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Elizabeth Gurley Flynn

Statement at the Smith Act Trial



Delivered April 24 1952, New York

Your Honor, ladies and gentlemen, my name is Elizabeth Gurley Flynn. I am a defendant in this case, acting as my own attorney, and therefore have the opportunity to address you directly. It is unusual for a defendant to represent one's self, but my comrade, Mr. Pettis Perry and I have elected to do so. Neither of us is a lawyer. We will speak to you in the language of laymen and women, I should say.

We are both Communist leaders, proudly and avowedly. We are qualified to explain to you what the Communist Party of the U.S.A. really stands for, what it advocates, what its day-by-day activities are, and what are its ultimate aims. We will try to do so in simple, non-technical language. We will prove to you that we are not a criminal conspiracy but a 33-year-old working class political party, devoted to the immediate needs and aspirations of the American people, to the advancement of the workers, farmers and the Negro people, to the preservation of the democracy and culture, and to the advocacy of Socialism.

Our ideas may be new and strange to you. Probably you have never seen or met a Communist before. We don't ask you to agree with us but to listen with an open mind and not to accept as gospel truth the sensational tales of stool-pigeons and planted agents who will be the Government's chief, if not sole, witnesses.



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Centuries ago, Judas became the symbol of such infamy, a forerunner of those who join a group of sincere and honest people, advocate its teachings, carry out its practices only to betray it.

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We will prove to you that we who stand ready to make extreme sacrifices for what we believe, are giving you a true picture of the purposes of the Communist Party. It is customary for a client to be introduced to the jury by his or her attorney. I am my own attorney. I must therefore, introduce myself. I am an American of Irish decent. My father, Thomas Flynn, was born in Maine. My mother, Anne Gurley, was born in Galway, Ireland. I was born in Concord, New Hampshire, 62 years ago. I married in 1908, separated from my husband shortly thereafter, and have always used my own name. My only son, Fred, died in 1940 at the age of 29 from a chest cancer. I reside with my sister, who is a retired school teacher. We have lived in New York City for the past 52 years. My mother was a skilled tailoress; my father a quarry worker who worked his way through the engineering school at Dartmouth College in New Hampshire. My father, grandfather, and all my uncles were members of labor unions.

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To continue, ladies and gentlemen, one of the essential issues in this case is my individual intent, the intent with which I joined the Communist Party and have remained a member of it, and the intent with which I have tried to carry out its program. My intent has been shaped out of my earlier experiences and my reaction to the conditions of life, especially the conditions of the worker.

By showing you what my intent is and what in my life shaped the intent, I shall show you that never have I, and not now do I, intend to advocate the overthrow of government by force and violence, nor do I intend to bring about such overthrow.

I come from a family whose day-by-day diet included important social issues of the day, and from this I early learned to question things as they are and to seek improvements. Thus, my mother advocated Women's Suffrage, and my father and mother --

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-- and my father and mother discussed with their children the campaigns of Debs, the Socialist candidate for President.

My father read aloud to me and to my brother and sisters such books as the Communist Manifesto and other writings of Marx and Engels, which the Government will use as evidence in this trial.



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I was a serious child, due probably to these childish impressions which are background to my affiliation in my extreme youth with the Socialist movement and in my mature years with the Communist Party.

Times were hard. We were poor. My first experience with discrimination was in Manchester, New Hampshire, when my father ran for city engineer about 1895. I heard it said he was defeated because he was Irish. He was very bitter on this subject and told us of signs on factories when he was a boy, "No Irish need apply."

Our parents opposed all forms of national, religious or color discrimination, which we will prove is identical with the position of the Communist Party today and form the basis of the position I take today in the Communist Party.

My first knowledge of the meaning of imperialism, which will be an issue in this case, was a vivid recollection of my father's opposition to the Spanish-American War and his insistence on the right of the Cuban and Philippine peoples to their independence. He joined an anti-imperialist league to protest against our country embarking on the evil path of imperialism, which we will prove began at that time.

The conditions in the textile towns of New Hampshire and Massachusetts contributed to my later joining the Communist Party, which, as Mr. Lane says, concentrates on the recruiting of workers in industry: huge gray mills, like prisons, barrack-like company boarding houses, long hours, low wages, long periods of slack; the prosperous owner lived in the center of Adams, Massachusetts, and rode around in his fine carriage with its beautiful horses. I saw lard instead of butter on neighbors' tables, children without underwear in cold New England winters, a girl scalped by an unguarded machine in a mill across the street from our school. I saw an old man weeping as they put him in the lockup as a tramp.

