

WAR REINSTATES 1917 ESPIONAGE ACT

USSR Faces War On Two Fronts

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

By JOHN G. WRIGHT

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

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

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

"ALOOF NEUTRALITY"

Any attempt on Stalin's part to pursue such a policy would hardly be met with approval by his present allies. In the struggle with Japan, England and the U. S. can wage in the period immediately ahead primarily naval and aerial warfare and operate from bases far removed from Japan's strategic centers. On the other hand, the active participation of the USSR would not only engage Japan on land by setting in motion the Far Eastern Red Army, but also immediately expose to blows Japan's home centers which are only 750 miles away from Vladivostok.

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

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

important role and will influence events by inaction as well as by action. If the United States and Russia find it possible to collaborate effectively, they can cook Japan's goose in far shorter order than will be possible if they act independently." (N. Y. Post, Dec. 6, 1941).

This undoubtedly is a semi-official expression of Washington's views. It is obvious that Allied diplomats have been exerting and will continue to exert increasing pressure on the Kremlin to "collaborate effectively," that is, to participate directly in the war against Japan.

JAPAN'S POSITION

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

It is therefore clear that far from being strengthened by the latest development of events, the USSR has been gravely weakened. The idea propagated by the Stalinists that the extension of the imperialist war would aid the defense of the USSR has now boomeranged on Stalin.

Once again, the march of his-

(Continued on Page 5)

SIX OF THE DEFENDANTS CONVICTED



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

Judge Sentences 18 Minnesota Defendants

Four N. J. Unions Aid Defendants

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

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

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

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

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

Twelve Defendants Sentenced to Prison for 16 Months; Six Get Terms of Year and a Day; All Released On Bail Pending Appeal

MINNEAPOLIS, Dec. 10. — Federal District Judge Matthew M. Joyce today passed sentence on the 18 Socialist Workers Party and Local 544-CIO members, convicted last Monday in the "sedition" trial of violating the Smith Gag Law of 1940.

Twelve were sentenced to sixteen months each, and six to a year and a day each. They were admitted to bail, pending appeal to the higher courts, on the same bonds as previously — \$3,500 each for the Local 544-CIO members and \$2,500 each for the others.

The twelve sentenced to serve sixteen-months' terms are:

- JAMES P. CANNON, National Secretary of the Socialist Workers Party.
 - FARRELL DOBBS, National Labor Secretary of the SWP.
 - ALBERT GOLDMAN, SWP attorney.
 - V. R. DUNNE, Local 544-CIO organizer and SWP National Committeeman.
 - FELIX MORROW, editor of THE MILITANT.
 - CARL SKOGLUND, Local 544-CIO organizer.
 - GRACE CARLSON, Minnesota organizer, SWP.
 - OSCAR COOVER, Minneapolis organizer, SWP.
 - MAX GELDMAN, formerly recording-secretary, Federal Workers Section of Local 544-CIO.
 - JAKE COOPER, Minneapolis truckdriver.
 - CARLOS HUDSON, editor of Local 544-CIO weekly, The Industrial Organizer.
 - EMIL HANSEN, Local 544-CIO organizer.
- The six sentenced to terms of a year and a day are:

EDWARD PALMQUIST, 544-CIO organizer.

KARL KUEHN, Federal Workers Section officer.

CLARENCE HAMEL, 544-CIO organizer.

ALFRED RUSSELL, former officer, Omaha Teamsters Local 554.

HARRY DE BOER, Local 544-CIO organizer.

OSCAR SHOENFELD, former Youth Section organizer, Local 544 Federal Workers Section.

CIRCUIT COURT NEXT

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

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

Chicago Auto Workers Protest Trial

Chrysler Local 230 of the United Automobile Workers, CIO, last week adopted a resolution condemning the Minneapolis prosecution and the use of government agencies to oppress labor or political organizations in the pursuit of their activities.

Was Used In Last War To Attack Civil Liberties

Actual Wording of Statute Does Not Apply To Labor Groups; But Judicial Decisions Include Their Regular Activities Under It

The declaration of war on Japan by Congress on Monday brought automatically into operation the war-time legislation known as the "Espionage Act", first enacted June 15, 1917.

