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# The Necessity for Legal Work

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## Problem Before Us.

The most important problem confronting the party at present is how to approach the masses who are tacitly in sympathy with us, how to get into close touch with those who are within the trade and industrial unions, and those who have lost confidence in the SP or similar organizations, and win them over to us.

It is a self-evident truism to Communists that proletarian mass action also needs leadership. This leadership must come in the form of a strongly centralized revolutionary proletarian political party — the Communist Party.

When the CP and CLP were first organized [Sept. 1919], many comrades believed that an underground organization should be formed. At that time, we were opposed to it, and we were undoubtedly fully justified in our position. The open conventions of the two Communist Parties have rendered a great service to the revolutionary cause in this country. They have succeeded in attracting the attention of the broad toiling masses and have helped considerably to spread our ideas among them.

It may be urged that the effect was like that of sparks which soon died out. It is not so. It is true that they were indeed sparks, but sparks from which bright and glorious flames will spring. The open conventions have played the part of agitators and propagandists whose work could not be fully appreciated at first. The results of the open conventions are only being felt now, after a long period of hard struggle. It is true that due to the open conventions many of us have become victims of the capitalist class. It is, however, equally true that no revolutionary movement has ever been launched without sacrifices. No ruling class has ever given up and no ruling class ever will give up its privi-

leged position without a bitter fight. To conduct all our propaganda and agitation openly when our forces were still too weak for an effective attack upon the ruling class would have been a serious mistake. We were compelled to go underground to protect the movement, strengthen our organization, to create a strongly centralized party, and to develop a clearly defined revolutionary program. Only in an underground organization is it possible to set forth our final aims, and the tactics by means of which these aims are to be achieved. Only through an underground organization could we make clear to the proletariat of this country the ultimate necessity of armed insurrection for the overthrow of the bourgeois state and the establishment of the dictatorship of the proletariat.

## The Underground Party.

Experience has taught us that in order to avoid persecutions as much as possible, the proletarian political party must be organized underground. Even in comparatively liberal England, where the various propagandists have heretofore enjoyed full freedom of speech, a campaign of persecution has recently been started against the Communists. The panic-stricken rulers have realized that the Communist Party of England is really undermining the foundation of the capitalist system. This will undoubtedly compel our English comrades to go underground. At the present stage of development of the labor movement, the proletariat is compelled to organize its political party underground. All plans are to be decided upon by the underground organization to avoid governmental interference. All legal communist organizations must be under the complete control of the illegal organization.

During its formative period, the communist Party is of necessity separated from the labor move-

ment in general. Most of its energies are devoted to the perfection of its organization and to a clarification of its program. All the Socialist and Communist parties have passed through such a period. The inevitability of such a period was pointed out by Comrade Lenin in December 1900 in his article, "Urgent Problems of Our Labor Movement," which appeared in the first issue of *Iskra*. We cite the following excerpt:

In every country there existed a period when the labor movement and socialism were apart from one another, each following its own road. And in each country this state of affairs led to the weakening of both socialism and the labor movement. On the contrary, only close contact of socialism with the labor movement has created everywhere a firm foundation for either of them. But this contact of socialism with the labor movement has in each country developed gradually and along different lines according to the local conditions of each given period.

Theoretically Russia has long ago proclaimed the necessity of uniting socialism with the labor movement, but actually this unity is only being developed at the present time. It is not surprising that due to the difficulty, it is being accompanied by hesitation and indecision.

The Communist movement of America is at present going through a period similar to that described by Lenin. The program of the party points out clearly the necessity of close contact between communism and the labor movement. The accomplishment of this portion of the program proceeds slowly. Our failure in this direction is due to lack of representation within trade unions and mass organizations and to our lack of experience. Our nuclei furnish the most effective means for the realization of this program. This is substantiated by the success of the communists in the European labor unions resulting in the creation of the Red International of Trade and Industrial Unions.

In order to establish close contact with the masses, the CPA has taken another step — the inauguration of a legal English press. Heretofore our legal publications as well as our underground organs, reached our members exclusively. Thus the legal press of both parties failed in its purpose of reaching the masses.

There are many reasons for our failure to reach the masses through these various channels. Our membership has been reluctant to engage actively in the work of the party. During the period of our isolation

our work fell into the hands of a few, willing comrades, thus creating sectarianism. But this period is a temporary one. We dare not make it a permanent condition if the movement is to flourish. The tactics of a political party of the proletariat must be changed according to changed circumstances. This is an old Marxian truth. Comrade Lenin in the above-mentioned article said:

Finally as to the question concerning tactics, I shall say only this, the social democracy does not bind itself, does not limit its activity to one plan worked out beforehand. Neither does it limit itself to but one method of political struggle. It recognizes all means of struggle so long as they correspond to the actual forces of the party and so long as they lead to the best results obtainable under the existing conditions.

It therefore follows from this that at certain periods of the struggle, our tactics must conform to the prevalent conditions thereof. But we must expect that such changes will inevitably lead to an internal struggle within the party, because all members do not immediately comprehend the necessity for the change in policy. The CPA is passing through such a struggle. The amalgamation of the two parties, the establishment of a policy of strict centralization, and the evolution of a clear-cut program were the prerequisites for our present task — the practical application of the methods of struggle for the realization of our ultimate aims.

### **The Present Moment.**

The CPA has now reached a point where a change of tactics is an absolute necessity. This change is vital not only to the party but to the progress of the entire American labor movement.

