Report on interference with Madison Square Garden meeting against Austrian Fascism held in New York City on February 16, 1934, submitted to the Board of Directors of the American Civil Liberties Union by a special Commission on Inquiry, in accordance with a resolution adopted at the annual meeting of the Union on February 19, together with the Findings of the Board of Directors and two Minority Dissents.

A summary of these reports has been given out to the press. It is the request of the Board that members and others to whom this report is sent do not use it for publication, because the Board does not desire to add further public controversy to our main purpose of endeavoring to avoid such conflicts in future.
REPORT OF COMMISSION OF INQUIRY TO THE
BOARD OF DIRECTORS ON MADISON SQUARE
GARDEN MASS MEETING, FEBRUARY 16, 1934.

APPOINTMENT OF COMMISSION:

The clash between opposing working class groups at the
mass demonstration against Austrian Fascism, held at Madison Square
Garden, New York, on February 16th, has aroused bitter controversy.
The Board was at once urged by members to condemn out-of-hand those
who disrupted the meeting and made its continuance impossible. The
issue of the right to hold an unmolested meeting challenged us to
appoint a Commission of Inquiry to get the facts at first hand be-
fore expressing a judgment. The Board's object was not only to get
the facts in controversy at first hand, but to determine what moves
might be made to avoid such clashes in the future.

A Commission consisting of the following persons served:

Prof. Henry Pratt Fairchild, of New York University;
Corliss Lamont, formerly of the Columbia Univ. Faculty;
Alfred Bingham, Editor of "Common Sense";
William B. Spofford, of the Church League for
Industrial Democracy;
Roger N. Baldwin, Director of the Union

The Commission held a session at which eye-witnesses
testified as to the facts. Among others, Algernon Lee, Chairman of
the Socialist Party of New York City, who presided at the Garden
meeting, appeared, as did Clarence Hathaway, editor of the "Daily
Worker", who spoke for the Communist Party.
THE FACTS:

The Austrian government's attack on the Vienna workers aroused the Socialist Party and the trade unions in New York City to organize a mass meeting of protest. This was officially called by the Socialist Party and a number of trade unions, which engaged Madison Square Garden for the afternoon of Friday, February 16. Workers were asked to join in a general strike at 3 o'clock on that day, being directed to leave their shops and proceed to Madison Square Garden. The public was invited to attend the meeting. Members of the Communist-led unions also struck and went along with the others.

At the appointed hour the Garden was well filled with trade-union workers, the largest part of whom were presumably Socialists or Socialist sympathizers, the total number being estimated at about 18,000. Interspersed among them, some in blocks and some scattered, were between 1,000 and 2,000 members of the left-wing trade unions opposed to the A. F. of L. and Socialist-led unions. Many of these were Communists and all of them can be regarded as Communist sympathizers. A large part of them had come to the Garden marching in formation with banners. One section of them came with a band. The banners and musical instruments were taken from them at the door by ushers. Even copies of the "Daily Worker" were taken from some of those entering the hall.

The police remained outside the hall in the street. The policing inside was done by young Socialists, marked by red bands.

At the time scheduled for the meeting the audience already showed signs of turbulence. Groups, evidently of Communists and sympathizers, were noisily calling out slogans. Hoping that the disturbance would cease, the chairman delayed opening the meeting for some time. In his introductory remarks he called for order and warned that ushers would take care of disturbers. The speeches were broadcast by radio and amplifiers magnified them in the auditorium and on the street to the crowd outside. But against the tumult of slogans shouted out by sections of the audience, against boos and catcalls, speakers had great difficulty in making themselves heard. Six persons spoke, with constant confusion, marked by fist fights in parts of the auditorium where ushers sought to eject disruptors.

The climax came when Clarence Hathaway, editor of the "Daily Worker", who had been in the rear of the auditorium, mounted the stage and approached the chairman and the microphone. Mr. Hathaway testified that he had succeeded in calming a section of his followers in the rear; that he had been sent to the meeting by the directing committee of his Party to help maintain order, and that he intended to appeal from the platform to his followers to
keep order. Those in charge of the program assumed that Mr. Hathaway wanted to make a speech and "steal the meeting." He was at once hustled from the platform, amidst a rain of blows, and ejected from the Garden, considerably injured.

