Whatever you think about the I. W. W., the imprisonment of 96 of them now in Leavenworth is a challenge to every believer in free speech.

They are in prison solely for expressions of opinion. Every charge of violence or sabotage has been thrown out by the courts. They are on the same footing before the law as Debs and others.

This pamphlet gives all the facts from the records. Read it and if you are convinced of its justice, help secure their release.

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The Facts in Brief

1. The federal government brought to trial three cases against the officials and members of the Industrial Workers of the World during the war, charging them with conspiracy to obstruct the war and the draft act. The cases were brought at Chicago, Ill., Wichita, Kan., and Sacramento, Cal. 150 Men and one woman were tried and convicted Ninety-six are still in prison at Leavenworth, Kan. (April 1, 1922).

2. The charges in all three cases were almost identical. They alleged that the officers and members entered into a conspiracy to obstruct the war by committing various acts of sabotage, and by speaking and writing against the war and the draft. All three cases were taken into the Court of Appeals, where the charges of sabotage were thrown out, leaving the offenses purely expressions of opinion. Exception to this statement should be made for the Sacramento case on which there was no trial record before the court because the defendants refused to offer a defense, on the ground that a fair trial was impossible. So in that case the charges stand, though the decisions in the other exactly similar cases make it most likely that the appellate courts would have thrown out the sabotage charges. At the present time the defendants are serving time only on the Espionage Act charge, so that the cases are precisely the same before the law as that of Eugene V. Debs and others already released. Not a man is imprisoned for an act of violence against person or property.

3. The sentences imposed were very severe. They ran in most cases from five to twenty years. Unless some action is taken to release them it will be years before the last of them is out. The sentences and fines against the I. W. W. members were among the heaviest of the war, due not only to the passions of that period but to the long campaign of misrepresentation of the I. W. W. stimulated by employing interests with whom they were in conflict, by rival labor organizations and by their own highly-colored radical literature. The I. W. W. is historically an anti-war organization, and its stand on war was similar to that of many pacifist organizations.

4. Although the United States Supreme Court declined to review any of the three convictions, and those convictions stand without legal
The I. W. W. Prisoners

recourse of any sort, there are many competent lawyers of impartial view who regard the trials as miscarriages of justice. Conspicuous among these is Major Alexander Sidney Lanier who reviewed the Chicago case as an officer of the Military Intelligence Division of the War Department and who addressed a letter to President Wilson calling the whole trial in question (see the letter in part, page 28). The I. W. W. members themselves deny that they intended to obstruct the war, maintaining that they merely continued in war-time the ordinary activities of the organization. These activities were and are legal in time of peace. Some individuals in the three cases may have individually violated war statutes, but that there was any concerted activity to justify charges of conspiracy is at best exceedingly doubtful from any fair examination of the actual records.

5. All this only re-enforces the justice of the case for their release on the grounds of general public policy towards war offenders. They are clean-cut free speech cases. Every argument that applies to the release of Debs and other Espionage Act offenders applies with equal force to the I. W. W.

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**Prison Reveille**

Out through the iron doorway, bolted strong
I see the night guard's shadow on the wall.
The bugle sounds its thin, white silver call,
Awake! Awake! O world-forgotten throng!
And then the sudden clanging of the gong,
And . . . silence . . . aching silence . . . over all;
While through the windows, steel barred, stern and tall,
Pale daylight greets us like a plaintive song.

Somewhere the dawn breaks laughing o'er the sea
To splash with gold the cities' domes and towers,
And countless men seek visions wide and free,
In that alluring world that is not ours.
But no one there could prize as much as we
The open road, the smell of grass and flowers.

—RALPH CHAPLIN.

Leavenworth Prison
The I. W. W. and the War

THE three conspiracy prosecutions against the 151 members of the I. W. W. convicted during the war were based on the theory that the regular industrial program and activities of that organization obstructed the war. The I. W. W. was singled out among the labor organizations of the United States because of its historical anti-war position and its general revolutionary teachings. The evidence in all three cases failed to show any program of obstruction or any acts intended to obstruct the war. Lawyers who have examined the record with care state that the theory on which the prosecutions were based was not borne out by the evidence. One of the government's prosecutors in the Chicago case himself volunteered the statement that "the I. W. W. were convicted on general principles."

Individual members of the I. W. W. made speeches or wrote articles or letters opposing the war just as did hundreds of other persons who were never prosecuted, but there is no evidence of any conspiracy to obstruct it. As a matter of fact, all the defendants of military age, except one in the three cases, complied with the Selective Service Act. Further and more important, the I. W. W. organization was in complete control of the loading of munitions and war supplies on the docks at Philadelphia and Wilmington. Yet there was not a single instance of obstruction, violence or sabotage. These longshoremen performed their work to the entire satisfaction of officials and employers and maintained a general spirit of cooperation and war-time patriotism.

In view of these facts it must seem extraordinary to many that the courts could have convicted in all three of these cases, and that the convictions could have been sustained by the courts of appeals. This result is to be explained by considerations outside the law. What those considerations are was best put by a group of distinguished economists and investigators who during the war published a pamphlet entitled *The Truth About the I. W. W.* This pamphlet was the work of John Graham Brooks, of Cambridge, Mass., author and lecturer, and former expert for the United States Department of Labor; John A. Fitch, then one of the editors of the *Survey*; the late Carlton H. Parker, Dean of the School of Business Administration of the University of Washington, Seattle, and special agent of the War Department in dealing with the I. W. W. in the northwest, and George P. West, former publicity director of the United States Commission on Industrial Relations. The
following study of the factors behind the I. W. W. prosecutions is quoted directly from their pamphlet.

Why the I. W. W. Was Attacked

To those who have not studied the labor problem of the unskilled millions who toil in our harvest-fields, forests, mines and factories, the I. W. W. appears only as a criminal organization of “bums” and agitators, advocating murder, violence and anarchism. Since the war there has been added to this indictment, disloyalty, treason and pro-Germanism. In the mind of the average American, the I. W. W. has already been convicted.

If these ideas about the I. W. W. were essentially true, there would be no occasion at all for publishing this pamphlet. It is because they are so evidently untrue upon any examination at all of the facts that the American public should know the truth.

To the average man it seems of course incredible that any organization could be so grossly misrepresented unless there were some real reason for it. The widespread misrepresentation of the I. W. W. is due to three chief causes:

1st. The radical economic doctrines taught by the I. W. W. and the “big talk” of many of the members,—intended to magnify the power of the organization and to scare employers. But it is almost all talk and printed words. They also openly advocate tactics common to all labor unions everywhere, but usually not talked about.

2nd. The deliberate misrepresentations by employing interests opposed to organized labor, who have taken advantage of these doctrines to paint the I. W. W. as a terrorist organization of “anarchists.” They thus frighten the public into an alliance with them instead of with labor.

3rd. The antagonism between the I. W. W. and the other trade-unions organized by crafts and affiliated mostly with the American Federation of Labor. This is due to the I. W. W. demand for a radical new form of unionism, bitterly critical of the craft unions of the old school.

A Study of the Organization and Activities of the I. W. W. Shows:

1st. That the I. W. W. is part of a world labor movement of a new kind, aimed to secure the solidarity of the workers in one organization, with an uncompromising attitude of hostility toward organized capital. Its purpose is ultimately to replace the capitalist system of
production with production by organizations of the workers themselves. It is essentially a part of the Syndicalist labor movement, which is not confined to any one organization or any one country.

2nd. That the use of "sabotage" (the "strike on the job") to embarrass the employer at times of labor difficulty is not directed to violence against human life, and rarely to actual destruction of property.

3rd. That the so-called "revolutionary" purpose of the I. W. W. as compared with the older craft unions is best expressed in their demand for "the abolition of the wage system," as contrasted with the A. F. of L. "fair day's wage for a fair day's work."

4th. That the membership of the I. W. W. is not composed of "bums" and agitators, but for the most part of hard-working men, chiefly American-born, engaged in migratory jobs.

5th. That violence has been much more commonly used against the I. W. W. than by it; that the violence used by employers is open, organized, deliberate and without any excusable provocation; and that the I. W. W. have almost never retaliated even in the face of outrages from murder to mob deportations.

Careful Examination of I. W. W. Activities During the War Shows:

1st. That the "disloyalty and treason" charged against the I. W. W. as part of a "conspiracy to obstruct the war" were simply the ordinary activities of labor-unions struggling to get better wages and conditions even in war time.

2nd. That the I. W. W. strikes and labor disturbances were comparatively fewer in the six months' period between the declaration of war and the indictments than in many similar periods in recent years.

3rd. That there were many more strikes and labor disturbances during the war by unions affiliated with the American Federation of Labor than with the I. W. W.

4th. That no member of the I. W. W. was convicted in any court of any crime involving the organization in violence.

5th. That the charge that pro-German propaganda was back of the I. W. W. appears to have been made expressly for the purpose of discrediting them further. No connection whatever was found between German agents or German money and the I. W. W.

6th. That many I. W. W. unions, especially those on the Atlantic seaboard, loyally served the country during the war, particularly in the loading of ammunition and war supplies on the docks, and in much of
the work on board the transports to France. They made no trouble of any kind, because working conditions and wages were good.

7th. That most of the charges of obstruction against the I. W. W. during the war were part of an organized campaign by war-profiteers and employing interests to use the war to crush this labor organization. Under the cloak of patriotism they staged such acts of violence as the Bisbee, Arizona deportations, the hanging of Frank Little at Butte, and the tarring and feathering of I. W. W. prisoners at Tulsa, Okla., and elsewhere. They sought to tie the I. W. W. tag to any and all labor disturbances, that they might more easily discredit and break them.

Professor Parker, whose studies of the psychology of the I. W. W. attracted nationwide attention during the war, wrote the following summary of their whole economic background:

(1) "There were in 1910 in the United States some 10,400,000 unskilled male workers. Of these some 3,500,000 moved, by discharge or quitting, so regularly from one work-town to another that they could be called migratory labor. Because of this unstable migratory life this labor class lost the conventional relationship to women and child life, lost its voting franchise, lost its habit of common comfort or dignity, and gradually became consciously a social class with fewer legal or social rights than are conventionally ascribed to Americans. The cost of this experience was aggravated by the ability and habitation of this migratory class to read about and appreciate the higher social and economic life enjoyed by the American middle class.

