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# 'TO THE BEASTS-'

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*In California as in  
:: Ancient Rome ::*

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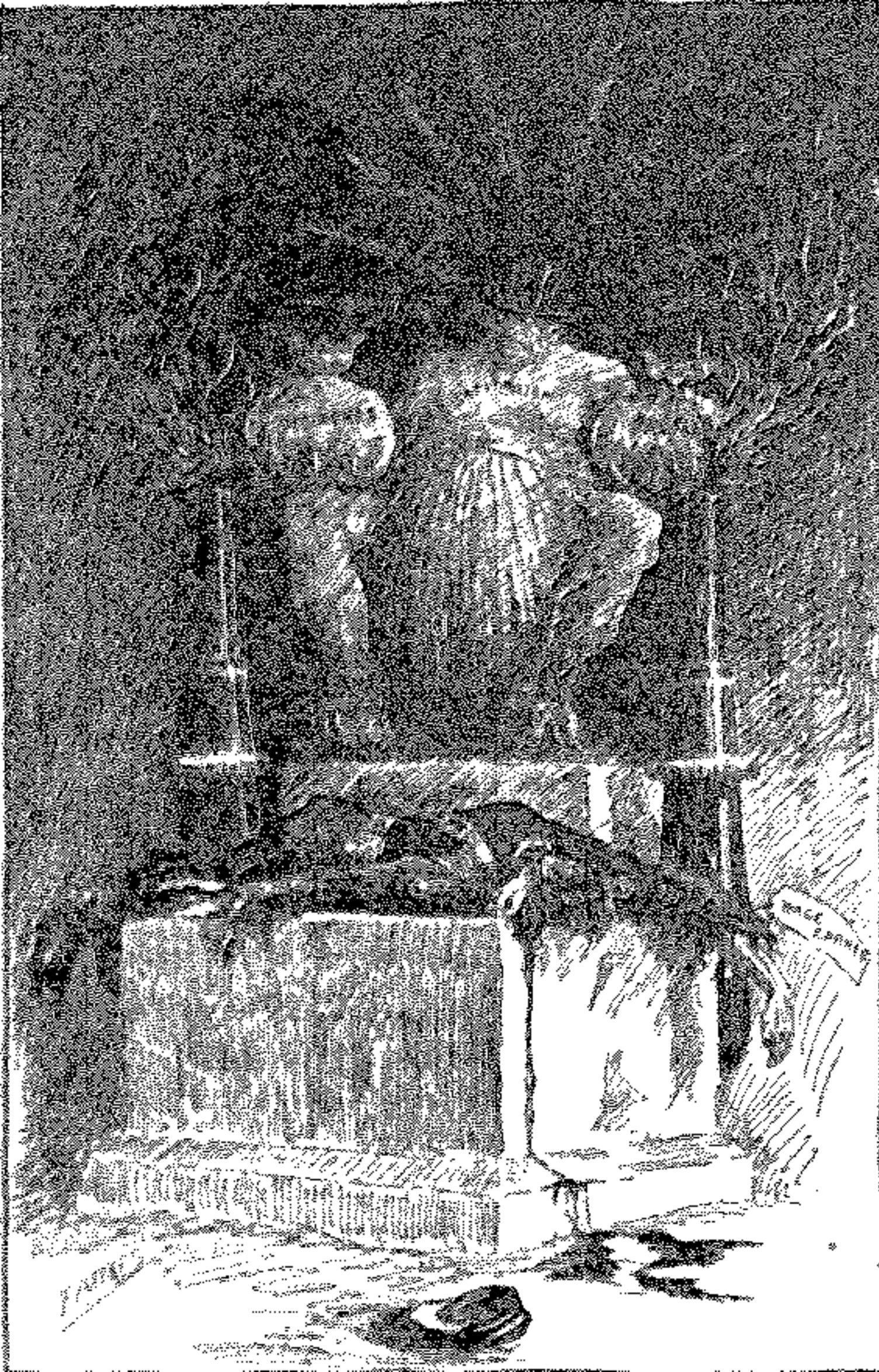
## BLOOD MONEY REIGNED TRIUMPHANT

**D**E QUINCEY, in his characteristic language, tells the story of Caligula who took delight in feeding the wild animals of the amphitheatres with the quivering flesh of human beings. He brings his story in, incidentally, as an instance as follows:

“On some occasions it happened that a dearth prevailed, either generally of cattle, or of such cattle as were used for feeding the wild beasts reserved for the bloody exhibitions of the amphitheatre. Food could be had and perhaps at no exorbitant price, but on terms somewhat higher than the ordinary market price. A slight excuse served with Caligula for acts the most monstrous. Instantly repairing to the public jails and causing all the prisoners to pass in review before him . . . he pointed to two bald-headed men, and ordered that the whole file of the intermediate persons should be marched off to the dens of the wild beasts. “Tell them off,” said he, “from the bald man to the bald man.” Yet these were prisoners committed, not for punishment, but for trial. . . .”

