

Camden's Lawless Courts

ALEXANDER KENDRICK

CAMDEN, N. J.

CAMDEN, city of Walt Whitman, shipbuilding, Campbell's Soup, and the biggest illegal brewery of the prohibition era, has no statue of Civic Virtue. After what happened here during the R.C.A.-Victor strike, and is happening here now, it can never have one.

The strike is over. The powerful forces which tried to break it failed. And now they have united in all their strength—the police, the courts, the banks, the corporations, the railroads—to smash down every vestige of unionism in the city. Their weapon is terrorism, brutality, abrogation of the simplest civil rights—in a word, organized lawlessness.

Four hundred and fifty persons were arrested during the strike on one or more of the following charges: disorderly conduct, suspicion of disorderly conduct (this is something new), inciting to riot, agitation (another meaningless local invention), attempt to kill, malicious mischief, riot, enticing to riot, assault and battery, simple assault, atrocious assault, threats to kill, and threats to do bodily harm.

"I've been practising for 20 years," remarked one lawyer to another in the courtroom, "and this is ground for the greatest series of false arrest suits I ever saw." The other lawyer agreed with him.

Of the remaining 230 arrested, 150 were fined sums ranging from \$10 to \$50. More than \$3,500 was paid in fines by the United Electrical and Radio Workers of America, the striking union.

Of the 450 arrests, 370 were disposed of in police court. But it is with the final eighty cases, arrests during the fourth and most violent week of the strike, that the story of the rape of civil liberties reaches its climax.

The chief actor is Justice Frank T. Lloyd, of the New Jersey Supreme Court. In spite of its impressive name, the Supreme Court is not the highest court in the state's antiquated juridical system. It corresponds to a state circuit court.

Justice Lloyd is seventy-six years old and an ardent member of the American Society for Psychical Research. He is the older brother of Horatio Gates Lloyd, a member of the Philadelphia firm of Drexel & Company, and since 1912 a partner in J. P. Morgan & Company. Justice Lloyd's son, Frank, Jr., married Alice Hulme, the daughter of Thomas W. Hulme, a vice-president and director of the Pennsylvania Railroad. Although now divorced, young Lloyd is still counsel for the P.R.R. in South Jersey. Justice Lloyd himself has long been known as "Pennsy's man."

The day the strike ended, several hundred strikers were holding a meeting in Johnson Park. Suddenly there was a concerted rush by thugs and police, and a wild free-for-all ensued. The strikers fought back, but they were no match for the clubs and revolver butts of the strong-arm men, and many were beaten down. On that day 124 persons were arrested. Of these, 105 were Philadelphians, either members of the Philco local or of one of the many Philadelphia unions which pledged their aid to the strikers. All were placed into the dungeon-like city jail overnight and denied access to counsel.

The next day Justice Lloyd came upon the stage. In an action unprecedented in Camden, he usurped the position of police magistrate, although this position is a municipal and not a state function, and began to hear the cases. Of the first twenty-nine he was forced to dismiss eighteen, including ten women, when the charges against them collapsed. But four men he held in the staggeringly—and illegally—high bail of \$10,000 each. Two others had bail fixed at \$5,000 each; another two at \$4,000 each. Even the lawyers in the courtroom were thunderstruck.

Article VIII of the Bill of Rights, incorporated in the United States Constitution, reads:

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Justice Lloyd, apparently unfamiliar with the basic law, declared in discharging the eighteen cases: "You took a chance on your lives in coming to Camden. An unsafe condition prevails in Camden today." There could be no more concise statement of policy from a court in a labor case.

That evening a band of 500 employees of the New York Shipyard, in Camden, members of the Industrial Union of Marine and Shipbuilding Workers, began a parade down Broadway, Camden's main street, to the R.C.A. plant, fully two miles away. They were carrying banners and placards, and were led by Powers Hapgood, bearing a poster which said: "Release the Prisoners."

At Kaighn Avenue, still two miles from the radio plant, the parade was halted by police, and when Hapgood explained that the shipyard workers were simply availing themselves of their right of petition, as provided in the Constitution, he was yanked out of line and arrested.

