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I. W. W. CASE TO BE DECIDED IN U. S. SUPREME COURT.

FATE OF MANY CLASS-WAR FIGHTERS NOW UP FOR LAST REVIEW.

(By The Federated Press)

Washington.—With the filing in the United States supreme court last week of a petition for a writ of certiorari, the legal battle for the freedom of William D. Haywood and seventy-eight other members of the Industrial Workers of the World, who were convicted after sensational trials in Chicago in 1918 on charges of conspiracy to violate the Selective Service (Draft) act and the Espionage act, enters in final stage.

The main contention in the petition and the brief submitted in its support, which were presented by Otto Christensen, of Chicago, who is associated with George F. Vanderveer as counsel for the petitioners, is that the search warrants used by the federal agents, who seized tons of books, letters, records and documents of various kinds in more than fifty simultaneous raids on September 5, 1917, were invalid. It is contended that neither the warrants nor the supporting affidavits adequately described either the places to be raided which included all the offices of the I. W. W. and a few private residences in sixty American cities, or the things to be seized; nor did the affidavits recite any facts showing probable cause for the issuance of the warrants.

The petition sets forth that the Circuit Court of Appeals for the Seventh Circuit, which on October 5, 1920, affirmed the judgment of the United States District Court at Chicago, conceded the invalidity of these search warrants, but got around this defect in the government's case by a specious process of reasoning. It is pointed out that the documents, correspondence and records seized were submitted to the grand jury and the indictments returned were based upon this evidence as seized for testimonial purposes.

The use of these papers against the defendants, it is contended, was irrefutably in violation of the fourth and fifth amendments to the United States Constitution.

There were five counts in the original indictments by which ninety-eight defendants were brought to trial and convicted before Judge Kenesaw M. Landis in April, 1918, but one count was withdrawn from the jury and two others were held by the Appellate Court not to state offenses. Of the two remaining counts (count

3 and count 4) on which the seventy-nine petitioners now stand convicted it is alleged that count 3 is "duplicious, indefinite and uncertain" and does not state an offense.

It is contended that this count is duplicious because it charges a conspiracy to commit two offenses which were incapable from their very nature of being embraced in a single conspiracy.

"The first of these" says the brief "was the offense of aiding and abetting certain persons to refuse to register for military service on June 5, 1917, pursuant to the provisions of the Selective Service act and the proclamation of the president issued on May 18, 1917. Manifestly this offense could not be committed after June 5, 1917. Manifestly, also, after that date, there could be no conspiracy in any legal sense to procure its commission."

With regard to the other offense of "aiding and abetting certain other persons to desert the military service in time of war," it is pointed out that these "other persons" are identified in the indictments as 5,000 persons who should enter such service in accordance with the provisions of the draft act, or persons who could not enter the military service until after June 5, 1917, and who, therefore, could not desert until after that date.

Count 4 dealt with solicitations, speeches, articles and pamphlets obstructing the carrying out of the draft act and of recruiting for the military service. The principal objection to this count, it is stated, is that it fails to designate, or in any manner to identify, the speeches, articles, or pamphlets so that the defendants or the court might determine just which of the mass of documents seized in the raids were referred to or judge of their character.

The defense of this case and of two other conspiracy cases against members of that organization already is said to have cost the I. W. W. approximately \$225,000, and the organization has raised about \$500,000 in all.

Haywood and about sixty of the petitioners, who were sentenced to from five to twenty years in prison today are out on bail. The others are in the federal prison at Leavenworth.

The tons of documents seized in the raids of 1917, which were used in the trial before Judge Landis, have been certified to the Supreme Court. This means that they do not have to be copied into the printed record but that the original exhibits themselves must be transmitted to Washington. Their bulk is believed to be greater than any aggregation of documentary proof in any previous case.



CHRONOLOGY OF THE INFAMOUS TOM MOONEY FRAME-UP.

From "Tom Mooney's Monthly."

1916.

July 22—Explosion on Market and Stuart streets.

July 26—Billings arrested at the Lane Clinic. Mooney home in Eilers building raided. Israel Weinberg arrested.

July 27—Ed Nolan and Tom and Rena Mooney arrested.

August 2—Grand Jury votes indictments against prisoners.

