

WIN FIGHT FOR FREE SPEECH IN PITTSBURGH, PA.

Court Frees Engdahl and Jakira

(Special to The Daily Worker)

PITTSBURGH, Pa., May 8. — By Mail)—J. Louis Engdahl, editor of The DAILY WORKER, and Abram Jakira, Pittsburgh district organizer of the Workers (Communist) Party, were today freed of all charges filed against them by the police following the break-up of the International May Day demonstration here last Saturday night at Carnegie Music Hall.

The cases against Engdahl and Jakira were dismissed by Judge Thomas J. Ford, in common pleas court, in one of the wierdest judicial acrobatics known to even Pittsburgh's far-famed court system.

Judge Ford held that the police were perfectly justified in breaking up the meeting and arresting the speakers. Nevertheless, he waved City Solicitor Randolph aside and, after lecturing Engdahl and Jakira, dismissed the charges against them.

Court Dodges Main Issue.

Judge Ford refused absolutely, however, to hear any arguments from Attorney George J. Shaffer, counsel for Engdahl and Jakira, to the effect that there is no Pittsburgh ordinance demanding that Communists or anyone else need have a permit for hall meetings. This was the issue it was hoped this case would settle. Judge Ford brushed this phase of the case entirely aside. The police tried to shift the case to the ordinance demanding permits for street meetings. But it was shown that the May Day meeting, for the few minutes that it was held, was carried on from the broad steps of the Carnegie Music Hall and not in the street.

Engdahl and Jakira were brot into court Saturday morning by Warden John McNeil, of the county jail, under habeas corpus proceedings demanding that definite explanations be made as to why they were being held.

Served Four Days in Jail.

The two Communists were locked up Wednesday afternoon after refusing the pay their fines. This was done by advice of attorneys and representatives of local organizations interested in the fight for free speech. It was held that this was an ideal case for testing out the power of the police department to demand permits for the holding of hall meetings. To pay the fine under protest and then appeal the case would only result in the case dragging thru the courts and being forgotten, it was held. Thru habeas corpus proceedings it was hoped to get an immediate decision.

Attorney Shaffer secured the writ of habeas corpus Thursday but Judge Ford refused to permit it to come to

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Win Free Speech Fight in Pittsburgh

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an immediate hearing, postponing it until Saturday morning. This resulted in Engdahl and Jakira being held in jail for four days, only one day less than their original sentence.

During the court procedure, Judge Ford showed himself to be as temperamental as his decision. While waiting for the representative of the city solicitor's office to appear, without the case being actually before the court, he delivered himself of an extended lecture on obedience to the law.

Judge Ford Makes Speech.

"The laws are on the books and must be obeyed," was the substance of his argument. "If the police tell people to move on, they must move. If they don't like the laws then they should elect better representatives at the next election to have the laws changed. But the laws must be obeyed. You cannot challenge the law. You must obey it."

When the case was finally called, he questioned Engdahl, then Jakira, and finally D. E. Early, local educational director of the Workers Party who had actually made numerous trips to the office of the superintendent of police, seeking a permit for the meeting.

Superintendent of Police Peter P. Walsh, who had refused the permit for the hall meeting, failed to appear in court, even tho he had been served with a subpoena. None of the police who made the arrests were in court, but the testimony they had given in Magistrate E. M. Hough's court, where the case was originally heard, was reproduced in the transcript. City Solicitor Randolph sought to have the case continued until Monday, but Judge Ford claimed that the prisoners would have completed their sentences Sunday morning and then the case would be out of his hands.

Mustn't Break Pittsburgh's Laws.

"But I want you to distinctly understand that you can't break the laws here in Pittsburgh," declared Judge Ford vehemently, turning to Engdahl and Jakira, as he prepared to dismiss the case. "It doesn't matter whether you are laborites or Communists. You can't defy the law. And you have defied the law."

He then dismissed the case and it was only after the insistent demands of Attorney Shaffer that counsel for the Communists got this across:

"I insist that the main issue in this case has not yet been touched," said Attorney Shaffer. "The issue is whether the police have a right to demand permits for hall meetings. There is no law or ordinance demanding that. That is the issue that should be decided here."

Court's Ear Goes Deaf.

"I refuse to hear anything about that," declared Judge Ford, insisting that, so far as he was concerned, the case was ended.

In the meantime the great banners of candidates for United States senator, governor and a host of other political offices, fly across the downtown streets, when there is an ordinance stating specifically that the flying of such banners is illegal. It all depends on which party's flag is being flung to the breeze.

"In spite of the unsatisfactory decision in this case, we believe that a big victory for free speech has been won," declares Organizer Jakira. The head of the police department failed to come into court to justify the illegal arrests carried out by his officers under his instructions. The arrests made by his officers were thrown out of court, altho the court at the same time made an effort to justify those arrests. The dismissal of the cases, nevertheless, must be considered as a distinct defeat for the police department in its efforts to outlaw Communist meetings in the Pittsburgh district. The fight will be pushed to prove, even to the police department and the city administration as a whole, that it has no right to demand permits for hall meetings. In the meantime a suit for damages will be brought against Supt. of Police Walsh in an effort to collect the losses sustained by his arbitrary ruling that the International May Day demonstration must not be held."