

Steve Nelson's "The 13th Juror"

By William Z. Foster

STEVE NELSON's new book, *The 13th Juror*,* is the story of his recent conviction and sentencing to 20 years' imprisonment under the Pennsylvania Sedition Act. It is a splendid piece of writing, a real document of the class struggle. Written in Steve's graphic style, the book is a compelling story, and it will awaken the reader to a growing sense of the fascist danger in the United States.

In their drive towards fascism and war, the reactionaries confront as a prime necessity the need to stifle the voices of all those who dare to speak and act against the pro-war line of the Government and its monopolist backers. To this end, they are undertaking to reduce the Communists, the boldest and most clear-spoken force for peace and democracy, to a status of second-class citizens, not entitled to the rights commonly enjoyed by other citizens. Never before, save in the case of the oppressed Negro people, has this country experienced the like.

Official reaction has stripped the Communists of many elementary citizenship rights—to work in industry and the government services,

to serve in the armed forces, to travel abroad, to hold public office, to act as trade union officials, and the like. This second-class citizenship status has been written into legislation through a whole series of fascist-like laws, such as the Smith Act, the McCarran Act, the Communist Control Law, and many other pieces of vicious federal and state legislation, always with savage penalties attached. By the same token, also, there have grown up in the courts many biased rules and procedures which, disregarding all democratic precedents, are calculated to frame up and railroad Communists to jail with the greatest possible dispatch, without regard for law or justice. These special court procedures, designed to apply only to Communists (along with the usual quota of Negro victims) include thought-control trials, crooked prosecutors, lying stool-pigeons, biased judges, intimidated juries, trials of books, double jeopardy, and the like. All are added to with liberal doses of contempt and perjury charges, outrageous bail, savage prison sentences, and similar practices, crassly violative of the most fundamental American citizenship rights.

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Steve Nelson's trial, in January 1951, in Pittsburgh, Pa., the subject of his book, highlights in the most shocking manner all these infringements upon popular rights, supposedly guaranteed by the Bill of Rights. The charge of sedition, carrying with it a penalty of 20 years in prison, was in itself a most monstrous thing. The whole accusation, which was upheld by the obviously biased judge, was purely a trial of books, of Marxist classics, which were not only on sale in the bookstore across the street from jail, but were to be found in leading public libraries all over the country. At the end of the so-called trial the judge cynically pronounced a barbarous sentence of 20 years upon Nelson, as had been meted out previously to James Dolen and faces Andy Onda.

Characteristic of the crass violation of legal and democratic precedents and practices, as far as Communists are concerned, was the fact that Nelson was shortly afterward "convicted" under the Smith Act and given an additional five-year sentence. This was indisputably a case of double jeopardy, as he was convicted for precisely the same "crime" in both instances. It was a clear violation of the U.S. Constitution, and the injustice of it is further intensified by the fact that Nelson faces still another indictment, for Communist Party membership, which would mean triple jeopardy.

Nelson's was a kangaroo trial, such as are those of all convicted fighters

under the pro-fascist Smith and sedition laws. Except that this trial was even more degraded and reactionary than any that had preceded it. Nelson was legally lynched, if one wants to stretch the word "legally" beyond any semblance of its intrinsic meaning.

Illustrative of the lynch atmosphere surrounding the trial was the fact that Steve Nelson was unable to induce a lawyer to defend him, as scores of those to whom he applied refused him point-blank. Consequently, he had to act as his own attorney. An example of the "fairness" of the judge in the case, Judge Harry M. Montgomery, was had in the fact that Nelson had to go to trial without any time whatever in which to prepare to defend himself. As he puts it, he had only one night in which to study the book, *The Art of Cross Examination*.

Nevertheless, Steve Nelson did a splendid job. With the same militant spirit that he showed in fighting fascists during the Spanish Civil War, he battled against the American brand of fascists at his trial. He slashed and stabbed the stoolpigeons Crouch, Cvetic, and others on the stand, and he made a cringing whimpereer out of the Mussolini protegé, Judge Musmanno, of the State Supreme Court, who as a notorious McCarthyite and agent of the local fascist outfit, "Americans Battling Communism," was the real instigator and conductor of the trial.

