

Terre Haute: Second Round

*An eye-witness account of the court proceedings
and the mob action at the broadcasting station*

By Marguerite Young

THE courtroom was packed like Times Square on election night. Earl Browder, previously jailed as a vagrant for daring to carry his presidential campaign into Terre Haute, had returned to try again. The crowd was mostly sympathetic workers.

James Benham, editor of the *Terre Haute Star*, testified he published statements by Chief Yates and Mayor Beecher, warning Browder would not be allowed to speak if he returned. The newspaper article was admitted in evidence. It was headlined: "Mayor Reiterates Anti-Red Stand, Says He'll Jail Browder Again."

Just the day before this, Judge Owens himself had told reporters he would see to it that Browder was not arrested before the hearing, but, "Of course, if somebody besides the police or sheriff stops him I can't guarantee anything. He might break a leg."

Chief Yates, in the witness chair, was asked if he would again arrest Browder for trying to speak.

"I don't know what I intend to do," Yates answered. "If he violates any law I will arrest him."

Two young lawyers for Browder were commenting *sotto voce*. Yates turned suddenly and hurled at them, "I'll smash one of you!" then sat around again and calmly resumed his testimony. Reluctantly he went over his actions on September 30. The charge? Why, vagrancy and investigation. There was no such crime as "investigation"? But Yates retorted triumphantly, if irrelevantly, "I did investigate Browder—and I discovered he was an ex-convict!"

Siegel excused Yates—the defense having waived cross-examination—put Browder back on the stand, and asked, "What were you imprisoned for?"

"I served two years for opposing the entrance of the United States into the World War."

Without having cross-examined anyone, and without presenting a witness of their own, the defense rested. Whitlock then argued: "Injunctive relief cannot be issued in a political matter. As a matter of public policy, the court should not interfere with officers. The motives of the officers are immaterial." Small maintained the only property right Browder had here was "incidental" to his political right, *and injunctions must not be issued to protect civil rights!* Spectators whispered exclamations. Attorney Kingsbury gasped, sprang up, and cried out, "The question at issue here is free speech. Yates's sole purpose is to prevent Browder's

speaking by subterfuge. Terre Haute officials have said openly Browder cannot come here and discuss the political issues of the day. If this can happen, every citizen can be arrested, and his attorneys cannot even see him to prepare a petition for *habeas corpus*. What then is left of free speech? I plead with you: it cost oceans of blood to obtain it. You shouldn't destroy it under such subterfuge."

The courtroom was deeply hushed. Judge Owens scratched his forehead. Suddenly at Browder's table an urbane figure lifted and asked permission to speak although he was not an attorney of record in the case. Recognizing David Bentall, the Chicago lawyer who vainly had sought a writ of *habeas corpus* while Browder was jailed previously, Judge Owens nodded.

"Yes, Browder was convicted because he opposed the World War—as was your beloved neighbor, the citizen you are most proud of, one of the greatest citizens of this country, Eugene V. Debs.

"Yes, Chief Yates did win praise for his behavior, from fascist Germany!" Bentall lifted a finger, smiled, then thrust out in lowered voice, "That is the evidence, *and Chief Yates did not deny it.*" Many people turned to one another and smiled, and some smiled at Judge Owens—a direct if silent challenge. He began to sum up, recalling the publicity gotten by this "show case." He thought out loud, tortuously, vainly attempting simultaneously to win his audience: "A good deal could be said about what happened when he [Browder] came to Terre Haute before. I don't know but that that was because of the feelings Americans have about constitutional government. They don't like anyone who wants to change it. . . . We've had enough trouble here already. . . .

"I don't think the acts of the police are commendable. *But I suppose those men in their overzealousness decided they were going to defend that Constitution even if they had to take constitutional rights away.*

"As much can be said about one side of this matter as the other. Be that as it may. The law is clear. The court is without authority to enjoin."

About ten o'clock a cleancut lad in a red sweater turned up, saying, "I just came from the broadcasting station. There's a mob outside, all drunk and shouting. I came to tell you I saw them, and to see if I could do anything for Comrade Browder."