Then we came to live in the drab South Bronx, near the New Haven Railroad's roundhouse, in a cold water, unheated, gas lit flat. Casualties and accidents were high among the railroad workers. Children were maimed as they gathered coal in the yards in bad times. My mother helped women in the neighborhood who could not afford a doctor when a baby came.

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Yes, I was greatly troubled by all this. Why did good hard-working people suffer so? Why were men who were willing, able, and anxious to work, denied jobs? Why was there so much unemployment? Why were there rich people who apparently did little but enjoyed life? I hated poverty. I saw my mother humiliated when unpaid grocery bills could not be met and the landlord stood at the door demanding his rent.



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I joined a debating society in P.S. 9 in the lower Bronx. I won a medal in a debate on the subject, "Should the Government own the mines?" I said, "Yes, it should."

This was during the great anthracite coal strike in 1902. I attended Bronx Socialist meeting in 1905; later at the Harlem Socialist Club at 125th Street. My speaking career started in 1906 on the ambitious subject of women under socialism. Naturally, I drew heavily on authors, American women, like Charlotte Petingill and Susan B. Anthony, also on a book written in 1872 by Augustus Bebel, a Socialist member of the German Reichstag, written while he was in prison under Bismarck's anti-Socialist law. It was first published here by the Socialist Labor Party in 1904. I am puzzled to see it on the Government's list of documents. What relation it has to this indictment is hard to fathom, unless to advocate the full political, economic, and social emancipation of women has become a form of advocacy of the overthrow of government by force and violence under the Government's interpretation of the Smith Act. But if this historic and economic study, which is very much out of date today, is to be finely tooth-combed for sentences which torn out of context can distort its meaning, this, we will prove, can be done to any book, no matter what its purpose, even to the Bible, Shakespeare, or Gray's Anatomy.

My youthful ambition, believe it or not, was to be a constitutional lawyer. Instead, I became a labor organizer. Then it was call an agitator, or, by the press, one who stirred up the people. I was determined to do something about the bad conditions under which our family and all around us suffered. I have stuck to that purpose for 46 years. I consider in so doing I have been a good American. I have spent my life among the American workers all over this country, slept in their homes, eaten at their tables. They are the majority of the people who have the inalienable right in our view to govern the country. We mean by workers, all who do useful work of hand or brain. My life work began when I joined the I.W.W., Industrial Workers of the World, in 1906, a pioneer in industrial unions which flashed like a great comet across the horizon of the American labor movement for nearly two decades. I returned as an I.W.W. organizer in 1912 to New England, my birthplace, where the I.W.W. led historical textile strikes in Lawrence, Lowell, and New Bedford, Massachusetts. The strikes were unorganized, largely foreign-born men and women whose wages were cut when their hours were reduced by Massachusetts law.

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In 1913 I was a leader in the Paterson, New Jersey silk strike; in 1916, in a strike of the iron ore miners on the Mesaba range in Minnesota, where the mines are owned by the U.S. Street trust, I will attempt to prove to you that it is not the Communists who advocate and use force and violence. I saw it used in all of these labor struggles, not by the workers but by police, company guards and State militia. I saw workers clubbed, beaten and shot down. I spoke --



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My travels as a Communist speaker have taken me all over the country. I saw the fruits of a lawless, aggressive, brutal and ruthless capitalism which garnered profits for a few at the expense of the many.

Our country is a rich and beautiful country, fully capable of producing plenty for all, educating its youth and caring for its aged. We believe it could do this under Socialism. I saw great forests cut down and the denuded land left with blackened stumps; miles of top soil blown and washed away, and fertile fields became like a desert.

I have seen textile workers who wove beautiful woolen fabrics shivering for lack of warm clothing, and coal miners living in cold shacks in company towns, and steel towns that were armed camps. I saw men black-listed, driven from town to town, forced to change their names because they had dared to try to organize a union.

We will prove to you that it is not the Communists who have advocated or practiced force and violence but that it is the employing class which has done both throughout the history of my life in the American labor movement, like General Sherman Bell who said in Colorado during a miner's strike "To Hell with habeas corpus; we'll give them post-mortems."

We will prove to you that --

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-- We will prove to you that it is nor we who flaunt the Constitution and the Bill of Rights, but that it has always been done by the employing class. We will prove that we are fighting here for our constitutional and democratic rights, not to advocate force and violence, but to expose and stop its use against the people.

We will demonstrate that in fighting for our rights, we believe we are defending the constitutional rights of all Americans. We believe we are acting as good Americans.

Since six out of eleven of my writings in Political Affairs listed by the Government deal with what is called defense, I will prove to you that this has been a part of my life work since 1907 before there was a Communist Party.

