

FROM WITCH HUNT TO CAUSE CELEBRE

The Present Status of the Oklahoma Cases

From a local case which rated about 10 lines over Associated Press wires and which only two newspapers in New York City picked up at all, the case of the Oklahoma Criminal Syndicalism Law victims has, in a little more than one year's time, taken on the proportions of a national cause celebre. It has not yet swept the land to the extent that is required by the barbarous un-Americanism the prosecution represents, but the I.L.D. which entered the cases at the outset, at the invitation of the defendants, is proud to report that good beginnings in that direction have been made.

When we entered the fight for the freedom of the 12 men and women involved in the cases and for the restoration of the Bill of Right in Oklahoma, we said the job would be a tough one and a long one—not only because of the number of defendants, the exorbitant bail of \$840,000 set, the fact that the prisoners were being held incommunicado, the staggering figure of the court costs, but because of the fascist nature of the prosecution.

We saw that we were up against a domestic brand of Hitlerism that had to be fought tooth and nail with the best available legal talent in the courts, and with the most impressive campaign of organized public opinion from every part of the country that could be mustered.

The first part of the job was to get the true facts in the cases before the largest number of people—the story of the Storm-Trooper-Style raids on August 17, 1940, led by John Eberle who later appeared as prosecutor of his own victims; the seizure of 10,000 volumes of books, which were—and still are—locked up in a cell in the county jail; the battle to get the bail reduced and then to get the money with which to bail the prisoners out one by one; the trials themselves ending in 10 year prison terms and \$5,000 fine each for Robert Wood, Ina Wood, Alan Shaw and Eli Jaffe. It was not until June 20, 1941, that what was clearly a conspiracy of silence in the nation's press was finally broken. With a courageous forthrightness that cut through to fundamentals, the *St. Louis Post Dispatch* in a two column lead editorial headed A WOMAN OF NO IMPORTANCE denounced the sentencing of Ina Wood as a KU KLUX KLAN decision, a decision that threatens American freedom, that undermines the Bill of Rights. This single editorial, reprinted and distributed in thousands of copies by the I.L.D. and the Oklahoma Committee to Defend Political Prisoners did much to encourage other newspapers, which had hesitated to touch the Oklahoma cases, to come forward in denouncing them as witch-hunts.

Editorials and articles have since appeared in such varied publications as the Protestant Digest, the Christian Century, the Publishers Weekly, New Masses and the Dallas Morning Star.

More valuable even than the press publicity has been the slow but steady stream of communications to the Governor of Oklahoma from many of America's most prominent citizens. The most outstanding group among these were some 25 of the country's leading book publishers, authors and literary critics who not only signed a joint statement denouncing

the Oklahoma cases as a violation of civil rights and a threat to the business interests of the publishing industry, but also as individuals, indignantly protested the prosecutions as a violation of their cherished ideal of Americanism.

Union conventions, union locals have discussed the cases as a threat to the rights of labor and have voted resolutions of protest to the governor, among them the National Maritime Union, the American Newspaper Guild, the International Union of Mine Mill and Smelter Workers, the Farmers Union of Oklahoma, International Woodworkers of America and many others.

Prominent American women led by such famous writers as Dorothy Canfield Fisher, Dorothy Parker, Christina Stead and Henrietta Buckmaster, were the first to act after the conviction of Ina Wood and sent a blistering letter to the governor telling him that Hitlerism would not be tolerated in Oklahoma or anywhere in America. The present status of the case is as follows:

The four convictions are being appealed to the Oklahoma Criminal Court of Appeals. In addition to the I.L.D.'s briefs and argument there will appear—as friends of the court—the American Civil Liberties Union, the National Lawyers Guild, the National Federation for Constitutional Liberties.

As for the cases of the eight remaining defendants, Oklahoma authorities have been postponing their trials from month to month. They will not postpone them indefinitely pending the outcome of the appeal in the first four cases. Such consideration is not in keeping with Oklahoma prosecution methods and tactics. Harassment of eight men and women, keeping them and their defense waiting for the publication of the court calendar from month to month, is.

Elizabeth Zeleny Green, selected by the prosecution as the next victim expected to go on trial on September 8 and then again on October 1 and does not know today whether she will have to face trial in November.

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Two supplementary chapters have been written into the Oklahoma story during the summer months—one amusing and one not at all funny.