The radio station was just a half block off the main street. I arrived with two other

journalists at about ten-thirty. The sidewalk, for yards each side of the building housing the station, was crowded as the courtroom had been. But one glance showed that the ratio of workers and upper-class was directly reversed.

We met a large man who recognized one reporter and called, "Well, this is really the best citizens of Terre Haute, and they mean to go somewhere tonight. Look, there's Captain Harter, the head of the National Guard. And there's Art Collins of the Law and Order League." The informant was Abraham Lincoln Mehoney, former hack of Frank Knox's *Chicago Daily News*. Mehoney had been in Terre Haute for ten days, saying he was connected with the Republican National Committee's publicity machine now, and devoting himself to seeing that out-of-town newspaper men "understood" the attitude of Law and Order boys.

We edged along toward the door. The farther in you went, the harder the breathing; in addition to the pressure there was an overwhelming smell of rancid liquor. Athwart the doorway were several swaying men. Behind them, up a narrow stairway leading into the station on the second floor, men were massed on every step. They were calling boisterously, "Come on, send in some more. We need more inside." A man in a gray suit relayed, "Come on, you fellows out there. Don't you want to be here when it starts?"

I committed the error of trying to take a note unobserved. I was jostled over the sidewalk and suddenly found myself in the street surrounded by a solid ring of men and boys. Hays Jones of the *Daily Worker* was still beside me, but our other companion was gone.

"Get out!" came from the ring. "Take a walk!" and "We'd advise you to leave." One black-hatted man stepped nearer and said, "We know you—you work for a Communistic paper. We saw you sitting with the defense in court this afternoon."

The defense! But of course Browder would be the defendant to these mobsters, even when he was suing them. I asked my questioner who he was. He answered, "Never mind who. We're for law and order, and we don't want no Communistic stuff around here."

This mob had blackjacks, pistols, and brass knuckles.

I climbed on the running board of a parked car and saw Browder drive up in a taxi. He got out, flanked by the boy in the red sweater and Seymour Waldman, with two other comrades in back. The crowd surged toward

them, then opened. Browder walked briskly, the mob closing behind him.

Spotting Art Collins, the Law and Order leader, Browder made for him and put out his hand, saying, "Hello, Mr. Collins. You seem to have possession of the station."

Courage was expected—but this coolness was a gift from heaven. Browder was forcing Collins to acknowledge his identity!

"Come right in, come right in!" men shouted from the narrow hallway. Collins shook hands with Browder and greeted Waldman also, but was too tight to comment.

"This is the Law and Order League, isn't it?" Browder said.

"Yes," shouted several, and others, "No!" The column up the stairway was stirring.

"We're for Landon and Knox," called one. "Landon and Knox," they chorused.

"And you're the head of the Law and Order League, aren't you, Mr. Collins?" Browder was still shaking his hand. Now some

soberer lieutenant saw the situation, and sharply knocked the hands apart. In another moment the column might move in. Someone jabbed at Browder. Mrs. Esther Ripple caught a heavy blow on her head.

Harold Harris, an Associated Press photographer, was perched on top of the car with me. He snapped his camera. A man inside the hall saw it, yelled, "Get that camera down!"

Heads turned as one toward the photographer—and in that instant of diverted attention Browder wheeled and made the thirty feet into the cab. Part of the crowd surged after him and from both sides unloosed a hail of tomatoes. They hurled the missiles through the windows, then flung open both doors. For a second it seemed they would seize it. But two comrades ran forward and slammed them back again and the taxi started back to the hotel.

Police had emerged, clubs raised, from the alley as Browder passed by. Photographer Harris had jumped and started running, try-

ing to shield his camera. Beating and brass-knuckling him, they took the camera, broke its plates, and handed it back. An Associated Press reporter, standing beside the photographer, caught several blows aimed at Harris.

I stepped across the street. A tomato hurtled after me. I dodged. Beside me a man laughed, "What's the matter, do they think you're a Spanish spy?" He was another lawyer, Frank C. Walde, and he obligingly pointed to people he knew—an insurance head, a minor bank executive, an officer of the National Guard.