“To see them thrown to the wild beasts and eaten alive or to train them for the ghastly habit of cutting each others’ throats upon the sands of an amphitheatre, was to their truly ferocious character the natural way of getting rid of them. this in part answers the inquirer’s question as to the cause of the rapid and phenomenal decline of morals at Rome. . . . Blood money reigned triumphant.”

—Ward’s “Ancient Lowly.”



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## IN CALIFORNIA AS IN ANCIENT ROME



**W**HEN Henry Thoreau, protesting against unjust taxation, went to jail, Ralph Waldo Emerson visited the prisoner crying out, "Henry, why are you in here?" Thoreau answered, "Ralph, why are you out there?" This incident applies to the fight against the Criminal Syndicalism Law in California. Why are no more than ninety-nine men in San Quentin and Folsom? Why are thousands of I.W.W. members, who flaunt industrial union membership cards, "unwhipped of justice?" Efforts will be made here not to explain but to advertise that condition.

One hundred men are in prison cells; outside their fellow workers glorify their "crimes," mass meetings assemble, sing the songs that brought penalties to these victims, avow the same principles, adhere to the doctrines expressed in the I. W. W. Preamble, organize in the same industrial union, and remain free. Individuals are marked by the law, culled out of the organization and made sacrifices to capital. Why and even how is mysterious. Thousands parade and vaunt a "crime," one hundred rot in prison; explanation is impossible and description difficult.



Absurd as is this miscarriage of justice, astonishing is the fact that of all these industrial convicts not one was accused of a single act of "criminal syndicalism," nor was one indicted and tried therefor. This statement bears repetition: not one member of the I. W. W. in San Quentin and Folsom prisons—one hundred in all—has been convicted of the personal offense of "criminal syndicalism." Alone and sometimes more than a score, these men faced judge and jury; their names were called for them to plead to the indictment, but never again were those indicted mentioned in the matter at bar except only when membership cards in the I. W. W. were filed against them. From plea of not guilty to sentence they sat in court while judges and lawyers wrangled and the one thing never mentioned was the defendants, who, when all of the mockery was over, walked out of court singing the songs of their class. It is customary to pose the early Christian martyrs as exemplars of persecution stoically sustained, but these were not accused as disciples of Christ but because they openly and positively refused to sacrifice to ancient gods. Incense was there, statues of the gods were there and the only demand was that the prisoners drop a grain of incense into the fire. Refusal meant death, but none who suffered did aught but strive for a personal crown and these one hundred expect no reward here or hereafter.

In syndicalism cases the court dwells upon the I. W. W., its theory and practice; the defendants are never mentioned; three former members testify to arsons, holdups, violence and crimes they themselves committed or heard about; they clear the defendants of all guilt; they declare no other member urged them to lawlessness and on such testimony one hundred men are "doing" one to fourteen years of penal servitude.

It is excusable to contradict these statements. They overleap credulity. But to this must be added

that Judge Eugene P. McDaniels, of Marysville, Yuba County, California, declared that he considered all the prosecuting witnesses to be perjurers and in face of that personal opinion he deliberately and with malice prepense and aforethought raped the lives of his victims of the indeterminate period of from one to fourteen years.

Besides the testimony of these men judicially denounced as perjurers, the prosecuting attorneys introduce pamphlets, papers and leaflets of the I. W. W. as evidence. In Eureka, California, an attempt was made to punish public sale of this literature. After trial and sentence this case was reviewed by the Appellate Court by whom it was decided that the literature of the I. W. W. was entitled to circulate, to be sold publicly and was not and could not be the basis of a criminal information. Yet one hundred men are in the penitentiaries! One judge characterizes the three prosecuting witnesses as perjurers; an Appellate court certifies the literature is untainted and publicly salable; but even now men are traveling the roads to San Quentin and Folsom, herded by district attorneys, judges and denounced perjurers.

When such prosecution failed to terrorize the I. W. W., Judge Busick of Sacramento, a county magistrate, issued a statewide injunction prohibiting criminal syndicalism and virtually penalizing membership in the I. W. W. automatically by a sentence of six months in jail upon whomsoever the police or sheriffs would bring before a court. Cases are now pending in the Supreme Court of California to test this injunction. If fourteen years does not frighten the I. W. W. Judge Busick evidently reasons that a six months' sentence will.

To make plain that such events occur in California and to cure this scandal are the purposes of this pamphlet.

## HISTORICAL REVIEW

Since the so-called criminal syndicalism statute was enacted, April 30, 1919, three hundred and seven persons under indictment have faced juries; 140 have been convicted and 167 were acquitted or dismissed after juries had failed to agree. One hundred remain in penitentiaries and trials are pending for forty-nine.

Among those to be early sentenced was Charlotte Anita Whitney, whose adult life has been an act of charity and social devotion. Because a red colored drape covered a piano and a miniature paper red flag—an emblem of some society that had used this hall at an earlier date—was stuck on a glass case, a paid detective saw fit to arrest her. At the time, this woman was in a hall along with an assemblage of others. As a result Miss Whitney stands condemned to from one to fourteen years penal servitude and her freedom depends on an appeal to the Supreme Court of the United States. Victims lacking her wealth are long since serving their sentences. This is not stated invidiously. For humanity's sake it is hoped this woman shall go free.

