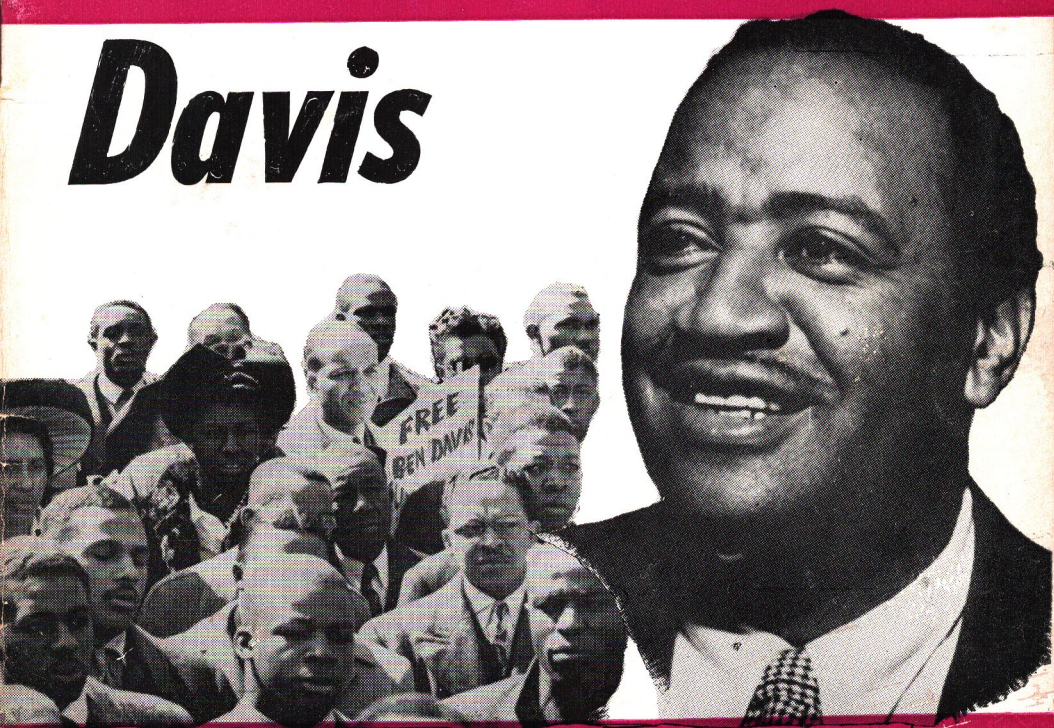


Ben

Davis



Fighter For Freedom

by Claudia Jones

*With an Introduction by
Eslanda Goode Robeson*

25¢

Ben _____
Davis _____

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**With an Introduction by
Eslanda Goode Robeson**

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Introduction

By **Eslanda Goode Robeson**

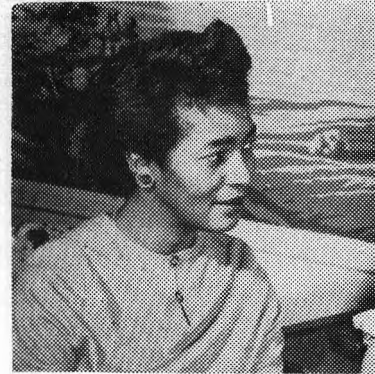
We list many Negro women along with our heroes among the fighters for freedom—from slavery through abolition down to the present—from Harriet Tubman, Sojourner Truth, to Mary Church Terrell. And there are nameless unsung Negro women who have worked in the fields, kitchens, nurseries, factories to supplement the family income when our Negro men have been denied job opportunities and equal pay for equal work. Negro women move into new and dangerous areas with their men when breaking new ground in restrictive housing; they march beside their men on picket lines; they, together with their men, carry the fight against segregation in schools, transportation, etc.



Eslanda Goode Robeson

Therefore it is not at all unusual to find a Negro woman, Claudia Jones, writing this pamphlet in defense of our beloved leader, Ben Davis, who is now immobilized in prison. Nor is it at all unusual to find me, another Negro woman, writing this introduction.

Claudia Jones, tall, attractive, warm brown woman, in her late thirties, is a brilliant and dynamic leader. Born in Trinidad, British West Indies, she came to the United States at the age of eight. She was quick and clever at school, but along with five million other young people had to leave school during the depression and go to work. Seeking jobs, and on the job, she came smack up against discrimination at every turn. Instead of futile complaining, she determined, as she said in a birthday speech, ". . . to develop an understanding of the sufferings of my people and my class and to look for a way to end them. . . ." She now holds a position of leadership in the Communist Party and plays a major role in the work for equality for women and for peace. For her beliefs, Claudia Jones was victimized by reaction and prosecuted under the Smith Act.



Claudia Jones

She also faces deportation to her native West Indies under the Walter-McCarran Act. Ben Davis is in prison because he has the courage of his convictions. I can't imagine a better reason for going to prison. When I was a little girl I used to think that only criminals, bad, wicked, evil people, dangerous to the community, were put in jail. Now I am a woman grown, living in a rapidly changing world, I know that very often, very good, very wonderful people are put in jail because they are dangerous—not to the community—but to the few, sometimes very wicked and corrupt people who are in power in the community.

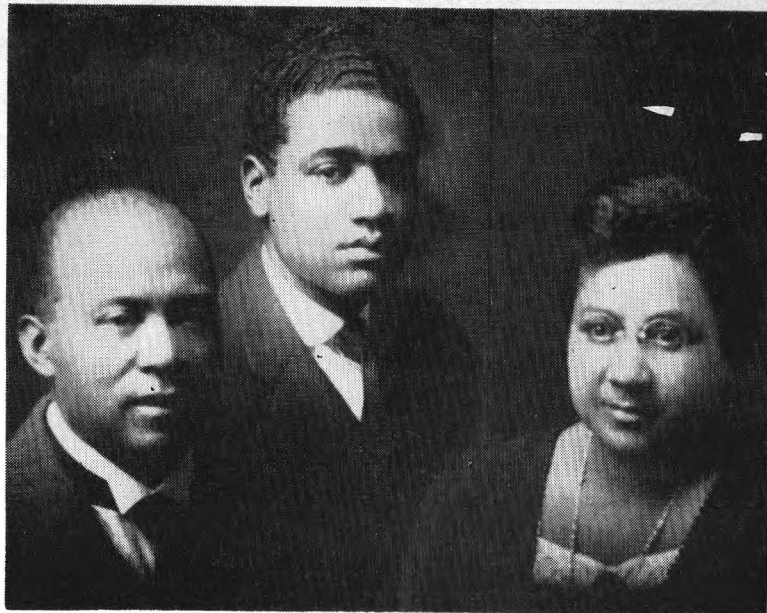
Ben Davis, who was a chosen and freely elected leader and representative of the people of Harlem, and who served his constituents and the people of the great city of New York as Councilman honestly, consistently, constructively—reaped the strange reward of a prison sentence for his services. Widespread publicity of so unjust a reward to so just a man will help reveal and destroy the corruption and desperation behind such injustice and persecution. Hence this pamphlet. The term in prison will not destroy so strong and fine a man as Ben Davis, but will temper and refine the steel and humanity of which he is made.

If anybody should want to know why I, Eslanda Goode Robeson, am writing the introduction to this pamphlet about Ben Davis, an American Communist, now in prison, I will give some of my reasons here and now.

1. *First, Ben Davis is an old valued friend of mine, and of my family. We are proud to be numbered among his friends. It is an honor that we deeply cherish. We love the man.*

2. *Second, Ben Davis is an incorruptible leader and representative of the people who has the courage of his convictions. We admire and respect the man.*

3. *Third, Ben Davis is a militant advocate for the rights of the Negro people, and for all American citizens, at a dangerous time when such militant leadership is under continuous and violent attack. We must support and defend the man.*



Family portrait: Ben Davis, Jr., at seventeen, shown with his mother and father



Ben Davis introducing resolutions opposing police brutality in the New York City Council

Come Now and Let Us Reason Together

—ISAIAH 1:18

TOGETHER with scores of his closest friends and co-workers, I witnessed the heroic actions of an outstanding people's leader in one of our country's most historic and ominous courtroom scenes three years ago.



Benjamin J. Davis

It was an unforgettable scene—a scene in which this man, about to be jailed for five long years for his ideas—for merely teaching and advocating these ideas, and no actual crime, save perhaps his color—turned *accuser*.

Ben Davis, towering in stature and spirit, stood in the dock in Foley Square and turned *accuser* as he and his ten colleagues awaited the final legal trappings to an outrageous framed-up case. Ben

Davis' prosecutors were molding a frightful pattern—a pattern of *guilt by association*, *guilt by stoolpigeon testimony*, of *guilt by frameup*—which has since been adopted by the McCarthyites of our land to try to frame and outlaw all who hold thoughts and ideas not to the liking of the powers that be.

But even with locked doors and hasty efforts by burly marshals to restrain his speech, Ben Davis' fearful prosecutors could not halt the passionate torrent of his incisive, deadly calm and prophetic words.

For Ben's words spilled out of their carefully guarded cold marble halls, into the streets and shops, factories and farms, alleys and playgrounds, beauty and barber shops, and especially into the Negro ghettos of America—across the seas which border our land.

Asserting his refusal to be intimidated or silenced, and demand-

ing the sentences be completely wiped out, Ben Davis addressed the court on that occasion as his own counsel. And, of the convictions of the eleven Communist leaders* under the infamous Smith Act, he declared:

"The real crime committed is against peace, progress and democracy, against the working class, and my people, the Negro people!"

When Ben Davis stated that his people, the Negro people, had never enjoyed full freedom but had experienced the force and violence of Jim Crow life in our country, the cynical presiding judge interrupted and stopped him unceremoniously.