(2) "The unskilled labor class itself experienced a life not markedly more satisfying than the migratories. One-fourth of the adult fathers of their families earned less than $400 a year, one-half earned less than $600. The minimum cost of decent living for a family was approximately $800. Unemployment, destitution and uncared-for sickness was a monotonous familiarity to them.

(3) "The to-be-expected revolt against this social condition was conditioned and colored by the disillusionment touching justice and industrial democracy and the personal and intimate indignities and sufferings experienced by the migratories. The revolt-organization of the migratories, called the I. W. W., failing most naturally to live up to the elevated legal and contract-respecting standards of the more comfortable trade union world, was visited by severe middle-class censure and legal persecution.

"This sketch is fairly complete and within current facts. No
one doubts the full propriety of the government in suppressing ruthlessly any interference by the I. W. W. with the war preparation. All patriots should just as vehemently protest against the suppression of the normal economic protest-activities of the I. W. W. There will be neither permanent peace nor prosperity in our country till the revolt-basis of the I. W. W. is removed. And until that is done the I. W. W. remains an unfortunately valuable symptom of a diseased industrialism."

Professor Parker also pointed out the following in an article in the Atlantic Monthly:

"The average man condemns the I. W. W. because he thinks that the organization is unlawful in its activity, un-American in its sabotage, unpatriotic in its relation to the flag, the government and the war. The rest of the condemnation is a play upon these three attributes. So proper and so sufficient has this condemnatory analysis become that it is a risky matter to approach the problem from another angle."

But—

"The I. W. W. can be profitably viewed only as a psychological by-product of the neglected childhood of industrial America. It is discouraging to see the problem today examined almost exclusively from the point of view of its relation to patriotism and conventional commercial morality.

"The I. W. W. can be described with complete accuracy as the extension of the American labor strike into the zone of casual, migratory labor. All the superficial features, such as its syndicalistic philosophy, its sabotage, threats of burning and destruction, are the natural and normal accompaniments of an organized labor disturbance in this field.

"Their philosophy is, in its simple reduction, a stomach philosophy, and their politico-industrial revolt could be called without injustice a hunger riot."

The chief point at issue in discussing any aspect of the I. W. W. is the alleged use of violence by the organization. This is what is in the mind of the President when he says that "the Executive does not regard the members of the I. W. W. as political prisoners," and in the mind of the Attorney-General when he refused to consider recommending clemency for "men convicted of violence and sabotage."

It is illuminating, therefore, to get the reaction of those who have studied I. W. W. activities at first hand. The Mediation Commission appointed by President Wilson during the war has
this to say in regard to the relation of the organization to its alleged advocacy of violence and sabotage:

“Membership in the I. W. W. by no means implies belief in or understanding of its philosophy. To a majority of the members it is a bond of groping fellowship. According to the estimates of conservative students of the phenomenon a very small percentage of the I. W. W. are really understanding followers of subversive doctrine. The I. W. W. is seeking results by dramatizing evils and by romantic promises of relief. The hold of the I. W. W. is riveted instead of weakened by unimaginative opposition on the part of employers to the correction of real grievances—an opposition based upon academic fear that granting just demands will lead to unjust demands. The greatest difficulty in the industry is the tenacity of old habits of individualism. The co-operative spirit is only just beginning.”

Professor Parker's testimony as to the extent of actual violence in the West runs:

“His proved sabotage activities in the West total up a few hop kiln burnings. Compared to the widespread sabotage in prison industries, where a startlingly large percentage of materials is intentionally ruined, the I. W. W. performance is not worth mentioning.”

Robert W. Bruere, who made a special investigation of the I. W. W. for the New York “Evening Post” during the war reported the opinion and attitude of business men in the Northwest as follows:

“In discussing the situation with me certain large lumber operators said in effect: ‘Every large labor organization like the I. W. W. in this State will draw to itself a certain small percentage—say 2 per cent.—of irresponsible men. The proportion of such men aligned with the I. W. W. is about the same that we find in our own business organizations. But in war—and a strike is war—anything is fair. We have fought the I. W. W. as we would have fought any attempt of the A. F. of L. unions to control the workers in our camps. And, of course, we have taken advantage of the general prejudice against them as an unpatriotic organization to beat their strike. To bring the charge of violence against the I. W. W. as an organization is not only wrong in the face of the facts, but it is unsound and short-sighted business policy. And as for the charge that they will not enter into time-agreements, while it is true of them, it is equally true of us. We have been consistently opposed to collective agreements and we are opposed to the recognition of any labor organization now.’”
The conclusions of the President's Mediation Commission headed by Secretary of Labor Wilson were entirely clear that the I. W. W. were not in any way attempting to obstruct the war. This was the Commission's verdict:

(8) "It is, then, to the uncorrected specific evils and the absence of a healthy spirit between capital and labor, due partly to these evils and partly to an unsound industrial structure, that we must attribute industrial difficulties which we have experienced during the war. Sinister influences and extremist doctrine may have availed themselves of these conditions; they certainly have not created them.

(9) "In fact, the overwhelming mass of the laboring population is in no sense disloyal. . . . With the exception of the sacrifices of the men in the armed service, the greatest sacrifices have come from those at the lower rung of the industrial ladder. Wage increase responds last to the needs of this class of labor, and their meagre returns are hardly adequate, in view of the increased cost of living, to maintain even their meagre standard of life. It is upon them the war pressure has borne most severely. Labor at heart is as devoted to the purposes of the Government in the prosecution of this war as any other part of society. If labor's enthusiasm is less vocal, and its feelings here and there tepid, we will find the explanation in some of the conditions of the industrial environment in which labor is placed and which in many instances is its nearest contact with the activities of the war.

(a) "Too often there is a glaring inconsistency between our democratic purposes in this war abroad and the autocratic conduct of some of those guiding industry at home. This inconsistency is emphasized by such episodes as the Bisbee deportations.

(b) "Personal bitterness and more intense industrial strife inevitably result when the claim of loyalty is falsely resorted to by employers and their sympathizers as a means of defeating sincere claims for social justice, even though such claims be asserted in time of war.

(c) "So long as profiteering is not comprehensively prevented to the full extent that governmental action can prevent it, just so long will a sense of inequality disturb the fullest devotion of labor's contribution to the war."

The reports of the Secretary of Labor show that the I. W. W. strikes during the first six months of the war, which was the period covered by the indictments, numbered only 3 out of a total of 281 throughout the country. The following is a statement of fact from the record:
The I. W. W. Prisoners

"An examination of the record of the 521 disputes handled by the Department in the war period to October 25th (281 strikes, 212 controversies and 28 lockouts) shows that only three out of the total of 521 involved the I. W. W. in any way (copper-miners, Arizona, mine-workers, Butte, Montana, and ship-yard workers, Washington. In both the mine-workers' strikes an A. F. of L. union was involved besides,—the Mine, Mill and Smelter Workers' Union). All the others occurred in industries either unorganized, or organized by unions affiliated with the A. F. of L. or the so-called 'conservative' international unions."

(Fifth Annual Report, Secretary of Labor, pp. 41-49, 60.)

The absence of any conspiracy to obstruct the war is most clearly shown by the I. W. W. record on the Philadelphia docks. The following statement by their local secretary was verified by the editors of the pamphlet.

"The members of the Marine Transport Workers (an I. W. W. organization) have been loading and unloading Trans-Atlantic steamers in the Port of Philadelphia since May, 1913. There are about 3,000 men doing this work night and day and there has never been an accident since we have been organized.

"The American Line and the Atlantic Transport Line work is done by non-union labor, with the exception of the powder work which is done by our men. These lines are the only lines that have transported troops from here since the war. This work consists of general cargo, powder, munitions of all kinds, and cattle. Never to my knowledge since this country entered the war has this organization obstructed the Government in any way."

And the editors added:

"Members of this Union are working now on practically all the eastern docks and on board troop and munition ships, without the slightest question as to their loyalty. In their hall at Philadelphia they have an honor list of Liberty Bond buyers with 162 names (March, 1918), and are collecting data for a service flag."
The I. W. W. Prisoners

Who the Men Are

The I. W. W. prisoners are a thoroughly mixed lot—almost a cross-section—of typical American workingmen. Most of them are manual workers,—from the mines, logging camps, the ships and the docks, and from the harvest fields of the west. A number are skilled mechanics from the cities, and a few are professional men—writers, editors of labor papers, and one a lawyer (though not a member of the I. W. W.).
The I. W. W. Prisoners

They are for the most part strong, robust men in the thirties and forties, self-educated and therefore well-educated, alert on industrial and economic issues, expressing themselves vigorously as speakers or writers. Most of them have been active in the I. W. W. for five to ten years. Many were recruits from the conservative trade unions, where they were also active. A number retained their membership in A. F. of L. unions, while active chiefly in the I. W. W.

They are characterized as a whole by personal earnestness, an almost religious zeal for the cause of the working-class, and a devotion to the I. W. W. organization—as their chief bond of comradeship, social life and industrial strength. They are “class-conscious” and “organization-conscious.” They are men of abounding good humor, of almost no bitterness of spirit, of conspicuous personal integrity and clean habits of living.

The conditions of their industrial life have made the maintenance of homes difficult. At that, 35 of the 96 men are or have been married, and 15 of them have children. Fourteen of the men are young fellows under 30, several under 25; only 6 are over 50.

We spoke of the group as almost a cross-section of American workingmen—and true to that description, almost half of them are foreign born (45 out of the 96). But it is significant of the western labor movement that most of these are British, of Scotch or Irish stock. Of the 25 who are unnaturalized aliens, 17 are British subjects, some from Canada, a few from Australia, and some from the British Isles. Irish names predominate among them.