For example, I distributed thousands of copies of a famous document in the '20's called "Illegal Practices of the Department of Justice," which is not among the Government's exhibits of old-time documents, but which I would gladly offer to the jury. It was signed by twelve of the most prominent lawyers of that period, including Professors Frankfurter and Chafee of Harvard and Francis Fisher Kane, who resigned his post as United States Attorney in Philadelphia in protest against such proceedings.



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I early engaged in struggles to win free speech on the streets and in halls. This early identification with civil liberties led to my becoming a charter member of the American Civil Liberties Union in 1917, and later the organizer of the Workers Defense Union, a delegate body from unions and fraternal organizations which furnished legal defense in political and labor prosecutions.

We had plenty to do during the infamous 1920 Palmer Red Raids. We defended Socialist: I defended Socialists --

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-- I worked for seven years in the unsuccessful struggles to save the lives of Sacco and Vanzetti. In the Government's list of exhibits is an article I wrote in August, 1947 entitled "Sacco and Vanzetti -- Twenty Years After," in which I pointed out the worldwide belief in their innocence.

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Now I will show how and why I left the I.W.W. and joined the Communist Party. This bears directly on the issue of forcible overthrow of the government that Mr. Lane spoke to you about this morning. After careful reflection, it became clear to me that the I.W.W. was an anarcho-syndicalist organization. The I.W.W. wanted to bring Socialism within Capitalism and then break through the shell of Capitalism by the general strike and the seizing and possession of industry. Now, it was precisely this position that I rejected.

I came to the conclusion that Socialism could be achieved, not by one splurge of violence, but by the persistent political activities of the workers and the people. And so in order to participate in political activities in the effort to achieve Socialism, I joined the Communist Party. In doing this, I got back into the labor movement and stopped being what I then had decided was anarchistic.

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As to the origin of the Communist Party, we will show here that there developed within the Socialist Party an organized Left-wing movement until, by 1919, it was the majority of that party.

At the Chicago convention of the Socialist Party a split occurred. The Left wing, ejected by the police, reorganized as the Communist Party. The Left wing was the majority of the old Socialist Party.

All of my Socialist friends and associates were Left-wingers. I was in great sympathy with them.



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By 1926, I had become convinced that the Communist Party was the logical inheritor of all the best traditions, history and struggles of the older Socialist movement and of the I.W.W., too. I was ready to join the party and gave an application to Charles Ruthenberg, then the secretary of the Communist Party, in 1926.

Due to his sudden death a few weeks later during the most critical period of my own illness, that application was apparently lost. Anyhow, it was never presented to the Party. I was ill of heart trouble in Portland, Oregon, at that time.

While there, I was in constant touch with my old friends, Ella Reeve Bloor and Anita Whitney of California, both Communist leaders.

Naturally, my heart and mind, although I was ill, were deeply involved in the current political problems of the people, the menace of Fascism in Europe, the great struggles of the unemployment led by Communists Foster, Amter, Minor, Dennis and others, and later the new unions which were present during the New Deal of President Roosevelt.

Miss Whitney brought me a Daily Worker in the fall of 1935 with a speech by George Dimitroff, called "The United Front Against War and Fascism," which the Government has stated it intends offering in evidence. This speech made a deep impression on me.

We will show the character of Communist work in the struggle against fascism in answer to this clarion call of Dimitroff, who died in 1949 as premier of his country. We will show the background of this speech, which is essential in order for you to understand its meaning and the intent with which I then joined the Communist Party.

This was the time of the rise of fascism, which we will show seemed very remote to most people in our country in the '30's. People laughed at Hitler and Mussolini as demagogues and mountebanks, but it caused great concern to the peoples of Europe, especially to the Communists in those countries directly affected or threatened.

George Dimitroff was a Bulgarian Communist who had been in exile in Germany and while there was framed in the infamous Reichstag fire case.

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Dimitroff was freed. He took refuge in the Soviet Union, where he delivered this speech in 1935 at the Congress of the Communist International. It is an eloquent and dramatic appeal to fight fascism, which he describes as the most vicious enemy of mankind. It is addressed to Communists especially and other progressive people elsewhere, to put aside all immediate partisan or sectarian interest or differences or ultimate political aims to unite to stop fascism. We will prove that this is what is meant by "united front."



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This policy brought Communists together with all other honest and patriotic people who were determined to save their country from the ravages of fascism. We will show that Hank Forbes, one of our party organizers who might otherwise be here as a defendant, lost his life at the Anzio Beachhead in pursuance of that policy, as did hundreds of American Communists in World War II.

I resolved when I read this powerful appeal, "Here is where I belong. As soon as I am well I will again apply to join the Communist Party." I did so. William Z. Foster, whom I first met in 1909 in the I.W.W., and Ella Reeve Bloor, whom I knew from the old Socialist Party, presented my application in the winter of 1936 and 1937. It was accepted and publicly announced in the press.