But, Ben Davis, who was not intimidated in the southern lynch-ers' court in Georgia, when, as a young lawyer of 29, he defended Angelo Herndon—persisted—until his words dinned into our ears and minds and hearts.

Of course, there were *some* differences in the situation. Angelo Herndon was indicted, jailed and convicted for leading a demonstration for jobless Negroes and whites in Georgia and young Ben Davis, who had just hung out his law shingle, joined the legal fight in a cause which was later reversed by the U.S. Supreme Court.

But there were also some striking similarities in these cases. Ben Davis and his Party led the fight, and above all the mass struggle to free Herndon from the false charge of "conspiracy" (read: the fight for relief for hungry Negro and white families) against the sovereign southern state of Georgia.

In this northern court of law, Ben Davis was now a seasoned mature political fighter, whom reaction fears, as it does his colleagues because he and his Party, the Communist Party, leads the fight for jobs, security, equality and a peace-time economy for labor and all America.

We sat there listening to Ben accusing the bi-partisan court and his prosecutors. Then we listened to two other colleagues of Ben Davis—Eugene Dennis and Carl Winter—make similar impassioned and reasoned protests in which they charged that the rights of free speech, press and assembly were being jailed; the "*peace of our*

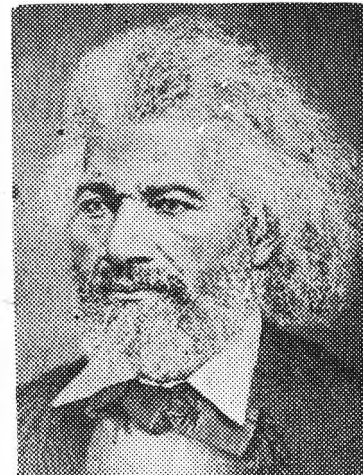
*The eleven Communist leaders are: Eugene Dennis, Gus Hall, Henry Winston, Ben Davis, John Williamson, Robert Thompson, Gil Green, John Gates, Jack Stachel, Carl Winter and Irving Potash.

people" placed in jeopardy, and that the whole procedure was "*a denial of due process,*" an "*act of fascism!*"

We rose from the long oak courtroom benches to return their waved goodbyes. But we were to comprehend yet more fully the meaning of their truthful words for the entire nation.

In the figure of Ben Davis and his colleagues that early July morning, you were reminded of the great oration of Frederick Douglass made 102 years ago in Corinthian Hall, Rochester, N. Y. in honor of the forefathers and signers of the Declaration of Independence.

Mourning the denial of liberty to millions of enslaved Negro people, and castigating the revolting professions of liberty by those in power, the noble Douglass said, in tribute to those other brave fighters:



Frederick Douglass

"They were peace men; but they preferred revolution to peaceful submission; to bondage. They were quiet men; but they did not shrink from agitating against oppression. They showed forbearance; but that they knew its limits. They believed in order; but not in the order of tyranny. . . . They were great in their day and generation. Their solid manhood stands out the more as we contrast it with these degenerate times."

***I'm going to keep on stinging—
'til I awake the conscience of America***

—HARRIET TUBMAN

THREE long years have passed since that bleak July morning when Ben Davis and his colleagues began serving their savage sentences.

Terre Haute prison, where Ben Davis has been for all this time, is like *all* federal prisons, in the United States, a Jim Crow prison.

To fully realize what this means requires knowledge of the prison set-up in our country. In Terre Haute, Indiana, as in all federal prisons, there are not only Jim Crow cells for Negro prisoners, but even a Jim Crow Honor Privilege system exists and meritorious conduct lists, like some employers' lists, and some seniority lists are established on the basis of the infamous, time-dishonored "*separate but equal*" rule for Negro Americans.

Terre Haute penitentiary is one of six institutions of its class operated by the Bureau of Prisons of the Department of Justice. It contains approximately 2,500 prisoners of whom about 250 are Negroes. The Negro prisoners are segregated in the dormitories, in mess halls and in other recreational facilities.

All Negro prisoners, including Ben Davis, are confined to cells which are located in a section of the penitentiary *reserved only* for Negroes. Such segregation and discrimination not only violates the rights of Negro prisoners guaranteed by the Fifth Amendment to the Constitution, and the right to be free from cruel and unusual punishment as guaranteed in the Eighth Amendment, but also the laws and statutes pertaining to the government of the United States prisons.

Accordingly, though Ben Davis has met the standard of "meritorious conduct and his work is classified as "exemplary," he is denied special valuable benefits enjoyed by white prisoners; for example, the door to his cell remains locked during waking hours; he is denied the freedom of a recreation room where there are ping-pong tables and other facilities; access to a library; daily showers after work; the right to engage in conversation with prisoners meeting like standards.

Even in prison, then, the "separate but equal" rule for Negro Americans exists! And this man is not a criminal but a political prisoner jailed for his beliefs!

Is it any wonder that Ben Davis, who has struggled against Jim Crow all his life contemplates a suit against this hateful racist policy? The *Afro-American*, outstanding Negro journal, declared on Davis' suit in an editorial entitled "*Job for Mr. Brownell*": "*We hold no brief for Mr. Davis' political conviction. But we cannot help but admire his courageous outcry against this denial of elementary justice for men in federal custody.*"

Why is Ben Davis in prison—this man who was once a councilman of New York City—the largest city in the world—this man to whom privilege of position from birth was put aside to use his talents and intellectual gifts to serve his people, all labor and the nation?

The Smith Act jailers of Ben Davis told you that he and the other Communist leaders were indicted, convicted and sentenced to brutal prison terms and jailed because they threatened the nation's security.

BUT THEY LIED!

Ben Davis and his colleagues were framed!

The Communists exposed the fact that in the U.S. Southern District Court in Foley Square where Ben Davis and his colleagues were tried, Jim Crow prevails against all prospective Negro jurors, and very few workers, Jewish people, or Puerto Rican people ever get a chance to serve on juries.

That this rigged hand-picked jury system deliberately excludes Negroes, Jews and Puerto Ricans and is composed of bankers, manufacturers, corporation executives and big business men and some upper-salary-bracket utility employees only further exposes the contemptible and sordid real life drama in which Ben Davis and his co-workers were tried.

Nor was that all: prospective Negro jurors ran the risk of being accused of *guilt by association* for *knowing* Ben Davis.

I actually witnessed this, when, in the second Smith Act trial in Foley Square of the 13 Communist working class leaders in which I was a defendant, the prosecution, peremptorily threw a Negro off the jury panel, merely because this Negro man *also* attended Morehouse College as did Ben Davis and was *four* classes ahead of Ben Davis!

This Negro juror testified under oath that he had never been in any college clubs with Ben Davis—he being a senior and Ben a freshman at the time. He even testified that he only saw Ben Davis at chapel or spoke to him in passing, and subsequently saw

him on two other occasions—on a tennis court, and once at the Carver Democratic Club in Harlem. But mere *knowledge* of Ben Davis was enough to make that Negro *unsafe* as a juror in a Smith Act trial.

Without even batting an eyelash, the racketeer-associating prosecutor, Myles Lane, told the court:

"It seems to me that a man who has been friendly . . . or was a friend of Benjamin Davis, who was one of the defendants in the first trial . . . that that itself is sufficient excuse to warrant his being excused for cause."

This Negro juror was guilty first, *of being a Negro who knew a fighting Negro leader*; second, he was guilty of *being in association with Ben in a segregated southern Negro college*—4 classes ahead of him; *of meeting Ben in a Jim Crow community* on a tennis court; *of once praying together with Ben in a Jim Crow chapel*; and *of meeting Ben in a Jim Crow Negro political club* of a major political party.

Besides the crass white supremacist inference that this prospective Negro juror could not be relied on to form his own opinion, the prosecutors of Ben Davis also by this act *admitted* that all who really *know* Ben Davis would certainly reject their craven lies that Ben Davis or any of his colleagues, Negro or white, ever advocated the violent overthrow of the United States government. The act of excluding this Negro juror also showed reaction's fear that the Negro people, regardless of political persuasion, will be as ONE when one of their real leaders is under attack—even if the attack comes in the form of oppression by government!

Such admissions, of course, only reflect the old blues-song of our people:

*"If I got to hate somebody
Rather it be judge and jury
And mean bossman
NOT POOR BLACK MAN LIKE ME."*



Sojourner Truth

*We will not be
trampled on
any longer*
—SOJOURNER TRUTH

NONE BETTER than the Negro people can understand how it came about that Ben Davis was framed.

A people like ours can easily understand that the Government is perfectly capable of framing fighting Negro leaders like Ben Davis.

The history of more than 300 years of our people stands up to charge America's rulers with unpunished and monstrous crimes.

The crime and frameups of Scottsboro and Herndon; the crimes of "Mink Slide" Columbia, Tennessee, of Cicero and Cairo, Illinois, the Martinsville Seven, Mrs. Rosa Lee Ingram and her two sons, the Trenton Six, Willie McGee, Wesley Wells.

The crime of the Christmas '52 bombing and legal lynch murder of Harry T. Moore, leading Southern NAACP figure and his wife, Mrs. Harriet Moore.

The crime of the murder of John Derrick, Harlem Negro veteran, and the forever sightless eyes of Isaac Woodward.

The crime of sentencing Lieutenant Gilbert to 20 years by court martial for his refusal to allow Negro soldiers, including himself, to be expendable in Korea.

The crime of the recent attempt to send Dr. W. E. B. Du Bois, our most venerable scholar, to jail as a "foreign agent" on a charge not supported by a single fact.

The crime of the vengeful "house arrest" of Paul Robeson, our

most renowned artist, whom the government refuses to give a passport because of his fight for peace and dignity of our people!

The crime of over 5,000 unpunished recorded lynchings.