September 11—Billings goes to trial.

September 23—Billings found guilty.

October 7—Billings sentenced to life imprisonment.

1917.

January 3—Trial of Tom Mooney starts.

January 26—Frank C. Oxman takes the stand and swears that he saw all the defendants except Nolan at the scene of the explosion and saw Billings place the bomb.

February 9—Mooney found guilty of murder in the first degree. Jury omits recommendation to mercy which means death sentence.

February 24—Judge Franklin A. Griffin denies motion for new trial and sentences Mooney to be hanged in San Quentin prison on May 17th.

February 24—The Netherlands Federation of Labor pledges support to the San Francisco Defense and forwards protest to President Wilson, through the American ambassador at The Hague.

April 11—The Bulletin publishes Oxman's letter to Frank Edward Rigall of Grayville, Illinois, offering him financial inducements to corroborate Oxman's testimony against Tom Mooney. Rigall was at Niagara Falls, New York, on July 22nd.

April 16—Estelle Smith confesses that Oxman offered her a bribe of "five figures" to falsely testify against Israel Weinberg. Oxman said he was acting for the "Higher-Ups."

April 18—Oxman arrested.

April 21—Ed D. Nolan released on bonds, \$250 for each indictment. Oxman held for trial by Police Judge Matthew Brady.

April 23—Judge Griffin addresses letter to Attorney General Webb, asking him to go before Supreme Court and ask new trial for Mooney.

April 23—Workingmen of Petrograd hold protest meeting against the Mooney sentence in front of the American embassy.

May 4—Oxman "whitewashed" by Spreckels' Grand Jury, four grand jurors and Assistant Attorney General Judge Robert M. Clark of Los Angeles dissenting.

May 11—President Wilson intercedes with Governor Stephens to postpone Mooney's trial.

May 18—Judge Brady holds Oxman to trial a second time after many writs of habeas corpus had been quashed.

May 21—Rena Mooney's trial commences.

July 25—Rena Mooney acquitted.

August 21—Judge Dunne denies bail to Rena Mooney after Judges Griffin and Cabaniss had agreed to grant bail.

September 6—Billings' appeal denied by District Court Appeals.

September 11—Supreme Court denies Attorney General Webb's appeal for new trial for Mooney.

September 19—Oxman's trial opens before Judge Dunne. This Judge Dunne declares Oxman innocent on September 9th.

September 25—President Wilson authorizes Federal Mediation Commission to make an exhaustive investigation on the entire case.

September 28—Oxman acquitted of charge of subornation of perjury. Rearrested on charge of direct perjury.

October 1—Governor Whitman refused extradition of Alexander Berkman who was arrested on September 10 after being indicted by the San Francisco Grand Jury in connection with the Preparedness explosion.

October 2—Oxman escapes second trial through legal technicality.

October 4—California State Federation of Labor declares defendants innocent and agrees to pledge support to the defense.

October 9—Weinberg's trial starts before Judge Emory Seawell.

November 3—San Francisco Labor Council suspends President A. W. Brouillet who took active part in frame-up.

November 10—Billings starts serving life sentence in Folsom prison.

November 26—Annual convention of the American Federation of Labor held at Buffalo, New York, condemns frame-up and demands new trials for Billings and Mooney.

November 27—Weinberg acquitted. Jury deliberates three minutes.

November 30—San Francisco Labor Council expels Brouillet.

December 7—Alice Kidwell makes complete confession. Exposes police methods in frame-up.

December 12—Estelle Smith confesses her part in the frame-up. Incriminates District Attorney Fickert, Assistant District Attorney Ed Cunnha, Martin Swanson (corporation detective), former Assistant District Attorney "Jim" Bronna, Frank C.

INDUSTRIAL 'COUNCILS OF ACTION' URGED TO MEET UNEMPLOYMENT SITUATION.

NEW YORK LABOR CONFERENCE PLANS COOPERATION OF WORKERS AND TECHNICIANS TO GET INDUSTRY UNDER WAY.

"Get ready to go back to work!" That was the dominant note sounded at the second session of the Unemployment Conference of Greater New York, meeting at the People's House, Saturday afternoon, March 5th. Representatives of thirty-four bodies of organized labor from all the American Federation of Labor, independent unions and the I. W. W. assembled, and there were present with them six technical men from the engineering societies of New York.