This case bears explanation. In 1913 Miss Whitney was active in the Y. W. C. A. and other social work. In that year the Durst Brothers of Wheatland brought to a climax years of cruelty towards their hop pickers. In answer to their advertisements, 2,300 men and women gathered upon their ranch. In a space smaller than a city block 2,300 people swarmed. There were six toilets and these open to view. Before them, men, women and children stood in line waiting turns. Durst Brothers provided no shelter but a relative offered space in crowded tents at rates probably exceeding those charged in buildings at Third and Market street, San Francisco. Woman, man or child, all fared alike. To enrich these millionaire exploiters sanitation was ig-



nored, decency made a joke and cleanliness a lost art. Upon this festering mass poured a sunshine of 120 degrees. Disease ravaged this herd. There was a strike. Miss Whitney, Prof. Carleton H. Parker, Archbishop Hanna and all of Organized Labor became interested in the event.

But before these philanthropists appeared, the strikers had selected Richard Ford, one of their number, as spokesman. Ralph Durst struck Dick Ford in the face when the grievances were presented. Then Ralph Durst and his brother Jonathan scoured the country, collected and stored in a private arsenal all the procurable arms and these guns afterwards wreaked death in what is called the "Wheatland Riot."

This history is necessary or else "criminal syndicalism" in California bewilders the observer.

Briefly the tragedy: After Durst Brothers had gathered every gun possible they invited the strikers to confer with them. On a Sabbath morning, August 3, 1913, these strikers marched four and four, orderly, hopeful, suppliant, to Durst's office yard. Ralph Durst declared organization of the strikers was impossible because of the confusion of languages, twenty-seven tongues being spoken in this American industry. Upon arrival before Durst's office a committee mounted a hop wagon and twenty-six men arranged themselves along the edges of a hop wagon with Ford facing Durst. Demands for toilets for every hundred persons, for lowering the excessively high hops, (high-pole men,) for abolition of the bonus system in payment whereby Durst mulcted his workers ten per cent if any quit before his harvest was over, and other remedies were offered. Durst asked opportunity to consider them. During this interval Durst attempted to have Ford arrested and when he failed reported to Sheriff Voss that he was being driven from his own land.

Evening approached and the strikers were assembled to receive Durst's reply, but he was busy posting armed men so as to sweep the camp with fire. Jonathan Durst was among those potential murderers. (See stenographic report of the preliminary hearing). Durst then summoned a sheriff's posse. Down the lane sped autos loaded with deputies, their rifles and shotguns projecting. To the edge of the crowd they charged in their cars, and the strikers' meeting opened ranks to admit them. As these deputies approached the speakers' stand Henry Daken fired both barrels of a shotgun directly across and a little over the heads of the assemblage. Lee Anderson among the deputies fired another shot. In the crowd were hundreds of children. Frantic mothers sought their safety and giant deputies were trampled under their feet. Shots were fired from many angles around the crowd. When the smoke cleared all the unhurt deputies had fled. Four men lay dead; one of them Ed. Manwell, possibly the most humane District Attorney in California, another was Eugene Riordan, a deputy, together with an English boy and a Porto Rican, both workers. Henry Daken, the instigator, had fled and by his own testimony covered up in bed to shut out the horror.

Two companies of militia were rushed to the scene and wholesale arrests followed. Prisoners were confined in six jails widely separated, and questioned. Some were beaten, one boy was kidnaped and held from his family until January, 1914; one man, Nels Nelson, whose arm had been shot away in the riot, was found dead in a cell, strangled, **yet there was no place above a man's head where a cord could have been tied.** As an outcome of it all Richard Ford and Herman Suhr were convicted of murder in the second degree and sentenced to life imprisonment.

Commenting upon these facts the Sacramento Bee

stated that "the methods by which Ford and Suhr were brought to bar were a blot upon the county of Yuba, a stain upon the State of California and a blemish upon civilization itself." Notwithstanding all this, Miss Whitney was accused in her trial, of assistance to the hop pickers' defense, as an act of criminal syndicalism. That this act was passed in 1919 and that the Wheatland tragedy was finished in 1914 makes no difficulty in these wondrous prosecutions and legislation. Her overt acts of criminal syndicalism were attendance at an open convention and activity to relieve distress. None accuses Miss Whitney of any act of violence or greed. Yet San Quentin yawns for her. In the I. W. W. cases there is the same likeness. Against all these it has been deemed legal to inform juries that the accused were interested in the defense of the hop pickers. Hence this partial story, which dwells not upon the torture of Herman Suhr, the bludgeoning of Nelson, or that W. J. Burns dismissed every employe of his San Francisco office because of brutal conduct to the hop-pickers.