Nelson fought magnificently, de-

fending himself by delivering a hard offensive against his accusers. His cross-examination of the several State's witnesses is one of the finest pieces of class-struggle literature that we have. Nelson fought in the spirit of his great predecessor Dimitrov before the Nazi Court at Leipzig in 1933. The big difference between the two trials, however, was that Dimitrov won an acquittal even from the Nazi court, on the basis of tremendous international mass pressure, while Nelson, lacking such pressure, was convicted. Such mass pressure today can assure Steve Nelson's freedom here.

Of special significance in Nelson's trial was the utter failure of the jury. This, of course, has been a routine occurrence in Smith Act and other thought-control trials. The experience to date has been that, regardless of the evidence brought before them,—let the State's case be utterly without substance—the juries, surrounded by an atmosphere of intimidation, automatically bring in verdicts of guilty. So far as Communists on trial under the thought-control laws are concerned, the jury system, treasured for centuries by the English and American peoples as one of their most valued political possessions, has just about collapsed. Steve Nelson's case, in practically every respect, displayed the current breakdown of the law, the courts, and the jury, where Communists are involved, but always in the most exaggerated forms. Thus, Nelson in

one of the sharpest criticisms of the jury system ever made in this country, tells how one of his jurors, who had appeared to be favoring the defense, was slugged on the street and warned by his assailants that, "This will teach you how to vote." In the jury room also, when the case was being deliberated, the same juror was so brutalized and intimidated that he felt compelled to cast a guilty vote against his will. This case cries out to high heavens for an investigation, which, of course, it will never get short of a strong mass demand.

The Supreme Court of Pennsylvania has annulled the Nelson conviction in the lower court, holding in substance that in the matter concerned the Smith Act, covering this question, superseded the state sedition law, and that by implication all prosecutions for "subversion" and "sedition" must be under Federal law. The Pennsylvania State's attorney, however, disagreed with this conclusion, and together with 26 other State's attorneys, representing the many states possessing this type of ultra-reactionary legislation, including such key industrial states as New York, Illinois and Michigan, appealed the case to the Supreme Court of the United States.

Here we have the principle of state's rights raised over again in defense of reaction. This has been the case time and again in American history, as the Negro people have repeatedly experienced to their bitter cost. Reaction has long since learned

that it is much easier to rush through its anti-democratic propositions in the dark of the moon on a state basis, so to speak, than to make national issues of them through proposals for federal legislation. This is why they are so eager for state right-to-work laws, state control of anti-lynch laws, state control of school desegregation, state thought-control laws, etc. It is of the greatest importance, therefore, that these modern pro-fascist advocates of state's rights be defeated in the Nelson case. If they win, we surely can expect a new deluge of reactionary legislation of various types on a state's rights basis, starting first in those states where organized labor is the weakest and gradually spreading this poison into the others.

There must be no complacent reliance upon the idea that the U.S. Supreme Court will knock out the whole batch of state sedition laws. It is a fact, of course, that during the recent past the High Court has made several rulings against the worst features of the Jim Crow system; but let us not conclude from this that the upper court has suddenly grown progressive. A big factor in bringing about these anti-Jim Crow decisions, in addition to the rising struggles of the American forces against Jim Crow, has been the continuous and powerful inter-

national condemnation of Jim Crow in the democratic and socialist countries of the world. Even the arrogant Wall Street imperialists must pay some attention to this pressure.

In considering the Supreme Court on this whole matter, therefore, let us remember that it was precisely this court which ruled the Taft-Hartley, Smith Act, and several other such laws to be constitutional and it has also refused to correct even the worst kangaroo proceedings in the Federal courts in railroading to prison the victims of the various thought-control laws. If the American people want the barbarous state sedition laws abolished, and they certainly do, they had better let the Supreme Court know this fact in no uncertain terms. The Nelson case offers a good opportunity to do this effectively.

In the censure of McCarthy recently the American people scored a significant victory. They loosened very considerably the iron clamp of fear and intimidation that was daily being fastened tighter and tighter upon the minds of the American people. They can register another big victory to the same end if they will give all-out backing to the defense of Steve Nelson. One of the very best means in this general respect is to circulate far and wide his stirring book, *The 13th Juror*.