The crime of genocide—springing from the racist intent to destroy a national or religious group, entire or in part.

The crime of slum housing, of the ghetto, of Jim Crow in our economic, political and social life.

The crime of what a nationally syndicated magazine recently termed “the shame of Sunday morning.”* To quote the churchman who wrote it: “*There is more jimcrowism in America at 11 o'clock on Sunday morning (in our churches—C.I.) than at any other time!*”

Yes, a people like ours can easily understand the framing of Ben Davis, Henry Winston and other Negro Smith Act victims on the absurd charge of trying to overthrow the government of the United States!

For over 300 years the best fighters of our people have had a price on their heads!

Frederick Douglass, Harriet Tubman, Sojourner Truth, William Wells Brown, and many many other Negro leaders all had a price on their heads! The thousands of slaves who fled North and to Canada via the Underground Railway had a price on their heads! And white allies who aided the anti-slavery cause, then as now, were also penalized.

Why is this so?

Because in every period of history, scapegoats have been singled out by reaction—and usually among these scapegoats are the most principled and incorruptible fighters for social progress. They are singled out to terrify and immobilize the people, by pointing to them as an “example” of what will happen to others!

Barely 90 years ago, the slave-owners said: “*Go among the Negroes: find out their marks and scars and make good descriptions and send them to me—and I'll find masters for them. That is the way many many men were carried back into slavery!*”*

In Hitler Germany, the fascists, improving on this technique, did the same thing. In the process of destroying all democratic rights and gains made by labor and the people for generations, they outlawed the Communist Party of Germany, and murdered and jailed countless numbers of its best fighters. The concentration camp and crematoriums claimed thousands of Communists—but

* Redbook Magazine, December 1953.

also thousands of plain anti-fascists and plain citizens of Germany who considered themselves democrats.

Today, in our country there are those who do not only want to “find masters” anew for our people; they want to rob our people of its honored and respected leadership—leadership of *any* persuasion who refuse to kowtow with heads tied and knees bowed to satisfy themselves with crumbs from reaction's tables.

Those who so threaten our arduous and heroic struggle for full freedom; for equal citizenship rights in these United States are also those who have enslaved our people for generations; chained us to a feudal-like peonage and sharecropping existence; and who want to rob us forever of the dignity of manhood and womanhood. *They* are the powerful financiers who spawn McCarthy fascism in our country. The same millionaires and plantation owners such as C. L. Hunt and other Texas oil millionaires who back McCarthy, have made their wealth and super-profits on the misery and exploitation of the Negro people and poor white farmers of the South.

McCarthyism is American fascism. In a McCarthyite America, not only would our people suffer the plight a thousand fold of Mississippi Jim Crow and oppression; of a thousand Martinsville Sevens; the multiplication of the indignities suffered by Mrs. Rosa Lee Ingram—in a McCarthyite America our people would suffer the fate of the six million Jews who were murdered and exterminated by the fascists in Hitler Germany.



Joseph R. McCarthy

One need only call to witness the legion of our people who have felt the whiplash of the McCarthyite inquisition.

How many prominent Negro churchmen have been falsely listed as engaging in so-called un-American activities? Bishop

* Speech of Charles Langston, Abolitionist, 1858-59 before sentence.

W. J. Walls, C. C. Alleyne of A.M.E. Zion Church; Bishops W. A. Fountain, S. L. Green, Carey A. Gibbs, Frank M. Reid, and R. R. Wright, Jr., of A.M.E. Church and J. Arthur Hamlett of the C.M.E. Church; Rev. Charles A. Hill, of the Baptist Church, are only a few of the prominent Negro churchmen, who, because of their association with the aims of the common good have been so falsely accused.

How many Negro intellectuals and Negro government workers and Negro trade unionists have felt the blows of the McCarthyite inquisitors? Mrs. Eslanda Goode Robeson, Mrs. Annie Lee Moss, Mrs. Goldie Watson, Dr. Ralph Bunche, Langston Hughes, Doxey Wilkerson, Harold Ward, William L. Patterson, Roosevelt Ward, Attorney George W. Crockett, Jr., Dr. Alphaeus Hunton, Mrs. Mary McCleod Bethune, Dr. Forrest O. Wiggins, Coleman Young, Mrs. Charlotta A. Bass, Dr. W. A. Fingal and Mrs. J. J. Hannibal, are but a few who have felt the inquisitors' blows.

McCarthyism wars on *all* genuine fighters for Negro rights, not only Communists like Ben Davis and Henry Winston, but on non-Communists and even anti-Communists.

Hence, from the Hitler-like precedent of jailing men like Ben Davis for his ideas—from the whole evil body of anti-labor, anti-Negro, anti-foreign born legislation which can well be termed the legal precedent—*enabling acts*—of fascist McCarthyism has come a pattern: *A "Communist" is one who holds ideas McCarthy and the present GOP administration and other reactionaries do not like or agree with.*

These lessons from history, past and present, teach us how in our country, *"we must remove the weights that doth beset us."*

For this grave new danger—the danger of McCarthyite fascism—besets our path to full freedom. It is a danger which would reverse the new opportunities confronting us as signaled in the recent historic unanimous U.S. Supreme Court decision upholding the NAACP suit abolishing segregation in the nation's schools.

This significant victory can only be implemented and the positive legal decisions of the courts fully realized by our people and their allies, only if there is in existence a really mass movement fighting to reverse the loss of total freedoms being whittled away by reaction's onslaught on the Bill of Rights.

Interracial Actions Suspect

"It is conceivable that any organization working for interracial democracy may be challenged for its campaign against race prejudice, discrimination and inequality — NAACP Resolution on McCarthyism."

Two years ago, a cross section of prominent Negro leaders noted this trend. These leaders, in the spirit of Walker's historic Appeal, issued a call to UNITE TO DEFEND NEGRO LEADERSHIP.*

"Things have reached such a state in our country" their Appeal declared, "that almost any Negro leader in our country who dares to fight hard for Negro rights is headed for trouble with the law, with 'public opinion' or with hoodlum assassins. No matter whether these leaders are Communists, non-Communists or anti-Communists, the 'explanation' is most always the same."

The 44th NAACP Convention in St. Louis strongly warned against a *"discernible pattern which tends to link advocacy of full equality for Negroes and other minorities to subversion or un-Americanism."*

This important resolution pinpointed "the atmosphere of inquisition whirling unchecked in our nation's capital until it now borders upon the proportions and destructiveness of a tornado."

Still another example of the ominous attempt to control thought and distort truth concerning the Negro people in our country was the U.S. Overseas Libraries ban last year of the works of two well-known non-Communists, Walter White and Gunnar Myrdal (*A Rising Wind and An American Dilemma*).

Mr. White's book was found offensive by McCarthy because the NAACP leader observed that *all* Negro soldiers stationed in England in late 1941, except for a single anti-aircraft group, *did only* manual labor.

* Appeal of the National Committee to Defend Negro Leadership.

The fact that protests restored the book to the shelves does not alter the original impulse to ban it.

Even books about laughter—the laughter of our people which hides our pain—the kind of laughter contained in the writings of the Negro poet and writer, Langston Hughes, *Laughing To Keep From Crying* and *Simple Speaks His Mind* irked McCarthy.

A crass example of witchhunting and bookburning, which goes by the name of Congressional “investigations” was the inquisition attempted by McCarthy when he subpoenaed Mrs. Eslanda Goode Robeson and sought to put on trial her two well-known books, *African Journey* and *Paul Robeson, Negro*.

But when the famous anthropologist and wife of the famed leader, Paul Robeson, appeared, to quote a headline from the *Afro-American*, she proved “*too much for McCarthy.*” Among other things Mrs. Robeson pointed out, was that her opinions and her right to her opinions was her own business. Invoking the First and Fifth amendments, Mrs. Robeson also called the McCarthyites’ attention to the 15th Amendment to the Constitution, declaring that the Senate Committee headed by McCarthy, by its obvious exclusion of Negro representatives is a “*very, very white committee.*”

This significant challenge to the McCarthyites in their very lair, forced McCarthy to retreat!

McCarthy also banned from the U.S. Overseas Libraries *The Races of Mankind* by Dr. Gene Weltfish, prominent white anthropologist. During the hearing when Dr. Weltfish was interrogated as a “Communist,” McCarthy picked up her pamphlet and remarked: “*Just opening at random I find something on page 18 of the book entitled “The Races of Mankind”* which would interest my southern colleagues to some extent. It shows intelligence of Southern whites: Arkansas, 41:55; Northern Negroes: Ohio, 49:50.*” (My emphasis—C.J.) Yet, this *very* pamphlet was used during World War II to educate our soldiers and to destroy the Hitlerian myth of Aryan “*white supremacy.*”

Similarly, banned from the U.S. Overseas Libraries were such works as: Doxey A. Wilkerson’s “*Special Problems of Negro Education*”; Dr. W. E. B. DuBois’ “*The Souls of Black Folk*” and other works; Dr. Herbert Aptheker’s “*A Documentary History of the Negro People*” and “*American Negro Slave Revolts*”; Howard Fast’s “*Freedom Road*” and his other works.

* Co-authored by Dr. Ruth Benedict.

Ben Davis is in jail because books *he* believes in—books which contain the science of his beliefs—known as Marxism-Leninism—are considered dangerous by McCarthy and the warmakers.

This science, the science of Marxism-Leninism, explains why there is poverty and oppression in the world and how people can change all this in the process of struggle.

It shows furthermore that it is not the Communists who have created class struggle, which existed from the dawn of history, but that Communist fighters help to organize, educate, train and lead the working class to realize its life-long dream of peace, security, equality, dignity and happiness.