The charge against Hapgood was disorderly conduct, but at a preliminary hearing this was suddenly changed to engaging in a riot, and his bail was fixed at \$5,000.

The only witness against him was Acting Sergeant James Wilson, who made the ar-

rest. Following is the testimony at this point. The questioning is being done by Abraham Isserman, union counsel:

Q. Did you see a riot at that point?

A. No, sir.

Q. Did you?

A. No, sir.

Q. Yet you signed this complaint, didn't you?

A. I did.

Q. In which you say that Mr. Hapgood at this point engaged in a riot. You are under oath, aren't you, officer?

A. Yes.

Q. You say he did not engage in a riot at this point?

A. Yes.

Q. Yet you arrested him for engaging in a riot?

A. Yes.

Q. Do you now want to withdraw your complaint?

A. No, sir.

Q. You still have your sworn complaint there?

A. Yes.

Q. In view of your direct statement here, it isn't true?

At this point an objection was raised, and the question was withdrawn. Spectators who saw in the questioning a sure dismissal were astounded when the high bail was fixed, and Hapgood was led away to be photographed and fingerprinted. At the same hearing, Harry P. Harmer, head of the Camden local of the union, was held in \$10,000 bail on a similar charge, on similarly lacking evidence.

In all, in that one day, 121 persons, including one girl whose arm had been fractured by a night-stick, were held in a total of \$615,500 bail, a stupendous sum, obviously beyond the resources of the union, and obviously deliberately set to smash the strike.

Previously, bail in other cases had been set at \$260,000, making a total of \$875,500.

Until this point the people of Camden had been taking the strike matter-of-factly, not surprised at finding their judges on the same side they have always been found on.

But an appeal issued by the union brought home to them sharply what was taking place before their eyes, and was being concealed from them by the partisan reporting of their newspapers. This is the appeal, sent out over the signature of Joseph G. Mitton, head of the strike committee:

We are issuing an appeal to the forces of law and order throughout the United States, to all the forces of organized labor, to the citizens of Camden, and to the citizens of the world, to help us. Our fight for decent wages, hours, and working conditions has become a fight for our very lives. What started as an organized protest on the part of a bona fide union with the specific sanction of the laws of the United States and this state has developed, due to the tactics of R.C.A. and the police authorities of Camden, into a battle for our fundamental rights as American citizens.

The response was immediate. A Citizens'

Defense League was set up, its membership including the shipworkers' union, the American Civil Liberties Union, the Workers Alliance, the International Labor Defense, the Philadelphia Joint Labor Council, the International Ladies Garment Workers Union, the Amalgamated Clothing Workers Union, the Retail Clerks Association, the International Protective Association, and the Committee for Industrial Organization.

There was a further winnowing out of strike cases as the city and county legal machinery continued grinding, until finally, as the strike ended, on Tuesday, July 21, eighty prisoners were being held under the total bail already mentioned, \$875,000. Fifty-six of these, their bail totaling \$690,000, were released in batches of one or two as friends, relatives, neighbors, and fellow union members put up whatever property they had as security, or paid bondsmen's fees.

Of the twenty-four remaining, including Hapgood and Harmer, the union decided to make a series of test cases, to find out whether the New Jersey courts would be upheld in their high-handedness by superior courts of law.

Justice Lloyd granted hearings for Hapgood, Harmer, and eighteen others, on the question of a reduction of bail.

Said the union's counsel: "Not only is the bail excessive but to hold a man on a charge of engaging in a riot where the complaining witness, under oath, says he was not engaging in a riot and did nothing, is unlawful. I ask for his [Hapgood's] absolute dismissal from custody."

Prosecutor Orlando: Let me quote further from the arresting officer's testimony. "He [Hapgood] said they were standing on their constitutional rights and did not need a permit to parade. I told him they were heading into dangerous territory and there would likely be a riot. He said: 'If there is a riot, you fellows will start it.'"