After the attack upon Mr. Hathaway the meeting continued disorderly, with three more speakers addressing the crowd. The meeting was adjourned before the conclusion of the fixed program with the singing of the "International." The police came into the hall shortly before Hathaway's ejection and aided later in clearing it. They did not take part in ejecting disturbers, nor in policing the meeting.

The only essential fact in dispute is whether Mr. Hathaway made his purpose known to the chairman. He states that he did; the chairman that he did not. Mr. Hathaway testified to the following:

"When I arrived on the platform I went directly to Algernon Lee, the chairman, and I stated exactly the following words: 'If you wish, I am ready to try to help you get order.' And those were the only words I spoke on the platform."

WHAT CAUSED THE DISRUPTION:

Although the Communist Party and the Trade Union Unity League were not specifically invited to participate, they interpreted the invitation to the working class of New York and the public as including them. Mr. Hathaway stated that the decision to appeal through the "Daily Worker" and by circulars for attendance at the meeting was made at an informal and hurried meeting of those responsible for the New York District of the Communist Party, since announcement of the meeting had been made only two days in advance. He stated that in his judgment it would have been better to advise their members and sympathizers to answer the strike call, but to direct them to go to an independent meeting of their own.

A front page editorial in an extra edition of the "Daily Worker," appearing at noon of the day of the Madison Square Garden meeting, called for "unity of Socialists and Communists against fascism" and against two announced speakers at the meeting, whom they described as "agents of fascism," Matthew Woll, a vice president of the A.F. of L., and Mayor LaGuardia. The specific advice contained in the "Daily Worker" reads:

"Socialist Workers! For the honor of the heroic Austrian workers, do not permit Woll and LaGuardia to besmirch the heroic revolutionary struggles of our Austrian brothers.

"Woll must not speak at Madison Square Garden today. The wage-cutting, strike-breaking Mayor LaGuardia has no place at a protest meeting for the Austrian proletarian workers.

"LaGuardia broke the taxi drivers' strike in New York City and prevented them from achieving union recognition and their demands against slavery. He must not be permitted to speak."
"Demand a real united front of Socialist, Communist, A.F. of L., Independent Union and Trade Union Unity League members. Demand the right to speak of a representative of the Communist Party and of the Trade Union Unity League.

"Socialist and Communist Workers! Hold your ranks firm. For a real strike and mass political demonstration in behalf of the revolutionary Austrian proletariat.

"We advise all workers, if Woll and LaGuardia are allowed to speak, to show their protest by an organized and disciplined march out of Madison Square Garden!"

Neither Mr. Woll nor Mayor LaGuardia appeared at the meeting, so there was no opportunity to follow the advice given. But the Communists and their sympathizers, accustomed to regard the spokesmen of the right-wing trade unions as their opponents, visited upon them treatment not unlike that prescribed for Woll and LaGuardia. No speaker was permitted to speak uninterruptedly.

In statements before and after this meeting the "Daily Worker" stressed the political issues of the "treason" of the Social-Democratic leaders in Austria to the Austrian workers, and likened the Socialist leaders in New York to them. They have justified their actions at the Garden meeting by condemning the role of the Socialists in the working class. They concentrated their fire particularly on the announced participation of Mr. Woll and Mayor LaGuardia in the program.

THE FINDINGS OF THE COMMISSION:

It is evident to us from the testimony that the Madison Square Garden disturbance is not an isolated incident. It grew out of long-standing hostile attitudes and political controversy between Socialists and Communists, and involved psychological and political factors outside the scope of the present inquiry.

It is undisputed that the Communists participated in the Madison Square Garden meeting for the announced purpose of preventing two speakers from being heard and of demanding places for two of their own speakers on the program. The immediate responsibility for breaking up the meeting rests, therefore, squarely upon the Communist Party leadership. The Communists assumed the right as an organized group to attend a public meeting to which they were not invited as a group, and to determine whom it should hear and not hear. Even granting that a Communist leader was present for the purpose of helping maintain order - at least up to the arrival of Woll and LaGuardia - the Communist Party leadership cannot escape responsibility for its rank and file members getting
out of control. Mr. Hathaway stated that it was the policy of the Party to endeavor to mobilize opposition to meetings of German Nazis or other fascists. But he maintained that it was not the Party's policy to disrupt working class meetings, Socialist or others.