Davis at an exhibition of Marxist Works on Negro history

It is a barefaced lie that this science is a conspiracy, since its very laws and precepts hold that profound social change evolves *not* as a result of cliques, sects, or groups, but from the movement of the masses, for national independence, and freedom, for security against want and poverty, for peace against war, for democracy against fascism.

The Communist Party of the U.S.A., the Party of Ben Davis, which adheres to this science, and whose ultimate program is for

Socialism, is first of all the Party of the most advanced class of modern society—the working class. The plainest workers and sharecroppers who suffer most under the capitalist system can quickly understand (if only they were free to hear it!) many things about it that most professors cannot understand. These workers and poor farmers and sharecroppers have a natural basis for understanding this science from their own life experiences of being dispossessed, impoverished and denied elementary necessities of life. They understand that this science is on the side of the future of mankind.

Many honest intellectuals among our people have drawn similar conclusions however, about this science which seeks to resolve the age-old battle not yet ended, between freedom and slavery, between the rights of the toiling many and the special privileges of the aristocratic few.

Dr. Mordecai Johnson, president of Howard University, more than once the target of the un-American Committee's effort to cripple this great Negro institution, in a speech at the 1941 CIO Convention, declared of Marxism-Leninism:

"At the basis of Communism there is this simple and passionate belief: that the scientific and technical intelligence which we have at our disposal in the Western World . . . in the hands of men who love the human race, could reorganize the entire economic structure of the world so as to overcome the world-wide struggle for existence and build up a working population regardless of race, creed or nationality, which could feed and clothe and house its children without taking anything by violence from the human soul. . . ."

"Communism has its finger on the desire of men and is saying to men all over the world, we have come at last from the ranks of those who suffer, not to make you rich, not to make you powerful, not to place you in a position where you dominate through life, but to fix it so you can sit down with your brothers of every race, creed and color all over this world and eat your simple bread in brotherly peace and affection. . . ."

The dynamic, and principled young Methodist Negro minister, the Reverend Edward D. McGowan, chairman of the National

Committee to Defend Negro Leadership, in an address to the historic meeting of the National Fraternal Council of Churches, U.S.A., April 30, 1953, on the theme of the defense of Negro Leadership, said:

" . . . To the Negro church has been entrusted the responsibility of translating the hopes and aspirations of the Negro for dignity and freedom into reality. When my grandparents sang the spiritual, 'I Am Going to Eat at the Welcome Table One of These Days,' it is true they meant eternity. But they also meant they were looking forward to a day in time when they would no longer have to eat in the kitchens of white folks but would eat at a table of their own in their own dining room at which they would eat in freedom and with dignity."

The Rt. Rev. William J. Walls, Bishop of the African Methodist Zion Church, outspoken advocate of peace and brotherhood, himself under attack for his views, truly declared: *"I do not believe these people (the McCarthyites) are afraid of ministers and Communism, they are afraid of religion and righteousness."*

The sound philosophy of the late Rev. Dr. David V. Jemison of the National Baptist Convention well summarizes these thoughts: *"We want for ourselves, our wives and our children everything that every other man wants for himself and his children. We do not want anything that does not belong to us as human beings."*

Is this not what Negro fighters from the days of Crispus Attucks and Denmark Vesey fought and died for; is this not what the fugitive from slavery held in his heart when he eluded his captors; is this not what the mothers of our people sang through their freedom songs to us to *"Get On Board That Freedom Train?"*

This is true from Nat Turner who died on the gallows to Ben Davis who is incarcerated in a jim crow jail; from Frederick Douglass political refugee from the Fugitive Slave Laws to Henry Winston and James E. Jackson, Jr., political refugees from a fascism-breeding statute—the Smith Act.

Thou Shalt Not Bear False Witness Against Thy Neighbor

—NINTH COMMANDMENT

ONE OF THE main threats the Smith Act represents to our crusade for equal rights as Negroes in this country is that it *censors speech, thought, teaching and advocacy of social change.*

Now, as Negroes, we have got to “teach and advocate” change in the many Jim Crow laws and practices of federal, state and governmental agencies.

But the threat is: that any Negro citizen or organization advocating such changes runs the risk that some paid informer will appear in court or some government hearing to lyingly testify that one’s intent—*deeds and acts to the contrary*—is to “overthrow the U.S. Government by force and violence.”

The Smith Act further makes it a “criminal conspiracy” to teach or advocate or circulate almost any idea which hired stoolpigeons can testify imply “intent” to overthrow the government by force and violence, even though as in the case of Ben Davis and his co-workers—*not a single act or deed can be pointed to as showing such attempt at overthrow, simply because there aren’t any.*

How then did the government “get” its “evidence?”

Through stoolpigeons.

One such stoolpigeon received \$10,000 for his lying mess of potage in the case of the second Smith Act trial at Foley Square. He testified to a shocked courtroom, that, if need be, he’d stool on his own mother! In cross-examination by the defense, another stoolie admitted that he recruited members of *his own family* to the Communist Party and then *turned over their names* to the FBI!

In St. Louis, Mo., the revelation that a local minister was a stoolpigeon, paid \$11,000 for his services, brought almost unanimous condemnation from his congregation. His behavior was so crass that the *St. Louis American*, Negro journal, indignantly contrasted his role to that of “*a partly forgotten little black minister by the name of Rev. Richard Anderson.*” Stressing how way back in 1854 Rev. Anderson pastored the very congregation from which this stoolpigeon came, its editorial declared that Rev. Anderson “*remained in his pulpit and openly defied the forces of slavery that had the law of the period supporting them.*”

But nothing so exemplifies the vile role of the informer than

the recent startling attempt to dislodge Dr. Ralph Bunche as a “Communist” from his high post as head of the United Nations Trustee Division. Dr. Bunche was forced to undergo the ordeal of *sixteen* hours of investigation before the International Employees Loyalty Board!

The case of Dr. Bunche shows to what depths justice and righteousness have sunk in this country. For on the worthless words of Manning Johnson and Leonard Patterson, two members of the growing profitable profession of *paid* government witnesses—even a man so highly placed as Dr. Bunche was not free from their infamy!

Yet, for their perjury, and that of Paul Crouch, a white government informer, the Department of Justice has not lifted a finger to prosecute them! Crouch even had the audacity to boast that the Department of Justice does not dare to prosecute him for perjury since to do so would mean they would have to *amnesty the jailed Communist leaders!*

An example of the worth that can be placed on Manning Johnson, for example, is his brazen admission before the Subversive Activities Control Board that he had no aversion to lying.

As observed in a brilliant column by Cliff W. Mackay, editor, *Afro-American* newspapers, “. . . *in other words, as long as a lie is wrapped in the flag, it suddenly becomes no longer a lie but a sacred duty. Such is the reasoning of the man who dared point a finger at Dr. Ralph Bunche.*”

The man “*who dared point a finger at Dr. Ralph Bunche,*” is the same Manning Johnson who testified as a government witness in the Foley Square trial of the eleven Communist leaders. If he is unworthy of belief in the case of Dr. Bunche, is he not likewise unworthy of belief in his testimony against Ben Davis, Henry Winston and their colleagues?

It was stoolpigeons of this ilk that brought “evidence” in *all* of the Smith Act trials, which “evidence” was upheld by the courts as I angrily remember, in the case of the eleven Communist leaders and that of my co-defendants in the second Smith Act trial as “*amply justified!*”

The swiftness of the retreat of the McCarthyite inquisitors in the Bunche case is significant. It indicates the widespread and growing revulsion here and abroad to the witchhunt and the impudence with which the informers violate the Ninth Commandment: “*Thou Shalt Not Bear False Witness Against Thy Neighbor.*”

**“. . . Be Not Afraid
Or Dismayed . . .”**

—DAVID WALKER

MORE THAN A quarter of a century ago, this thought expressed in these calming and prophetic words in the *Appeal of David Walker*, born of a free mother, rallied thousands of Negro and white Americans to the fight against chattel slavery.

The laws of that day were the Black Codes. Like the Jim Crow and thought-control laws of today—these laws, which replaced the old slave codes, also forbade the teaching of Negroes to read and write and the assembling of Negroes without permission.

A fierce attack descended on Walker's *Appeal* as well as on those who supported or even read it, from the slave and plantation owners. The secret order, of the same cloth as the Ku Klux Klan, was known as the *Knights of the Golden Circle*. The secret order outlined many prohibitions, and was the main weapon on the side of the plantation and slave owners, and all who challenged this order were termed “subversive” and attacked vehemently.

But Walker's call for unity of the Negro people and his ringing words to “*not be afraid or dismayed*” found an echo in the hearts and minds of the Negro people and their white allies as well as among Negro leaders of both conservative and militant persuasion. It was this kind of people's unity which led to nullification and repeal of these brutal slave codes, which contravened American liberty and subverted the American dream, already sullied by chattel slavery.

Today too, our people are uniting in defense of Negro leadership. And well do we have need for unity and still greater unity.

For in addition to the question of liberty, of the fascist threat to civil rights, which I have earlier discussed, the threat of economic depression, in this richest of all lands, has already descended on our people in a more than 2-1 ratio as witness the growing unemployment lists. Like a long shadow over us, it brings in its train

joblessness, starvation, eviction and the return to relief rolls, which are meager enough.

Just as there is an integral connection between the struggle against the twin danger of war and fascism the struggle for economic security and the fate of Negro freedom, so there is a connection between that struggle and the fight for which Ben Davis and his colleagues were jailed and persecuted.

If there is anything that Ben Davis and his colleagues have been associated with and have vigorously fought for—it is for peaceful co-existence between nations and against atomic war; for a peacetime economy, for extended civil rights, for equality and democracy.

Long before it was popular to do so, Ben Davis and his Party, the Communist Party spoke out against the useless Korean War and the waste of lives of Negro and white youths. For this they were accused of being “unpatriotic” and injurious to the nation's welfare. But can anyone today hold that the Korean war—with its over 100,000 G.I. casualties, and countless Korean dead—was other than a useless war?