As a fact the Hop Pickers' Defense Committee was not an I. W. W. organization, but was composed of delegates from the Federated Trades Council of Sacramento, A. F. of L., of Socialist Party delegates and of I. W. W. delegates. This committee was located in Sacramento and conducted the whole proceedings. Letterheads of the committee carried the names and affiliations of the delegates and the committee acted under its own seal. When the I. W. W. hall was raided in Sacramento in 1917 all the files were seized by the agents and since have been kept secret. If the U. S. Attorney knew what the seized papers contained he knew that several witnesses who belonged to the International Work-

ers' Defense League in San Francisco did not belong to the Hop Pickers' Defense Committee as he made the jury in the Silent Defense case believe.\*

## WHAT CONVICTS ARE THESE?

Comes now the story of these one hundred I. W. W. members who occupy cells in San Quentin and Folsom because the Criminal Syndicalism Law permits the infliction of penal servitude for the reason that men hold opinions. Necessarily there shall be omitted from this narration all personalities. Many of the "convicts" are overseas veterans of the World War, some are aged, some are youths, some leave wives and children, but none permits personal pleas for mercy. These men stand for a human right—the right as industrial wage workers to organize in one big union. They know the struggle against criminal syndicalism can only proceed by such actual organization of workers. Already this law has made official felons of ordinary social workers and I. W. W. members. If this act disbands the Industrial Workers of the World in California it will never be abolished and one day pure and simple A. F. of L. members will be sent to prison because some provocative agent testifies he used violence to further his ends and believed it would aid the workers' cause. As in the I. W. W. cases, co-membership with these tools would suffice to convict. Class interest therefore makes it necessary to wipe out the criminal syndicalism law. Woodrow Wilson writes: "Liberty has never come from the government. Liberty has always come from the subjects of it. The history of Liberty is the history of resistance."

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\* Copies of these letter heads should be in the files of many organizations. Letterheads mailed in January, 1914 and August, 1914 are much needed for use in the present Syndicalism trials by the California Branch of the General Defense Committee, 226 Russ Building, San Francisco, Calif.

# TEXT OF CRIMINAL SYNDICALISM LAW

Approved April 30, 1919, the Criminal Syndicalism statute reads:

The people of the State of California enact as follows:

Section 1. The term "criminal syndicalism" as used in this act is hereby defined as any doctrine or precept advocating, teaching or aiding and abetting the commission of crime, sabotage (which word is hereby defined as meaning wilful and malicious physical damage or injury to physical property), or unlawful acts of force and violence or unlawful methods of terrorism as a means of accomplishing a change in industrial ownership or control, or effecting any political change.

Section 2. Any person who:

1. By spoken or written words or personal conduct advocates, teaches or aids and abets criminal syndicalism or the duty, necessity or propriety of committing crime, sabotage, violence or any unlawful method of terrorism as a means of accomplishing a change in industrial ownership or control, or effecting any political change; or

2. Wilfully or deliberately by spoken or written words justifies or attempts to justify criminal syndicalism or the commission or attempt to commit crime, violence or unlawful methods of terrorism with intent to approve, advocate or further the doctrine of criminal syndicalism; or

3. Prints, publishes, edits, issues or circulates or publicly displays any book, paper, pamphlet, document, poster or written or printed matter in any other form, containing or carrying written or printed advocacy, teaching, or aid and abetment of, or advising, criminal syndicalism; or

4. Organizes or assists in organizing, or is or knowingly becomes a member of, any organization, society, group or assemblage of persons organized or assembled to advocate, teach or aid and abet criminal syndicalism; or

5. Wilfully by personal act or conduct, practices or commits any act advised, advocated, taught or aided and abetted by the doctrine or precept of criminal syndicalism, with intent to accomplish a change in industrial ownership or control, or effecting any political change;

Is guilty of a felony and punishable by imprisonment in the State prison not less than one nor more than fourteen years.

Section 3. If for any reason any section, clause or provision of this act shall by any court be held unconstitutional, then the legislature hereby declares that, irrespective of the unconstitutionality so determined of such section, clause or provision, it would have enacted and made the law of this State all other sections, clauses and provisions of this act.

Section 4. Inasmuch as this act concerns and is necessary to the immediate preservation of the public peace and safety, for the reason that at the present time large numbers of persons are going from place to place in this State advocating, teaching and practicing criminal syndicalism, this act shall take effect upon approval by the governor.

## **SUBPOENAED WITNESSES PUNISHED**

Under this law witnesses have been sentenced to the penitentiary—fifteen of them—because they sought in good faith to refute contentions of the prosecution and explain the I. W. W. as they knew it to be. History records no parallel to this deed.



First a court of justice—so-called—ruled the testimony of defendants was only self-serving, then it excluded the testimony of any other than bona fide members of the organization. When such members in good standing came to testify, it was sought to intimidate them by threat of arrest and conviction if they acknowledged membership in the I. W. W. They testified; were arrested after leaving the stand and the juries knew of the arrests; they were convicted and sentenced simply upon the record that they testified to membership. Think of convicting a man for burglary because he was the friend or brother of a burglar!

