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Journal:

Date:

Vol: () Pgs: [4] p. : ports. ; 29 cm.

Article

Title: Gastonia ; a class case and a class verdict.

Author: Engdahl, J. Louis, (John Lewis), 1884-1932.

Imprint:

ILL Number: 71359878



Trans. #: 600516



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The above Labor Jury, picked by the Trade Union Unity League to render a working-class verdict in the Gastonia case, declared the 7 defendants "Not Guilty."

GASTONIA— A Class Case and A Class Verdict

Labor Jury's Verdict

"We the labor jury, find the defendants NOT GUILTY of conspiracy to commit murder, as charged by the state. We find that the seven defendants and other members of the union residing in the tent colony at Gastonia on the night of June 7th fulfilled their duty to the working class by defending themselves against the murderous attack of the tools of the mill owners, Chief of Police Aderholt and his associated thugs and gunmen.

Governor A Mill Owner

We find, on the other hand, that the governor of North Carolina, O. Max Gardner, himself a mill owner and exploiter of men, women and children, is the leading figure in a conspiracy to destroy, through legal terror and fascist violence, every attempt of the working class to create a militant organization to fight against the horrible conditions prevailing in the newly industrialized South. We find that Gardner, using the whole power of the state as a tool of the mill bosses to keep the workers enslaved, had as his principal associates in the conspiracy legally to lynch the active leaders of the strike or to shut them up in prisons where they would rot away their lives, such people as Judge M. V. Barnhill, Solicitor Carpenter, Claude Hoey and a horde of special lawyers of the Manville-Jenckes corporation. Carpenter, the prosecuting attorney, alternately appeared during the long conflict in and around Gastonia, in the roles of fascist gang leader and prosecutor.

Mill Owners' Conspiracy

The one outstanding fact in the case is that it was not a trial for conspiracy to murder, that resulted in the death of Chief of Police Aderholt. It was one phase of the conspiracy of the mill-owners, their private gunmen and gangsters and their organized bands of fascist terrorists, and their state government, to destroy the National Textile Workers Union so that they could continue in the future as in the past, to distill the very life blood of men, women and children into profits.

It was a trial of workers for daring to defend themselves against organized murder at the hands of a vicious, drunken, depraved gang of mill-owners' hoodlums, clothed with police authority. The trial was an effort to wreak vengeance upon these seven defendants because they refused to abandon the struggle of the workers and cowardly leave the territory when their very lives were threatened on innumerable occasions,

as was fully brought out by the evidence. The charges of conspiracy to murder were initiated against the defendants in an attempt to kill them through the use of the machinery of capitalist class legality after the murderous assault on the tent colony was repulsed by the heroic defense of the workers themselves.

Attempt to Smash Union

The trial was a part of the union smashing campaign that has been waged under various forms since the beginning of the struggle of the Gastonia workers against starvation wages, the speed-up (stretch-out), child slavery, long hours of labor, horrible conditions of work, and all the frightful suffering, poverty and disease (pellagra) as a result of overwork and undernourishment. It was a case of class against class.

Bosses Guilty

We, the labor jury, have not only found the defendants NOT GUILTY, but our verdict is a verdict for the whole working class. In finding Governor Gardner, Judge Barnhill, Solicitor Carpenter, the Manville-Jenckes company, in short the entire crew of mill-owners and their state officials and legal flunkeys GUILTY, we indict the whole capitalist class and will pillory them before the working-class throughout the United States and the entire world as monsters whose hands drip with the blood of our murdered comrade, Ella May, and the working-class victims of their sadistic attacks during the course of the Gastonia struggle. In the courtroom, we represented the mass of awakened workers of the United States whose delegates at the Cleveland Trade Union Unity Convention elected us, and now that the trial is over, we will expose before the working class everywhere, the real meaning of capitalist class justice and democracy for our class.

Judge Owned By Bosses

The judge upon the bench, Barnhill, proved himself an instrument of the capitalist class by a series of rulings which conclusively proved his role. He openly stated that Communists cannot come into a capitalist court and expect a fair trial, because Communists believe that the laws and the government under which they are tried are wrong. He endeavored to cast aspersions upon and to question the truthfulness of a young woman witness for the defense because she did not believe in the fundamentalist god of the mill owners and the old ruling class of the South.

Police Fired First

It was conclusively shown in the testimony that the first shot on the night of June 7th was fired by the police; that the attack on the colony was organized at the behest of the

Manville-Jenckes bosses and that its purpose was to massacre the men, women and children who sought shelter in the colony after being evicted from company houses of the Manville-Jenckes corporation, to smash the National Textile Workers Union and to prevent the spread of the strike to other mills. We are absolutely certain that if the strikers had not defended themselves there would have been a massacre unprecedented in the annals of labor struggles in this country. The strikers, their wives and children would have been slaughtered as were Ella May near Gastonia and the unarmed six strikers at Marion, North Carolina, during the course of the Charlotte trial.