Tom Fuson, a trade unionist who had been here all the time, said that a leader of the affair was another of the city officials' defense counsel—Whitlock, the merchants' man.

"I saw Whitlock, the former Democratic prosecutor, commanding that sunflowered mob," Fuson reported. "I saw them taking his orders. In fact, he boasted to me about it."

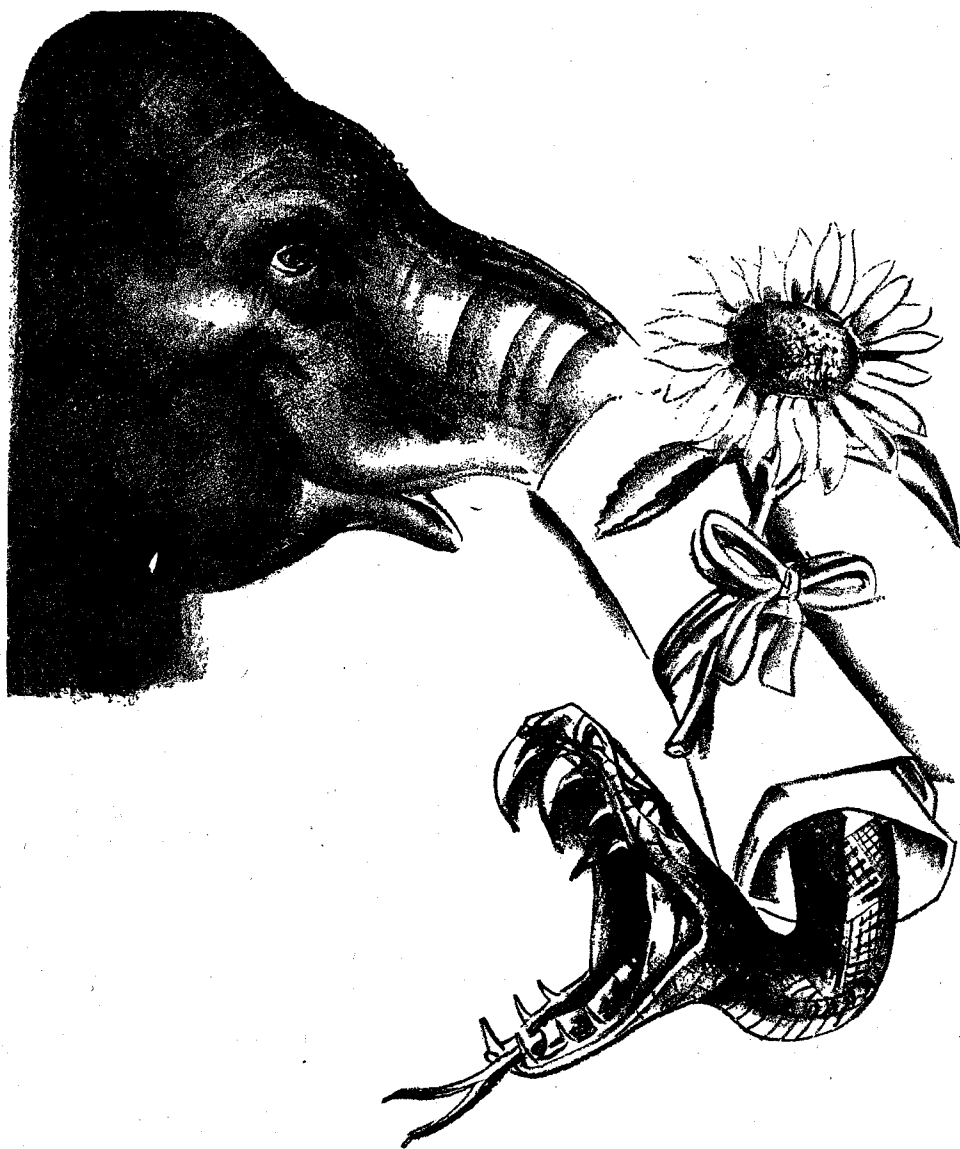
Back at the Terre Haute House, Browder was calmly relating the story. The press had more rumors; the Law and Order boys were talking of attacking the hotel. Browder telephoned New York campaign headquarters, then his wife. In a moment, Charles Stadtfeld, Communist chairman for Indiana, brought word that Chief of Police Yates was downstairs relating that the Law and Order League was meeting. Yates said he would "try" to furnish protection. About the same time a spruce stranger approached Lawyer Kingsbury in the lobby and said, "This is the second time you've been in Terre Haute. We don't want you here. If you come back, we'll get you."