It was the Party of Ben Davis that likewise exposed the Korean war as a war against the colored peoples of Asia—a war with definite racist implications, in which Negro soldiers were especially penalized.

The plain truth is that the American people in their majority ultimately opposed the criminal Korean adventure. They made it plain also they wanted no part of the Nixon-Knowland scheme to send American boys overseas to die for the profits of French colonialism in Indo-China.

It was because they fought for the goal of peace that Ben Davis and his colleagues were jailed and persecuted.

Is a minority Party, like the Communist Party, to be penalized for its scientific understanding of society—and its leaders for their clarity of vision? The truth of their views is being confirmed before the eyes of the whole world.

The great achievement at Geneva, ending the nearly eight year “dirty war” in Indo China, demonstrates the irrepressible will for peace of millions of the world's peoples. This peace heralds the prospect that men, women and youth strive for and believe can be won in our generation.

Were Ben Davis and his colleagues at their posts of leadership today, they would join with the great majority of people who hail this achievement. They would expose the demagogic charge of "appeasement" by those reactionaries who flail against the truce. Davis and his colleagues would join with thousands of progressive and democratic-minded people around the globe who protest new threats to world peace, such as is evidenced in the rape of the great nation of Guatemala whose democratically elected government was recently overthrown by the U.S.-United Fruit-backed puppet, Castillo Armas. Davis and his colleagues would protest the murderous deaths of over 4,000 heroic Kikuyu people of Kenya,

East Africa, for their "non-cooperation" with British imperialist perpetuated rule over their homeland and Davis and his colleagues would also oppose the U.S.-backed efforts to remilitarize Western Germany as a threat to world peace.

The pioneering role and contributions of Ben Davis and his Party, the Communist Party, in all of these and other peace struggles, for which they were persecuted and jailed, makes it imperative, now — with the peace will of our people on the rise, with the rising anti-McCarthy movement, that Ben Davis and his colleagues should be freed to give their leadership to further successes for the people's deepest needs and aspirations.



Davis at a Peace Demonstration

"Out of Such Material Come Saints"

"What about a man who is willing to go to prison for his cause though that cause seems erroneous in our sight? If you are really called to preach and know something about the prophets, you must say, out of such material come saints!"

—Dr. J. Pius Barbour, Editor, *National Baptist Voice*

BEN DAVIS was not jailed for the big or little lies imputed to him and his Party, the Communist Party—*Ben was jailed for the ideas he does believe in.*

One of the very first ideas Ben Davis and his Party believes in is that the Negro people should have full, unequivocal economic, political and social equality—not 20 years hence, not 10 years hence, but *NOW!* This is likewise one of the reasons why Ben and his Party supports and stands ready to unite with all organizations of our people or white allies who set sights on this freedom goal or any aspect of this cherished goal.

Ever since Ben Davis revolted against Jim Crow conditions in his native Atlanta, against Jim Crow education, Jim Crow in the economic, political and social life of Georgia, the Wall Street rulers of our country have been trying to silence his great voice.

Yes, they hate Ben Davis.

When at one point of Ben Davis' slashing testimony in prejudiced, freedom-hating Federal Judge Harold R. Medina's courtroom, this slick banker and owner of slums leaned over his bench to command, in insulting white supremacist fashion, of Ben Davis: "*Now—be a good boy. . . .*"

Ben flashed back into his teeth:

"I will not be a good boy!"

Reaction has hated Ben and singled him out as a marked man from the moment he refused to "*be a good boy*" and accept the status quo of Negro serfdom, of lynch and mob violence in the South.

Ben Davis' own testimony best exposes the lie that it is *not* the Communists, but those who are continually accusing the Commu-

nists of force and violence who are themselves the real perpetrators of force and violence against the Negro people and other sections of the working class in our country.

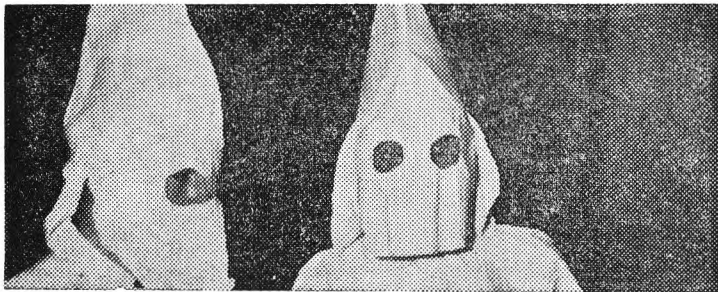
Here is an exact excerpt of his testimony in his own words:

The Court: Mr. Davis, in these speeches that you made, did you at any time undertake to answer the charge that the Communist Party advocated the overthrow of the Government by force and violence?

The Witness: Yes, many times.

... A (continued): I said about that, that that is just a pure Hitlerian distortion of our Party in this country. I discussed this very many times and pointed out that this business of charging the Communist Party with force and violence was one of the very strangest things in the world to me. To tell me as a Negro about practicing force and violence, as a Communist, when all my life I had been hounded by this both as a Communist and as a Negro, well, that just didn't make sense; and that this charge—of force and violence—usually comes from fascist sources, and that it is usually uttered against the Communist Party, in order to hide the real forces of force and violence, who are the Ku Kluxers, the terrorists, and the lynchers and the police brutes who attack the Negro people and who attack other sections of the working class in this country. That is the way I answered that question."

This is why they went out to get him; to silence this great tribune of American democracy, of our people, the Negro people, of all the oppressed, Negro and white.



Hooded Klansmen Go Unprosecuted

Go and Do Thou Likewise

—LUKE 10:37

BEN DAVIS was born "on the other side of the tracks" in Dawson, Georgia, September 8, 1903.

His grandmother was born a slave as were a couple of his aunts and uncles. His father, an editor and publisher, was a member of the Republican National Committee—whose election was greeted by burning crosses of the KKK on his front lawn. This campaign, for months of terror by the KKK against his home, hastened the early death of his mother.

When about six years of age, he attended for a few weeks a segregated "tumble-down rural school in Dawson, Georgia."

Ben also attended Summer Hill Public School, a public elementary school in Atlanta. But because provision for public education for Negroes ended at the sixth grade in Georgia, at that time, his parents sent him to Morehouse College and then to Amherst where he "did well in studies . . . did a little debating . . . belonged to the glee club and orchestra, played the cornet in the band and the violin in the orchestra. And other varied campus activities."

After graduating in 1921, from Morehouse Academy, the equivalent of high school, and later Amherst, where he received his Bachelor of Arts degree in 1925, Ben went to Harvard Law School and took his law degree in 1932.

After graduating from Harvard, at 28 years of age, Ben returned to Atlanta to practice law and was admitted to the Georgia Bar in 1932. Two months later came what he describes as "a turning point in my life."

Ben Davis was just starting out—with the advantage of a Harvard Law degree. He might, if he "knew his place," have achieved what success is possible for a Negro in the South and a considerable degree of material comfort.

But Ben Davis believed in justice. He believed that the Constitution applied to his people—equally with all others. That is how it came about that he offered his services to the International Labor Defense and became Herndon's lawyer.

That trial did a lot to change the course of his life. Describing

that trial Davis said together with his client he "suffered some of the worst kind of treatment against Negroes. The judge in the case referred to me as a "n----" and "darky" all the way through the case and to my client . . . treated me in such a way that I could see before me the whole treatment of the Negro people in the South where I had lived all my life.

"The fact that I had been a little luckier than the average Negro and in some ways, the average white, to have gotten such an education, was not at all effective in shielding me from what the Negroes had to suffer whether they were laborers or whether they were doctors or lawyers or men of wealth. . . . I considered what I could do at that moment that would enable me to hit this thing, this lynch system, this Jim Crow system. I considered that the best thing I could do was to join the Communist Party because that would hurt most, and so I did."

Ben did plenty of "hurt." As an associate of the International Labor Defense, headed by William L. Patterson, he participated in the now famous legal and mass defense of the framed nine Scottsboro Negro youths. He entered the defense of the Atlanta Six, Negro and white, who faced a conspiracy charge similar to Herndon. He helped edit the Southern Worker, which also meant in this land of "free speech" trying to find printers to print the paper.

In 1935 Ben became editor of the weekly *Negro Liberator* in New York City, then wrote for the *Daily Worker* and moved up to its editorial board. He ran for Congressman-at-large in 1942 and got 50,000 votes. In 1943 he was elected to the New York City Council with over 40,000 votes. In 1945, he was elected again to the Council—with more votes from white people than voted for Rankin in Mississippi—with 63,000 votes. His program was simple in words: "Make New York City a city without discrimination and injustice."

Of his program in the City Council Ben told the Court: "I was there to represent the working people of New York City and I could do that by doing everything to stop the plunder of the big financiers and to stop their use of the City Council for their own interests."

From this clear statement of beliefs, the Court thought it had found something partisan. *After all, it asked, wasn't Davis there to represent everybody?*

Ben replied dryly that since the monopolies were few, and the

working people and consumers pretty nearly represented everybody, he was satisfied with representing "pretty nearly everybody."

Ben Davis is a man who chose to risk many things, and now finally his very freedom to represent and defend "pretty nearly everybody" against the privileged very few.

There has not been a single case of injustice that Ben Davis has not raised his voice and pen against.

Whether it has been the defense of the honor and dignity of Negro womanhood, against legal lynching, or whether it has been his fight against the deathly rat-traps and tinder boxes in which some of our people live; whether against police brutality and terror which rides on well-groomed horses in the Harlem ghetto; or against the monopoly owners of our homes, our jobs and the very plots which claim our bodies in death which are jimcrowed, Ben Davis' fearless and uncompromising voice has assailed the people's enemies.