Workers Must Defend Themselves

We, the labor jury, affirm it to be the duty of the working class to organize itself against any and all attacks of the employers and any of their hired killers, even tho they are acting under state authority. The Gastonia cases and the long struggle that with these cases has entered a new militant stage in the South show again to the working class the real character of the capitalist state as an instrument of terror and oppression against the working class.

Bosses Wanted to Lynch Labor Jury

One final word is necessary regarding the treatment accorded our labor jury. From the first day of our arrival, we were subjected to all sorts of threats and a veritable campaign of incitement to lynching launched by the mill-owners press. The composition of the jury itself was a smashing blow against the race prejudices that the employing class of the South tries to foster in order to keep Negro and white workers divided into two camps, thereby striving to prevent their united class action against industrial slavery. There were two Negroes on the jury and as soon as we entered the courtroom the court attendants tried to divide the jury by forcing the Negro members to sit in the "jim crow" gallery. But we refused to be divided and so the whole jury was "jim crowed." The Negro and white workers, subject alike to the same system of exploitation and terror are uniting for defense of their class interests. The mill owners and their political tools, the governors, judges, prosecutors, police, and fascist hordes, tremble in fear before the increasing solidarity of Negroes and poor whites in the South. They know it heralds their own impending downfall before the inter-racial and class solidarity of the masses.

Class Against Class

The Gastonia case was one of class against class. The fight must and will continue, not only until these workers are all set free, but the work-

Gastonia: A Class Case and A Class Verdict

Workers the world over have already heard the verdict of the mill-owners jury at Charlotte in the Gastonia case sentencing four Gastonia strike leaders to prison terms of 17-20 years, two to terms of 10 to 15 years and one to a 7 year sentence. All the workers are members of the National Textile Workers Union, affiliated with the Trade Union Unity League.

Demonstrations have been held throughout the United States, Great Britain and Mexico protesting the sentence. The cry 'No worker can get a fair trial in a capitalist court' has spread over the masses in the industrial world.

The hypocrisy of Judge Barnhill is equalled only by Judge Webster Thayer, of the Sacco-Vanzetti case. Under the guise of being a 'fair' judge, as the capitalist, socialist and liberal press tormented him, he permitted the bosses' lawyers to drag in the political beliefs of the witnesses and defendants, and their views on religion. He allowed the bosses' lawyers to stage one of the most disgusting, vile, prejudicing performances in the history of court procedure, to win the jury of fundamentalist farmers.

The International Labor Defense, which defends all class war prisoners, regardless of their political or economic beliefs fostered at the beginning of the Gastonia trial that no worker can get a 'fair' trial in a capitalist court.

This was corroborated by the Labor Jury, chosen by the Trade Union Unity League and elected at the Cleveland convention, September 30, to return a working-class verdict at the Charlotte trial of the Gastonia defendants. The jury found the defendants NOT GUILTY.

(Statement of the Trade Union Unity League)

The decision of the labor jury in the Gastonia case cannot be regarded as the decision of the twelve workers who were elected at the Trade Union Unity convention at Cleveland. It is the decision of the working class against the capitalist class who have decreed that seven of our comrades in the working class struggles must rot away their lives in the foul prisons of North Carolina because they dared take the lead in

the great mass revolt that has already gained great momentum in the newly industrialized South.

Our jury, personifying the working class, did not try, in its decision, to defend or apologize for the Gastonia victims of capitalist vengeance. They justified the cause of the defendants and passed judgment upon the capitalist class that has endeavored by organized terror to enthrone industrial tyranny. They held up to the scorn and hatred of the whole working class the vile instruments the capitalist class and the capitalist government used in their efforts to railroad, first to the electric chair and then to a living death in prison, the seven working class fighters.

The decision of the labor jury is a scorching indictment of the whole capitalist system. It places on the defensive the mill owners, their police, courts—their whole government. It proves that the one purpose of capitalist government is to maintain by force and violence the rule of the capitalist class over the working class.

Fought for Food

Because these seven Gastonia defendants fought for better food, better clothing, healthful living conditions, and against child slavery and industrial despotism, they were placed in the shadow of the electric chair and finally sentenced to savage prison terms that if carried out, means they will rot away their lives. The capitalist class, that in its insolence, after seven long years of torture, threw the dead bodies of Sacco and Vanzetti at the feet of the working class of the world, now decides to shut up in a living tomb these seven Gastonia defendants, who dared to challenge the profits of the mill owners and who had the working class heroism to defend themselves and their families against a murderous attack by an organized band of hoodlums cloaked in the legal livery of the mill owners.

Since the verdict of the prostitute court the legal machinery of the state of North Carolina, through its agent, the ignorant, vicious, clownish Carpenter, himself a tool of the mill owner governor, O. Max Gardner, has set free the creatures who murdered Ella May upon the public highway in broad daylight.

These two decisions can have but one meaning for the working class. They serve notice on the mill thugs, gunmen and murderers that they need fear no court action when they kill workers, whether they be men, women or children. They are given free reign to butcher members of the working class who resent wage cuts, the speed-up (stretch-out), long hours, child labor, horrible surroundings, miserable houses and unemployment. They are also told by the Gastonia decision that if the workers they attempt to butcher dare defend themselves the state government will send them to the electric chair or the penitentiary.

