners

Edward Carey
J. T. Doran
John Foss
Wencil Francik
F. J. Gallagher
Harrison George
Oscar Gordon
H. F. Kane
W. H. Lewis
Harry Lloyd
Charles H. MacKinnon
Michael Sapper
Herbert Stredwick

EDITOR'S NOTE.—In addition to the 52 men whose signatures appear above, there should be mentioned the names of three others who reluctantly made application for individual consideration

when urged to do so by the 52, because of the critical state of their health. These three are Caesar Tabib and Edward Quigley, who are now going down the dark road of tuberculosis in the prison hospital at Leavenworth, and Frederick Esmond, who is in St. Elizabeth's Hospital at Washington, D. C.



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This vital human document must be put
the hands of 1,000,000 workers. It is a new chapter
of American history, a record of the shameful deed
perpetrated against a group of uncompromising
workers in the name of the war in Europe.

These men have been in prison five years.
of them are slowly dying of tuberculosis in Leavenworth,
another is broken with neuritis, two have
been driven insane, but they have clung to their
principles that the lines for free speech in America
might be kept open.

You who are not behind the bars owe something
to these workers. They took the brunt of the attack
upon the fundamental liberties of the people. They
did not recant, even when freedom was promised
as a reward.

We need money to issue another edition of
pamphlet immediately. We need your active
tiring work in circulating it.

How much will you give toward the cost
printing and mailing? Send your contribution
day. And send us names of people to whom the
Leavenworth statement ought to be sent.

GENERAL DEFENSE COMMITTEE
1001 West Madison St.,
Chicago,