Both from the standpoint of the rights of those who organized the meeting, of the public interest in orderly assemblages, and of the effect on united action against fascism, this official interference by the Party was a catastrophe.

The handling of the meeting intensified the conflict. Searching Communists or their sympathizers at the door, taking away banners and copies of the "Daily Worker", encouraging ushers to eject disrupters, and leaving the policing of the meeting solely in the hands of untrained ushers, were factors bound to increase hostile feeling. The physical attack on Clarence Hathaway, who went to the platform alone among a hundred opponents, was disgraceful and wholly unnecessary. He could have been escorted from the platform without violence, whatever his motives. No adequate explanation of the extent of the disturbance at Madison Square Garden can be made without reference to these factors.

HENRY PRATT FAIRCHILD
CORLIS LAMONT
ALFRED BINGHAM
WILLIAM B. SPOFFORD
ROGER N. BALDWIN
FINDINGS OF THE BOARD OF DIRECTORS

The report submitted to us makes it clear that if such incidents as this are to be avoided, some understanding must be arrived at between rival groups in the labor and radical movement which will permit the meetings of all to proceed unmolested. As a neutral agency whose only interest is the preservation of freedom of speech and assembly, the American Civil Liberties Union offers to all those concerned its services for what they are worth in the endeavor to reach and to observe such an understanding under the terms of the following resolution adopted by its Board of Directors on March 5th:

The chairman was authorized to appoint a committee to confer with political parties, unions and groups in the radical and labor movements with a view to setting up standards and procedure to protect free speech and the rights of all groups to orderly assembly.

HARRY F. WARD, CHAIRMAN
ROGER N. BALDWIN, DIRECTOR
MINORITY DISSENT

The facts before the Board, in our opinion, require a more equitable division of responsibility as between the groups which called and conducted the meeting and the Communist Party. Moreover, in our judgment the American Civil Liberties Union can fulfil its purpose of helping to protect the civil right of free assemblage against such disorder in the future only by a more adequate analysis of the cause of disunity on this occasion in its bearing upon civil liberties. It is our conclusion that the immediate issue here is the right of a dissenting group in an invited audience at a public meeting to express its opinion on vital public questions; and that the larger issue is united action against Fascism which destroys civil liberties.

The Facts

With the essential facts reported by the Commission of Inquiry we are not in disagreement, though we differ at a number of points from conclusions drawn or implied.

The undisputed facts are these: The Socialist Party and certain New York trade unions called a public mass meeting to protest against the attack made upon Austrian workers by the Dollfuss regime. All New York workers were urged to join in a general strike at three o'clock on that day and, leaving their shops, to proceed to Madison Square Garden. The public was invited. The invitation was general, issued through the press (and by hand bills distributed in the shops, though the Commission's inquiry does not touch this point). Among the workers thus generally invited were members of the Communist Party and their sympathizers, including also members of unions affiliated with the Trade Union Unity League.

The Communist Party, though not invited to participate in the auspices, also through its press advised all workers to support the strike call.

The Commission's report states that "members of the Communist-led unions also struck and went along with the others"; and "although the Communist Party and the Trade Union Unity League were not specifically invited to participate, they interpreted the invitation to the working class of New York and the public as including them." We would point out that it was not only members of the "Communist-led unions" but also a considerable body of members of the American Federation of Labor unions and of workers in unorganized shops who were either members of the Communist Party or sympathizers; and these were all included in the general strike call.

This being true, presumably the Communist Party and the Trade Union Unity League had to decide whether to ignore the call or to urge their members and sympathizers to support it. It is a recognized policy of trade-union action that such a call demands unanimous support, and the Communist Party and the Trade Union Unity League decided therefore to call for such support in their own press, the Daily Worker. This call is quoted by the Commission of Inquiry.
All could unite in mass protest against Fascist attacks upon workers. Such a protest was intended to express the deep sympathy of American workers with their fellow workers in Austria and also to strengthen the workers' movement against Fascism in this country. In the making of the program, however, two speakers were announced who are regarded by many workers as supporters of policies tending toward Fascism in the United States. Moreover, no speakers were invited to represent the considerable body of workers who do not accept the Socialist position on the Austrian events and who consider it exceedingly important to enlighten American workers as to the significance, as they see it, of the policy followed by the Socialist Party of Austria in the period preceding these attacks by the government. It should be pointed out that publication of statements by Otto Bauer, one of the leaders of the Social Democrats of Austria, frankly reveals what he regards as the mistakes of the leadership.