Attorney Isserman: This was a delegation that was coming to city hall to petition the city to release prisoners and to hold a meeting at the city hall. It was peaceful, it was quiet, and it was orderly.

Orlando: These signs had a tendency to arouse sentiment to anything but order.

Isserman: The prosecutor is stating something that is both unconstitutional and un-American. There is no law here on previous restraint. Because a police officer fears someone may make an offense is no ground for an arrest.

Justice Lloyd, waving all argument aside: "This is one of the most serious cases yet to come before me today. There is no mistaking the intent or meaning of signs of that character ["Release the Prisoners"]. They were not a petition or a plea. I feel that the bail was very moderate. I refuse to change it."

At another of the hearings the following dialogue took place:

Isserman: Since yesterday we have been trying to find out the charges on which these men were arrested, but were unable to do so.

Justice Lloyd: Is that important?

Isserman: I think it is.

One policeman, Inspector John Wilkie, told the court bluntly he had been given orders to arrest all Philadelphians at the strike scene, whether they were doing anything or not. One man, Joseph Baker, seated in his car, refused to move. "Anyone who obstructs traffic," pompously remarked Justice Lloyd, "is engaged in an unlawful enterprise. Bail is \$4,000."

Police Chief Colsey explained his arrest orders thus: "A number of automobiles containing Philadelphians were halted and their occupants arrested. I feel these persons had malicious intent and they were not arrested because they had caused disorder but were taken into custody to prevent them from committing any disturbance." One lawyer in the courtroom pointed out that this was an old Nazi custom.

JUSTICE Lloyd, explaining his share in the business, declared: "I want it made clear that I have not given nor do I have the authority to give the police or city officials any orders. When my advice is sought I try to do what I think is best for the community as a whole. Chief Colsey did ask my advice in handling the strike situation and I did advise him in regard to it."

With no satisfaction to be gained in Justice Lloyd's court, the union moved to the federal courts, and secured writs in three test cases, including Hapgood's, ordering the warden of the jail to show cause why the prisoners should not be released. This was an attempt to win lower bail, and also to have Justice Lloyd's actions repudiated by a federal judge. Federal Judge William Clark, at Newark, hearing the cases, reduced the bail drastically.

"It is unwise," Judge Clark said in announcing his decision, "to attempt to use the courts in a labor dispute, to try to make them take sides, regardless of the merit. I think that was done in Camden. Of course, I may not be fully informed about that."

In Hapgood's case the court said he had looked at the record of the hearing in Camden and that there was "not a shred of evidence of rioting."

Meanwhile, however, the twenty-four men in jail organized a protest of their own against the illegality of their imprisonment, and began a hunger strike. For two days they touched no food, and when news of this action reached the outside world the Citizens' Defense League was swamped with pledges of support. An aroused public sentiment, working through the Philco union and several other Philadelphia unions, as well as the organizations already mentioned, in the incredibly short time of two days actually raised \$185,000 in bail, posted it, and had the twenty-four men released.

One fact which may have escaped attention in passing is that this undermining of civil rights took place in simple form during the strike, but that the subtle attack of the courts, backed by the financial and political interests of the county, state and nation, did

not come until after a settlement had been reached, and the strikers, their demands met, were going back to work. This is more than strikebreaking, then. It is deliberate repression, outright crushing of fundamental rights. It is the feeling of a great many union members, now that the strike is over, to forget it. It is the feeling of a large portion of Camden's population, including her civic leaders, to do the same—let bad enough alone. Why, then, has all this repression been unloosed?

The point is that this was more than a strike at a single radio manufacturing plant. Camden is today the very center of industrial unionism in the United States. The United Mine Workers, our strongest industrial union, is not localized; it covers a dozen states. In one-industry towns, like Akron and Detroit, one industrial union is involved. But Camden, linked to Philadelphia, the country's third largest city, is more than a one-industry town. It has three nationally known and important industrial plants, the R.C.A.-Victor Company, the Campbell's Soup factory, and New York Shipyard. There are other important plants, such as Esterbrook Pen and Hollinshead Paint, in the city.