"I have no desire to return," Kingsbury said, "but in the event that I have business, I shall return." He has been in and out nine times since Browder's first visit.

There was movement and talking around the hotel for some hours, but the attack rumor proved but a bluff. In the morning Browder's lawyers stood once more before Judge Owens. He saw no reason to rule at all, now. The attorneys insisted. Judge Owens denied the injunction.

As we were leaving for the train back east, a telephone call came from the state capitol in Indianapolis. The head of the state police was offering—at this point—a motorcycle escort! They did not arrive in time even to see us off.

Ever-interested reporters met Browder at Indianapolis, with word that liberal and labor leaders already were protesting to Governor McNutt. Browder commented: "Things have reached a new stage in Terre Haute. The reactionaries, with all the state apparatus in their hands, were afraid to use it again. They had to resort to direct and openly illegal force and violence. I am glad to have established the right of a Communist to enter Terre Haute without being jailed, but the fight against fascist suppression there is just beginning." Oddly, the metropolitan press which had played up the first battle of Terre Haute, emphasizing the stupidity of a few officials, now played the second battle down. This time, more than a few peewee politicians were guilty; the job had been done by the "best" pro-fascist "citizens."



LIBERTY LEAGUE REPUBLICAN PARTY AND THE CONSTITUTION

(The Cat and the Mice)

A CAT, feeble with age, and no longer able to hunt the Mice, thought that she might entice them within reach of her paw. She tried to pass herself off for a roll of parchment, in the hope that the Mice would no longer be afraid to come near her.

An old Mouse, who was wise enough to keep his distance, whispered to a friend: "Many a parchment scroll have I seen in my day, but never one with a cat's head."

"Stay, there, good Madame," said his friend to the Cat, "as long as you please, but I would not trust myself within reach of you though you were stuffed with straw."—from *Æsop Said So*, lithographs by Hugo Gellert.

Getting in Deeper

In this third article on the recent terrorism trials, the author shows how the defendants' failure to win mass support made them desperate

By Joshua Kunitz

BY 1923-4, especially after the death of Lenin, the problem of building socialism in one country came to the fore again in a much intensified form. The reader will recall that in the first three or four years after the end of the civil war and the inauguration of the New Economic Policy (N.E.P.), the Bolshevik Party had achieved considerable success in restoring the economy of the country. But while the proletarian revolution was consolidating its gains in the Soviet Union, it lost ground elsewhere. It was becoming clear that the international proletarian revolution was not quite around the corner. The capitalist world was also being stabilized after a fashion. Most Bolsheviks were agreed that capitalist stabilization was temporary, that ultimately its inherent contradictions would bring it to another round of wars and revolutions, perhaps to its final collapse. But when, no one could tell. The Soviet Union could not fold its arms and wait. Either it would have to retreat from its gained positions or forge ahead.

Stalin's answer was positive: ahead toward socialism; we'll build socialism in our own country. This was the Leninist line. Indeed, shortly before his death Lenin once more reiterated that the Soviet Union had "everything necessary and in sufficient quantity for the construction of a complete Socialist society," and that "we shall transform N.E.P. Russia into Socialist Russia."

Trotsky, Zinoviev, and Kamenev, with their small faith in the Russian masses, reverted to their ostensibly revolutionary, but pessimistic and, in the Soviet circumstances, *defeatist* position: you cannot build socialism in one country! Russia is technically and economically backward. The situation can be saved only by an international revolution.