In protest against two of the announced speakers, the Communist Party in its press appealed to Socialist workers to prevent their speaking and to demand speakers representative of the Communist Party and of the Trade Union Unity League. While the Commission of Inquiry quotes these demands in the form of an appeal beginning "Socialist workers", the Commission does not bring out the point that it was members of the Socialist Party who were thus asked to make these demands, since they were part of the organization planning the program. Failing this change in the program, by omission of the two speakers to whom objection was made, all workers were advised to leave the meeting "in an organized and disciplined march."

The two speakers actually did not appear, though no announcement of this change was made to the audience. The Commission's report has described the turbulence in the assemblage, including provocative acts by those responsible for the conduct of the meeting. Ushers at the door searched workers and took away the Communist newspaper and pamphlets, as well as banners. Even before the opening of the meeting, ushers used physical force against members of the audience who were shouting slogans. And hundreds of workers who desired to enter were barred in spite of the fact that hundreds of seats were kept vacant in one section of the Garden. Finally a Communist leader, Clarence Hathaway, approaching the chairman to offer co-operation in quieting the meeting, was forcibly thrown from the platform and injured, the first attack coming from the leaders themselves who sat on the platform.

We here query the implication in the Commission's report that Mr. Hathaway "mounted the stage and approached the chairman and the microphone," as we hold that there is no evidence to contradict his own statement: "When I arrived on the platform, I went direct to Algernon Lee, the chairman, and I stated exactly the following words:
'If you wish, I am ready to try to help you get order.' And those were the only words I spoke on the platform.

From an adequate analysis of the facts it would seem that all of the circumstances described led to considerable emotional disturbance throughout the audience, and we see no ground for assuming that the noise and demonstrations were confined to Communist workers and their sympathizers. It is reasonable to suppose that many not directly involved in the Parties' controversies were also disturbed by the choice of certain speakers and the omission of others, as well as by the provocative acts described.

The Findings

In view of this analysis of the facts, we differ from the Commission's finding that "it is undisputed that the Communists participated in the Madison Square Garden meeting for the announced purpose of preventing two speakers from being heard and of demanding places for two of their own speakers on the program." We hold the fact to be that they participated for the purpose of supporting a call to a mass protest against Fascist attacks upon Austrian workers, and that, holding the choice of two of the speakers announced to be inappropriate and to many in the audience intolerable, they called on Socialist workers to prevent it; and if this failed, they advised all workers to protest by marching out of the meeting.

For mistakes in controllable circumstances such as are shown in the facts before the Commission, we hold both the Communist Party and the Socialist Party responsible. The Socialist Party, which planned and conducted the meeting, should have avoided foreseeable provocation in its program and its policing against a considerable number of individuals in the audience. In our opinion, a public meeting with a nationwide broadcast could not escape protest from those holding divergent views who were actually included in the general call and virtually anxious to have their point of view expressed. As part of their interpretation of the struggle against Fascism, these workers desired to eliminate from the platform those whom they identified with Fascist tendencies. An audience has rights, as well as the platform. We dissent from the implication that the right of free assembly requires peace gained by withholding protest.

We hold equally, however, that the Communist Party should have foreseen the effect of its advice to protest. Calling for unity in mass protest, they were well aware of the disunity among the workers, and they must have known that their protests, announced in advance, would lead to provocative attacks in the conduct of the meeting.

Once the deeper causes of disunity are understood, however, it is clear that the Socialist Party, if it desired a true mass demonstration of the workers of New York, should have realistically faced the facts and sought to provide in its program against giving offense to any group whose members were included in the general invitation. Moreover, in the interest of united action, it should have given representation to speakers from these other groups.
In the interest of public enlightenment through mass meetings, the American Civil Liberties Union should, in our judgment, divide the blame for the particular disturbances on this occasion; but also, in the interest of avoiding similar catastrophes in the future, recognition should be given to the fact that public meetings on vital public issues should permit the expression of opinion or at least respect for opinion in a dissenting group.