Study of the text of the above law shows it to be well adapted to its authors' purposes. In language it is so adroitly constructed that prejudice interprets all its meanings and executes its practices. Travesties of decency are permitted. For instance during a trial in Marysville, about the time the jury was going out to deliberate, the Sacramento Bee rushed an edition five hours ahead of time for distribution in the view of the jury. This newspaper in its headlines shrieked charges against the I. W. W. and asserted a positive discovery of a plot to wreak violence and sabotage upon a nearby community. All this reached the jury as they went to dinner, and was treated as newspaper enterprise. Against such practices the California branch of the General Defense Committee distributed literature sanely written, argumentative and within the law. One prospective juror received a copy. Tom Connors, secretary of the committee was arrested, charged with jury tampering, tried and sentenced to five years imprisonment. In a similar case a man was convicted of introducing a defendant in a case to a juror and of soliciting his sympathy. He got five days. Contrast the sentences. It is worthless to pillory the un-

fortunate short timer but his sentence over against the vengeance upon Tom Connors brands California Justice a mockery.

## JUDGE BUSICK'S INJUNCTION.

Although the persecution of witnesses and the sentence of Tom Connors are without parallel there was yet an ingenuity of hate and this Judge Charles O. Busick of Sacramento County, California, achieved in an injunction of seemingly worldwide intention. To characterize this proceeding is too much. This document is therefore given in all its essential parts and the reader may suppose by what logic or imagination a puny county judge imagines his dictum will operate alike in Chicago and in his home town. It is proper to record that Mary Gallagher Douglas mentioned is not a member of the I. W. W. but a woman whom this Judge Busick permitted a renegade to vilify and who appeared in the interest of her womanhood to contradict malicious falsehoods against her private character. Judge Busick knew the relation of this woman to the case and yet included her name. It is a commentary fully revealing the bias and prejudice of Judge Busick.

The injunction without preamble and verbiage follows:

"It is ordered, adjudged and decreed by this court that the said defendants, Industrial Workers of the World, the General Executive Board of the Industrial Workers of the World, the General Defense Committee of the Industrial Workers of the World and the California Branch of the General Defense Committee of the Industrial Workers of the World, sometimes called the California Branch of the General Defense Committee, John Grady, John Jackson, Walter Smith, individually and as members of the

said General Executive Board, H. M. Edwards, Tom McMahon, J. Kennedy, Ralph Colescott, Tom Doyle, Tom Connors, James Kelly, William Bryan, individually and as members of the General Organization Committee of the Industrial Workers of the World, P. J. Weiland, Elsie Lybeck, Edward Anderson, William Racke, Pete Beazley, John M. Reilly, Frank Doyle, John Doe Swanson, John Doe Nichols, John Doe O'Donnell, Sam Oberman, J. A. Sanderberg, Ray Sands, E. G. Hottelling, John Doe Munson, E. M. Beck, A. Day, C. Laun, Martin Higgins, John Doe Kingsley, J. D. Graham, individually and as officers, representatives and delegates of the said Industrial Workers of the World and Tom Connors, Pete Beazeley, Mary Gallagher Douglas, Leo J. McAuliff and Pete Wukusich individually and as members of the California Branch of the General Defense Committee and each of them, their servants, agents, solicitors and attorneys and all others acting in aid or assistance of the defendants or each of them, do absolutely desist and refrain from further conspiring with each other to carry out and from carrying out or attempting to carry out their conspiracy to injure and destroy or damage property in the State of California and to take over and assume possession of the industries and properties in said state as well as the government thereof; and from knowingly circulating, selling, distributing and displaying books, pamphlets, papers or other written or printed matter teaching or suggesting criminal syndicalism, sabotage or the destruction of property for the purpose of taking over the industries and properties of all employers or otherwise, and from advocating by word of mouth or writing the necessity, propriety of Criminal Syndicalism or sabotage, direct action, wilful damage or injury to physical property and bodily injury to person or persons and justifying or attempting to justify Criminal Syndicalism, the commission or attempt to commit crime, sabotage, vio-

lence or unlawful methods of terrorism with the intent to approve, advocate or further the doctrine of Criminal Syndicalism, as said terms "Criminal Syndicalism" and "Sabotage" are defined in Chapter 188 of the Statutes and amendments to the code of the State of California for 1919, and from organizing or aiding or assisting to organize or extend or increase any society, assemblage or association of persons which teaches, advocates, aids and abets criminal syndicalism or the duty, necessity or propriety of committing crime, sabotage, violence or any unlawful methods of terrorism as a means of accomplishing a change in industrial ownership or control or effecting any political change and from doing any acts to carry out the doctrines, theories and acts of criminal syndicalism and from in any manner whatsoever conspiring and federating together for the carrying out of said purposes or either thereof until the further order of the Court.

Dated this 14th day of September, 1923."

By serving notice upon all solicitors and attorneys who may be hired to afford advice to the I.W.W. or to defend it or its members in courts, a new device of tyranny becomes apparent. Its possibility has long been foreseen and must henceforth be considered as a present problem.

There is now pending before the Supreme Court of the State of California an appeal from a sentence by Judge Busick under this injunction. Arguments have been submitted and a decision is soon expected. The case was submitted to Judge Busick upon the affidavits of three police officials stating that Fellow Worker R. Wood was a member of the I.W.W. and that he had in his possession at the time of his arrest the usual supplies carried by a delegate. It is also alleged "That the said Industrial Workers of the

- World is an encyclopaedia.....

