

The state wide protest against the illegal procedure of a Dies hearing without a legally constituted session of the committee, the protest against harassing leading citizens because they spoke their minds against repression, began to mobilize itself. And on November 15, 1940, called by Oklahoma's leading educators, editors, civic leaders and trade unionists a conference to establish an Oklahoma Federation for Constitutional Liberties was held in **Oklahoma City**, attended by over 700 persons and successfully carried through despite threats from Governor Phillips to send the FBI after its endorsers, and vigilante hecklers in the audience waving red herrings.

### THE PRESENT STATUS OF THE OKLAHOMA CASE

1. All of the defendants are free on bail—the last was freed shortly before Christmas 1940 on a \$500 bond.

2. All the bail was drastically reduced and with the exception of a \$5,000 property bond for Alan Shaw (whose bail was reduced from \$100,000 to \$7,500) and the bond for Elizabeth Green, was provided by the International Labor Defense.

3. Two of the 12 defendants have been tried and sentenced—Robert Wood, 10 years and \$5,000 fine for **OWNING BOOKS**; Alan Shaw, 10 years and \$5,000 fine for **MEMBERSHIP IN THE COMMUNIST PARTY**.

4. Wood and Shaw may be tried again and sentenced to another 10 years each on the counts remaining against them—Wood for **MEMBERSHIP IN THE COMMUNIST PARTY** and Shaw for **OWNING BOOKS**.

5. Trials of the 10 remaining defendants are beginning on April 23, 1941, with Eli Jaffee, 26, the next victim.

6. Appeals in the Wood and Shaw cases are now pending before the Oklahoma Criminal Court of Appeals.

7. Oklahoma's own "Little Dies" Committee witch-hunt established in January, 1941, still threatens to re-try the Oklahoma cases before the state legislature. Jealous of the "glory" seized by the prosecutors, members of the Oklahoma State Senate instituted a local witch-hunt

committee to investigate subversive activities. Not only were all the defendants ordered to appear and to bring with them materials seized in the raids by the prosecution, but also all the distinguished members of the Oklahoma Federation for Constitutional Liberties. Despite assistance from a revival of activity by the Ku Klux Klan, arrest of spectators at the hearings who showed their sympathy with witnesses, even the Oklahoma press has conceded that the defenders of democracy won hands down in these hearings.

The International Labor Defense when it entered the Oklahoma criminal syndicalism cases, announced that it would take them to the United States Supreme Court if necessary until freedom for all the defendants is won. In the Scottsboro case, the I.L.D. said in 1931, that it was not the lives of the nine innocent Negro boys alone that were involved. It was a battle in defense of the rights of the Negro people. In the Oklahoma cases it is not only the task of saving twelve men and women from 240 years in prison that the I.L.D. sees before itself. Victory in the Oklahoma cases must be won if a new and terrible nation-wide revival of criminal syndicalism prosecutions is to be halted. Criminal syndicalism laws, born in the aftermath of World War I, hang as a constant threat over the heads of labor and all progressives in many states, particularly over trade unionists who have been the majority of the victims. New criminal syndicalism laws enacted during the last few months add further to the dangers that lie ahead. Oklahoma was the opening wedge in the new drive. A. F. of L. organizers have already been threatened with C. S. prosecutions there.

Oklahoma is where it must be halted. Though the future holds many difficulties in store, the International Labor Defense looks forward with confidence to the long, tough fight which it knows will end in victory. This confidence is based on the support already given to the Oklahoma defense by tens of thousands of persons throughout the United States—on the generosity of those who helped raise \$34,500 bail in ten days—on the members and friends who helped the organization accomplish seemingly impossible defense tasks in the past.

Alan Shaw—22—sentenced to 10 years and \$5,000 fine has said it most simply: "**We know who will win—the I.L.D. and the Bill of Rights.**"

### What You Can Do To Help Defend the Bill of Rights In Oklahoma and Save the 12 Victims of the Criminal Syndicalism Law

The Oklahoma defense will cost tens of thousands of dollars—for the remaining trials in the lower courts and for the appeals. Estimated defense cost per trial, exclusive of appeal: \$1,500.