Most of the men from the far west and Pacific Coast are comparatively new in the I. W. W. which became a factor in the labor movement there after 1912. Over half of the men had joined since 1913 and had therefore been members less than five years when arrested. Many of course were “old-timers”—going back to the early days of the organization in 1905 and ’06. Almost all the men were active in some official capacity or other. Only 20 out of the 96 had
never held an official position of some sort. Of course, it was the government's object to round up particularly the live-wire officials and leaders.

Some light is thrown on the extraordinary hardships these men have suffered since their arrest by the record of six deaths in jail, three men gone insane, and four down with tuberculosis contracted in prison. This result is chargeable rather to conditions in the jails during the long months before trial than to the federal prison at Leavenworth.

After three years of imprisonment, the men's spirits on the whole are high, their unity unbroken, their radical working-class philosophy untouched.

The following represent the curious variety of "offences," as well as the type of men, caught in the government's drag-net. They are fairly typical of the whole group.

For instance, there is Vincent St. John, nationally known ten years ago as the secretary-treasurer of the I. W. W. St. John severed his connections with the organization on January 1, 1915, quit work in the labor movement and went to Arizona, prospecting for gold. He was there continuously until the time of his arrest and indictment in 1917. There was not a line of evidence introduced against him at the trial in Chicago. The record is wholly barren of any reference to any activity of his since the war, yet doubtless because of his previous activity, writings and general reputation as an I. W. W., he was convicted and sentenced to ten years.

TO MY LITTLE SON

I cannot lose the thought of you
It haunts me like a little song,
It blends with all I see or do
Each day, the whole day long.

The train, the lights, the engine's throb,
And that one stinging memory:
Your brave smile broken with a sob,
Your face pressed close to me.

Lips trembling far too much to speak;
The arms that would not come undone;
The kiss so salty on your cheek;
The long, long trip begun.

I could not miss you more it seemed,
But now I don't know what to say.
It's harder than I ever dreamed
With you so far away.

—Ralph Chaplin.
Then there is Clyde Hough, local Secretary of the I. W. W. in Rockford, Illinois, who, like many others outside the I. W. W., did not believe in the war or in the draft. As he was of military age he had to face the issue on registration day, June 5, 1917, when he went down to the jail with fifteen others and gave himself up rather than register. He was sentenced to a year, was in jail when the Espionage Act was passed, and was still in jail during the period covered in the Chicago indictment, under which he was convicted and sentenced to five years for "conspiracy." He was not even put on the stand. There was no evidence whatever against him except that he personally refused to obey the draft act.

In addition to Hough, Manuel Rey was also in jail on another charge during the entire period covered by the Chicago indictment. Nevertheless he was found guilty of conspiring with the others to obstruct the war and sentenced to twenty years.

Then there was Ralph Chaplin, a young man who made his living as an artist and writer, and who was editing "Solidarity," the official I. W. W. weekly during the early months of the war. Chaplin was opposed to the war and the draft, and said so plainly. He expressed his opinions over his own signature in the columns of "Solidarity." It was on these expressions of opinion alone that he was sentenced to twenty years, for "conspiracy."

Whether, like Chaplin, a man opposed the war outspokenly, or whether he did not, seemed to make little difference in the result of the trial. For instance, there was Stanley J. Clark, long known as a member of the Socialist Party, who never belonged to the I. W. W. and who even parted company with the Socialists in their attitude toward the war. He supported it and was an enthusiast for President Wilson's war policies. Yet because he made himself conspicuous in Arizona, speaking on behalf of the wives and children of the deported Bisbee miners, he was singled out, indicted, and convicted on the statements of four witnesses that he had made "seditious utterances" in speeches in Arizona. He was sentenced to twenty years and $30,000 fine.

These men were all sentenced in the Chicago case. We have told on another page (pp. 25, 26) of the brutal handling of the men in the Sacramento case. One of them, Frederick Esmond, an Irishman and an Oxford graduate, is now a patient at the government hospital for the insane at Washington, D. C. His condition is the direct result of third-degree, bull-dozing and mistreatment during the long period before his trial. He had been active in California for some years in
The I. W. W. Prisoners

The defense work in radical cases, both inside and outside the I. W. W. He handled the publicity work for the I. W. W. Defense Committee, and was indicted with the other members of that committee.

The attitude of many of the men inside is well revealed in the following letter from Harrison George, one of the defendants in the Chicago case, and formerly an editor of labor papers:

Someone ought to run a funny strip entitled "What a political prisoner thinks about." While squatting here on an upper bunk this fine August evening I feel fatigued, physically and mentally. This Lord's Day

I have worshipped God in my own way by cleaning my cell. Failing to impress the Gold Dust Twins to do my work, Signor Sapolio and I have busied ourselves all day scrubbing walls, floor and ceiling—yea, and the bars at the front as well, until all shines as the well-known pin in this four by nine mausoleum of a whilom idealist. This a typical American idyl, you will remark. The mental weariness is caused by musing, between vigorous scrubs at obstinate spots, upon the patent futility—even the positive peril of having a head set upon one's shoulders.

For what purpose does the Omnipotent afflict one with a social vision when it serves but to lead one to manacles and a felon's cell, and fails to inspirit less than one-tenth of one per cent. of one's fellow beings? . . .

But little appears in its press concerning us and our fate. . . . The liberals, bless their saccharine souls! deign to mention us now and again. But they do so only to prove a point in argument, and apparently regard our incarceration as among the natural phenomena. They seem too priggish to acknowledge that the proletarian saw the trend of events clearer than they—or were more courageous in opinion. And they usually preface a five-line plea for our release with twenty lines making clear that they do not under any circumstances believe in violence. There they sound like intellectual poltroons absorbing themselves from an imaginary crime—for where and when has aggressive violence been proved against us? There are contemporary Peters who thrice deny the Master—the
The I. W. W. Prisoners

proletarian—whose lashes fall upon the money changers in the temple of bourgeois society. Cannot honesty and culture give birth to a more healthy, protesting echo?

These things, my friend, demand an answer. I will indulge in no collective rodomontade. The stoics among us grow fewer with the years. The few outside who really work for us are all too few. We feel our misery capitalized by some and ignored by others. Rumors of amnesty are received with mirthless laughter—the prison laugh—the laugh without a smile. Many who come singing to prison now sneer at old ideals. And it is not their fault—but yours of the indifferent outside! One, Fred Esmond, is insane—an Oxford man. Others seek release to bury themselves in the herd or gain the shores of kindlier lands. I see this tragedy of ruined youth and faith about me and wonder if this is the best heritage my American sires could grant! What do I hear from beyond these walls?
The I. W. W. Prisoners

Story of the Trials

NO understanding of the factors which convicted these men is possible without knowing something of the industrial conflict in the West before and during the early months of the war. The newspapers were full of charges of "disloyalty," "anarchism," "bomb plots," and acts of violence and sabotage, all hystERICally charged against the I. W. W. The indictments were the climax.

The following accounts of the three trials state the facts clearly and briefly. For those interested in the legal issues an analysis of the cases is given on pages 40-45.

The Chicago Trial

When in September, 1917, the Government indicted 166 of the leading officials, organizers, editors and active members of the I. W. W. all over the country for joint trial on conspiracy charges in the Chicago Federal Court, a dramatic and sensational trial was generally expected. There was widespread prejudice against the I. W. W. Commercial bodies and newspapers in the West had agitated for their suppression, charging that the organization was a criminal conspiracy advocating sabotage and war against the whole social order. There were even public demands that private bodies be organized to suppress it by "direct action." This agitation produced a widespread hysterical wave of feeling against the I. W. W. organization as a whole.

Under such conditions, it was impossible not to try these men by the press and by public opinion, and to convict them in advance. The defense was hampered in every conceivable way by officials and others, its mails interfered with, its offices repeatedly raided without warrants, access to confiscated files of correspondence denied by the prosecution, its witnesses intimidated, and its collection of defense funds made difficult. The District Attorney gave to the press summaries of the charges and parts of the evidence in advance in order to arouse further hostility.

The case came to trial March 23, 1918, in the courtroom of Judge K. M. Landis in Chicago, with one hundred and thirteen defendants present. Of the one hundred sixty-six originally indicted fifty-three did not go to trial. One was dismissed before, four got a severance of their cases, one was found to be dead, and the rest were never
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Jas. P. Thompson

The I. W. W. were apprehended. Many were out of the country when indicted. All but twenty-six of the defendants, who had been admitted to bail, were locked in the filthy Cook County jail, and marched to court each day, shackled in twos, through the streets under armed guard.

The trial lasted from March 23rd to August 30th, 1918. Two weeks were consumed in picking the jury, and the presentation of evidence took seventeen weeks. The government took nine weeks to present its case, and the defense eight. The government was represented by two special prosecutors, Frank K. Nebeker, a corporation lawyer from Salt Lake City, assisted by Claude R. Porter of Iowa, a man aspiring to political office. The defense was represented by George Vanderveer of Seattle, former prosecuting attorney there, assisted by Otto Christensen and Caroline A. Lowe of Chicago.

The attorneys for the government constantly maintained that the I. W. W. organization as such was not on trial, but the evidence clearly shows that it was. The prosecution introduced a mass of testimony about the industrial activities and radical psychology of the I. W. W. In their turn the defendants were permitted to expound its principles and objects, irrespective of the war. The court allowed the prosecution the fullest latitude in admitting evidence running back years before the war. The defense was not given a similar latitude to explain the economic conditions behind the I. W. W. psychology and activities.

The atmosphere of the trial was informal. The judge wore no robes, and on hot days sat in his shirt sleeves; the rising at his entrance was eliminated, and the defendants were allowed to remove their coats in hot weather. The trial was long and tedious, and in spite of expectations, in no way sensational. There was little reported of it in the daily press after the first few days. The sensational charges made prior to the trial were dropped, and the German gold plot was admitted to be a myth by the prosecution itself. Thirteen of the defendants were discharged by the court during the trial.