“Upon its face (the preamble) the foregoing does not appear to state more than an innocent or a legitimate economic proposition. No one of sense and fairness will deny the right of the laboring classes to maintain an organization for proper self-protection. No sensible or fair person will deny that an equitable division of the profits accruing from the combined operation of labor and capital between these two essential elements of industrial progress and prosperity should be had. Nor is it a crime *per se*, or, for that matter, a crime at all for a person or a class of persons to advocate a scheme conceived according to Utopian ideals for the government of the peoples of the earth and an equal distribution among all the peoples of the fruits of all material or industrial activity in all its manifold forms. Such a condition if practicable under the existing order of things in this world would certainly present an ideal situation of the most exalted character.”

All the literature of the I. W. W. was at this time under review by the Appellate Court but the statement of such an opinion weighs lightly with Judge Busick and his abettors. That the I.W.W. always points out that violence in labor struggles is a sign of weakness and should be avoided as detrimental to the working class makes also no impression upon the prejudices of Judge Busick. This official has saturated himself with the falsehoods current among district attorneys of California and even when he hears a plain statement of fact of the I. W. W. he interprets it according to personal bias and prejudice.

By reference to the quotation of the facts alleged against Fellow Worker Wood it will be realized how easily the liberties of workers may be destroyed in the State of California. Specific statement is made in that affidavit of crimes which the fellow worker could not have conceived and it is further stated that



he was executing these crimes in conspiracy with the whole I.W.W. That men may be imprisoned upon such evidence contradicts civilization; but unless the I.W.W. by itself opposes the Busick injunction such a little thing as a decision of the Supreme Court of California will avail little. It becomes more and more apparent that the workers themselves must accomplish their own welfare.

In a case appealed from Eureka, Calif., all the literature of the I.W.W. was considered and the Appellate Court made it lawful and proper to sell the same openly, yet here is an injunction by a county judge reversing all the intent and purpose of the Appellate Court of the state and still the workers are supposed to reverence the law which is juggled against them. In one breath their rights are proclaimed and in consequent action they are imprisoned for acting according to the plain intent and meaning of the law. Indignation so boils when stating such manifest tyrannies that it is difficult to restrain words within the bounds of calmness.

This injunction is not the idle anger of a mere judge. Its issuance was sued for by the attorney general of the State of California and he was backed by practically the unanimous sympathy and assistance of the combined Chambers of Commerce. While the idea is revolting to human intelligence, there it stands in all its nakedness, shamelessly insulting the rights of man. To make it harmless will probably require the united efforts of the whole I.W.W. "As fast as they can pinch us we can always get some more."

## MODERN METHODS OF TRIAL

But back of the criminal syndicalism law and behind its language hide unexpected powers of courts. Procedure in a criminal syndicalism trial usually is

a raid upon a public meeting, said meeting having been orderly, parliamentary and widely advertised. Arrests are made, union cards are found upon the persons of prisoners, indictment in the tricky words of the statute follows, the charge being a general recital of the acts penalized. Agents of the district attorney take the stand. Asked if they know any of the defendants they answer no. Local papers carry column accounts of the alleged crimes of the I. W. W. and print interviews with and statements of the prosecuting witnesses with a factual air so that all prospective jurors are unconsciously prejudiced as these publications are the common gossip of the neighborhood. These insinuations, charges, arguments and lies go unchallenged except as the defense can by stranger hands distribute its side. Even this little must be done under the threat of a five-year penitentiary term, while local newspapers are complimented.

## BLACKGUARD WITNESSES

And these "expert" witnesses! One is a self-confessed burglar convict, a stick-up man and trench dodger; another a twelve time deserter from military and naval service, a stick-up man, and has been identified by hospital officials as evilly diseased and parietic; while the third a trifling "junker," who was expelled from the I. W. W. for his habits, who begged his way back and then, taking with him \$1,200 of I. W. W. defense funds, went to the prosecution as a paid witness. These men demand and receive exorbitant fees and expense money, gladly paid by the prosecution. They patter that they were members of the I. W. W., that they committed acts of violence, cannot name living accomplices, but attribute the motive of their acts to membership in the I. W. W. Letters and printed matter are read. Days are consumed in his testimony until

a mass of false information deluges the intelligence of the jury. During which the prosecutor frequently contends he is proving the mental state of the defendants. Challenged to show any advice to commit violence the prosecutor brazenly reads the jury some document stating that labor produces all wealth and significantly stresses the word all and he does not apologize to old Adam Smith. In argument he asks the jury of owners if they believe that "labor produces all wealth," and the fate of the victim is settled. When sentence is due, the judge usually informs the prisoner that he will suspend performance of the sentence if the prisoner will renounce the organization, or if he will leave the state without renunciation of the I. W. W., or take immediate parole from the bench. Upon refusal of these conciliatory offers and the judge having publicly washed his hands, all leniency vanishes. With emphasis and severity the judge pronounces the sentence of one to fourteen years imprisonment. Judge McDaniels did this after he had denounced as unworthy of belief all the prosecuting witnesses.