In my extreme youth I had affiliated myself with the nonpolitical I.W.W.; in my maturity I came back into the working class political movement of socialism. This may seem a very lengthy introduction, but I have tried to draw conclusions from my biography on the issues in this case. I did not intend it to be personal, but an explanation of how and why I became a Communist. And I am an example, not an exception.

Now, as to my official position in the Communist Party, which I gladly and proudly acknowledge -- they are a matter of public record: in 1938 I became and am today a member of the National Committee of the Communist Party. The National Committee was reduced in 1948 to 13. The other 12 members are William Z. Foster, our chairman, who has been seriously ill for several years, and my dear comrades, the 11 Communist leaders convicted under the Smith Act, which they challenged as unconstitutional. I have also been chairman of the Women's Committee of the Communist Party since 1945, which the evidence will show carries on struggle for equal rights for women in shops, unions, and all organizations, even including our own party when necessary.

My comrade, Claudia Jones, a defendant here, is the executive secretary. We have worked together, spoken together, written, and helped organize women for full equality, both politically and economically, for the building of movements for peace, consumers' councils, parent-teachers' organizations, and similar organizations, for the unity of Negro and white women, and to overcome the exploitation of Negro women as workers, as women, as Negroes.

Many articles which both of us have written on these subjects are featured in the Government's list of exhibits. We will demonstrate to you how constructive and beneficial is the nature of our work among women, inspiring them to greater self-confidence, greater comradeship with one another, greater participation in public affairs. The evidence will show further that we have urged the organization of women for political activity, not only on Election Day, but the year around, in hearings, delegations, petitions and statements to all legislative and public bodies on such issues as child care, better schools, better housing, a better standard of living, etc.



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We have written of the history of the women's movement in our country, where every right we now enjoy has been won only by organized struggle -- the right of women to vote, to serve on juries, protective labor legislation for women workers, mothers' pensions, and so forth.

We have directed our sharpest criticism to the virtual disfranchisement of the southern Negro women by force and violence and through the pool tax, discrimination against women in factories, lack of upbringing, etc.

We have advocated socialism as a system of society best guaranteeing to women full equal rights in all spheres and insuring to them the possibility of exercising these rights.

I remind you again that we are not asking you to agree with us, but will prove to you that we have not been advocating force and violence, but, rather, a peaceful, happy world.

I have also been chairman of the defense committee of the Party since 1948, when our leaders previously referred to were arrested. The evidence will show that our duties, my duties, were to raise funds necessary for adequate legal defense of our members who might be arrested under the Smith Act or held for deportation under the McCarran Act. Individual Communists are not financially able to defend themselves. These duties are ours. Our duties were to publicize the facts in the case, since newspaper coverage is notoriously inadequate and invariably prejudiced, to organized mass meetings, arrange tours for speakers, and generally call for public support for their defense.

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In addition, the Government's list of documents which they told us they would introduce in this case or indicated they would introduce in this case, makes clear to you, will make clear to you, that I am a columnist of the Daily Worker. This is correct. For 15 years, from 1937 to date, I have produced at least two columns a week, besides many feature articles for the Sunday paper. The Worker. These are my personal columns and are not submitted to the editorial staff in advance. Praise or criticism comes from the readers. Some of my columns and articles are listed by the Government as Government's exhibits, which they intend to introduce. If they are to prove my official position in our Party or my tours around the country or that I spoke in any specific places or that I invited people to join the Communist Party, the Government need not waste its time. I do not deny any of these things. The evidence will show that I asked people to join it. I believe in the Party to which I belong. It is a legal Party in my estimation devoted to the best interest of the people, and I would not belong to it if I would hesitate to ask any honest persons to join me. Hundreds did so at my invitation. I would be glad to make available to the jury at the appropriate time not just a few articles carefully culled for the Government's purposes, but all of them dealing with a vast range of subjects.



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I will prove to you thereby that there is no advocacy of force and violence in any one of them.

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I have also written a dozen pamphlets during the past period covered by the indictment.

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One is called Stool Pigeon. Another The Plot to Gag America.

The Government did not list them for your attention. I recommend especially that you do read one of their listed documents if and when it is presented -- the eloquent and able opening remarks of Eugene Dennis, General Secretary of the Communist Party, when he stood here, as I am standing now, defending himself before another jury. I wrote an introduction to it. It is called The Case for the Communist Party. The Government has indicated that it intends offering it in evidence, possibly for this reason. I am glad that the Government will make it available to you and would be happy to follow congressional example and ask that this speech of Eugene Dennis be considered an extension of my remarks.