At the close, Judge Landis made his charge to the jury, which was then considered as being favorable to the defendants. The general
opinion among the defendants and their friends was that they had established their innocence of obstructing the war. On August 27th the jury found its verdict in fifty-five minutes. The one hundred men were convicted on all four counts. Defendants, counsel and friends were stunned. It was obvious that the jury’s mind was fully made up before it retired, for the writing into the verdict of the 100 names alone must have consumed a large part of the 55 minutes of “deliberation.”

It was a further blow when on August 30th Judge Landis, who had been impartial, even friendly, throughout the trial, laid aside all reserve and expressed his views of the case. The sentences he imposed were astounding. Of the 100 convicted, 15 were sentenced to 20 years, 33 to 10 years, 34 to 5 years and 18 to 2 years or less.

The fines imposed in addition to the sentences totalled over $2,500,000. The total number of years of imprisonment was over 2,000 gross, and over 800 net, that is, as served concurrently. The men were at once taken to Leavenworth Prison by special train under heavy guard.

An appeal was taken to the Circuit Court of Appeals, and bail was allowed in the sum of $10,000 each. During the two years the appeal was in the courts, bail was raised for 46 men, who were out until the final adverse decision which required all men to be returned on April 25, 1921. Nine of the men on bail failed to return and their bail has been taken by the government. The I. W. W. is endeavoring to reimburse the bondsmen. Sixty-seven men are still in Leavenworth.

The Wichita Trial

In 1916 the I. W. W. began organizing the oil-workers in Oklahoma and Kansas. In the summer of 1917 the local press started a systematic campaign of vilification against the I. W. W. oil unions, even editorially advocating violence and murder. This campaign produced among other effects an outrage at Tulsa, Oklahoma, on the night of November 9th, 1917, when 16 defenseless members of the I. W. W. held on “vagrancy” charges, were taken from the custody of the police, driven in automobiles to the outskirts of the city, and terribly whipped, then tarred and feathered, by a mob composed openly of members of the Chamber of Commerce and of certain local officials, styling itself “The Knights of Liberty.” About the same time the I. W. W. hall at
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Drumwright, Oklahoma, was raided without warrant, the furniture and windows demolished, union effects confiscated, and the union members run out of town. On December 1st a federal warrant was sworn out against thirty Oklahoma members charging them with violation of the food and fuel control section of the Lever Act.

On November 20th, there was a general "round-up" of I. W. W.'s around Augusta and Eldorado, Kansas, some forty men being taken and held in a garage over night, chained to posts and to large valves, until they were taken to the jail in the morning. The union halls were closed and effects confiscated. The arrests were made by both local and federal officers, without warrant and without charges.

On December 7th, after these two groups of men from Oklahoma and from Kansas had been in jail over a week, they were given a hearing at Wichita, Kansas, and charged with vagrancy and frequenting houses of ill-fame and places where illicit liquor was sold. The principal witness against them was a well-known character named "Poker Slim," at the time under several indictments for bootlegging and for running gambling houses. They requested a continuance on the ground that they had no counsel. The United States District Attorney contended that "those characters are not entitled to an attorney" and they were denied the continuance. They were held for the Grand Jury under $7,500 to $10,000 bail, which was of course prohibitive. Five men were arrested nearby and in Chicago. All were held for the March term of the U. S. Court. Of 35 men from both groups only one was arrested on warrant, and the warrant sworn out for him had on it the name of another man who was never a defendant in this case.

On March 6th, 1918, the first indictment was found against them by the Federal Grand Jury at Wichita based on the Lever Act and Section 37 of the Federal Code. They were held under this till September 24, 1918, when the motion to quash the indictment made by their attorneys, Fred H. Moore and Caroline A. Lowe, finally came up in court. The defendants were not present. The indictment was quashed. But a new one was brought in against them on the same day, adding three men to their number, and including charges of a criminal conspiracy alleged to have been formed both before their arrests and during the ten months that they were in jail on vagrancy and other charges. The

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defendants in the Chicago case then in prison, were named as co-conspirators. Bail was fixed at $10,000 each.

From September, 1918, to March, 1919, United States District Attorney Fred W. Robertson kept up a series of statements and interviews in the press calculated to influence opinion against the defendants. When defense counsel attempted to take up the matter of bail with him, he was so insulting that personal encounter was only with difficulty avoided. Robertson called for and secured a special session of the Kansas legislature to pass legislation against the I. W. W., and he called upon the district attorneys to see that every I. W. W. in the state was arrested, warning that if this were not done the crops would be burned. The defense headquarters in Kansas City, Kansas, were twice raided without warrant or cause.

The motions to quash this second indictment were heard on March 12th and 13th, 1919. The judge's decision was not handed down till May 29th. Its effect was to quash the indictment. The district attorney immediately impanelled a new Grand Jury and on June 7th a third indictment was found against them. The indictment was substantially the same as the second, avoiding the legal objections pointed out by the Court. It contained four counts, the first charging obstruction of war laws by force, the second under the Lever Food Control Act, and the two remaining under the espionage and draft acts. But the time charged in this indictment during which the alleged conspiracy was formed was from April 6th to November 25th, 1917 (when the arrests were made). The first two had covered later periods.

Only four of the number had been admitted to bail, though bail was offered for many. The men had been held all this time in some of the filthiest jails in the country,—the Sedgwick County Jail at Wichita, the Shawnee County Jail at Topeka, and the Wyandotte County Jail at Kansas City, Kansas. Two of the defendants, Caffrey and Shuren, went insane as a result; another, Gossard, died of improperly treated influenza, and three others contracted tuberculosis. The almost incredible conditions surrounding these defendants in jail are graphically told in a pamphlet by Winthrop D. Lane entitled "Uncle Sam, Jailer."

Finally, on December 1, 1919, two years after they were first ar-
rested, twenty-six of these men were brought to trial at Kansas City, Kansas. The prosecution was hard put to find witnesses against the defendants. They called the Governor of Oklahoma to testify that one of the defendants had signed his name to a selective draft questionnaire. The Oil Administrator was called to testify concerning the production of oil in the region, and proved that more oil had been produced in the months of March to November, 1917, the time covered by the indictment, than at any other time, though the prosecution was trying to prove that these men had obstructed production. Woods (or Woermke), a stool-pigeon and confessed criminal, testified that the I. W. W. had a “Flying Squadron” in Kansas in 1916, but when cross-examined as to who were its members could not give a name and could not identify a single one of the defendants as having been in it. The majority of the witnesses the Government called were not put on the stand. The prosecution had so little evidence and went to such great lengths to get anything at all against the I. W. W. that the defense decided not to put on its case at all, believing that the Government had wholly failed to make one out.

The jury retired on December 18th, and after being out all night returned for more instructions. They soon after brought in a verdict of guilty against all the defendants on all four counts. The sentences imposed ranged from 3 to 9 years. The defense appealed to the Circuit Court of Appeals, which handed down a decision on May 12, 1921, throwing out the first count in the indictment. As it was on this count that 19 of the men received their long sentences, it had the effect of releasing them at once from Leavenworth Prison, because they had served the shorter sentences on the other counts. The six men still in prison got their long sentences on the other counts which were sustained. (See page 43.)

The Sacramento Trial

On December 17, 1917, there was an explosion on the back steps of the Governor’s mansion in Sacramento. It did no serious damage but caused tremendous excitement. The next day was election day, and those supporting Charles M. Fickert for district attorney used it to urge his re-election as a remedy for such “bomb outrages by the I. W. W.” Fickert was re-elected. A few days afterward two members of the I. W. W., Hood and Voetter, were arrested with a package of dynamite, soap and bacon, with which they said they intended going prospecting. They were charged with illegally transporting dynamite.
This focussed attention on the I. W. W., and shortly thereafter raids were made on the I. W. W. halls and some 40 men arrested.

During the time that the men taken in the raids were in jail, there was a vitriolic press campaign demanding that they be lynched. "It would be a waste of time to have them arrested and tried. The best thing to do is to shoot them and not wait for sunrise either. The sooner the better, even if there is not time to permit them counsel or benefit of clergy," said the Sacramento Bee, the most violent of the newspapers. They were many other veiled editorial suggestions to the same end.

At the same time, the local agent of the Department of Justice said that "there was not sufficient justification for holding any of the men save Hood, Voetter, and Grays," (the local I. W. W. Secretary) nor would he undertake on behalf of his department to make any further investigation." (Quoted from the Sacramento Bee of Dec. 29th, 1917.) Nevertheless, the police refused to release the men and finally the Sacramento Chamber of Commerce persuaded the authorities at Washington to indict them under the Espionage Act. Though Hood and Voetter were already tried and sentenced, they were included in the indictment which followed.

The defense gave widespread publicity to a curious count in this indictment, charging the defendants with striking. As a result a second indictment was found replacing it and dropping this charge. It included also a number of men arrested previous to the explosion and released on their own recognizance.

In June 1918 a third group of men were arrested and indicted for arson in addition to the charges in the other indictments. The three indictments were then all dismissed and a new consolidated indictment found on Oct. 4th, 1918, against all the persons charged. This was modelled after the indictment in the Chicago case with a fifth count added, charging arson.

By consolidating the three groups under the one indictment, all of them were charged with all the crimes. Thus all were charged with eleven fires, eight of which had occurred while the first two groups were in jail, and all were charged with conspiracy to transport dynamite illegally. The men were confined in an abandoned county jail though there was plenty of room for them in the modern jail at Sacramento. They were so crowded that half of them actually had to stand up so that the other half might sleep on the concrete floor, and with only a thin cotton blanket for cover in winter time. The sanitary
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conditions were filthy. Food which they bought with their own money to supplement jail rations was put within their sight and allowed to rot just out of reach. Influenza broke out and five of the men died in the jail. Two of them, Tabib and Quigley, are at present in a critical stage of slow tuberculosis at Leavenworth Prison, developed in that jail. Another, Esmond, is in the government insane asylum at Washington as a result of the jail conditions and the "third degrees" to which he was subjected. Finally the Commissioner of Public Safety condemned the jail.