One of these witnesses claims the distinction—he seems so to esteem it—of wholesale poisoning of beef intended for the armies in France. He asserts this crime in face of denials of its possibility by government officials. Strange but damning is the fact that prosecutors have presented this man's story to jury upon jury after the falsehoods were publicly branded by responsible officials of the United States. More than one hundred men have been victimized largely by testimony of this pathologic person, identified by reputable physicians as a paretic and paranoic. Unbelievable as is the tale it is almost more incredible that his victims rot in jail and no official takes notice. When future generations read these trials, children of that day will blush and hide because of descent from such brutes.

## TESTIMONY IGNORES DEFENDANTS

None of the testimony of these witnesses refers to the men on trial and the documents distorted to support their testimony are dated years before the criminal syndicalism law. View this: Austin Lewis wrote a pamphlet "The Proletarian and the Petit Bourgeois." Because of it I. W. W. members have been sent to prison and Austin Lewis has defended them in the same court. Can this indecency be calmly characterized? Some of these pamphlets are out of print and to be found only in the files of district attorneys and they are so rare they have to be loaned from trial to trial; yet a great state descends to use both the confessed criminals and the out of date documents to incriminate innocent working men, whose purpose and whose succeeding purpose is to form a union of all workers on the principle that an injury to one is an injury to all, thus threatening the good hunting of all parasites. Coupled with this, think of the long propaganda against the prisoners in the county press in the vicinity of their trials and then imagine the cases of these one hundred men on the working class against whom such willing prosecutors cannot allege a single act of personal violence; and these things happen not among Huns, not among king-ruled serfs, but in the United States, in Golden California, and no one seems amazed.

In the opening paragraph it was asked why so few are in prison, when so many are concerned. Here is another angle of the case. Industrial workers meet in California by the thousands. In Los Angeles during a strike for the freedom of class struggle prisoners the port of Los Angeles was closed and kept closed. Thousands flaunted I. W. W. cards. Wholesale arrests were made. Men and women boasted of loyalty to the I. W. W., but prose-

cutions were abandoned. Imagine criminals openly parading their crimes and passing unscathed by the law. This happens daily. California threatens; the I. W. W. challenges, and there are men in authority in the Golden State who claim that public decency is promoted by a statute so derogatory. Can any law intended to imprison men for mere opinion survive? Is law respected when thousands openly disobey and sympathy instinctively throbs for the rebels?

## CONTEMPLATE THESE CRIMINALS

Convincing as be these premises, there are a number who face imprisonment. As this is written cases are pending in Eureka, Sacramento, Los Angeles, El Centro, Fresno and San Francisco, and others are expected. These victims are seldom of the type known as leaders. They are ordinary workers who arise above terrorism or bribes. It requires courage to join the I. W. W. in California, and more courage to fight the I. W. W. battles before prejudiced courts. Victims of criminal syndicalism are usually beseeched to leave their organization and only when they refuse repeated offers are they indicted. Verily the blood and breath of these men is loyalty. In prison they practice this quality. If guards discriminate against one all rally to his protection and prison persecution is stopped by solidarity. To support either a principle of the organization or to protect a member these men have not hesitated to go on strike in the penitentiary and thus demonstrate a new power of the working class. Individual acts of heroism are here omitted because these men are so fine every one refuses to be aggrandized by incidents which all are ready to dare and the men most self-sacrificing are the first to sink individuality for the common good. Describing such people is difficult in this era. Human interest turns upon the

hinges of incident and personality. When, in this age, individuals and groups renounce the human frailty of glory and stand all in devotion to the common weal, they herald a life beyond sordid or selfish ken. California locks them up in prison cells to prevent—so far as ignorance may—the influence of such lives upon the scramble for pelf. Even so was Christ crucified.

## **ROUSE, YE WORKERS!**

Fellow Workers, what are you doing that these men may realize their hopes? These are not the only class struggle victims. Centralia gave its quota to prison, Idaho rivals California; Texas and Oklahoma hold hostages of the working class, and there are others. California, however, is unique. These men in San Quentin and Folsom are prisoners by their own choice. They refused to accept freedom as a bribe. They preferred prison to leaving California as a compromise. Specious as seems the proposal it failed to snare these men. They faltered not nor cringed, but renounced the "thirty pieces of silver." Their purpose is to organize one big union of the working class and California was included in their view. They did not reason that men with an ideal were powerless in prison and that one free man is more powerful than a hundred prisoners. If power builds a prison across the road to freedom these simple working folk assail the prison with their solidarity. These men faced their temptation and triumphed. They went to prison as volunteers.

