

WORKERS
OF THE
WORLD.
UNITE

THE MILITANT

Weekly Organ of the Communist League of America [Opposition]

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Shall Tom Mooney Stay in Jail?

Governor Rolph of California has announced his decision refusing to grant Tom Mooney's appeal for a pardon. This should neither prove startling, nor record disappointed expectations on the part of revolutionists. But it should serve to settle once and for all any illusions which have existed in the minds of credulous workers. We can now once more affirm that for militant workers there is no redress in appeals to capitalist justice.

Undoubtedly many workers have held such illusions. Moreover they have been deliberately and deceptively nourished. Not so much for the purpose of maintaining expectations, but rather to prevent and to disorganize any serious efforts to actually set in motion the only real means at the disposal of the working class to force the jail doors open—its own mass pressure. The facts of this contention have been clearly established. We do not address it as a charge to the steeped in corruption and perjury officials, of the A. F. of L. No, their crime was infinitely worse. Their special representations, particularly those in the state of California, have already been exposed as the actual connivers in the frame-up game. But there were special capitalist agents selected to nourish the illusions.

Tom Mooney, when informed of the decision, said: "It is a class decision with a class motive, and along these lines it shall be fought out in the future." These are serious words coming from the lips of a sterling fighter. In reality that has been the only way ever to fight it out. But the American workers did not yet fully see that, and were held back.

The effective organization of that fight is now more than ever on the agenda. But it cannot fulfill its objective without all workers being given the most ample opportunity of participation. To overlook that, or to put obstacles in the way of its realization, condemn any efforts to isolation and impotence. Such could only directly and criminally play into the hands of the rapacious jailors of Tom Mooney. It becomes, of course, a question of fighting back the capitalist offensive all along the line. It embraces the issue of release of all class war prisoners.

That Tom Mooney particularly symbolizes the body and spirit of all these class war victims is so amply illustrated in his call issued after receiving this recent decision. In part it says, "I am ready and willing today as always to give my life to the cause of the toilers of the world regardless of race, creed, color or nationality. This decision in the face of world-wide protest against my brutal frame-up, is an insolent and sinister challenge hurled by a doomed capitalist system into the teeth of the entire working class.

"I call upon the united militant and revolutionary working class of the entire world to accept this challenge. They must close ranks and raise louder than ever the demand that the plunderbund of California let go their victim.

"They must fight not only for my freedom, but for the abolition of the capitalist system."

But to discharge our duty to this call

SERIES ON DIALECTICAL MATERIALISM

On May 13 at the Labor Temple comrade Swaback will give the first of a series of four popular lectures for workers on Dialectical Materialism. The four lectures will be delivered on four successive Friday nights. The admission price will be 15c per lecture. Comrade Swaback will undertake an exposition of the subject from its many aspects.

May 13—The Historical Struggle between Materialism and Idealism.

May 20—Dialectical Materialism Applied to Nature.

May 27—The Materialist Conception of History.

June 3—Dialectical Materialism Applied to Society.

To the Readers of "The Militant"

To Our Readers and Supporters:

Gratifying results have been obtained in our subscription drive. It gives us an excellent basis for a yet more effective wind-up during the coming month, May 1 to June 1. Its goal is \$1,000. It should be translated in to reading. More power to the Left Opposition press.

This proposal we address not only to our members but to our supporters and readers as well. In the subscription drive a couple of our branches have participated excellently and set a splendid example. Some of our readers have done their bit. But our aim is to extend it during the final month to include the activities of all.

One month of efforts to build the Left Opposition press. This is a modest request. We have published our proposal as to how we aim to attain it. We want to extend the circulation of our various papers and secure their financial foundation. With the help of all supporters of

as revolutionists should do we must again remind of the previous call sent from St. Quentin prison, in which Tom Mooney, in full realization of the enormous task ahead, demanded that a genuine united front movement be organized to force this plunderbund to let go of their victims. In such lies also the guarantee for more effective steps toward the abolition of the capitalist system.

Tom Mooney's call was then and is now primarily addressed to the revolutionary workers to the Communists, for them to take the initiative. There is no other force in the movement fully conscious of the goal and with sufficient vitality to take the initiative. It is high time that the official party leadership realizes that this it must undertake.

The State and the Trade Unions in Canada

TORONTO, ONT.