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I have handbills, advertisements and press clipping relative to hundreds of public mass meetings arranged by the Communist Party at which I and other defendants have spoken in the past 15 years. We will prove that nowhere has there been any advocacy of force and violence. The subject matter of such meetings should interest this jury, I believe, however, as evidence of our intent.

Take some at random: "The Struggle Against the Taft-Hartley Law" -- "The Rights of the Negro People" --

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I and other defendants have spoken during the period covered by the indictment and previously on the radio, especially in political campaigns in support of Communist and other candidates, including Councilmen Cacchione and Davis, and for Simon W. Gerson, a defendant present here, when he was a candidate after Mr. Cacchione's sudden death.

We will prove to you that the Communist Party, U.S.A., is not, as the indictment sets forth, a society, group or assembly of persons but is a legitimate political party. It has nominated candidates for all public offices, including that of President. We will prove that defendants here on trial have been candidates and won substantially high votes -- Perry, Gerson, Begun, Johnson, Weinstone and Weinstock.



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I ran with Mr. Benjamin J. Davis for Congress-at-large in 1942 and we each received over 50,000 votes.

Our campaign slogan or program for victory was:

“Not an idle man. Not an idle machine. Not an idle acre.”

Mr. Gerson received 150,000 votes in Brooklyn in 1948.

One of the defendants in the current Los Angeles Smith Act trial, a known Communist, Miss Bernadette Doyle, received over 600,000 votes for a state-wide office as a peace candidate. Our evidence will prove how the Communist Party operates politically. We are a party of a new type in that we are not before the people just to capture their votes. We will prove that we are politically active the year round. We have attended public hearings as Communist spokesmen: for instance, I appeared with Mr. Gerson before the Senate Judiciary Committee to oppose the appointment of Tom Clarke to the Supreme Court.

If our Party along with other minority parties were not hampered by ever-increasing electoral restrictions and barred from the ballot in some states, we believe firmly we would win many more votes and elect candidates to Congress.

Communists are represented in the Parliaments of all major non-fascist countries in the world today.

This is the arena where political views belong, in the marketplace of public discussion, to be passed upon solely by the electorate of our country.

The Government obviously intends to make much of the fact that occasionally we spoke in somebody's home to a selected group of people. In reference to such house gatherings -- and some were purely social -- we will show that these are some of the reasons:

Sometimes it was because no hall could be rented and in small one-industry towns, like steel, coal and textiles, people seen at a Communist meeting by company spies would lose their jobs and be black-listed, and even the unions would not be able to protect these members.

Sometimes we held them in homes for the convenience of women who could not attend otherwise. Sometimes it was for the protection of Negro people, especially in the South and border state areas, that the speaker goes to them rather than expecting them to come to the speaker. We will show that we consider it our duty as Communists to protect workers, members and non-members alike, from harassment, loss of jobs, threats of violence or FBI surveillance, and just because they come to our meetings. Wherever possible our meetings were open with the public and the press invited. Sometimes, unfortunately, Communists are driven to privacy as protection against persecution.



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Criticism should not be directed to us but at those who create the repressive conditions which, we will prove, forces workers to choose between their jobs and their beliefs. We will prove, and I can assure you, that no member of our party but what would be happy and willing to publicly declare his or her membership if the same rights and protection were accorded to us as to all others engaged in political activity in our country.

The Government will also make much of schools, as Mr. Lane has already indicated, where Marxism-Leninism was taught.

I gave lectures at certain schools in New York City, Pittsburgh, Philadelphia, Cleveland and at a national training school. My topics were either "History of the Labor Movement" or "History of the Women's Movement in the U.S.A." I have the outlines which I used in these courses which are analytical and explanatory, and I will, because they are only brief -- I will offer them in evidence in this case.

A course on the "History of the American Labor Movement," delivered at the Jefferson School of New York, is presented here as the overt act of Mr. Louis Weinstock.

This brings us to the skeleton upon which this case is built -- a strange new type of overt act, suggestive, if I may say so, of Nazi book-burning. They set forth --

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They set forth, we believe, activities which are the ordinary everyday acts of all organizations and individuals who seek to present their views in the marketplace of ideas.

Of 29 overt acts, 11 are articles in the magazine Political Affairs.

5 are Daily Worker articles.

5, including mine, are public meetings.

2 are committee meetings.

2 are classes.

One is leaving a building.

One is mailing letters.

One is writing a pamphlet.



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One is becoming a party organizer.

The Government will attempt to clothe them, too. I presume, in the so-called Aesopian language, or, no matter what we said, we really meant its opposite. It is quite a Houdini-like performance to say peace to a mass meeting of 10,000 people and mean war.