The transcript of one of Prosecutor Eberle's speeches to the jury—it lasted about 9 and a half hours—cost \$250. This was in only one trial—there are 10 more to come. Minimum estimated cost per case on appeal to the highest state court only: \$1,500.

You can help assure the victorious conclusion of this fight by helping finance it.

You can help assure victory by passing this story of Oklahoma on to your friends.

You can help by getting your organization to take necessary protest action and send it on to county prosecutor Lewis Morris in Oklahoma City.

Tell him to postpone all further trials until the Wood and Shaw cases are appealed.

You can help these splendid women carry on their fight for justice and freedom by contributing for the support of their families.

#### INTERNATIONAL LABOR DEFENSE

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# Defending

# DEMOCRACY in *Oklahoma*

# 240 Years in Prison For What?

## THE STORY OF THE OKLAHOMA CRIMINAL SYNDICALISM CASES



**T**WELVE men and women face 240 years in prison under the Oklahoma criminal syndicalism law though the very prosecution which is trying to send them there admits they are innocent of any crime. The shadow of war-time repression, of home-grown fascism, of greed for black gold, looms behind their story—the story of attack on the Bill of Rights in World War II.

## THE FACTS OF THE CASE

August 17, 1940.—Five private homes and a book-store in Oklahoma City are illegally raided by a pack of deputy sheriffs and police led by Assistant County Prosecutor John Eberle of Oklahoma County, Oklahoma. The raiders are armed with liquor search warrants to which are added the words: "and books and papers and records which are evidence of criminal syndicalism or of any other crime against the state of Oklahoma or of the United States." They stamp through the homes of these Americans, tear through their belongings, roughly handle their women and children.

Eighteen persons, including five women and a boy of 17, and some 7,000 volumes of books and papers are seized in these raids and taken off to jail. The prisoners are held incommunicado without any charges being placed against them for from 3 to 6 days. The wife of one of the men is finally informed—over the telephone—by the jailer: "WE'LL LET HIM OUT WHEN THE WAR IS OVER." Desperate efforts on the part of relatives and friends finally force the arraignment of the victims who find themselves charged with no overt act, no act of any kind, but with violation of the Oklahoma Criminal Syndicalism Law.

## BAIL

Bail is set—from \$100,000 each down. The total sum is over \$485,000. Their right to adequate defense and counsel is thrown out the window by the Oklahoma County jailer (who often wears an American Legion cap while on duty). He refuses to permit attorneys to see or consult with their clients. He demands their paid-up membership cards in the Oklahoma Bar Association. Court orders finally force him to stop interfering with their rights.

The women are placed in cells with prostitutes. They are permitted no change of clothes. The men are scattered through the buildings and several of them, the smallest ones, severely and repeatedly beaten by prisoners plied with liquor by guards who manage to be "elsewhere" when the trouble begins.

A jubilant prosecution makes every effort to railroad the cases to trial. "WE ARE READY. WE HAVE OUR JURY PICKED." Only intervention by the International Labor Defense, whose president Congressman Vito Marcantonio, sends an open letter to Attorney General Robert Jackson setting forth in detail the violations of the civil rights of the defendants, finally secures a few weeks time.

## THE TRIALS

Robert Wood was the first of the Oklahoma Criminal Syndicalism defendants to go on trial—on September 30, 1940. With him in the prisoners' dock: huge piles of books. Charged on two counts with violation of the statute, Wood was tried only on the first—OWNING BOOKS. The trial lasted more than 3 weeks. The prosecution consisted almost entirely of reading (badly garbled, mispronounced—"military" for "militant" etc.), voluminous extracts from classical works of political economy and history to a carefully picked and very bored jury. The judge, Ben Arnold, sent the jury home over one week-end during the trial so that he himself could read vast quantities of the literature presented as evidence of criminal syndicalism and decide on its relevancy.