In his final address to the jury at the historical trial that outlawed the Communist Party in Ontario, the Crown Prosecutor declared that "the trade unions were not being attacked... every institution throughout the country protected the trade union movement" (Mall and Empire, Nov. 13, 1931). It is the purpose of this article to show that on the contrary, the legal status of the Canadian trade union movement, precarious enough before the repression of the Communist party, is more completely at the mercy of the capitalist state than ever. For the trade unions (we do not mean the officialdom) to accept the suave assurances of the Crown at their face value would lull them into a state of false security.

I. Hostility to freedom of association in general is an early juridical phase of the capitalist reconstruction of society. The last decades of the eighteenth century industrial and agrarian revolutions released business enterprise from the fetters of feudalism and mercantilism in favor of freedom of competition and contract. The French Declaration of Rights and the American Declaration of Independence breathe the same spirit of optimistic (and "rugged") individualism as Adam Smith's "Wealth of Nations": The democratic state is conceived as a mass of free citizens, each of whom is an ultimate source of sovereign authority, which would be impeded by "artificial" groups. The end of law was to secure the absolute and universal natural rights of individuals, a conception very congenial to the English courts where for a century and a half the doctrine of laissez-faire masqueraded in the guise of "public policy".

In the eyes of the law, the wage-laborer was on a footing of formal equality with all other citizens. But whatever the philosophical speculation of Rousseau, the device of universal suffrage merely ignores economic classes; it does not destroy them. Sovereignty in reality passed from the landed interest to the money power. The "new freedom" brought glittering prizes to the capitalist entrepreneur: to the proletariat it brought the factory system, long wages, long hours, slums and unemployment. Divorced from the ownership of the means of production, the wage-worker had only a Hobson's choice. From the very outset the employer was a combination in himself. To speak of the freedom of the labor contract under these circumstances was a mockery. In the later stage of capitalist consolidation and monopoly, the unorganized worker is more than ever a helpless figure in his own fate.

Trade unionism was the organized refusal of the workers to submit passively to the rigors of the sacred "wage fund" and the "inexorable laws of supply and demand." The trade unions, in Marx's phrase, were centers of resistance to the encroachments of capital. Neither the

value of the workers' commodity labor power, nor his standard of living, in general are fixed automatically but by way of struggle. The first attempts, however, to combine in trade unions encounters the savage repression by the State. A series of combination acts in Great Britain declare a trade union an unlawful society and the strike a crime. The penal codes of other countries likewise deem "collective bargaining inconsistent with 'liberty'". Nevertheless, the workers organize secretly and strikes break out despite long terms of imprisonment for the leaders.

Against the right to combine, the capitalist courts invoked two doctrines (a) the doctrine of conspiracy and (b) the common-law rule holding as unlawful all combinations in restraint of trade. Originally limited to specific offences, the judges, when faced with the problem of association, extended the conspiracy doctrine to combinations of workers. Conspiracy was the agreement "to commit any unlawful act or any lawful act by unlawful means." The attempt of "Old Toryism" to enforce customary wage rates fixed by Justice of the Peace, long after the craft guilds had lost their power, was doomed. The Combination Laws, passed in addition after the French Revolution were repealed in 1824-25. The judges, however, gave form to the doctrine that a conspiracy in restraint of trade is indictable independently of statute.

The growing resistance of the workers, and the strength of their political agitation, combining with the circumstances of an expanding capitalism, resulted, though with considerable unevenness, in a stage of concessions. The Trade Union Acts of 1871 and 1906 gave the unions in Great Britain particularly, immunity from liability under the doctrine of conspiracy in both its criminal and civil aspects. That was a period when "democratic" reformism appeared to have achieved great triumphs. Combination was no longer unlawful. The right to strike and to picket were freed from the fear of the injunction (we are not here speaking of the United States). Domestic and inter-union affairs were more or less safe-guarded from the jurisdiction of the courts. Their funds were protected against embezzlement.

But a reactionary counter-current was at work even then. Already in 1902 the impeccably Fabian Webbs had to record in their "Industrial Democracy" that "the public opinion of the propertied and professional classes is in fact even more hostile to trade unionism than it was a generation ago... Under this adverse bias the courts of law have for the last ten years been gradually limiting what were supposed to be the legal rights of trade unions." At the present day, the capitalist class is once again engaged in sharp restriction of trade union activities. The Emergency Powers Act and Trade Union Act of 1927 are scarcely to be regarded as landmarks of greater class harmony in England, which experienced the great General Strike.