An example of successful adoption of measures he proposed when a city council legislator, was the measure urging the New York City Congressional delegation to support enactment of pending Fair Employment legislation, for anti-lynch, and anti-poll tax legislation.

Today with the job gains of Negro Americans, formerly strengthened by federal fair employment safeguards, almost a memory, can



First Negro Congressmen, 1869-1877*

* L. to r.: U.S. Senator H. R. Revels, Mississippi; Representatives Benjamin S. Turner, Alabama; Robert C. De Large, So. Carolina; Josiah T. Walls, Florida; Jefferson H. Long, Georgia; Joseph H. Rainey, So. Carolina and R. Brown Elliot of So. Carolina

one truly imagine what Ben Davis' voice would mean demanding FEPC passage as against the shameful failure of the 83rd Congress to uphold a single election promise to enact any civil rights legislation?

Other measures Davis fought for and, in some cases secured adoption were such varied measures as: granting the demands of merchant seamen for an increase of their basic wage rate; opposition to anti-labor legislation in Congress, jobs for all at trade union wages without discrimination; full job equality for Negro women; equal pay for equal work for women workers; increase in the New York City teacher salaries; greater monetary appropriations for our schools, increased state aid to New York City for education; appointment of a Negro to the New York City School Board; measures to protect the safety and lives of our kids in the antiquated structures called schools in the working class, Negro, Puerto Rican, Italian and Jewish communities.

Also, for restoration of the five cent fare on all subway and bus lines; demands for bans on biased textbooks, and the lifting of bans on such books as authored by Mark Twain, Robert Louis Stevenson, Howard Fast, and other outstanding writers; whose writings are feared. Davis urged restoration of progressive teachers to their posts, and the exclusion of biased white supremacist and anti-Semitic instructors in our schools; cancellation of tax exemption to housing and redeveloping companies which practice discrimination against persons because of creed, race, color and national origin.

The magnificent fight finally achieved to break Jim Crow in Stuyvesant Town was led by Ben Davis during his four-year tenure in the City Council of New York for which he earned the enmity of the real estate lobby and Metropolitan Life Insurance Company.

If today, New Yorkers celebrate Negro History Week, it is due to the consistent and the unflagging role of the Communist Party to set the record straight as to the heroic history of our people and to Davis' unanimously adopted measure in January 1944, to have New York's mayors proclaim this anniversary.

And if, when the baseball diamond, catching the shadow of the season's first ball, shiningly rings with the fan's plaudits for Negro athletes, a modest part of that struggle can be credited to Ben Davis and his Party.

If today the birthday of that scientific genius of Tuskegee, George Washington Carver, is officially proclaimed in New York by the

mayor, it also is the result of a resolution introduced by Ben.

Ben Davis also fought the antecedents of the vicious McCarran and Walter-McCarran anti-foreign born legislation restricting West Indian immigration. He condemned such measures as a product of the whole reactionary campaign of hysteria against all of the foreign born, Negro and white, as well as against the Negro people, at the expense of West Indians first, the great majority of whom are staunch and militant fighters in this country (as well as in the Caribbean from whence their rich history springs) for Negro rights and full democracy.

And above and through it all was Ben's consistent record for international friendship and peace between nations based on negotiation of differences for national independence and freedom of all national and colonial oppressed peoples, for trade and cultural exchange between East and West.

Together with the late Hon. Peter V. Cacchione, first elected Communist legislator, Ben Davis' role as a fighting leader, and people's legislator can be no more honorably termed—*tribunes of the people!*

But even this inadequate record does not give a full insight into Ben Davis, man, people's leader and proud Communist.

To get that one must seek out the people—they who know him, who have felt his hand, know his wisdom and have heard his great voice raised against oppression. We must seek out the people and listen to their voices.



Ben Davis and the late Councilman Peter V. Cacchione

A little part of you and me

"When jail doors close behind him in the not too distant future, Benjamin J. Davis, convicted Communist, will take with him into his cell a little part of you and me."

—Walter White*

THEY are legion who while *not* agreeing *in toto* with Ben Davis or the Communist Party, do agree that Ben Davis is a man of principle. They *do* agree that this man's fearless devotion to principle is to be respected. They *do* agree that one more day in jail is too long for Ben Davis who should never have been jailed for his ideas.

Two years ago, 13,000 people from Ben Davis' former district in Harlem, signed petitions demanding presidential amnesty for Davis and his colleagues. Now, if a man is to be judged, as the old saying goes, "*by the company he keeps,*" he can best be estimated by the opinions of his contemporaries. From the day of Ben Davis' jailing and since that time, angry voices have been lifted among our people and our leaders as well as among white allies, to loose him and let him go!

Listen to their voices:

"Ben Davis is a burning and shining light in these days of Cadillac leadership; he takes his place with the saints of old who went to jail for their opinions."

Reverend Dr. J. Pius Barbour

"Nobody considering Ben Davis as a man and a leader could by any stretch of the imagination think of him as guilty of anything but what this nation ought to reward and give the broadest chance for development. They need not necessarily follow him in all his opinions, but they must applaud the man, who, having the chance to be idle and careless, becomes busy, thoughtful and devoted, and gives his life to the great cause of changing the methods of production and distribution of wealth in this country and in the world."

Dr. W. E. Burghardt Du Bois

* *The Progressive*, a magazine, Nov. 1950.

"I stand firmly at the side of the convicted Communist Eleven. . . . What happens to them is a deep concern of every American. . . . Shall we defend our true heritage or shall we allow ourselves to be destroyed by American fascism parading as defenders of the democratic faith?"

"Our powerful answer must be that Ben Davis may continue his fine contribution. Together with that answer must be provision and demand for arrest of judgment based on the true traditions of American justice."

"I am proud to say these few words for my dear friend and associate—Ben Davis."

Paul Robeson

"There is this . . . that must be admired about Du Bois, Robeson, Ben Davis and others. They are not taking it lying down. Ben Davis is in prison. . . . Robeson has sacrificed. . . . Du Bois has fought without let up for over half a century and at 85 he is determined as ever. Some day when truth gets a hearing, America, regardless of color, we will honor them."

J. A. Rogers, Negro Historian

"It is time for non-Communists to drop their prejudices and do something and do it quickly or we will all be bound hand, foot and body."

"Negroes in the South are overthrowing the government of white supremacy every hour, and we intend to continue doing it. There was a law saying Negroes couldn't vote. And we have been overthrowing that kind of government. When the government starts putting people in jail because it doesn't like their ideas then the liberties of 15 million Negroes are at stake."

"Harry T. Moore was sent to his death by a bomb and Benjamin J. Davis was sent to prison for the same reason. We cannot recall Harry T. Moore. But the American people can recall Ben Davis."

Mrs. Modjeska Simkins, Editor,
South Carolina Lighthouse and Informer

Numerous other prominent individuals have spoken out against the Smith Act. Among these are: Hon. Judge Hubert L. Delaney, Roscoe Dunjee, Editor of the *Oklahoma Black Dispatch*, Bishop William J. Walls, Dr. J. Pius Barbour, Editor, *National Bap-*

tist Voice, Bishop C. C. Alleyne, and others. Such widely differing political forces such as the CIO, AFL, independent unions, Americans for Democratic Action, NAACP, churchmen, cultural leaders, educators, and other prominent figures here and abroad, while themselves non-Communists, and even anti-Communists, are alarmed over the threat to free speech by the jailing of Communists under the Smith Act. And two eminent Negro lawyers, Richard Westbrook and Earl Dickerson of Chicago, in an historic *amicus curiae* brief urged reconsideration of the U. S. Supreme Court 6-2 conviction of Ben Davis and his colleagues.

By Their Fruits Ye Shall Know Them

—MATTHEW 7:20

BEN DAVIS is not the only Negro leader who has been attacked by reaction as we can plainly see.

But Ben Davis, Henry Winston, National Organizational Secretary of the Communist Party, and the other Negro Communists under attack, were illegally seized, persecuted and harassed by reaction because they represent the most advanced sector of Negro leadership who link the Negro freedom fight to that of the working class and to the fight against war and fascism.

Reaction so fears the impact of Negro Communist leadership on the struggle for Negro freedom in our country, that an integral part of their anti-Negro offensive is the drive to jail and remove from leadership *all* leading Negro Communists in our country.

Today, Henry Winston, born in Hattiesburg, Mississippi, is a political refugee from the persecution of his country's government—a political refugee because he dared to expose and challenge the jim crow system of men like John Rankin from his hometown—a political refugee, because he dared along with his colleagues to expose and challenge the Korean war and because he proposed a system of society which would eliminate economic crises.

James E. Jackson, Jr., leading Negro Communist of Virginia, is similarly a political refugee. In a splendid pamphlet, written last year by his wife, Mrs. Esther Cooper Jackson, entitled *This Is My Husband*, Mrs. Jackson, mother of two children, wrote: "They ac-

cuse my husband of taking his "dangerous ideas" out of books of "foreigners"—like Stalin and Lenin. . . .

"... No, it is not dictation from any foreign source which caused my husband to dedicate his life and talents to the struggle for a new social order. Rather in the course of the struggle for a better life he discovered the answer to the problems of our times which have grown as an integral part of the history of our country. That these ideas have been adopted in other lands simply indicates that mankind, facing common problems, eventually arrives at common answers."

For dedication of their lives to realizing the answers to the common problems of mankind over 115 Communist and working-class leaders, 13 of whom are Negroes, have been arrested under the Smith Act.

These include, besides Ben Davis and Henry Winston, Pettis Perry of California and New York, Claudia Jones of New York, James Jackson, Jr. of Virginia, Thomas Dennis, Michigan, Ben Carreathers, Pittsburgh, Pa., Al Murphy of Missouri and Alabama, Thomas Nabried, Philadelphia, Pa., Robert Campbell of New York and Ohio, Paul Bowen of Seattle, Washington, James Tate of Connecticut and Claude Lightfoot of Illinois.



