

The Philadelphia ~~RIIEM~~ Raid

The raid on the Communist Party headquarters in Philadelphia at 250 S. Broad St. differed from the others conducted by agents of the Dies committee in that in this case they claim they conducted the raid under a Pennsylvania statute, the old 1919 sedition statute.

The warrant with which they were armed reads:

Commonwealth of Pennsylvania
County of Philadelphia

To any police officer and assistants and Agents and Deputies, Members of the Pennsylvania State Police or any Police Officers of the City and the County of Philadelphia, Greeting:

Whereas, Complaint in writing has been made, before The undersigned, one of our Magistrates of the City and County of Philadelphia, upon the oath of ~~them~~ and subscribed by George Hurley, an investigator of the House of Representatives, Washington, D.C., alleging that there is probable cause believing and does believe, and setting forth reasons for such belief, that there concealed upon the premises of Sam Miller, Carl Reeves, Sam Darcy, and other persons unknown, located at 250 S. Broad St., in the City and County of Philadelphia, certain books, records, writing, publication, printing, cut, cartoon or utterance documents or written in any form which advocates furthers or teaches sedition in Violation of an Act of the Assembly of June 26, 1919 (act 275) and as amended May 10, 1921, Act of Assembly of State of Pennsylvania (Act 211).

Now it appearing to the undersigned that there is probable cause for such belief and I, Jacob Dogole, Magistrate for the City and County of Philadelphia, being so satisfied that probable cause exists, there are therefore to Command you and every one of you by day, to enter the aforesaid premises, place and thing and then and there to make diligent search for the above described unlawful articles, thing and things, and if any such be there found, to seize and make return of this Warrant before said Magistrate forthwith upon its execution and in any event within 10 days thereof, together with the thing and things/seized and taken for disposition according to law.

Witness our Said Magistrate of Philadelphia who hath hereto affixed his hand and Seal this 2d day of April, 1940

/s/ Jacob Dogole,

Jacob Dogole,

Magistrate's Court No. 24

City and County of Philadelphia

(Seal)

Handwritten: 3 Boxes containing papers; 1 basket containing papers; 2 filing cabinets containing papers.

/s/ Albert A. Granitz, 4-2-40

Judge Walsh (Federal Judge George A. Walsh) also ordered the arrest of Granitz.

The jurisdiction of the Commonwealth of Pennsylvania terminates at its border, so that even if the judge is wrong, Dies had no business having this stuff in his possession in Washington. The warrant gave no power or authority to the Dies committee or its agents, and they had no legal right to lead the raid, or to participate in it.

When they sped across the closest border of the State, even though it was in the direction opposite from Washington, they showed they knew they were doing wrong, which their statement to the newspaperman quotes above (from New York Times) further reveals.

Among the many things that seem to have been taken from the office was a petition that had been signed by hundreds of Philadelphia citizens supporting the candidacy of a young shoe clerk for the State legislature. When the Dies agents left they took these petitions, which had to be filed, with them, and kept them until it was too late to file them. Once filed, of course, the petitions would have been, by law, public, and thus open to the inspection of the Dies committee and others. ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ In preventing the filing of the petitions the candidate and all those who signed were denied their civil rights.

In ordering the arrests the judge declined to take action against Dies and other members of the committee, saying, "Disciplining of Mr. Dies, if that be necessary, lies elsewhere." He also said, "I hope we will not sacrifice freedom and liberty on the altar of patriotism. Toler-

and on all sides is necessary today. The men who conducted this raid might well and honestly have been doing their duty. I don't want this to degenerate into a one-man decision." Judge Welsh declared he would be "very happy" if the Supreme Court would review the case as soon as possible.

Observers report that when he made his decision the judge was visibly moved and on several occasions his voice got husky.

A further quote appears in the Daily Worker for 4/6/40:

"I cannot sit here at 61 years of age and not say that I do hope that our people will try to remember that these civil and constitutional rights of ours are so fundamental. They were given to us as a result of the battle of humanity through the ages and must be preserved. Only by the observance of these rights by all our people can our democracy stand."