Mr. Perry and I and our co-defendants will try, in the evidence we submit as this case progresses, to cut through the maze of what we consider misrepresentations in relation to Aesopian language, and to make it clear that what -- that we say what we mean and we mean what we say, and that the language of Marxism-Leninism is not as mysterious or obscure as the Government attempts to make it sound.

All sciences, even the law, have their own terminology, but like a doctor's prescription, this does not mean they are dishonest or misleading to the general public. Not a single act of violence is alleged against any one of us. Not are there charges that I know of thus far that any of us collectively or individually advocated the forceful overthrow of the United States Government.

This science of Marxism-Leninism, which is expounded in the books as evidence had its origin over a century ago with two great political thinkers, Karl Marx and Frederick Engels. In a few words -- and there is always a danger of over -- simplification of a scientific subject, they declared that what happens to humanity is not a matter of blind fate nor the will of great men, nor must it be accepted as irrevocable. They said mankind can find a scientific explanation for wars, famine, economic depression and poverty, and that mankind, especially the working class, can help to change society, can alter and direct the course of history, can abolish these evils and institute a planned social order, based on the well-being of all. Out of their profound analysis of all human history, and especially of its present stage known as capitalism, they developed the system of scientific socialism which you will hear clarified by our witnesses.

Today it has become a tremendous subject, too vast for any one person to fully explain, nor would the time allowed for a trial permit it. The Government, I believe, will try to do the impossible, to compress over a century of the development of a great social science into the use of a few books and an infinitesimal part of its application.

These scientific theories were not fixed and final at the death of Marx and Engels who never considered them a dogma. Like all sciences, they have expanded and have been modified by subsequent developments.

Other students and writers took up where they left off, particularly V. I. Lenin, a giant intellect and a great man who suffered exile and imprisonment under the Russian Czar.



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He returned to his beloved country to lead the workers and peasants to free themselves from Czarist tyranny and exploitation. Lenin enriched Marxism by his studies, especially his analyses of new social conditions brought about by the rise of imperialism and the advent of socialism.

Marxist-Leninist writings today fill thousands of books in all known languages and would more than fill this courtroom from floor to ceiling. They are studied by millions of people throughout the world, but we will prove to you that these great beacon lights are not blueprints, are not hard-and-fast directives but are only a guide, modified to conform to the developments of history and to new social conditions. Programs, immediate programs are their application.

We hold that political theories are not triable in a court of law under our established American tradition. No jury's verdict can decide their merit; only the people can do that.

We have believed that under the Bill of Rights we have a right to advocate our views, but since our ideas are here on trial we feel we have a sacred duty to ourselves and to our Party to adequately defend them from any slander or distortion.

We contend that Americans have a right to speak their minds out on any subject. We Communists have a right to defend socialism or the evolution of the capitalist system and economy and of the private ownership of the means of life of all the people.

We will prove that such a change can and will be achieved, only when the majority of the American people are ready and willing to make it, and that the Communist Party does not advocate force and violence to effect such a change.

We will try to prove to you during this trial the meaning of working class internationalism, which the Government will use to bolster up their theory of foreign agent.

Abraham Lincoln said: "The strongest bond of human sympathy, outside the family relation, should be one uniting all working people of all nations and tongues, and kindred." Both May Day and International Women's Day, we will prove, had their origin here in the United States even though they are now celebrated internationally.

In the spirit of such solidarity I will show that I made three trips abroad and which, except for visits to Canada, were my first outside the U.S.A. The occasions were a Congress of Women, held in 1945; the 80th birthday of Marcel Cachin, editor of the Communist daily paper of Paris, L'Humanite, in 1949; and to cover the convention of the French Communist Party in 1950, where I was received as a fraternal delegate from our American party and invited to deliver its greetings.



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On this last trip I visited London over a weekend, spoke at a London District Communist Party conference, and visited the grave of Karl Marx.

You will undoubtedly hear evidence from the Government of my first trip to Europe. The International Congress of Women was held in 1945, before the ashes of war were cold. Women participated from all the Allied countries: The Soviet Union, England, France, Italy, Hungary and others.

Many had just been released from concentration camps and prisons: Ravensbrouck, Buchenwald, Auschwitz. We met women there who had been in the Soviet Army air force, who had been in charge of railroads, were executives of industry and reconstruction; women who came from a socialist country. We met Spanish women in exile, some who came out of Spain at the risk of their lives.

This Congress held in Paris, without heat, with flickering lights, with sparse food supplies, was dedicated to the establishment of permanent peace in the world, the welfare of children, to the rights of women, all so ruthlessly destroyed by the Nazis. "Never to let it happen again" was their burning resolve.