Pettis Perry

The ruling class of our country well understands the historical significance of the rise of Negro Communist leadership in the United States. It is a leadership whose ideas and perspectives are based upon the scientific principles of Socialism, upon the conviction that full economic, political and social equality for the Negro people can only be won fully allied to the cause of the working class.

This new leadership arose in the '20's, grew rapidly in the '30's and strengthened its ties with the Negro community. Even today, held deep in the hearts of thousands of non-Communist Negro people, are memories of the struggles waged by the Communists

against hunger, homelessness, joblessness and the misery of the Hoover depression.

What is more, the numerous and brilliant contributions made to the cause of Negro freedom—in the economic, political, social and cultural fields, by Negro and white Marxists have been recognized in all parts of the country by the Negro people.

Today, the very meaning of any serious leadership in the fight for Negro rights brings one into opposition with the foreign and domestic policies of government.

Ask yourself: Can anyone support the great national liberation struggles of the peoples of Africa—without facing the accusation of being a “Communist?”

Can anyone fight for the right to live in homes of our own choice—as in the Trumbull Homes in Illinois—without facing mob violence and the accusation of being a “Communist?”

Can one invoke the First or Fifth Amendment, without the accusation of being a “Communist” who “hides” behind the “protection” (!) of the Constitution?

Whether in writings, speeches, or needed organization endeavors, any Negro leader who pursues any necessary manifestation of leadership is labeled “subversive,” “communistic,” “undesirable,” “aliens,” or “dangerous troublemakers.”

Thus it is clear that while Negro leaders active in the Communist Party are singled out for special prosecution, the attacks extend far beyond the Communists. But in the struggle for full citizenship rights many different forces must unite for victory.

“In the shouting out times
In the stand up and be counted days
Do you turn your heads
Are you afraid?”



Harriet Tubman

***When things get thick
Some gents then out***

—AN OLD SAYING
OF THE NEGRO PEOPLE

THERE HAVE NOT BEEN a few such gents and ladies who have so thinned out when the going got rough. They are among those who figuratively prefer the safety of their scalps and can down their troubled consciences, if they have any, by avoiding the rising glances of concern by our people who increasingly judge our leadership by their incorruptible and unpurchaseable characters.

Well, let us ask ourselves:

Then, there are those who tell us that to be radical and black means three strikes against us, or to be black and red is even worse.

Essentially this argument is one which counterposes patriotism to the nation's welfare; loyalty to radicalism, *real loyalty* to jingoism.

Well, let us ask ourselves:

Do not our people have a *right to have* radicals?

Yes—a *right!*

Do not our people have the *right to seek some radical solution* to their highly oppressed status?

And have a *right to be radicals?*

It would surely *seem* they have.

The very core of *all* Negro history is *radicalism* against conformity to chattel slavery, *radicalism* against the betrayal of the demands of Reconstruction, *radicalism* in relation to non-acceptance of the status quo!

Is there a conflict between being *radical* and *being loyal* to one's country?

History can best answer this question. For the history of our people is rich in example that because the oppression of our people comes from the ruling class, the very *survival* of our people required non-conformity to preserve the dignity of manhood and womanhood.

For example, when in 1850, Frederick Douglass said: "*that the whole framework of the American government is radically at fault*"* was he not expressing a radical thought? Was he being disloyal to the Negro people, to democracy, to the interests of the vast majority of the American people?

Or when Charles Langston, Negro secretary of the Ohio Anti-Slavery Society told a U.S. Court in 1858 about to jail him for violating the Fugitive Slave Act: "*I know that the courts of this country, that the governmental machinery of this country are constituted as to oppress and outrage colored men,*"** was he not expressing a radical idea fundamentally in the interests of the country?

When Sojourner Truth, demanding equality for Negro women told the First National Women's Rights Convention in Seneca Falls: "*I have borne five children and seen most all sold off into slavery and when I cried out with a mother's grief . . . none heard. . . . And aren't I a woman?*"*** was she disloyal to the laws of the land, which not only denied legal, political and social rights to white women, but triply discriminated against Negro women?

When President Buchanan sent U.S. marshals to Frederick Douglass' home to arrest him after John Brown's heroic effort, in order to question him as to his knowledge of the event, was Douglass not radical in writing from Canada that: "*I have no apology for keeping out of the way of these gentlemanly U.S. marshals. . . . I have quite insuperable objections to being caught by the hands of Mr. Buchanan.*" Douglass also wrote from Canada he would never "*assume the base and detestable character of an informer.*"

Now, Douglass may have disconcerted the slaveowners, but "*only base and detestable characters*" owe loyalty to exploiters and oppressors!

* From A Documentary History Of The Negro People, by Herbert Aptheker.

** Ibid.

*** Sojourner Truth, by Dr. Arthur Huff Fauset.

We can conclude as a result of these examples that the entire history of the Negro people has been one of *radical* solution to a sorely oppressed status. We can also conclude that the finest patriots of the Negro people—Harriet Tubman and Frederick Douglass, Sojourner Truth and David Walker, Nat Turner and Denmark Vesey, Ben Davis and Henry Winston—those who have been assailed as radicals—are the staunchest fighters against slavery and Jim Crow, for freedom and equality. We can also conclude that the oppressors of the Negro people are the betrayers of the American nation. When, finally, we remember that history teaches that the only organized effort to overthrow the U.S. government through force and violence came from that class holding the Negro people in slavery, we can better judge who is truly loyal to America!

Who is loyal to America and its democratic traditions?

James Byrnes: governor of South Carolina, who equates the role of the NAACP and KKK, correctly assailed by Thurgood Marshall as "*fascist McCarthyism rampant with racism*"?

Or Ben Davis—whose eloquent voice against Jim Crow scathes Byrnes and all the racists even from behind prison bars?

YES, TO BELIEVE IN NEGRO FREEDOM MEANS TO BE RADICAL!

I believe with Ben Davis and his colleagues that this thought—Marxist-Leninist thought—contributes mightily to correcting the many evils in our society through peaceful effort.

You may not.

BUT you will agree that to disagree with a man's thoughts is no reason to jail him.

Instead of using his great talents and enthusiasm of deeply-held beliefs, Ben Davis is thrust into jail.

It is a disgrace to this country that Ben Davis ever went to jail or that he is kept there now.

Ben has no fear . . .

“Ben has no fear. The fear he said is from those who don’t know what the future holds. He is at long last a free man. His is the freedom of the man who has been subjected to persecution and can still stand up and say: ‘I’ve taken all they can throw at me. I have not been conquered!’ ”

—ATTORNEY GEORGE W. CROCKETT*

IN THESE INSPIRING words, Attorney George W. Crockett summed up his impressions of Ben Davis following an early visit to him in Terre Haute Jim Crow prison.

After describing Ben’s “high spirits,” his “loss of quite a bit of excess poundage,” and the difficulties which Davis and the other jailed Communist leaders have experienced, such as the denial of correspondents requested, a few of whom were won after a fight, Crockett wrote of Davis’ concern with prison Jim Crow.

The heinous practice of discrimination against men in federal custody forced Ben Davis *even in prison* to continue the fight for which he has dedicated his life against Jim Crow and segregation. He is planning court action.

Davis’ action lays bare one of the genocidal practices of prison life in these United States in general and for Negro Americans in particular. This “brazen practice” of prison Jim Crow is another stench in the noses of democratic Americans and further exposes the hypocritical prating of our State Department of a “*free America in a free world.*”

Nor is this all that Ben Davis has done even while incarcerated in Jim Crow jail. Despite a serious illness last year in prison which required hospitalization for nearly 5 weeks, Davis once again testified in the Pittsburgh Smith Act case of Steve Nelson, Andy Onda, Ben Carreathers, James Dolsen, Irving Weissman and Bill

* Attorneys George W. Crockett, Michigan, Harry Sacher, New York, Abe Isserman, New Jersey, Louis McCabe, Philadelphia, Penna., and Richard Gladstein of California, were all of counsel for the eleven Communist leaders.

Albertson. In brilliant, clear testimony, permeated with calm confidence, after being jailed for two years, his truthful accusations could not be answered by the prosecutors of his ideas and that of his Party. For this heroic stand, and his refusal to name names of workers to his prosecutors, Davis was again sentenced for contempt and drew two additional months to be served separately, not concurrently, from his present five-year sentence. *But Ben would not endanger the security of Negro and white workers who would face vilification and persecution in these days of anti-Communist hysteria from the McCarthyite fascist witch-hunters.*

Now, were Ben Davis an ordinary prisoner, he could, *after* February 21, 1954, be released anytime prior to March 1, 1955—the date of his conditional release.

But the government seeks to use a further detainer—another charge—not tried at the time of his first indictment—the *charge of making it a crime to be a member of the Communist Party of the United States.*

The recent arrest of the outstanding Illinois Communist Negro leader, Claude Lightfoot, under the membership section of the Smith Act is directly related both to this detainer and to the spreading move by government for police state powers yet attempted in this country. Deliberately framed under Section 2 of the Smith Act, Attorney General Brownell seeks to get a conviction and set a precedent to make membership in the Communist Party a crime. A conviction under this additional unconstitutional section would widen the thought control dragnet. Lightfoot was held under the excessive bail of \$30,000 in a Chicago jail.