In the United States, Canada, and Australia, in addition to the former merely permissive, there is now coercive legislation regarding strikes and lock-outs. Australia and New Zealand, the stamping fields of "Labor Governments", have made compulsory both arbitration through administrative tribunals and compliance with the award. Statutes forbid the boycott, peaceful picketing and even the simple strike. Use of the injunction to enforce compliance with these prohibitions is sanctioned and violation of the statutes made punishable by criminal proceedings. The high-water mark of the capitalist control, or rather dissolution, of the trade unions was reached by the Fascist government in Italy which declared its policy to be the break with laissez-faire liberalism and the socialization of class-welfare". The independent unions have been outlawed. Strikes are repressed like sedition. The Fascist "unions" are incorporated in the state-machine, under the supervision of a "Minister of Corporations."

(Continued in next issue)

—THE MILITANT.

—MAURICE SPECTOR.

Debate

SOCIALISM
versus
COMMUNISM
Can the Program of the Socialist Party
Emancipate the Working Class?

Yes: Young People's Socialist League
No: Spartacus Youth Club (Communist Youth Left Opposition)

FRIDAY, MAY 6, 1932
at 8 P. M.

at the Labor Temple
14th Street and Second Avenue

ADMISSION: 20 Cents

Auspices: Joint Arrangement Committee

Demonstrate on May Day!

The forty-fourth International Labor Day on May 1, 1932 takes place at a time when the decline of the capitalist system is reaching new depths, when the most intense and most wide spread of its economic crises is approaching unprecedented aggravation. Factories, shops, magazines, ships are lying fallow; trade is at its lowest ebb, the bourgeois factions are wrangling among themselves to unburden themselves of the load of taxation upon one another's and the working classes' shoulders; more than 30 million workers walk the pavements in search of jobs the world over; those still at work suffer one wage reduction after another; poverty and wretchedness lurks in every corner.

The wise men of the bourgeoisie have seen all their utopian schemes, all their plans, all their remedies blown up like toy balloons by the ravages of the economic chaos. Only one country has thrown a ray of light into the world darkened by the shadow of the capitalist system. That is Soviet Russia, the land of the proletarian dictatorship.

The successes of socialist construction in workers' Russia have shown to the workers of the world the possibilities of socialism, their solution to the present anarchy. In spite of the mistakes of the Stalinist leadership, in spite of the backwardness of the country, the example of socialist planning and control in Russia has shown to the workers of the world how to avoid unemployment, how to build up and maintain industry for the benefit of those who run it, for those who toil.

International Labor Day 1932 reveals the irreconcilable contradiction between the socialist system and the capitalist system. In their agony, the defenders of the capitalist system are trying to save themselves by plotting the destruction of the Soviet Union and the utter subjugation of the workers the world over with it. The Soviet Union is faced with the threat of an attack from Japanese imperialism in the Far East and from the rapidly growing Fascist reaction in Germany. A tremendous and immediate danger is hanging over the head of the Soviet Union and the working class: the menace of Hitlerism which is out to crush the strongest ally of the U. S. S. R.—the powerful German proletariat.

The First of May, International Labor Day originated as a holiday of the American workers, it grew out of the struggle for the eight hour day in the eighties of the last century. The international working class made the holiday of the American proletariat its own holiday, a day of international working class solidarity. On the First of May, this

MILITANT AFFAIR

An intensive campaign is being conducted at present throughout the country to put our press on a sounder financial basis and increase our circle of readers. In connection with this drive the New York Branch of the League is holding an affair at its headquarters, 84 East 10th St., on Saturday, April 30th at 8 P. M. The proceeds of the affair will be turned over to Press Fund.

From present indications the affair will be a success. Tickets are selling well. An entertaining program has been arranged, including a singer, recitations etc. Admission is by ticket and is only 25c. The unique feature of the affair is that everyone who pays for a ticket is entitled to an eight issue sub to The Militant for himself or a friend. Come and help us to enjoy ourselves.

THE STALINIST-LOVESTONE UNITY NEGOTIATIONS! NEXT WEEK

The outstanding and most significant new development in the internal struggle of the American Communist movement is represented by the unity negotiations between the Stalinist Party officials and Lovestone, the leader of the expelled Right wing. In next week's Militant we will publish a report of these negotiations with an analysis and comment by James J. Cannon.