Our American delegation was amazed that they were so fearful that fascism, like the fabled Phoenix, would arise again from its own ashes. On our home voyage via an Army transport carrying over 5,000 returning G.I.'s, we found their desire for peace as eager as that of the European women. We will prove here that our work on behalf of peace is identical with the hopes and dreams of men and women all over the world as well as the whole American people today.

I wrote a series of 28 articles on these trips. The one the Government has listed is "I Met A Great Leader of France," published February 3, 1946, in The Worker and referring to a member and vice-president of the French Assembly, a leader of the French resistance movement against the Nazis, a French Communist leader, Jacques Duclos. You have heard his name from Mr. Lane. You will hear a great deal about this French Communist who had written an article in a French Communists magazine Cahiers Du Communisme, in April, 1945. It was addressed to his French comrades.

We will prove that they had reconstructed their party officially on its emergence from underground and were determined not to lose its identity in the popular United Front which had developed in the days of the resistance. While cooperating to the fullest for the reestablishment of the French Republic, they maintained their independent existence as the Communist Party of France. We will prove that he used as an example of the wrong way to work, the dissolution of the American Communist Party and the creation of the Communist Political Association, which he analyzed in detail for the clarification of his French readers to counteract "certain suggestions for liquidation," which had been circulated there in France. But we will prove that his article, while it was a sharp criticism of the American party, was not a directive nor an order.



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It stands to reason that such a characterization of our course as notorious revisionism which came from an heroic fighter against Nazism, and a Communist of world renown, caused us to give it our most serious attention; especially was this so, and we will prove, when it coincided with alarming developments within our own country which convinced us that the capitalist leopard had not changed its spots during the war, but was ready to resume class hostilities against American labor unions and our Party.

We will prove to you that a reevaluation of our thinking and actions had already begun in our party leadership, and even without the Duclon article, although possibly not quite so swiftly, we would have reconstituted our Party, which had existed since 1919, interrupted only by an extremely short period of the few months of the Communist Political Association.

We feel that we have a right to call upon the Government to explain in the course of their accusations why, if the alleged danger emanating from our work was so clear and present that the Smith Act was needed in 1940, why wasn't it used against our leadership until 1948, or against us, the present defendants, until eleven years after the passage? We will prove that Socialism was not on the agenda of the 1940 American political campaign, nor in 1944, nor 1948, or even now in 1952, and, therefore, cannot be the real causative factor for this indictment.

We have publicly advocated Socialism as our ultimate goal since the birth of our Party 33 years ago, please remember.

Nor is the charge of force and violence a newly discovered issue. It was fought out tenaciously by the Government for 16 years in the famous Schneiderman case, which began in 1927, and which they lost before the Supreme Court in 1943 --

* * * * *

-- three years after the Smith Act was passed. It was an attempt to cancel the citizenship of a leading Communist.

If our Party needed reassurance of its legal rights, we felt it was certainly given by this decision. Justice Murphy wrote the opinion. I will quote to you a portion of it, which to our Party and to the country generally was understood to have laid low this false accusation of force and violence once and for all, and to have reaffirmed our right to advocate our political views. This also casts light on our intent, which you must consider. The Supreme Court had before them four of the books produced here -- the quote is as follows:

A tenable conclusion from the foregoing is that the Party in 1927 desired to achieve its purpose by peaceful and democratic means, and as a theoretical matter justified the use of force and violence only as a method of preventing an attempted forcible counter-overthrow once the Party had obtained control in a peaceful manner, or as a



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method of last resort to enforce the majority will if at some indefinite future time because of peculiar circumstances constitutional or peaceful channels were no longer open.

That is the close of Justice Murphy's quote. We will prove that our Party has repeatedly endorsed this statement as a basically correct, though incomplete, statement of our Party's policy in the matter of force and violence, and William Z. Foster, our chairman, so stated a few years ago before the Senate Judiciary Committee.

It is our contention that neither of these issues, neither Socialism nor the charge of force and violence, should rightfully bring us before this jury on this indictment. They becloud the real issues which we believe are to be found primarily in our day-to-day activities which are not peripheral or fringe activities as the Government contends, but the heart of our work. To fight against fascist tendencies in our country and to fight for peace is to us Marxism and Leninism in action.

We believe that the struggle for peace and democratic rights will very soon lead to a new political alignment in our country, which we believe will break through the pattern of the two-party system and establish a new people's party, a coalition which we would support.

We will prove that what is called capitalism has existed only a comparatively short time in the United States, less than two centuries, and it is not identical with government. It is neither the first nor the last stage of human society. Only those who profit by it consider it the Alpha and Omega, the best of all possible conclusions.

Before capitalism there was feudalism, when the feudal lords owned the land and lived on the labor of their serf.

Before that there were chattel slavery, barbarism.