The prosecution went to great lengths to get evidence. The "Densmore Report," which is a U. S. Department of Labor dictograph record of conversations in the office of District Attorney Fickert (re-elected after the explosion), quotes Mulhall, the agent of the Department of Justice in charge of collecting the evidence, as saying to Fickert, "You know, if this thing ever breaks we will go down hill so fast that all hell won't save us," and, "The Marshall's office arrested a few more I. W. W.'s without a warrant, and will take them down to Sacramento."

Indeed this whole federal prosecution was virtually turned over to the same corrupt California officials who engineered the Mooney "frame-up" in San Francisco,—a "frame-up" clearly proved by the official Densmore government report.

One of the defendants, Godfrey Ebel, was illegally held elsewhere in the state as a witness, kept in solitary confinement four weeks and offered jobs and money to "tell all he knew about the I. W. W." He managed to start habeas corpus proceedings and was released, but was rearrested on leaving the court room, sent to Sacramento and indicted with the others.

Another defendant, John L. Murphy, living in the state of Washington, had written to an I. W. W. friend in Sacramento named Luber who was in jail at the time. Though Murphy was ignorant of that, Luber never received the letter, nor subsequent ones Murphy wrote, but Murphy received answers purporting to be from Luber, from an address which afterwards proved to be that of the Department of Justice agents Mulhall and Kelly. These answers advised Murphy where he could get some German gold to blow up bridges and impede the movement of troops. Murphy wrote a refusal thinking that his friend Luber was insane. He was arrested, the forged letters were seized and he was taken to the Sacramento jail. There for the first time he learned that Luber had been in jail all the time and had not received nor answered a single letter.
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The Defense Committee's work was blocked by the prosecution and the police in every possible way. Access to evidence was denied them, defense headquarters were repeatedly raided, and material needed for the defense carried off. The secretary, a young woman, was thrown into jail without a charge. Money she had on her person for a defendant's bail was taken from her and held for weeks. Two women employees were arrested, their finger prints taken and they were ordered to submit to the physical examination given arrested prostitutes. They were only released by the police when the judge personally forced the execution of his orders. The defense treasurer was arrested fourteen times in six months, either on charges of vagrancy or without any charge at all. Mail was held up regularly. A letter to their attorney of vital importance to the defendants was held for seven months and then returned with an "officially opened" government stamp. One of the defendants out on bail and acting as publicity agent, was rearrested as a dangerous alien and held incommunicado for many months. The others out on bond were not allowed to see those in jail on matters of their common defense.

As a result of this persecution inside and out of jail, all except the three out on bail were driven into a policy of what they called the "silent defense." They refused to make any defense in court or to be represented by counsel. They felt a fair trial was impossible, and that no defense was better than the little they could do against such persecution. So the forty-three who had been in jail merely plead not guilty to the indictment, and told the court how they had been robbed of their right of defense.

The trial started December 7, 1918, before Federal Judge Rudkin at Sacramento and dragged on for two months. Even in the court room the persecution did not cease. The court room was virtually closed to anyone thought to be friendly to the defense.

One hundred and thirty-four veniremen excused themselves on account of prejudice. The prosecution called witness after witness,—ranchers, fire-chiefs, detectives, stool-pigeons, and renegade members of the I. W. W. Three of the defendants who renounced the organization were released and testified against the others. One, Jack Dimond, admitted that he had taken $1,400 of the defense funds and had not accounted for them. Elbert Coutts, who had served a term for grand larceny, and Dennis, the other two, were both proved to have lied on the stand, through the indisputable evidence of dates. Dimond and Coutts admitted that they were in the pay of the Department of Justice,
and have since become professional witnesses in cases against the I. W. W. in California. Of the 46 defendants only 3 offered any defense in court, A. L. Fox, Miss Theodora Pollak, and Basile Saffores. They were represented by Nathan C. Coghlan of San Francisco. The others sat silent during the entire trial. All the forty-six defendants were convicted, each on all five counts, by a jury which was out 20 minutes. The three who made a defense received sentences and fine as follows: A. L. Fox and Basile Saffores, 2 months each and Theodora Pollak $100.00. These light sentences of those who defended themselves were due to the fact that they disproved most of the evidence against them, though the charges were fully as serious as against the others. The "silent defenders" were in fact punished largely for their attitude to the trial and the court. Of the 43 "silent defenders" 24 were sentenced to 10 years, 3 to 5 years, and the others to shorter terms. 26 are still in Leavenworth Prison, of whom 24 are serving 10 year sentences.

The case was appealed to the Circuit Court of Appeals, and the conviction confirmed on all counts. There was nothing before the court, however, except the indictment itself, as there was no defense record on which to appeal. The U. S. Supreme Court declined to review it. See pages 44 and 45.

Comment on the Convictions

The one lawyer in the United States outside those involved in the case, who read the 40,000 page record of the Chicago trial and analysed it, is Major Alexander Sidney Lanier, formerly of the Bureau of Military Intelligence, War Department, at Washington, who did that work as part of his official duties. His conclusions therefore carry great weight. In a public letter to President Wilson, he condemned the whole proceeding. The following are extracts from it.

My dear Mr. President:

A very earnest passion for justice to all men of whatever race, color or condition of life, constrains me, after mature reflection, to write you in regard to the case of the United States vs. W. D. Haywood, et als.—Industrial Workers of the World—with a view to giving you an unbiased opinion of the case, should you be appealed to for executive clemency in behalf of the defendants . . .

As some indication of my competency and qualifications to express the opinion and views hereinafter stated in regard to this prosecution, I may say I have been actively engaged in the practice of law for twenty odd years; that for nearly five years I was assistant to the Attorney General of the Philippine Islands; and that during the past year I have been a captain in the Military Intelligence Division, General Staff, United States Army; but have been honorably discharged from the service . . .
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I have summarized the record of this trial, which covers between thirty-five and forty thousand typewritten pages. It has been necessary for me to read with care and thought every page. It is, of course, impossible for me to discuss in detail in this communication the law and evidence of the case as revealed in the record. I can only state my deliberate opinion and conclusions, based upon a review and careful consideration of the record as a whole, which are as follows:

1. These defendants were indicted for a conspiracy to unlawfully and feloniously, and by force, prevent, hinder and delay the execution of certain laws of the United States, set forth in the indictment, which laws concerned chiefly the government's preparation for and prosecution of the war. In the first place, the indictment is, in my judgment, fatally defective in that it does not give or convey to the defendants sufficient information of the nature and the cause of the accusations against them, which is their right under the sixth amendment to the Federal Constitution.

2. While evidence in the record discloses that several of those defendants said and did things for which they could have been successfully prosecuted under the Espionage law, and for which they should have been prosecuted, convicted and punished, the evidence is, in my opinion, insufficient on the whole, to show and establish beyond a reasonable doubt a conspiracy as charged in the indictment. Congress never conscripted labor, as it might have done, and there is no law of which I am aware that prohibits working people from striking and co-operating in formulating plans for a strike and methods to make their strike a success.

The strike being the exercise of a legal right, if the fundamental motive and purpose underlying it were to secure better wages, shorter hours of labor, and better living conditions in industry, the mere fact that the interests of the government in its efforts to prepare for and carry on the war, were incidentally prejudiced, did not, of itself and alone, constitute a violation of law, however reprehensible it may be regarded and condemned in other respects. The evidence shows that these defendants and their associates had been active for years in trying to correct what they conceived to be outrageous injustices to their class in the economic and industrial conditions in this country. Their policy and activities have been consistent from the beginning, and only differed after the United States entered the war in degree and intensity but not in methods or purpose . . .

(Signed) ALEXANDER SIDNEY LANIER.

—The New Republic, April 19, 1919.

Major Lanier characterized the trial in even more vigorous language at a public hearing before the House Judiciary Committee on March 16, 1922, at which he said:

"It is my opinion that none of these men were properly convicted, because I think that the indictments were vitally defective. I do not think that if I had been on the jury, I would have convicted a single one of them, because there was no evidence . . . that those men were guilty of the conspiracy with which they were charged . . .

"Of course, this case went up to the court of appeals, but that court only considers questions of law. As you know, they do not pass upon questions of fact, or as to whether the jury made a jackass of itself or not."

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Some of the significant editorial opinions in regard to the trials are the following:

"The I. W. W. champions of industrial sabotage and uncompromising class war disclose the tragedy of an industrial class so weak, friendless, and lowly that it rejoices in this irresponsible and anarchistic leadership.

"Let even the Haywoods teach us something. Let us contrast their passion for anarchy with our own passion for democracy and justice. By reaching down to the depths and rescuing from exploitation and oppression the humblest and the most helpless of the wage-earners we may put the revolutionary I. W. W. out of business but not before, by any manner of means."—Springfield Republican.

"The belief that the Administration's policy against the I. W. W. and in a lesser degree against the Socialist Party can be based on a general assumption of conspiracy and treason in time of war is an impossible one and a dangerous one. The fact cannot be explained away that the I. W. W. does embody one phase of the labor movement in this country, and only blindness will persist in regarding every manifestation of labor trouble under I. W. W. auspices as a pro-German conspiracy calling for a strong hand."—Editorial, New York Evening Post.

"Any silence with regard to loyalty was more than made up for by space given lavishly to everything even remotely indicating disloyalty. Just as every untoward incident was credited to the German Spy system, so was every disorder, every manifestation of unrest ascribed either to the I. W. W. or the Bolsheviks. No effort was made at distinction, Mooney protests, Socialists Meetings, etc., being lumped together."—George Creel, Chairman of the Committee on Public Information, Everybody's Magazine, April, 1919.