In his letter of April 25, 1917, President Wilson promised that "I shall not expect or permit any part of this law" to "be used as a shield against criticism". What followed, however, scarcely bore out Wilson's words.

Most of the Espionage Act deals with such subjects as espionage by enemy agents and the protection of military secrets. However, Section 3 of Title I of the Act served the purpose of prosecuting political opponents of the first World War. That section, establishing three new offenses, reads as follows:

"(1) Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies,

(2) and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States,

(3) or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both."

It was under this section that most of the anti-war cases were prosecuted and convicted during the first World War, including the cases of Eugene V. Debs and the I.W.W.'s, headed by Bill Haywood.

WHAT THE ACT DID

The wording of this section is broad enough in itself to draw within it most political opposition to the government and its war policies; even broader, however, has been the judicial interpretations of this wording.

So broad, indeed, became the meaning of this section as a result of the decisions handed down by judges in the 1917-1920 prosecutions, that it became impossible for anyone to say or write anything against the war without being prosecuted.

The original law makes punishable words or acts which "willfully" or by "intent" interfere with the war. The judicial interpretations applied this so broadly that words or acts, regardless of their intent, came under the act.

Another section of the Espionage Act which was used against anti-war groups is Title XII, which makes non-mailable any matter violating the Act. Under this, by mere notice of the Post-

master and without judicial process, issues of newspapers and magazines found objectionable by him may be barred from the mails. The higher courts granted the Postmaster wide discretion in the use of this broad power.

Raids were made during the last war on the offices of anti-war organizations under the authority of Title XI of the Act, which authorizes the issue of search warrants for the seizure of property used as the means of committing a felony, which would include violations of the Act.

Nearly 2,000 prosecutions and other judicial proceedings took place during the last war, the most important of them under the Espionage Act.

Here are some examples of what happened under the Espionage Act, as summarized by Zecharia Chafee, Jr., in his authoritative work, "Free Speech in the United States":

"It became criminal to advocate heavier taxation instead of bond issues, to state that conscription was unconstitutional though the Supreme Court had not yet held it valid, to say that the sinking of merchant vessels was legal, to urge that a referendum should have preceded our declaration of war, to say that war was contrary to the teachings of Christ. Men have been punished for criticizing the Red Cross and the Y.M.C.A., while under the Minnesota Espionage Act it has been held a crime to discourage women from knitting by the remark, 'No soldier ever sees these socks' . . ."

"Judge Van Valkenburgh, in U. S. vs. Rose Pastor Stokes, even made it criminal to argue to women against a war, by the words, 'I am for the people and the government is for the profiteers,' because, said the judge, what is said to mothers, sisters and sweethearts may lessen their enthusiasm for the war, and 'our armies in the field and our navies upon the seas can operate and succeed only so far as they are supported and maintained by the folks at home.'"

These examples make clear

(Continued on Page 6)

Nazis Given Free Speech, Labor Leaders Denied It

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

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

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

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

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

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

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

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

MASS MEETING ON MINNEAPOLIS TRIAL

Speakers

JAMES P. CANNON
NAT. SEC., SOCIALIST WORKERS PARTY
ROGER BALDWIN
DIRECTOR, AMERICAN CIVIL LIBERTIES UNION

GEORGE NOVACK
SEC'Y, CIVIL RIGHTS DEFENSE COMMITTEE
DR. CARL RAUSHENBUSH
CHAIRMAN, WORKERS DEFENSE LEAGUE

ALBERT GOLDMAN
CHIEF DEFENSE ATTORNEY
DOROTHY SCHULTZ
ONE OF THE 28 DEFENDANTS

JAMES T. FARRELL
NOTED AUTHOR
MAX SCHACHTMAN
SECRETARY, WORKERS PARTY

Monday, December 15 -- 8:00 P. M.

HOTEL DIPLOMAT • 108 WEST 43rd STREET, NEW YORK CITY • Auspices: Civil Rights Defense Committee