Suggested Action for the Future

While we are not out of accord with the Board's resolution "to appoint a committee to confer... with a view to setting up standards and procedure to protect free speech and the rights of all groups to orderly assembly", we prefer the emphasis given in the resolution proposed by one of the signers of this minority dissent at the Board's meeting on March 5th, as follows:

"That a committee of the Board be appointed to confer with leaders of the Socialist and Communist Parties and of the American Federation of Labor and others involved; and to report back to the Board whether or not a commission appointed by it (perhaps on nomination of the groups involved) would be acceptable as a means of analyzing the obstacles to united action and developing a workable program accepted in advance."

In our judgment, the American Civil Liberties Union has a stake not only in "orderly assembly", but in united action against Fascism. In support of this position, we quote the following statement which was presented to the Board (though not acted upon) by the Director of the Union under date of March 1, as introductory to the first draft of the report of the Commission of Inquiry:

"Our interest is not only the maintenance of freedom of speech and assemblage for all groups on principle, but the struggle against tendencies to greater suppression, rapidly growing throughout the world and in the United States as well. In this development toward what may be called political Fascism, unity of its opponents is essential to combating it. Under political Fascism all civil liberties are destroyed. It is to the interest of the Civil Liberties Union and all its supporters, therefore, to aid in promoting united action among all the forces combating Fascism."

ROBERT W. DUNN

MARY VAN KLEECK
I look with surprise and disapproval on some features of the American Civil Liberties Union's report of what happened at the Madison Square Garden meeting which the Communist attack caused to degenerate into a riot. It is true that the report places responsibility for lamentable interference with the meeting upon the Communists where it belongs. It is also true that the report expresses a hope which I share that the Civil Liberties Union may be useful in helping to prevent similar occurrences in the future. This latter hope might be better fulfilled had not the Union stepped out of its historic role as a defender of pure and simple rights of assemblage and the unmolested conduct of meetings to try to pass judgment on the way in which the leaders of a meeting, caught entirely by surprise, conducted a meeting after a riot had begun. A much more careful enquiry than the Civil Liberties Union made could scarcely assess responsibility for what happened in a huge meeting under pressure of a planned attempt to disrupt it. The Civil Liberties Union has never made a similar report before nor would it now except in an effort to conciliate certain of its members far more sympathetic to Communism than to civil liberty. I call attention to two statements in the report:

1. The statement or implication that the Socialists ought not to have searched the Communist marchers on entering the hall. What happened was that following police attacks on both Socialists and Communists in front of the Austrian Consulate, radical groups had gotten from the Mayor an agreement that they could police their own meetings. When Communists arrived at Madison Square Garden in marching order with a brass band and with banners on poles of course they were told to stack their instruments and potential weapons in a room where they would be safe. As a matter of fact the search, of which the Union's report complains, resulted in taking away several stink-bombs and lengths of pipe. It did not result in taking away a knife with which one of the Socialist ushers was so badly stabbed that he is still confined to his home. Not even the most naive believer in free speech would hold that men who come to disturb a meeting should be allowed to keep with them the means for more effectively fulfilling their purpose.

2. I share the Civil Liberties Union's regret for the injury to Mr. Hathaway. A discussion of the incident scarcely seems relevant to a simple report on responsibility for precipitating a situation out of which it rose. The report, if there was to be a report, on the incident should have made it clear that Mr. Hathaway, in his role as principal instigator of the attack, which had begun as soon as the Communists entered the Garden, could scarcely have expected confidence in his sudden role of peace-maker after his comrades had rendered all speakers inaudible. I was not myself present at the meeting, but I know that there is evidence which the Committee had, or could have had that George Goebel, a prominent Socialist, was hurt trying to protect Mr. Hathaway. There is also evidence that the chair which was the chief weapon of assault was thrown down from the balcony by a Communist who sought another mark than Hathaway. The point I have to make is not that the meeting was perfectly run; one scarcely expects...
perfection in the conduct of a meeting under a surprise attack. It is that the Civil Liberties Union lets itself in for endless trouble and misunderstanding when it spends hours of its time discussing how an ideal chairman might handle a riot provided he could be heard at all. The sole and single responsibility of the Civil Liberties Union was to determine who was responsible for the kind of attack which turned what would have been a solemn and orderly meeting into a riot.

NORMAN THOMAS