The only witness presented by the defense was not permitted to take the stand. He was a student at the University of Oklahoma, called to testify to the fact that all of the books presented in the prosecution's case were available at the university library and, for that matter, in most public libraries in the country. The judge ruled him out on the grounds, substantially, that the fact that the library was guilty of possessing such books did not exonerate Wood!

The Wood jury was out for a little more than one hour. It returned with a verdict of "guilty" and a recommended sentence of 10 years in the penitentiary and \$5,000 fine.

## VIGILANTISM

Just before and during the Wood trial, vigilantism, encouraged by its success in the raids, attempted to stampede the Bill of Rights out of Oklahoma. Persons asked by mail to support the defense, were visited and threatened by members of the **EMERGENCY DEFENSE BATTALION** (organized by City Manager Quinn with offices on the 5th floor of the City Hall) formed to "cooperate closely with the oil companies and utilities." Members of the **OKLAHOMA COUNTY CIVIL GUARDS**, boasting 4,000 recruits to the Emergency Battalion's 2,600, arrogantly boasted of their aid in "getting the Reds." All of them, and Oklahoma's own radio priest, Father Webber, who conducted a public book-burning of literature stolen from the Progressive Book Store a few weeks before the raids, testified on the witness stand to their vigilante activities. This, when they were subpoenaed by the defense in an effort to secure a change of venue for the remaining trials. Editorials in local papers pointed with pride to the fact that vigilantism is not dead in Oklahoma.

## THE DEFENSE

It was at the request of the defendants and after a complete investigation into the facts by Samuel A. Neuburger, chairman of the I.L.D. legal staff, that the International Labor Defense undertook the legal defense in the Oklahoma cases. Attorneys were retained—George Croom and Stanley J. Belden of Oklahoma. David J. Bentall and Max Naiman were sent in from Chicago. Other attorneys were put to work in New York on the necessary legal research. Bob Wirtz, Mid-West representative of the I.L.D., was sent into Oklahoma to assist the Oklahoma Committee for Defense of Political Prisoners to organize the local defense campaign. Nationally, the I.L.D. began the seemingly impossible job of forcing reduction of the exorbitant bail, securing the bail, breaking through the conspiracy of silence in the nation's press to bring the truth about the Oklahoma cases to the American people.

## THE SHAW TRIAL

By the time the second victim—Alan Shaw—was placed on trial in November, 1940, five of the defendants, including Wood, were out on

bail lowered from \$100,000 to \$20,000, \$15,000, \$2,000. In ever greater sections of the country people began to know what was happening in Oklahoma and to tell Oklahoma officialdom that they didn't like it. The National Federation for Constitutional Liberties sent one of its leaders, Howard Lee of Alabama, into Oklahoma to help the defense. Students, as far away from Oklahoma as Brooklyn College (two of the defendants are among that institution's most distinguished alumni) made their voices heard. The county prosecutor complained that he was being deluged with protests "yipping about the Constitution."

Shaw, like Wood, was charged on two counts with violation of the Oklahoma Criminal Syndicalism law, but tried on only one: **MEMBERSHIP IN THE COMMUNIST PARTY**. His trial is distinguishable from Wood's only by the increased violence of the prosecution. The same books were read—the same witch-hunting appeals to bigotry and violence were made to the jury—the same verdict was reached and the same sentence handed down.

## OKLAHOMA ORGANIZES TO DEFEND THE BILL OF RIGHTS

The increased violence of the prosecution in the Shaw trial was not accidental. The gentlemen were enraged and didn't mind showing it. Not only were they hearing from the rest of the country, but right at home in Oklahoma, the people, recovered from the shock of the vigilante blitzkrieg, were rallying their forces to defend the democratic and progressive traditions of the state of Oklahoma against those who were trampling them in the dust.

## MR. DIES STEPS IN

Enter Mr. Dies—at the invitation of the prosecution. Oklahoma's leading Presbyterian ministers, Mrs. Nena Beth Shaw, secretary of the Oklahoma Committee to Defend Political Prisoners and several other citizens, were ordered, on October 19, to appear before the Dies Committee (represented only by two small-fry employees and not a single member of the Committee itself) and to bring with them all records, papers, etc., of the Communist Party!