Whatever Bernard Shaw's eccentricities of view, his comparisons are always illuminating. This is how he compares English and American war trials—in "Heartbreak House":

"Yet it was in the United States of America, where nobody slept the worse for the war, that the war fever went beyond all sense and reason. In European courts there was vindictive illegality; in American courts there was raving lunacy. It is not for me to chronicle the extravagances of an Ally; let some candid American do that. I can only say that to us sitting in our gardens in England, with the guns in France making themselves felt by a throb in the air as unmistakable as an audible sound, or with tightening hearts studying the phases of the moon in London in their bearing on the chances whether our houses would be standing or ourselves alive next morning, the newspaper accounts of the sentences Ameri-
can courts were passing on young girls and old men alike for the expression of opinions which were being uttered amid thundering applause before huge audiences in England, and the more private records of the methods by which the American war loans were raised, were so amazing that they put the guns and possibilities of a raid clean out of our heads for the moment . . . .

"Not content with these rancorous abuses of the existing law, the war maniacs made a frantic rush to abolish all constitutional guarantees of liberty and well-being."

To show a dispassionate view of American war prosecutions, let us quote from an article by Sir Frederick Pollock, Bart., R.C., D.C.L., writing in the English Law Review Quarterly of October, 1920. Speaking of the Abrams trial in New York City which took place in the same general atmosphere as the I. W. W. trials, he says:

"In the proceedings at the trial there appears, according to English notions, to have been a singular disregard of judicial fairness and of the principles of justice, respected as a rule by English and American tribunals alike. Spy mania was, it would appear, in the air of New York in 1918, and judge and jury may be presumed, as the most charitable explanation of their conduct, to have been suffering from an acute form of truculent panic, to use Kinglake's term. The judge cross-examined the defendants quite in the fashion of sixteenth century State trials, charged the jury without any reference to the specific charges created by the statute, and after a general verdict of guilty (with how much deliberation it was found we are not told) passed sentences of fifteen years' imprisonment on one, and twenty years on three defendants; an informer was let off with three years. If they had actually conspired to tie up every munition plant in the country and succeeded, the punishment could not have been more. For a similar offense in England the usual sentence would be six months, or twelve at the outside. The Supreme Court had no jurisdiction to reduce the 'sentence or to consider whether it was excessive.'"


The I. W. W. Prisoners

Prison Verse
By Ralph Chaplin

PRISON SHADOWS

Like grey-winged phantoms out of sullen skies
They flood my cell and seem to fashion there
I know not what dim landscapes of despair;
All day I felt them lurking in my eyes.
And now they fall like crosses, sombre-wise,
Upon the shameful uniform I wear,
Upon my brow, my face, my hand, my hair;
And on my heart their shadow always lies.

O heart of mine, why throb with futile rage
And beat and beat against these hopeless bars?
For, though you break in life's last deadly swoon,
You cannot pierce beyond this iron cage,
To see the pulsing splendour of the stars
Or feel the blue-green magic of the moon!

MOURN NOT THE DEAD

Mourn not the dead that in the cool earth lie,
Dust unto dust—
The calm, sweet earth that mothers all who die
As all men must.

Mourn not your captive comrades who must dwell,
Too strong to strive,
Within each steel-bound coffin of a cell,
Buried alive.

But rather mourn the apathetic throng—
The cowed and the meek—
Who see the world's great anguish and its wrong
And dare not speak!

SONG OF SEPARATION

Two that I love must live alone,
Far away.
All in the world that I call my own,
Only they.
Mother and boy in the rocking chair,
Thinking of one that cannot be there,
Breathing a hope that is half a prayer;
Night and day, night and day.

Here in my cell I must sit alone,
Clothed in grey.
Bars of iron and walls of stone
Bid me stay.
What of the world with its pomp and show?
Baubles of nothing! This I know;
Deep in my heart I miss them so
Night and day, night and day.
Amnesty

PRISONERS can be released only through executive clemency granted by the President. That may take the form of an outright pardon or of commutation of sentence. The policy of the government has been against pardons. None have been granted in war cases. All releases have been by commutations, either on special occasions as in the release of Eugene V. Debs and others on Christmas Day, 1921, or as part of a program of reducing war-time sentences to a “peace-time” basis. On that basis 200 Espionage Act offenders had their sentences commuted in 1919. Congress has no power to grant amnesty to offenders in prison, although it has undoubted power to free from prosecution those still untried. (There are still several thousand untried cases brought under war laws.)

Ever since the Armistice an extensive campaign has been waged for the release of all political prisoners. The policy of the government has varied according to the demands of politics and the attitude of the officials in power. On the whole the government has moved with reluctance and caution, evidently in the fear of antagonizing reactionary newspapers and the American Legion. There has at no time been a disposition to consider a general amnesty, such as was granted in practically all European countries after the close of the war, and such as was granted in the United States after the Civil War.

The Arguments For It

The arguments for the release of the I. W. W. prisoners as a whole are the same as for the other political prisoners prosecuted under war laws. They are: (1) that the reasons which prompted such prosecutions in war-time no longer obtain, their purposes having been fully served; (2) the offences at the worst involved only expressions of political or economic opinions, and the principle of free speech should be recognized; (3) in the I. W. W. cases particularly, the trials were surrounded by influences which made conviction a foregone conclusion and the trials therefore unfair and unjust; (4) the men have already served substantial sentences, fully as long as the average for ordinary crimes against property, and longer than the sentences possible under other federal statutes governing political offences.
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Attitude of the Prisoners

The attitude of the I. W. W. prisoners towards efforts for amnesty and pardon is significant of their philosophy. Of the 96 men still in prison 72 have repeatedly refused to make individual applications for release. They prefer to stay in prison rather than to be a party to sacrificing their solidarity. As one of the men put it, “I never could feel right again with my fellow-workers if I went out of that prison door a free man as the result of my application, and left behind these other men no more guilty than I.” They feel also that applications for pardon imply a confession of a guilt which they deny, maintaining that they committed no crime in exercising their rights of free speech or in continuing the ordinary industrial activities of their organization in wartime.

The attitude of the group opposing individual applications is best expressed by the following statement issued on May 18, 1921, by over 70 of the prisoners in all three cases.

Leavenworth, Kansas, May 18, 1921.
From the Defendants in the Chicago, Sacramento and Wichita Cases.

“A few of the defendants, some of whom have recently returned to this penitentiary, have, we are creditably informed, already made individual and personal appeals to the Department of Justice for clemency or pardon.

“Any individual application for clemency, pardon or ‘individual’ amnesty, only offers an opportunity to our oppressors to pretend that there was some element of justice and fairness entering into the circumstance of our alleged trial.

“To apply for individual amnesty, on account of insufficient evidence in certain cases, implies that the remaining defendants are guilty; and while individual applications may result in releasing certain individuals, the transactions are entirely unfair to the group as a whole. The few who might regain their freedom by such application can only do so at the cost of lost liberty for others; whose alleged crimes are thus by implication made to appear as real. All are innocent and all must receive the same consideration, if justice is to be done to any of the defendants.

“We wish it to be understood that neither our position nor our viewpoint regarding the necessity for solidarity has changed since our conviction. We are not conscious of having committed any crime nor of having violated any law, and therefore cannot consistently make any personal or individual appeal for clemency or pardon.”

Signed by over 70 of the prisoners.

The attitude of all of these men toward accepting parole from prison, to which they are eligible after serving two thirds of their terms, is practically the same as their attitude toward applications for pardon. They decline to accept the restricted freedom of parole on the terms laid down by the government for offenders, or to be treated individually.
The I. W. W. Prisoners

J. T. ("Red") Doran, a prisoner in the Chicago case, thus put their attitude in a letter from Leavenworth prison:

"The political prisoners who maintain an uncompromising course in the exercise of solidarity afford those on the outside an opportunity to translate the injustice of their imprisonment into terms which have educational value in the fight for social honesty. * * * *

"One day last week about twenty men, as near as I could judge the number, with myself included, were ordered to appear before the parole board. We had previously refused to apply for parole, but the order for our appearance was issued and we were compelled to make an appearance before the board. The men called were eligible for parole under the rules. Of the number, approximately twenty, all but three refused to discuss the question.

"The merits or demerits of the 'parole system' where it applies to criminals is a matter with which I am not concerned. It may be the proper thing when dealing with criminals, but it is, in my opinion, a perfectly impossible program in cases such as ours. The applicant for parole must, by implication at least, admit his guilt, justify the court proceedings and sentence, and indicate a willingness to 'reform.' Any conditions imposed by the board must be agreed to and regular reports made to a parole officers. You can easily understand why the program is an impossible one for us to follow. We are not guilty, do not justify the court proceedings or sentences, and we have not 'reformed.' To apply for and accept parole necessarily means, feeling as we do, that one must deliberately lie and further agree to live a lie in order to enjoy (?) a restricted 'freedom.'

"I surely did feel a thrill of satisfaction when I saw man after man refuse to consider the degrading proposition. We all want release—the thought of it is constantly with us—yet these men refuse to accept the dishonorable opportunity offered them and they have been, most of them, either in jail or here for the past four or five years. I tell you this thing is real; it has a great big spiritual value and it cannot be beaten. * * * *

"When I contrast the behavior of most liberals with that of these men I know why I stick with these fellows. They are not only honest and sincere, and I concede honesty and sincerity to the average liberal, but they have faith in themselves and the thing they believe in."

The remaining 24 of the men have all made individual applications for clemency. Thirteen of these are aliens, and their applications are made with the understanding that they will be immediately deported to the countries of their birth. The government has recently turned down a number of these alien applications on this ground, as the Attorney General expressed it:

"It seems to me inadvisable to take any action which would set a precedent from which citizens of other countries might reach the conclusion that they could come to this country and interfere with its political affairs to the extent of violating our laws and all that would be likely to happen to them would be a short term of imprisonment and deportation to their native country."
Most of the applications of these aliens are endorsed by their countries’ governments, though this endorsement seems to carry little weight toward their release. The eleven citizens who have applied for pardon have done so believing there is no hope for general amnesty, and that no admission of guilt is involved in making application.

**Attitude of the Administration**

The attitude of the Department of Justice toward executive clemency for members of the I. W. W. is best revealed in the official memoranda made public at the time of the pardons on Christmas Day 1921. Among the 25 prisoners released that day were 6 members of the I.W.W. In all but one case, that of Ed Hamilton, the Department excused its action either on the ground that the men had renounced their beliefs or that they were aliens subject to immediate deportation. The Department’s memoranda are so significant of its attitude that these men are imprisoned essentially for their beliefs that we reprint them in full. This attitude of the Department is in striking contrast to the theory of the law, which of course is that these men are in prison for a specific conspiracy to obstruct the war, not for their beliefs or industrial activities in the I. W. W.