Most of this group are pessimists. They cannot conceive of victory for their class within their lifetimes. All the Christian martyrs hailed their pangs as the price of eternal individual bliss and concentrated every one upon the saving of his own soul; but these modernists expect only toil, sweat and agony. Beyond these generations they see a beauti-



ful world, wherein humanity, educated, race conscious, ennobled by knowledge will dwell in harmony, everyone contributing, all sharing and enjoying the product as workers should do. "Are you busy, Fellow Worker?" that these men return to life, these men so needed to form the structure of the new society within the shell of the old? Are you alert on the job? Were you inside and these men outside, you would not lack aid and comfort.

Remember that the committee that sends you these lines is knocking at the door of the penitentiary. Will you who read respond with a dollar? If you be of the breed of the men here described you need not be begged to come, you are either here or on your way. If you be a worker and of the same humanity you at least will send a token of your regard. Can you not spare a day's pay for men who freely give fourteen years of life to protect your right to organize in one big union? These men protect your right to organize in your own way, because if the I. W. W. be defeated in California there is an end alike of craft federation and industrial unionism.

Mooney and Billings were picked by the same powers who assail the I. W. W. Miss Whitney likewise sits in the shadow of the penitentiary. Others who fought in the Ford and Suhr case have endured prison, and all because the vital need of solidarity of the workers is slowly understood. When workers stand hand in hand there will be no criminal syndicalism statutes except as curiosities of outgrown customs, just as are the racks, scourges and other torments of olden days. Remember these men are not imaginary. They and their kind exist today. Are they so far beyond your understanding that you will fail to send a token, or an inquiry to the

**California Branch of the General Defense Comm.,  
226 Russ Bldg., San Francisco, Calif.**

# THE ROLL CALL

Labor Victims of the  
Criminal Syndicalism  
Act of California

MAY, 1924

## CLASS-WAR PRISONERS

The following are working men who are serving from one to twenty-eight years in the California state prisons for having defended the rights of the working class.

They were trying to improve conditions under which we all must work. They are the victims of the Class Struggle and this is your fight.

### MEMBERS IN SAN QUENTIN PRISON

	Number		Number
Jack Gaveel.....	34989	John Orlando.....	37650
Pat Casey.....	35563	Joe Vargo.....	37752
Mickey J. Dunn....	35564	Chas. Andrews.....	38107
John Hannon.....	35565	H. Cederholm.....	38108
Geo. Ryan.....	35567	J. B. Childs.....	38109
William Baker.....	35713	Ernest Erickson....	38112
Henry Matlin.....	35717	H. R. Hanson.....	38114
James Olson.....	35718	Francis Hart.....	38115
Frank Sherman.....	35768	J. C. Hollis.....	38116
Jim Roe.....	35785	Pierre Jans.....	38117
R. J. Sanchez.....	35891	J. J. Johnson.....	38118
W. I. Fruit.....	35715	T. O. Kleiberg.....	38119
Ben Whittling.....	35721	Walter Kohrs.....	38120
Omar J. Eaton.....	36627	Tom Lyons.....	38121
R. W. Minton.....	37492	Jas. La Londe.....	38122
C. A. Drew.....	37654	G. Lindfors.....	38123
Frank Cox.....	37701	Wm. Minton.....	38124
C. F. McGrath.....	37702	F. McClennigan....	38125
R. Kuilmen.....	37703	J. Pugh.....	38126
F. Franklin.....	37635	J. C. Robinson....	38127
James Martin.....	37636	Geo. Roeschlau....	38128
P. Mellman.....	37637	C. J. Smith.....	38131
Frank Bailey.....	37647	G. J. Terrill.....	38132
R. A. Gibson.....	37648	Fox Varella.....	38133
Wm. Joozdeff.....	37649	H. M. Edwards.....	38292

	Number		Number
Tom O'Mara.....	38293	Ed. D. McNassor.....	38536
Jack Nash.....	38294	W. H. Wright.....	38537
Bert Kyler.....	38307	Ed. Dawe.....	38578
W. Rutherford.....	38308	F. W. Thompson.....	38579
Chris Pedersen.....	38360	H. B. Stewart.....	38974
A. G. Ross.....	38361	Peter Wukusich.....	38795
Robt. Woods.....	38362	Tom Connors.....	38990
A. Bratland.....	38363	J. C. Allen.....	39343
B. Johanson.....	38364	Wm. Bryan.....	39344
A. E. Anderson.....	38376	L. V. French.....	39345
Ivan Barnes.....	38530	Wm. Longstreth.....	39346
Fred Bamman.....	38531	John McCrae.....	38347
Harold Bird.....	38532	Alex Nicholson.....	39348
Roy Carter.....	38533	Henry Powell.....	39349
Chas. Crowley.....	38534	R. V. Taylor.....	39350
Roy House.....	38535	D. C. Russell.....	39458

## MEMBERS IN FOLSOM PRISON

Jas. McLaughlin	Joe Wagner
James Price	Joe Clohessy
Louis Allen	C. J. Sullivan
Earl Firey	H. C. Duke
Richard Ford	Leo Stark
Herman Suhr	P. J. Gordon
John Hiza	

## HUMBOLDT COUNTY JAIL

Jack Beavert

Letters to San Quentin must carry prison number of addressee on lower left hand corner of envelope.

Letters to Folsom must be sent in care of Warden.