Challenge Working Class

It is a monstrous challenge to the whole working class. Our answer to such infamy must be uncompromising. Not for one moment can the working class give up the right to defend itself. Instead of relaxing in our determination to defend ourselves from organized murder and every form of fascist violence, we must redouble our efforts. Over the grave of Ella May we must vow that never again will the mill thugs murder with impunity our comrades.

Terror Will Fail

The campaign of murder and terror cannot drive our unions from the South. We take up the challenge and will not only organize the textile workers in the new industries of the South, both white and black. Our monument to Ella May will be powerful industrial unions that will wage a relentless fight against capitalist rationalization and the suffering it entails for the working class.

In this fight we have the aid of the international working class. A part of the Red International of Labor Unions, the Trade Union Unity League, that selected the jury whose verdict indicts capitalism, will do all in its power to mobilize the workers into a mass struggle to set aside the verdict of the capitalist court and enable the seven Gastonia defendants to take their places again in the ranks of the working class, and continue the class war that must inevitably end in the downfall of capitalist rule and the crimson dawn of the rule of the working class.

GASTONIA: A CLASS CASE AND A CLASS VERDICT



The Gastonia prisoners: Left to right, Joe Harrison, sentenced to 17—20 years; Wm. McGinnis, 12—15 years; George Carter, 17—20 years; Fred Beal, 17—20 years, Clarence Miller, 17—20 years; K. V. Hendrix, 5—7 years; Wm. McLaughlin, 12—15 years.

ers must wage a direct fight against the whole system of capitalist exploitation and tyranny until the time comes that, instead of the workers appearing in capitalist courts before the Barnhills and their ilk the situation will be reversed and the mill owners, the Gardners, the Carpenters and the whole array of conspirators to murder and enslave the working class will appear before working class tribunals to answer for their crimes against us.

Signed,

E. P. Cush, Foreman,
Steel Worker, Pittsburgh.
Hubert Carroll,
Textile, South.
Ida Simons,
Needle Trades, Chicago.
Daisy MacDonald,
Textile, South.
Wes Williams,
Textile, South.
Charles Sumney,
Textile, South.
Taylor Shytle,
Textile South.
Negro-Laborer.
Joe Golden,
Textile South.
Sol Harper, Negro-Laborer.
Leo Hoffbauer,
Iron Worker, N. Y.
Henry Buckley,
Shoe Worker, N. Y.

I. L. D. Appeals to Workers

The International Labor Defense summoned the workers of America and the entire world to raise such a wave of mass protest that the bosses would be forced to release the working-class prisoners. This was

done to such an extent that 16 of the 23 strikers were freed. Nine of the strikers who were held under first degree murder charges and were in danger of the electric chair were freed.

The remaining seven were to be made the "example" by the bosses to try to frighten the working class movement that was spreading through the South under the guidance of the National Textile Workers Union. The Southern Mill owners saw to it that a conviction was secured and the defendants were sentenced to prison terms as high as twenty years.

The International Labor Defense, however, points out that Gastonia is not an isolated instance of class oppression. It points out that there are innumerable Gastonias over the country. The International Labor Defense daily receives telegrams from all parts of the United States telling of new campaigns of terrorization against workers, to prevent their organizing into militant unions for better conditions.

A partial list of the cases that must rouse the workers of this country to protest are the following: In Chicago, 28 workers are charged with sedition for belonging to the Communist Party, seven of them under \$15,000 bail; in San Bernardino Valley, California, five women workers have been sent to jail for 5 and 10 year terms for flying a red flag and talking of the Soviet Union in their summer camp; in Pennsylvania three workers of Woodlawn go to jail for five years charged with sedition, the Supreme Court having refused to hear their

appeal of the case; in Philadelphia two more workers have been charged with sedition and face ten year terms while another worker has been framed for murder. These cases are piling up in every industrial center and show a nation-wide drive to illegalize all working-class activity for organizing workers to fight for better conditions.

In order to successfully cope with the wave of capitalist brutality and fascism, the International Labor Defense has instituted a campaign for 50,000 new members and a fund of at least \$50,000 by January 15, 1930 when the appeals will be heard in North Carolina on the case of the seven Gastonia strikers railroaded to living death.

Mass protest alone will save the Gastonia strikers and will halt this wave of fascist terror.

The International Labor Defense calls on all workers to demonstrate; to hold mass meetings; to organize a united front; to raise immediate funds; to join the I. L. D.; to elect delegates to the fourth national conference of the International Labor Defense to be held in Pittsburgh, December 29, 30 and 31.

Workers of America Demonstrate!
Increase the Mass Protest!
Hold Mass Meetings!
Organize the United Front!
Raise Immediate Funds!
Send Delegates to the I. L. D. Conference!
Swell the Membership of the I.L.D.!

International Labor Defense,
J. Louis Engdahl,
National Secretary.

For Further Information Write At Once to
INTERNATIONAL LABOR DEFENSE
80 EAST 11th STREET—Room 402
NEW YORK CITY