These things frighten Camden's overlords and political bosses, but they are of more than local significance. Esterbrook and Hollinshead, for instance, are ripe for industrial organization. Each victory makes each succeeding victory surer.

Although John L. Lewis's Committee for Industrial Organization is chiefly occupied with steel at the moment, it has had a hand in every move made in Camden. It recognizes that here is the battleground in American labor today. It was the C.I.O. that sent Powers Hapgood into Camden.

This, then, is the first fight the C.I.O. has had, and the nature of the battle has made it plain that those who oppose unionism will beat it down with every resource at their command. Lloyd is not speaking for himself alone, for Camden, or for the Pennsylvania Railroad, or for the Camden First National Bank, when he speaks as he has spoken in these cited cases, and sets \$10,000 and \$15,000 bail for minor offenses. He is speaking for the rulers of America.

They, of course, will continue to do as they have done in Camden, but each time they do so the masses of workers whom they are fighting will grow in number. Powers Hapgood, released from jail, was also speaking not for himself alone, when he declared:

This is the battleground. This fight in Camden will continue until not only the R.C.A. plant but all other industries are organized vertically. From here we move out over the country. We are already in steel. We will go into rubber, and cement, and automobiles. What has happened in Camden is not a defeat. We expect that its effect upon industrial unionism in other parts of the country will be vitalizing. You can tell your judges and your cops and your magnates that we know a little history—we are just beginning to fight.

Who Backed the Spanish Revolt?

ROGER ABBOTT

THE fascist uprising in Spain immediately provided the Hearst newspapers with an opportunity to inflate their campaign against the People's Front. Headlines shrieked, "Spain beats Reds!" More five-star finals and we may expect Hearst to grow maudlin over the fate of the rebel army officers. He will weep for those who thirsted for the blood of Spanish workers and peasants and are being crushed by the majestic movement of the People's Front. But a brief analysis of the insurgent forces and an understanding of the motives behind their attempted coup will prevent Americans from joining Hearst in this melancholy mourning.

The revolt in Spain is led by military chieftains who are striving to preserve the country for the interests of the nobles and the bankers, the industrialists and the church. Each group has contributed its share, either in spiritual or financial support, in order to reimpose a feudal regime.

The Catholic Church hovers over the whole fascist movement. No other branch of that international institution could vie with the Spanish clergy in the luxury of its establishment. The Spanish priests have never performed any valid social function. Never have they concerned themselves with the welfare of the people. A monopoly of the educational system gave them control of the young; the power of tradition bound the women to the parishes. In October 1934 they spurred the Moors to massacre miners in the Asturias; in recent days the friars have themselves joined the ranks of the rebel soldiers. Since the victory of the People's Front in February they have carried their relentless battle against the republic into the tiniest village. Peasants were warned that Communism was approaching, and with it the nationalization of women. The republic tried to secularize education, to effect that absolute division between church and state which has been one of the fundamental principles of all democracies. But through illegal machinations the Catholic teaching orders, the short robes and long robes, have held fast to their last stronghold, the control of public instruction.

Every king of Spain attempted to expel the Jesuits from the kingdom. Yet they have remained the secret force behind the church, sometimes more powerful than the official clergy itself. Under no regime in the whole history of Spain did the Jesuits exert as much power as was allotted to them during the reactionary interlude of the modern Spanish republic, from November 1933 through February 1936. They dominated the banks along the Calle de Alcalá in Madrid. After the triumph of the People's Front, the Jesuits did not often show them-

selves on the streets of the capital. When they did, it was to scurry in and out of the gigantic gates of the Banco Central and the Banco Urquijo. The Voltairean cry, "*Ecrasez l'infamie!*" still resounds through Spain.