Marine Workers Sentenced to Jail

The three militant marine workers involved in the "bomb plot" frame-up in New York harbor have been sentenced by the capitalist court to long sentences in Sing Sing. Soderberg received from 12 to 25 years and Bunker and Trajer from 5 to 25 years each. The first two are to be deported when they have served their terms. The prisoners were denied the right to reply to the sentences.

The dastardly frame-up of the harbor bosses has received legal sanction from the capitalist government. The class conscious workers of the country must be aroused against this new outrage of capitalist class justice. We must not allow the class enemy to throw these three militant union men into his dungeons. That means their destruction. It is the duty of every revolutionist to

year, the American working class is called upon to rally to the side of its German brothers, to the defense of its victorious Russian brothers, to the support of the workers' fatherland, the U. S. S. R. Today, more than ever, the solidarity of the international proletariat is an urgent need.

The party of the working class, the Communist Party of the U. S. A. is holding demonstrations in all parts of the country to celebrate the First of May. Every class conscious worker, every member of the revolutionary working class of America will demonstrate on May 1 under the banner of the Communist party. The American workers must gather on this day to voice their unflinching support of the Soviet Union against

After the Recent Elections in Prussia

The Prussian elections of April 24 made the National Socialist Party of Adolf Hitler the strongest party in that German province, which by virtue of the fact that it contains nearly two-thirds of the entire population of Germany and holds within its boundaries the most important industries in the country, represents the key position to the Reich as a whole.

The Fascist victory signifies not only an advance over the last Landtag elections (their success there has been properly described as phenomenal—a rise from 9 seats to 159, but also a high point in their steady increase of strength as a whole. In the run-off elections for the presidency on April 10, they received some 32 per cent of the total vote. Last votes they received 35 per cent of all votes cast.

The Hitler forces are flushed with victory. It is inconceivable that they should not exploit the moral strength of their success for decisive actions. While keeping up the mockery of legalism, Hitler is already warning the government itself against... illegal actions. How Hitler will proceed with the seizure of power, whether he will be able to establish a coalition with the Catholic center party or whether he will resort to a coup d'Etat is inconsequential. He is determined upon drastic measures. He is on the threshold of fulfilling the task assigned to him by the needs of the German bourgeoisie—that of throttling the working class of Germany.

Wherein Lies the Responsibility of the Social Democrats?

In its editorial on Tuesday, April 26, 1932, the Daily Worker poses the question as to who is responsible for the menacing advance of Fascism. It comes to the conclusion that the social democracy with its theory of the "lesser evil", with its support of the notorious emergency decrees of the Brüning government, with its deceit and systematic misguidance of the workers, has paved the way for Hitlerism. Is this true? Unquestionably true. No one who claims to be a revolutionist can deny it. But can anything else be expected from the traitors of August 4, 1914, from the henchmen of Noske and Scheidemann? Hasn't it been an A B C fact for Communists that the social democrats can play no other role than that of selling out the working class? And isn't it precisely the duty of the Communists to break through the deception and the betrayal of the social democracy in order to rally the working class against Fascism, against the class enemy?

The Stalinist scribblers of the Daily Worker blame the social democrats for Hitler's forward march. We consider the treacherous preparatory work of the party of Wels and Breitscheid as a matter of fact.

... a new argument is brought forward, writes the Daily Worker editorialist, "the argument that the Communists are responsible because we do not form a united front with the social democrats. This new position is also supported by the... Trotsky-Cannon renegades." And he goes on to show that Norman Thomas also uses this

What Does the Left Opposition Propose?

As a first step in this direction, the Left Opposition of the C. P. G. proposes the convocation of an extra-ordinary party congress to review all these questions. It demands that these questions be discussed on the basis of party democracy, that the worker Communists be allowed to voice their opinions. The harm already done can thus be dispelled rapidly and conclusively.

The capitalist press reports a semi-turn in the German party already. According to a dispatch in the New York Herald-Tribune of April 27, the Communists have decided to fight to the end against any form of Nazi government in Prussia. Furthermore, the dispatch says, the Communists have changed their view that the party leadership no longer regards the social democrats the chief enemy as before, but the Fascists. United action of the Red workers with the trade unions is foretold. There are indications of a change also in the editorial in the Daily Worker quoted above. It is significant that the social democrats are not once referred to as "social Fascists". If this information proves to be correct a good part of the urgent proposals of the Left Opposition have already broken ground for themselves.

—S. G.