Capitalism developed and supplanted feudalism. With the advent of power-operated mass production machinery, it expanded rapidly, controlled by an ever-smaller group as free competition was replaced by monopoly.

When we speak of abolishing capitalism, we do not mean of course to abolish the rich natural resources of our country, nor the vast productive industries which have been developed by the labor of its people. We will prove that we mean abolishing the private ownership of the basic means of production and the profit-making system it engenders, which permits a few, the capitalistic class, to exploit the many.

We mean that the natural resources, and the mines, mills, factories, railroads, means of communication, shall be owned in common by all the people as state property to be administered by a government representing the working class, as well as all other people.



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We don't mean that personal or private property is abolished in those things which are the result of saving or for personal use. What will be abolished is the use of private property to exploit the labor of another. For example, in a socialistic society the principle applied would be from each according to his ability to each according to his work, which is identical with what St. Paul said to the Thessalonians, that if any would not work, neither should he eat.

In a Communist society, as differentiated from a socialistic society, when an abundance of everything needed for human life, development and comfort is assured, the principle would then be from each according to his ability, to each according to his needs.

This will be Communism, the fulfillment, we believe, of an ideal human society, which we believe to be possible and desirable.

In answer as to how we expect socialism will be brought about, in contradiction to the theory of force and violence, we will prove, as I have said, it cannot be the result of our efforts alone but it can be the result of the action of the majority of the people of the United States when they are ready and willing to make such a change.

We will show that we sincerely denounce in our constitution "any group or party which conspires or acts to subvert, undermine, weaken or overthrow any or all institutions of American democracy through which the majority of the American people can maintain their rights to determine their destinies."

In relation to a future hypothetical situation in the United States where an entrenched capitalist minority might use force to thwart the will of the people who voted for and are ready to make the transition to socialism, this would be tyranny, and we would take the position that the people would be justified to use force to overthrow it, just like our own Government called upon the people of Nazi Germany and fascist Italy to overthrow the rule of terror against the people and aid the underground resistance movement in all fascist-occupied countries. The Communist position is that those who favored slavocracy opposed the abolition of human slavery in the past; it is quite possible that a diehard capitalist minority might oppose the abolition of the capitalist profit system in the future.

Here, as in England and elsewhere, we Communist strive for a peaceful road to Socialism. We will show that we would do everything in our power to prevent the use of force and violence in establishing Socialism, which we know full well cannot be undertaken here or elsewhere unless it has the support of the majority of the people. But we cannot, of course, guarantee that the enemies of the people will accept the decision of the people to move to Socialism. Socialism, however, is not yet on the order of the day, let me repeat, in the United States. The immediate political program of our Party, we will prove, is anti-war and anti-fascist, for a people's front government, a government dedicated to assure the well-being of the people. What will take place after that along the road to Socialism in the United States of America is something history and the American people will determine, but which no one can here blueprint. This brings me now to my concluding remarks.



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We are here before you as defendants in the Smith Act case. We will prove to you that we are not conspirators, but that we are animated and united by common ideals and aspirations, with courage to affirm our beliefs, faith in the people and the future, and a willingness to sacrifice for a better world, which we are confident is in birth. Nevertheless, it is incumbent on the Government, regardless of our ideological unity, to deal with us as individuals, and not to lump us together as a conspiracy because of the identity of our political views. We will try to bring you a true and accurate picture of who we are, what our lives have been, what we say and mean, what we live by day by day and the relation of all this immediate activity to our ultimate aims.

We will try to present to you during this trial our theories and work, our program, and our ultimate goal, the unity of theory and practice as it says in the books. We will not do this in a classroom atmosphere, but so that you can understand us, in terms of our own knowledge and experience, regardless of whether you agree with us. We expect to convince you that we are within our established constitutional rights to advocate change and progress, to advocate Socialism, which we are convinced will guarantee to all our people in our great and beautiful country the rights of life, liberty, and the pursuit of happiness. Whether we are right is no issue here, and no jury, in this or any other trial, but time alone, will decide. Let none of us forget, especially in this trial in dealing with new ideas and proposals for social change, the wise words of Abraham Lincoln: "This country with its institutions belongs to the people who inhabit it."

We are asking you to decide this case on the evidence, or, more correctly, may I say, on the lack of evidence which we are confident will be glaringly revealed long before this trial is over, to decide this case on the exact issues, regardless of fear or favor or the hysteria or prejudice which we all know very well does exist among some groups in the community. We ask you to keep your minds open until all the evidence, including our own, is before you. Then you will be shown that we do not advocate the overthrow of the Government of the United States by force and violence.

Note: Interruptions or interpellations by the Court or by the government prosecutors are indicated by a line of asterisks.