Claude Lightfoot

What is more, the dangerous precedent set in the closing days of the 83rd Congress in which for the first time in our nation, a political party, the Communist Party, was virtually “outlawed” amidst legislative chaos, terror and irrational procedure, without

benefit of public hearings or full debate indicates the serious growth of fascization in the country. The arbitrary criteria in this *bill of attainder* for determining who is and who is not a Communist as anyone who "thinks" or "acts" as a "Communist" is a logical climax to the Smith Act jailing of men and women for their political ideas. This bill is a dagger aimed at the heart of the trade union movement, providing it as it does for the licensing of trade unions, even as was done under Hitler's decrees. Such is the real iron fist behind this measure to curtail the rights of labor, the rights of the Negro people and all Americans.

Thus, through these two new attacks, the Attorney General and Department of Justice attempting something even the U.S. Supreme Court has so far denied. These new moves, to which there is wide and growing opposition, by the nation's press, labor, civil rights organizations, and the Negro people's movement should spur the fight for amnesty for the Smith Act victims because it further exposes the whole crude frame-up character of the Communist trials and the jailing of Ben Davis and his colleagues.



William Z. Foster, National Chairman, Communist Party,
and Ben Davis



Paul Robeson and Ben Davis

Ben Davis gets a "Hearing"

A FEDERAL JUDGE, member of the Federal Parole Board, described Ben Davis as the "*most intelligent*" prisoner he had ever interviewed and that he had found him a "*sincere and fundamentally honest man.*"

A white Southerner by birth, the judge also told Ben Davis that any parole action in his case would be held up pending a full Board hearing in Washington, D. C.

Accordingly, a delegation headed by Paul Robeson, outstanding artist and life-long friend of Ben Davis; John Abt, Davis' present attorney; Mrs. Dolly Mason, community leader; Cyril Phillips, New York businessman; Rev. Kenneth Ripley Forbes of Philadel-

phia; and Dr. Marcus Goldman, former Government geologist, appeared at a Federal Parole Board hearing February 11, 1953.

Their pleas were that Davis had served more than one-third of his sentence in the federal prison of Terre Haute and was now eligible for parole. Among other things raised by Robeson in a press conference was the tremendous sentiment for Davis' release in the Negro communities. Rev. Forbes said he communicated to the Board a feeling in the Negro communities throughout the nation for Davis' release.

Robeson further pointed out that in the recent Smith Act case involving the 13 Communist leaders, Judge Edward J. Dimmock had set the top sentence at three years, stating that Congress did not intend to apply the five-year sentence to conviction for "conspiracy to advocate."

Despite their pleas, the Parole Board, while listening politely, in a later decision, turned thumbs down on Davis' release.

Still another delegation went in February of this year to Brownell's office. The delegation in this case was headed by William L. Patterson, National Executive Secretary of the Civil Rights Congress, who was forced to serve a vindictive three-month sentence for not being able to produce *lost* names of his contributors to the Treasury Department; James W. Ford, national executive secretary, National Committee to Defend Negro Leadership; and Miss Louise Jeffers, Executive Secretary of the Harlem Committee to Free Ben Davis. This delegation presented petitions urging Davis' freedom and also left a memoranda with Senator Langer, Chairman of the Senate Judiciary Committee which outlined the discriminatory practices suffered by Davis and other Negro prisoners in Terre Haute federal prison and demanded action by this Senate Committee.

Despite numerous petition campaigns which have found a receptive echo and numerous anxious inquiries as to why Ben Davis is still in prison—*HE IS STILL NOT FREE!*



Ben Davis Speaking at a Harlem Rally

*With every ounce of strength
I shall continue to fight for the people*

—BENJAMIN J. DAVIS

IN THESE WORDS, Ben Davis opened his farewell speech to the people of his community and all his former constituents the night he spoke for the last time before his jailing in Harlem's famed Dewey Square.

The square was jammed with people, and placards urging "Repeal the Smith Act!" "Free the Eleven Communist Leaders." "Stop Thought Control" and home-made signs scrawled "Ben, We Love You."

Some people had clenched fists, and tears of anger were in their eyes.

But Ben Davis continued to speak:

"The sun of liberty is rising all over the world. . . ." He talked of the unbreakable fraternity which we have with the peoples of

Africa, Asia, the West Indies, Europe, Latin and South America, who are achieving national independence and freedom, as well as with the peoples of the Soviet Union whose nation has wiped out racial discrimination and made it a crime. Ben spoke of our bonds with the people in the wide world who fight for peace, equality, national independence, and security against atomic wars, and for friendship between nations.

And Ben said: "*I'll be back on these Harlem streets some day; I know I will. . .*"

. . . On the streets of Harlem one finds many people who know and remember Ben Davis for his fight for the people's needs.

Here is a woman who remembers, how, when evicted, it was Ben Davis and his Party, the Communist Party, who were among the first to fight against her eviction, helped put her furniture back in her house. Here is a bartender who asks, as you open a paper, the *Daily Worker*, of which Ben Davis was publisher before he was jailed, "*How is Ben?*"

Here is a Negro woman, whose sad eyes contrast strangely with the strong lines in her stern face. I recognize her as the mother of one of the five bereaved families from whom death claimed five victims, three of whom were children, and who lived in a firetrap in Harlem. That was in January, 1947, when there were 45 deaths in one month from slum housing in the Harlem-Puerto Rican-Washington Heights area. "*How is Mr. Davis?*" She presses your hand meaningfully.

Here is a Negro minister who, when you talk to him, quotes the Scripture: "*Smite Down the Shepherd and the Sheep Will Be Scattered!*" to show his understanding of Ben's jailing.

Here is a white couple who knew Ben and who ask: "*What can we do to help free Ben Davis?*"

Two youths, Negro and white, striding arm in arm—they seem like students—come up and say in the bright tones of youth: "*We Must Free Ben Davis!*"

Yes, we can hear his voice! Even from behind prison bars, Davis' fearless voice scathes racist Jim Crow!

And because it is the supreme evidence and continuation of his entire life's fight for his people, for all the oppressed, it is all the more resounding.

It is resounding, because it is *one* with the Negro leaders of the South who rallied in 15 states against the McCarthy tactics of the

Jenner Committee, condemning them as a blow against the entire Negro community of the nation.

It is *one* with all those who fought to save Ethel and Julius Rosenberg, and who fight to free Morton Sobell from a living death sentence of 30 years.

It is *one* with the millions here and abroad who kept Wesley Wells from execution in the California gas chamber, and who fight to free Mrs. Rosa Lee Ingram.

It is *one* with all our people who fight in these coming elections for an anti-McCarthy, pro-labor, pro-democratic Congress, for extended Negro representation, for peace, security and democracy!

It is *one* with all our people and our allies who fought and *won* reversal of the "separate but equal" doctrine of southern school's Jim Crow. And who fight to realize implementation *now* of the Supreme Court's ruling.

It is *one* with our brothers and sisters in the South, in Atlanta itself, in Ben's birthplace, in Dawson, Ga., who asked: "*What are you doing to get Ben Davis out of prison?*"

Ben Davis' voice and his fight for freedom is *one* with Jomo Kenyatta of Africa; Cheddi Jagan and Burnham of British Guiana; with Gabriel D'Arboussier of French Equatorial Africa; with all the valiant men and women fighters of all creeds and national origins who fight for liberation and national independence of all people throughout the world.



Jomo Kenyatta

They've jailed Ben Davis. But his ideas are still abroad. It is Ben Davis himself who can best express his ideas from ladders on the streets of Harlem, in the broad arena of political and legislative struggle, in unity meetings with his people, Negro and white, and with white allies, and in the councils of his own Party. Until Ben Davis can do so, the McCarthyites and the racists will have a strong weapon with which to spread fear and subversion.

Will you answer Ben's confidence that he will be back on

*the streets of Harlem—and all the broad highways of the nation—
some day—soon?*

The one answer—the one response to Davis' fight against prison Jim Crow and his jailing for his ideas is contained in the word—**AMNESTY!**

The fight to free men and women jailed for unpopular political beliefs by presidential amnesty is a great American tradition. There have been numerous cases of political amnesty in our country. Andrew Johnson's Republican Administration granted amnesty to conscientious objectors of World War I. President Harding freed Eugene Debs, famed Socialist leader and other political prisoners as a result of a mass campaign which forced their freedom. And similar amnesty decrees were issued by President Calvin Coolidge.

Surely—there is need for unity of all democratic-loving Americans to free Ben Davis—to demand amnesty for all political prisoners. Especially is this true of the Negro people as a whole, who first understand that the jailing of Ben Davis, *in the prime of his life*, is the jailing of a part of our historic struggle for full citizenship rights in these United States!

FREE BEN DAVIS NOW!

Amnesty For Ben Davis And His Colleagues Now!

To sing the hallalujah of the famed Negro spiritual: We must free him for he "bears our burden in the heat of the day!"

WHAT YOU CAN DO

The National Committee to Defend Negro Leadership was organized in 1952 to halt the growing attacks upon Negro leaders regardless of their political belief or opinion.

We are proud to present this pamphlet, the third of a series of publications devoted to arousing the conscience of democratic-minded people in our country and abroad against the growing McCarthyite threat to democratic liberties.

To that end, our committee published the brochure, "In Defense of Negro Leadership" by the Reverend Edward D. McGowan; and the pamphlet, "This Is My Husband" by Mrs. Esther Cooper Jackson.

In presenting this pamphlet, "Ben Davis—Fighter for Freedom" by Claudia Jones, with an introduction by Mrs. Eslanda Goode Robeson, our committee continues to dedicate itself to the defense of *all* Negro leaders under attack.

We appeal to all democratic-minded people—particularly to Negro organizations and individuals to speak up against the persecution of militant Negro leaders.

Write to President Eisenhower, urging him to grant amnesty to Ben Davis and his colleagues!

Bundle orders of this pamphlet magazine and information about the National Committee can be secured by writing to:

NATIONAL COMMITTEE TO DEFEND NEGRO LEADERSHIP

1660 Fulton Street, Brooklyn 13, New York

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