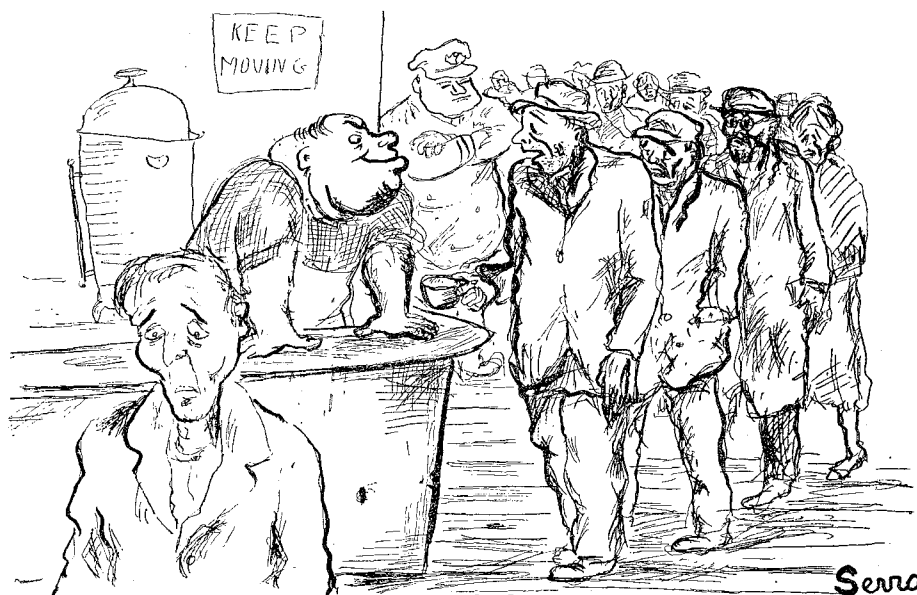
If one enters a church in a large city, approaches the altar, and watches the cleric perform the ritual in a bored perfunctory manner while the great Gothic edifice is empty of all except a few old women shrouded in black, one understands the meaning of this decadent institution. Having lost all of its spiritual force, the church has clung desperately to its institutional and economic powers. Now that the republican government threatens these, the church is eager to use any agent in order to maintain itself. In Burgos, the stronghold of General Mola's rebel army, priests are described as raising open palms in a fascist salute when they enter the portals of the ancient cathedral. Only a few days ago, monks were caught at the border by a government inspector who found millions of pesetas beneath their cowls. This does not prevent the Vatican from announcing that it takes no sides in the civil war in Spain!

With the church stand the grandees, bearers of ancient titles, who have of late displayed them by preference in Paris and London. They dallied too long in the gardens of Cythera and found that their hunting estates were being divided up among the people who were hungry and needed land to cultivate. Many of the wiser nobles transferred all their fluid capital to foreign banks and began to reveal an Olympian indifference to the tribulations of the Spanish people. The more foolish members of their class, however, were caught in the web of government re-

strictions against the export of the peseta and were forced to resort to the hazards of trafficking in contraband. These suffering patriots, for whom the reactionary press gathered a relief subscription, these "victims of Marxist terror," pooled their resources with the gold of the Jesuits to pay for the modern mercenaries of Generals Franco and Goded. These nobles could not understand the language of their agricultural laborers who, under the influence of revolutionary propaganda, and freed from the fetters of the church, were beginning to demand higher wages than one or two pesetas a day. The aristocrats sensed that they were members of a dying class, but their dreams of former grandeur enticed them to throw in their lot with this last attempt to save the remnants of their fortune. It must not be imagined that the Left republican government of recent months took excessively militant measures to uproot them. In the antechambers of the ministries one still came upon them discussing tax problems.

Some members of the capitalist and industrialist classes were more conscious of the dangers which confronted their reactionary dominion than the decrepit nobles. A whole group of *contrabandistas*, of whom Juan March is the most notorious, made fortunes by devious means during the World War. Their wealth has since been sanctified by the church. And when a Left republican government sought to tax these fortunes with new levies on incomes, the financial speculators always managed to find means of exemption.

When railroad workers threatened a general strike for higher wages, the capitalists realized that their stocks would soon be less profitable. Their anger reached new heights



"Sugar, eh? Wot we need is a Mussolini to handle the likes of you!"