The Leninist solution appealed to the vast majority of party and non-party Bolsheviks. It inspired a feeling of self-reliance and hope in the weary Soviet masses. It released their own creative energies. Certainly, they felt, the international revolution will come; certainly "final victory of socialism is possible only on an international scale" (Stalin), but in the meanwhile we'll proceed to build here with socialism as our aim, and we'll know at least the cause for which we are building.

This basic ideological conflict was aggravated by purely personal ambitions and motives. Lenin, whose personality and prestige had been sufficient to keep the "defective Bolsheviks" in line, was dead. The question on everyone's mind was: Who will succeed Lenin



John C. Rogers

in the leadership of the party? Trotsky, Zinoviev, and Kamenev considered themselves candidates. But Stalin's unswerving struggles for the Leninist line had won him the respect of the party majority. His Bolshevik record was clean: no vacillations, no gyrations, no breaches of discipline. He was vigorous, positive. He inspired faith. The party chose his leadership.

That the Zinoviev-Kamenev "New Opposition" of 1925-6, like its Trotskyite predecessor with which it was in essential agreement and with which it finally fused, was not purely ideological in its origin; that it was to a large degree also motivated by ambition and personal jealousy, is now quite clear. One has only to recall Pickel's description, at the recent terrorism trials, of the conceit and spite displayed by Zinoviev as far back as 1924-5 in his literary treatment of Stalin. At the trial Kamenev stated it frankly: "We were guided by boundless bitterness against the leadership of the party and country and by a thirst for power to which we had once been near and from which we had been cast away by the progress of historical development."

In Leningrad, where Zinoviev was at work, the "New Opposition," by wholesale deceptions, managed to capture the party organization and send to the Fourteenth Party Congress (December 1925) its own delegation, headed by Zinoviev. That Congress was crucial in the life of the party. Its program as expounded by Stalin was, "To transform our country from an agrarian to an industrial country capable of producing the requisite equipment with its own resources." This, Stalin pointed out, would ultimately solve the problem of the backward villages, the problem of defense, and would be of international revolutionary importance by demonstrating before the world proletariat the possibilities of socialist economy. Zinoviev, opposing it, accused the party of degeneration and opportunism, denied the socialist character of

construction in the Soviet Union, and asserted that the entire system of Soviet economy constituted state capitalism. He and his group voted against the resolution approving the proposals of the Central Committee, and declared that *they would not abide by the decisions of the Congress*. Thus Zinoviev threatened a split, the creation of a second party. With the exception of Zinoviev and his group, the Congress voted unanimous approval of the party's politics.

When the Congress was at an end, the Central Committee dispatched to Leningrad some leading members of the party, including Molotov, Voroshilov, and Kalinin, to explain the latest decisions of the Congress to the Leningrad Communists. At meetings of party nuclei, held all over the city, it was revealed how the "New Oppositionists" had captured the Leningrad organization. They had concealed their opposition. Pretending loyalty to the Central Committee, they had won their credentials to the Congress where, asserting the authority vested in them by the Leningrad organization, they took an anti-party stand. The trickery exposed, 97 percent of the Leningrad Bolsheviks voted unqualified approval of the party and its Central Committee. Soon after, Kirov was elected secretary of the Leningrad Committee of the party. Kirov made short shrift of the New Opposition, completely demolishing the nest which Zinoviev and his group had feathered for themselves in Leningrad.

Zinoviev and Kamenev, the leaders of the New Opposition, though routed and exposed, refused to surrender. Feeling their power and influence slipping, they began to search for allies. They had publicly fulminated against Trotsky in 1923-4, when Trotsky had been a rival. In 1925 they had clamored for his expulsion from the party. Now, one year later, they patched up an oppositional bloc with him.

Everything was perfect, but for one thing—the proletarian masses failed to rally to them. Seeing this, the leaders of the opposition bloc (Trotsky, Zinoviev, Kamenev, Yevdokimov, Sokolnikov, etc.), in an attempt to retain a foothold in the party, filed a statement (October 1926) promising to abstain from further factional activities. Nevertheless in 1927 they organized an underground party, with its own Central Committee, local committees, party dues, printing press, etc.; nor did this, in turn, deter them from again filing a statement (August 1927) with the Central Committee, renouncing all factional activities. To