The Department of Justice has made it clear, both by its public declarations and its action on cases, that prisoners who recant their radical beliefs and connection with radical organizations get preferential treatment. It is only fair to say, however, that most of the men deny the Department of Justice’s version of their views.

**CHARLES ASHLEIGH**

Ashleigh is an Englishman who came to this country in 1912 and later associated himself with Haywood in connection with I. W. W. He was a writer and speaker of some note and while there is no proof of an overt act on his part, he co-operated with leading I. W. W.'s up to and immediately following the declaration of war by this country. It is earnestly claimed in his behalf that the Government failed to introduce any evidence connecting him with wrong-doing, but this is in error. Very little, however, is shown concerning his activities after the war began and he now asks to be released and deported to England. He has been confined in all approximately two years and the sentence is accordingly commuted to expire at once upon condition that he be deported.

**GIOVANNI BALDAZZI**

Baldazzi was a paid organizer for the I. W. W. and manager and subscription agent for *Il Proletario*, an Italian I. W. W. newspaper. He wrote articles for this publication and unquestionably justly deserved the sentence imposed. A warrant for his deportation has been issued and the Department of Labor advises that it would be desirable to deport him. The sentence, accordingly, has been commuted to expire at once on condition that he is immediately deported to Italy.
The I. W. W. Prisoners

JOHN L. MURPHY

Murphy denies that he was an active member of the I. W. W. He has served the larger portion of his sentence, which will expire next October, his eyesight is fast failing, and he now claims that he has completely changed his views and attitude toward the Government and the social order of things generally and promises hereafter to be a law-abiding citizen. Sentence commuted to expire at once.

ED HAMILTON

Hamilton was a member of the I. W. W. from April 5, 1917, to date of indictment and was also a delegate and organizer. He wrote an article entitled "After the war, What?" which was printed Sept. 1, 1917, in Solidarity. There was no serious overt act committed by this defendant, and while the speeches and writings attributed to him were serious at that time and justified the sentence, it is believed that he has now served a sufficient length of time and that it would not be improper to release him. The sentence is accordingly commuted to expire at once.

JACK LAW

There is no question but that Law, prior to the declaration of war by this country, and particularly prior to 1915, was a dangerous leader and agitator for the I. W. W. and co-operated with Haywood, St. John and others. Very little, however, is shown concerning any like activities after this country entered into the war. The charges in that respect are controverted and denied by the prisoner himself. None of the reports received pointed to any evidence of overt acts on his part during the war period. This is one of the cases wherein it is earnestly claimed by many persons that there was no evidence whatever introduced at the trial to show that the applicant was guilty of any disloyal act during the war.

Assurances are given by the prisoner's wife and himself that he will never in future do anything in the way of a disloyal act toward this country. Sentence commuted to expire at once.

ALBERT B. PRASHNER

Prashner admits that he was an organizer, etc., and that he held many of the ideas advocated by the I. W. W., but states that he never did deliberately, as an individual, oppose the wartime measures and had no idea then that in his activities he was giving aid and comfort to the enemy. He states that he expected and was willing to be drafted; that he registered and waived exemption and was preparing to give up his I. W. W. activities when arrested. He states that he has denounced in all sincerity his former I. W. W. associates and all radical affiliations and no longer holds the ideas which led him to join the association. He states that he has a devoted wife and child and while on bond, a period of over one year, was engaged in a lawful enterprise; that he has been taught a lesson which will last as long as he lives and further punishment is not necessary.

Under the circumstances recited, it was thought that no good purpose would be served by the prisoner's further incarceration and his sentence accordingly has been commuted to expire at once.
The I. W. W. Prisoners

The Campaign for Amnesty

Efforts for amnesty are widespread and persistent. There are and have been a number of independent campaigns, notably on the part of the American Federation of Labor, the Socialist Party, the General Defense Committee of the I. W. W., the American Civil Liberties Union, special amnesty committees and local groups, and by several periodicals in the liberal, labor and radical movement. An active campaign is being waged by the American Civil Liberties Union, both from its New York office, 138 West 13th Street, and its Washington office, 223 Maryland Building.

Those interested in assisting in the campaign may do so by the following means:

1. Enlist by addressing the American Civil Liberties Union, 138 West 13th Street, New York City, asking to be put on the mailing list for all notices and information.

2. When requested, write to the President or the Attorney General, along the lines which are suggested as useful from time to time.

3. Contribute to the support of the campaign either through the American Civil Liberties Union for the active work in Washington or through the General Defense Committee, 1001 West Madison Street, Chicago, for direct relief to the I. W. W. prisoners and their families, or for the “monster petition campaign” of the I. W. W.

4. Write a letter to a local editor, calling attention to the facts set forth in this pamphlet. Or better yet, see a local editor, take him a copy of the pamphlet, and ask him to write an editorial on the subject. Clip and send in such editorials to the Civil Liberties Union office for use in the campaign.

4. Get the facts to any local preacher who is likely to be interested to make use of them in a sermon.

6. Talk over the issue with any local man prominent in public life or in party politics who is likely to be enough interested to write or see those he knows in the Administration at Washington.

7. Send to the American Civil Liberties Union the names of any other persons who ought to get this pamphlet.
Support of the campaign for the release of political prisoners is widespread. Many of the leading newspapers advocate it,—notably all the Scripps and Hearst papers, the New York World, the St. Louis Post-Dispatch, the San Francisco Bulletin, the Baltimore Sun, the Springfield Republican, the Rochester Times-Union, the New York Evening Post, etc., etc., and practically all of the weekly or monthly liberal and religious press. Among the organizations supporting the release of political prisoners are the American Federation of Labor, the Federal Council of Churches of Christ, the Women's Trade Union League, the World War Veterans, the Private Soldiers' and Sailors' Legion, the Woman's International League, the Socialist Party, the Farmer-Labor Party, practically all the state and city federations of labor, the international unions, and many local civic, religious, labor and farmer associations.
For Lawyers

A Statement of the Present Status of the I. W. W. Cases,
Prepared by Otto Christensen, Attorney
for the Organization

The following statement of the present legal status of the three cases was prepared by Otto Christensen of Chicago who as attorney for the I. W. W., knows them intimately. This statement carries an analysis of the charges and the findings of the courts. It was written to show that the I. W. W. prisoners are now on precisely the same legal basis as other political prisoners convicted under the Espionage act.

The Government secured convictions against members of the I. W. W. in three cases, namely, its cases prosecuted at Chicago, Illinois; Wichita, Kansas, and Sacramento, California. In each of these cases the defendants prosecuted an appeal to the Court of Appeals for the circuit in which they were convicted, to review their several convictions.

The Courts of Appeals in the Seventh and Eighth Circuits, reversed the judgment of the lower court in part and in part affirmed the judgment of the lower court.

The effect of the reversal by these courts was to eliminate entirely the convictions of the defendants of certain specific offenses.

We propose, in this brief, to consider the actions of the Courts of Appeals and their effect upon the cases of the defendants. We will consider in their order, the Chicago case, the Wichita case and the Sacramento case.

Chicago Case

The indictment in this case contained five counts. The first, second and fifth counts may be designated as the industrial counts, and the third and fourth counts may be designated as the war counts. This being the logical classification of the counts, we will proceed to consider them in their order.

The District Court withdrew the fifth count from the consideration of the jury and the Circuit Court of Appeals acquitted the defendants of the industrial offenses charged in counts one and two.

The first count of the indictment charged a conspiracy under Section 6 of the Criminal Code, by force to obstruct, hinder and delay the
The I. W. W. Prisoners

The execution of eleven different acts and Presidential proclamations providing for the execution of the Government's war program, and ten different sections of the Criminal Code.

This count, stripped of unnecessary verbiage, amounts to a charge that the defendants conspired to interfere with the production and transportation of certain supplies necessary to the Government's war activities by means of strikes accompanied by certain acts of violence. The second count charged a conspiracy under Section 19 of the Criminal Code to injure, oppress, threaten and intimidate a large number of persons in the free exercise and enjoyment of a certain right and privilege granted by the Constitution and laws of the United States, namely, the right to execute certain contracts without interference. The fifth count charged a conspiracy to use the mails to cheat and defraud employers. This was to be done by inducing other persons to enter or stay in the employ of said employers and accept money for their services, agreeing to render efficient service, but as a matter of fact, secretly and covertly rendering inefficient service.

It was under these three industrial counts imported into the indictment that seventy-five per cent. of the evidence offered by the Government was admitted to the jury for consideration. Without these counts in the case this percentage of evidence would have been inadmissible.

We make this observation on the volume of evidence received under these counts so that a proper appreciation may be had of the effect of it upon the minds of the jury in passing upon the guilt or innocence of the defendants on the political counts.

The three counts charging the industrial offenses have now been disposed of. The fifth count was withdrawn from consideration of the jury by the District Court and the conviction of the defendants of the industrial offenses charged under counts one and two was set aside by the Court of Appeals. (For full text of decision see United States v. Haywood, 268 Fed. Reptr., p. 795.)

The third count of the indictment charged a conspiracy under Section 37 of the Penal Code to procure certain persons to refuse to register for military service under the provisions of Section 5 of the Selective Service Act, and the proclamation of the President of May 18, 1917, made pursuant thereto; also to procure certain other persons to desert the service of the United States in violation of the provisions of Article 58 of the Articles of War.

The conviction of the defendants on this count was affirmed by the
The I. W. W. Prisoners

Court of Appeals. The defendants now confined in the penitentiary at Leavenworth were on the 30th day of August, 1918, respectively sentenced to a two-year term of imprisonment on the third count. Within a week after the Court imposed sentence all commenced serving the same in the United States penitentiary at Leavenworth, Kansas. Each of these defendants has served his sentence on this count. Therefore, the conviction of the defendants on Count three is no longer pertinent to a consideration of the subject of amnesty, pardon or commutation of sentence.