The conference ordered the secretary to send out a call to central labor bodies in every industrial center in the United States calling for similar movements. These "back to work" organizations will take the form of councils of action from all branches of organized labor, or rather production councils, if the purpose of the New York body is followed. Each council securing the cooperation of industrial engineers and then linking up with the rest in a national movement will, the conference decided, result in an organization fully capable of manning the idle industries effectively and permanently.

As a practical measure for getting the movement under way in New York City the conference asked each constituent local to throw its halls open for unemployment meetings. All labor bodies in the city have already been asked to start registration of all the employed and the unemployed in their trades or subdivisions of industry, and a parallel registration of the plants involved. This for the purpose of discovering the nature and number of empty jobs and the labor personnel to fill them. Open air meetings were also resolved upon.

One of the industrial engineers at the meeting laughed at the idea that there was any danger of overproduction if industry were put to work at its full capacity. There has never been overproduction, he stated. There has only been underconsumption.

Other speakers pointed out that this was a purely industrial problem which could be met only by industrial measures. Business methods had brought the country to its present condition, they stated, with idle industrial equipment and abundance of unused raw material. The business system had no method for the restoration of production. Therefore the real forces of production, workingman and engineer, must go ahead on their own initiative.

A CONGRESS OF MEXICAN WORKERS.

By FRANK SEAMAN.

How many comrades have ever seen a Congress of workers and peasants right from the job? Not many, I guess. This was my first experience. It was a labor convention called by the "Federation Comunista" of Mexico City. You know what "labor conventions" usually are—especially in economically undeveloped places like Mexico. A caucus in which chiefs and bosses and labor fakers decide just what it will be most profitable for them to have labor decide. Of course labor sometimes kicks over the traces and ignores the caucus—but that is a story all by itself—outlaw strikes, "red" unions, etc. There were no bosses in this Congress of the "Federation Comunista" because the congress itself was a revolt against boss rule; it was an attempt to hit up the radical rank and file of the labor movement against the reactionary leaders of the "Confederacion Regional Obrera Mexicana," who long ago sold out to Gompers and to the Mexican Government. Morones, Martinez, Trevino, Salcedo and the rest of the "leaders" of the bonafide movement were not there.

Some time ago, a group of unions in Mexico City, led by the revolutionary Bakers' union, formed the "Federation Comunista" in an attempt to put the labor movement back on the Class Struggle basis. The "Federation" caught the imagination of the workers and grew rapidly. With the idea of organizing the new movement on a national scale a Congress of workers and peasants was called for February 15th, the manifesto being issued just at the time when Morones and Co. were shaking hands with Gompers in the Convention of the so-called "Pan-American Federation of Labor." And it was truly workers and peasants who attended. Full of enthusiasm they came, fresh from the fields and workshops, many of them never having taken part in a convention of any kind before. There were delegates from Lower California and from Yucatan, from Tamaulipas and from Jalisco—53 delegates from twelve States—representing more than 40,000 workers in all.

From the first the Congress was dominated by a revolutionary spirit. In this Congress there were no social reformers, no apologists for the present social order. In a burst of enthusiasm the "Confederacion General de Trabajadores" (General Union of Workers) was organized with a constitution calling for direct action and the abolition of the present system. The Congress declared for the Dictatorship of the Proletariat organized in soviets of workers and peasants, recognized the Mexican Communist Party ("Partido Comunista Mexicano") as a truly revolutionary organization and severed connections with all other parties. Also, it endorsed in principle the Moscow Red Labor Union International pending a referendum on the question of immediate affiliation. Morones and Co. tied up with the Pan American Federation that was organized by Gompers at the behest of American capitalism, is understood to be planning affiliation to the Yellow International of Amsterdam. The new "Confederacion General de Trabajadores" is ready to carry on the proletarian struggle against these treacherous leaders. The Red International is gaining ground everywhere!

The Provisional Executive Committee of the new organization is composed of: Aguirre, Quenda, Rubio, San Vicente, Quintero, Araoz de Leon, Castro, Frias and Escobar. Address, "Confederacion General de Trabajadores," San Miguel 23, Mexico, D. F., Mexico.

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