The amusing incident was supplied by a letter written from the Dartmouth College Library to Attorney General Mac Q. Williamson asking for a complete and authentic list of all the books seized in the August 17 raids since "It is already evident that this case will become a historic one in connection with the maintenance of free discussion in America and we are consequently anxious to place on our open shelves—for the use of the students and for the public generally—the authentic editions concerned, while they are still readily available." Mr. Williamson turned the letter over to Lewis Morris who in turn handed it on to John Eberle, who said "Sure, I don't care who reads them in New Hampshire. I'm interested in their effect in Oklahoma." The entire episode was widely publicized in the Oklahoma press which even printed a picture of a mountainous pile of the books in their prison cell with Jailor John Moore posed perching on top of them.

The unamusing chapter was supplied by the Ku Klux Klan which twice since July 25, rode in full regalia into Norman, Oklahoma, posed for their pictures and distributed scurrilous literature attacking university faculty members who believe in civil rights. It is quite true that all the Klansmen did was to wear their nightshirts and distribute literature in them. But the significance of the Klan's entry into the case is clear. Grand Dragon J. W. Reed boasted to a reporter from the *St. Louis Post-Dispatch* sent in after the first Klan raid, about the extent and power of his empire and what it would do about the criminal syndicalism cases.

On September 29 he and his Klansmen rode again. Reed doesn't like the *Post-Dispatch*. First because it said he had an "equine face." Secondly, because (we quote the *Oklahoma City Times* of Sept. 30, 1941) "*it ran an editorial which thumps Oklahoma's judicial system for the criminal syndicalism trials and incidentally pays trade lads at the Klan. . . . Reed says his attack is directly against the editorial which was widely distributed in Oklahoma.*" Reed has written a letter to answer the charges against the Klan. Once more we quote the Oklahoma City paper: "*Reed's letter indicates he can use big words too when he is heated up. Listen: 'Did you think they (the American people) would be beguiled by your effusive and hypocritical panegyric on the bill of rights and the four freedoms, democracy and judicial traditions that they would fail to see the pettifoggery and venality that inspired your editorial effort. . . . These vermin seek to build up an irresponsible following large enough to overthrow this form of government by force and replace it with a system of serfdom that profanes and attempts to extirpate all religion and belief in God, that scorns the sanctity of marriage and debases woman to the level of harlotry and that glorifies treachery, lies, wholesale murder and assassination as a national policy.'*"

"If you like that," pleads Reed: "Join the Ku Klux Klan."

The *Post-Dispatch* editorial said: "Once the Ku Klux Klan spirit runs amok, no one is safe from the midnight raiding parties, the floggings, the maiming and the killing, to say nothing of concentration camp and penitentiary. . . . We have at our elbow a thick volume containing the sayings of Thomas Jefferson, this celebrated lover of liberty, and every page of it breathes scorn and contempt for the Oklahoma spirit of Ku Kluxism."

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Certainly it is clear that the forces behind the Oklahoma prosecution are the forces that stand for book burnings, that stand for the stifling of the freedom of thought, of speech, of assembly, that stand for bigotry and hatred—for everything that the world has come to know in such a bloody lesson as fascism and Hitlerism.

Hitlerism sends Communists (and all it calls Communists because they are opposed to its rule of force and violence) to prison and the scaffold. Hitlerism decides what books people may or may not read. Hitlerism orders its slaves to disband their unions, their political parties, to give up their rights as free men or die.

Mr. Eberle's pattern for the defendants in the Oklahoma cases is ominously the same. His snarling speeches to the juries echo Mr. Goebbels. His state-

ments to the press sound like DNB handouts.

The Oklahoma cases—today even more than at their outset—have become a symbol of the fight in defense of democracy and the justice it holds dear. We cannot, in America, stand by and watch men and women sent to the penitentiary because of what is written in books fascist-minded little officials hate or fear. We cannot, in America, permit anyone to trample the sacred rights of Americans into the ashes of book burnings. Witch hunts have been tried in this country before. Their perpetrators went the way of all who stood in the path of American democracy and freedom.

To help win the Oklahoma cases is to help fight Hitlerism. Strengthening of American democracy is a blow to Hitlerism abroad and defeat for its agents and well wishers in our midst.

Unfortunately the Oklahoma cases cannot be won by indignation alone, by legal brilliance alone, by strong united public opinion alone. Its costs money to fight for justice in America—and in these cases, huge sums of money. The records in the Ina Wood case alone cost \$1176.23. The appeals will need at last \$5,000.

Oklahoma justice hopes that the resources and energies of the defense will be sapped by the long drawn out fight. They are all wrong about the energies. It remains with those who have so generously supported the fight up to this point to prove them wrong on the resources. The I.L.D. is confident that they will.

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