Each of the defendants is now serving a sentence on count four only. (Espionage Act.) Therefore, the character of the offense charged in count four is alone the subject of inquiry in determining whether amnesty should be extended to these defendants, a pardon granted or their sentences commuted.

Briefly, the fourth count charges a conspiracy to cause insubordination in the military and naval forces and to obstruct the recruiting and enlistment service

"By means of personal solicitation, of public speeches, of articles printed in certain newspapers (here twelve newspapers are designated by name, of which eight are printed in various foreign languages), circulating throughout the United States, and of the public distribution of certain pamphlets entitled, 'War and the Workers,' 'Patriotism and the Workers' and 'Preamble and Constitution of the Industrial Workers of the World,' the same being solicitations, speeches, articles and pamphlets persistently urging insubordination, disloyalty and refusal of duty in said military and naval forces and failure and refusal on the part of available persons to enlist therein."

The charge here does not embrace any industrial activities. It is limited to the expression of opinions publicly, the circulation of literature and newspapers which the pleder concludes, were of such character as would cause insubordination and disloyalty and refusal of duty in the military and naval forces.

This count of the indictment is not open to any other interpretation save that these defendants made speeches or circulated written matter on the subject of war which had or might have a tendency to incite insubordination in the military and naval forces. The charge is strictly one involving the oral or written expressions of opinion by the defendants. In no sense can it be maintained that the oral expressions or printed articles making reference to strikes and industrial activities of the defendants could incite insubordination in the military and naval forces. In fact, up to the time this indictment was returned
there was no statute in the United States, even in war time, restricting the right to strike.

**The Wichita Case**

The indictment against the defendants in the Wichita case contained four counts. The original indictment, to which the lower court sustained a demurrer, included the count charging the same offense that was pleaded in count two in the Chicago case.

This count in the second indictment was eliminated because Judge Pollock held that there was no such offense under the laws of the United States. In place of this count a new count was added charging a conspiracy to violate the act commonly known as the “Lever Act.” Save for this change the indictment in the Wichita case charged identically the same offenses as were charged in the indictment in the Chicago case. Count one (same as first count in Chicago case), being a charge of conspiracy under Section Six of the Criminal Code, by force to obstruct, hinder and delay the execution of six different acts and presidential proclamations providing for the execution of the Government’s war program, and six different sections of the Criminal Code; the second count (same as third count in Chicago case), charged a conspiracy under Section 37 of the Criminal Code to procure certain persons to refuse to register for military service under the provisions of Section Five of the Selective Service Act, and the proclamation of the president of May 19th made pursuant thereto; also to procure certain other persons to desert the service of the United States in violation of the provisions of Article 58 of the Articles of War; the third count (same as fourth count in Chicago case), charged a conspiracy to cause and attempt to cause insubordination in the military and naval forces of the United States in violation of the Espionage Act of June 15, 1917, by means of personal solicitations or public speeches and of articles printed in certain newspapers. The fourth count (new count) charged a conspiracy under Sections 4 and 9 of the Food Control Act (known as Lever Act) of August 10, 1917.

In this case twenty-five of the defendants convicted were sentenced to the penitentiary and these defendants appealed their case to the United States Circuit Court of Appeals for the Eighth Circuit. Twenty of these twenty-five defendants received their heavy sentences on the first count of the indictment. They were sentenced to only one year in the penitentiary on counts two, three and four. The effect of the decision of the Circuit Court of Appeals in reversing the case on count one (industrial count) was to release them from the penitentiary, as they had
already served the one-year sentence imposed on counts two, three and four.

The remaining five defendants, C. W. Anderson, M. Sapper, Wenzel Francik, F. J. Gallagher and O. E. Gordon, unlike the other defendants, received light sentences on counts one, two and four, and heavy sentences on count three. Because of the fact that they received their heavy sentences on count three, their acquittal of the industrial offense on count one did not affect their term of imprisonment. These defendants are now only serving the sentence imposed against them on the third count (espionage), while on the other offenses charged they have either been acquitted by the Court of Appeals or have served their sentences.

These defendants not only have served a substantial part of their sentences on the espionage charge, but when the first indictment was returned in the spring of 1918, all were apprehended and were held in jail for more than one and one-half years before their trial and conviction.

These five defendants are now held in Leavenworth Penitentiary solely for their conviction of violating the Espionage Act (count three of the indictment).

Sacramento Case

In this case a general verdict of guilty was returned and the Court imposed a general sentence against the defendants. In both the Chicago and Wichita cases the defendants were specifically sentenced upon each count of the indictment. It was only necessary, therefore, in this case to sustain one count of the indictment that would support the sentence. The maximum sentences that could be imposed on each count were: Count one, six years; count two, ten years; count three, two years, and count four, twenty years.

This indictment, save for additional overt acts pleaded, charged in the same counts in the Chicago case.

If we are to accept the conclusions of the Circuit Court of Appeals, both for the Seventh Circuit and the Eighth Circuit, on the industrial counts, then, as to these defendants, there remains only the espionage count to support any sentence in excess of two years; and since these defendants have served the maximum sentence that could be imposed for violation of the Selective Service Act (count three), there would remain only to be considered their conviction on count four (Espionage Act).
To support our contention that the defendants in this case should be classed only as espionage prisoners, we have the decisions of two Circuit Courts of Appeals on identically the same counts, for these counts were directly before the Court for consideration. In the 7th Circuit the Court held the offenses were neither proved nor pleaded. In the 8th Circuit they held there were no such offenses against the laws as pleaded.

The Sacramento case, like the Wichita case, is distinguishable from the Chicago case for the reason that it was not heard upon a bill of exceptions and therefore the evidence was not before the reviewing court for examination to determine its sufficiency to sustain the conviction. The Sacramento case is further distinguishable from both the Chicago and Wichita cases for the reason that the defendants were not represented in their trial by counsel and declined to make a defense to the charges made against them in court. Their determination to be "silent defenders" is traceable to their conviction that both courts and juries had a deep-seated prejudice against persons charged with "war offenses" and to offer a defense would be futile, as a fair trial could not be obtained by any means.
The I. W. W. Prisoners

I. W. W. PRISONERS NOW IN LEAVENWORTH PRISON

April 1, 1922

*All the men are serving now only on the Espionage Act charge, and the sentence on that charge is therefore given. (Note technical exception in the Sacramento case.)*

**CHICAGO CASE**

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**WICHITA CASE**

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<td>M. Sapper</td>
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The I. W. W. Prisoners

NOTE:—George R. Yarlott, one of the Wichita defendants, jumped bail, and was later returned and sentenced separately on March 11, 1920, to 2 years and 10 months. His case was not appealed with the others. He was understood to have renounced the I. W. W. He was therefore not included in the group of cases. His name adds one more to the total figures in prison wherever given.

SACRAMENTO CASE

<table>
<thead>
<tr>
<th>Name</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elmer Anderson</td>
<td>10 years</td>
</tr>
<tr>
<td>Pete de Bernardi</td>
<td>10 years</td>
</tr>
<tr>
<td>Harry Brewer</td>
<td>10 years</td>
</tr>
<tr>
<td>Edward Carey</td>
<td>5 years</td>
</tr>
<tr>
<td>Joseph Carroll</td>
<td>3 years</td>
</tr>
<tr>
<td>Roy P. Connor</td>
<td>10 years</td>
</tr>
<tr>
<td>Robert Connellan</td>
<td>10 years</td>
</tr>
<tr>
<td>Mortimer Downing</td>
<td>10 years</td>
</tr>
<tr>
<td>Godfrey Ebel</td>
<td>10 years</td>
</tr>
<tr>
<td>Frank Elliott</td>
<td>10 years</td>
</tr>
<tr>
<td>Otto Elsner</td>
<td>3 years</td>
</tr>
<tr>
<td>Fred Esmond</td>
<td>10 years</td>
</tr>
<tr>
<td>Robert Feehan</td>
<td>4 years</td>
</tr>
<tr>
<td>John Graves</td>
<td>10 years</td>
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<tr>
<td>Harry Gray</td>
<td>10 years</td>
</tr>
<tr>
<td>Henry Hammer</td>
<td>10 years</td>
</tr>
<tr>
<td>William Hood</td>
<td>10 years</td>
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<tr>
<td>Chris A. Luber</td>
<td>10 years</td>
</tr>
<tr>
<td>Philip McLaughlin</td>
<td>10 years</td>
</tr>
<tr>
<td>George O'Connell</td>
<td>10 years</td>
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<tr>
<td>John Potthast</td>
<td>10 years</td>
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<tr>
<td>Edward Quigley</td>
<td>10 years</td>
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<tr>
<td>James Quinlan</td>
<td>10 years</td>
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<tr>
<td>Vincent Santilli</td>
<td>10 years</td>
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<tr>
<td>Myron Sprague</td>
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<tr>
<td>Herbert Stredwick</td>
<td>5 years</td>
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<tr>
<td>Caesar Tabib</td>
<td>10 years</td>
</tr>
<tr>
<td>J. Tori</td>
<td>10 years</td>
</tr>
<tr>
<td>George F. Voetter</td>
<td>10 years</td>
</tr>
</tbody>
</table>

When I Go Out

O be to me tender, leaves that wait outside
This sullen wall, and keep inviolate,
Until I come to you with love-dumb lips
From out of this dull tenement of hate;

Out of the fresh breathing of the earth
To draw allayment of my rasping fear,
My woundings and my frettings, till my mind
Is soothed by winds that draw like nurses near,

To tend me on my bed of living grass
And all the hush of spring shall be my cover;
The hills shall stand as guards about my peace;
And the audacious sun shall be my lover . . .

When I go out . . . O roads of all the world!
O Beauty, fields and cities, do not fail!
Await, strong friends, my coming,—let my heart
Once more drink glory on a careless trail!

—CHARLES ASHLEIGH.
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