The mountain did not go to Mohammed, so Mohammed must go to the mountain. The masses do not and will not come to our underground organization, so we must organize above and carry out agitation on a legal basis.

The question of legal work was raised at the unity convention, but on account of lack of time, nothing definite was decided and it was given over to the CEC. The CEC, realizing the importance and conscious of the necessity for combining legal work with the illegal, decided to conduct legal work on a large scale. For this reason they have established a special department

for the purpose of pushing this work by all possible means. The decision of the CEC, as is usual with any new departure, was met with some skepticism. But this step was necessary as our party was becoming more and more sectarian. Our isolation was affecting the entire party. In order to rid itself of this harmful influence, to establish real contact with the toiling masses, the CEC decided to conduct work not only within labor unions but also through all other workers' organizations, upon a unified and systematic plan.

The hesitation and skepticism shown towards the question of the necessity for legal activities is exactly the same as that manifested towards the question of participation in reactionary unions. At that time many members of the former CP, as well as of the former UCP, were opposed to entering reactionary unions. They feared that participation in such unions would lead to the winning over of our weaker elements by reactionaries and to the ultimate demoralization of the Party. Experience, however, has shown that exactly the reverse is true, that the work in trade unions has not only strengthened our party by giving our members an opportunity to actually participate and gain experience in the everyday struggles of the workers, but that through such activity we have increased our membership and have won over the more enlightened elements of such organizations.

### **Open Work.**

Many of our comrades have become accustomed to limiting their work to the narrow circle of the most class-conscious and revolutionary sections of the proletariat. Any attempt to reach the broad masses was hailed as "opportunism," "liquidation," "impairing the purity of the Communist movement." These comrades were especially opposed to entering reactionary trade unions or other organizations controlled by reactionary and centrist leaders. In reality these are but manifestations of what Lenin has so cleverly called the "infantile sickness of leftism." Such a policy can only lead to Blanquism, fanaticism, inactivity, and the gradual deterioration of the entire movement. Such ideas should be fought to the limit, if the Communist Party is to become and remain a virile force in the American labor movement.

The purpose of legal work is, thorough propa-

ganda and agitation, to awaken in the proletarian masses an interest in the political struggle. In order to conduct such propaganda, it is necessary to get in touch with them within the various organizations, however backward. Many of our comrades consider this dangerous. They foolishly believe that it will involve the corruption and pollution of our Communist principles, thus to mingle with the less class-conscious masses. These comrades do not appreciate the vast differences that separate the reactionary leaders from the broad masses of these organizations. Many of the comrades, turning all their attention to the leaders, unfortunately lose sight of the rank and file. They are under the impression that the reactionary leaders reflect the opinion of the membership. But the history of the world labor movement does not justify this conclusion. The proletarian masses are instinctively revolutionary as the Russian Revolution has demonstrated.

To lose confidence in the masses, to suppose that they are reactionary, and to discard for a moment the opportunities for Communist activities within reactionary trade unions, implies a most narrow and impractical outlook upon the revolutionary movement as a whole. The expansion stage of capitalism has given birth to an opportunistic ideology within the labor movement, and the growth of a reactionary leadership. But this period has passed. The proletariat is being subjected to the attacks of merciless imperialism. Revolution appears as the only salvation. Therefore Communists must enter every revolutionary proletarian organization in order to fight and expose the reactionary leaders and to win over the masses for Communism. No true Communist can conscientiously shirk this important duty.

Another argument put forward against legal Communist propaganda is that at the present time we will be compelled to refrain from propagating openly some of our principles, such as the necessity of armed insurrection. This argument would hold true if our work were limited to legal propaganda only. But whatever cannot be circulated through legal means can and must be given publicity through our underground political party. The illegal party remains the controlling factor. It directs all the agitation and propaganda of the illegal as well as of the legal organization.

Legal activity will play an important part in the Communist movement of this country. It will bring

the Communist Party in close touch with the proletarian masses of the trade unions and other working class organizations. Under the direction of the illegal party there will be conducted Communist propaganda as far as the existing conditions permit. The legal organization will also serve as a recruiting ground for the Party. The constant influx of new and healthy elements will lend vitality and renewed energy to the movement.

The time chosen for the creation of a legal organization was indeed most opportune. Had not the CEC taken the initiative in this direction, some centrist party would have gained control over all those who in reality belong with us.

### **The Difficulties.**

The argument that our Party is not strong enough to be in a position to conduct legal work on a large scale and that our members are not sufficiently developed for this task, is unfounded. The working class as a whole does not develop, nor does it receive its revolutionary training, merely from books and propaganda. Such training is mainly the result of varied and difficult experience. Our members will never learn to conduct legal work unless they really engage in it. Experience is the best teacher.

In adopting a definite decision on this question, the CEC was guided by the actual conditions existed in the United States today. Curiously enough the Communist International has fully accepted this view independently of our Party, thus fully supporting the stand of our own CEC. Let us consider for a moment what the representatives of the Communist International have to say on this issue. In their Theses on Tactics, issued by the Bureau of the Russian delegation to the 3rd Congress of the Comintern [June 22-July 12, 1921] and signed by Comrades Zinoviev, Lenin, Trotsky, Bukharin, Radek, and Kamenev — we find the following:

In the United States of North America, where on account of historical circumstances, there was lacking a broad revolutionary movement even before the war, the Communists are still before the first and simplest task of creating a Communist nucleus and connecting it with the working masses. The present economic crisis, which has thrown 5 million people out of work, affords very favorable soil for this kind of work. Conscious of the imminent danger of a radicalized labor movement, American capital tries to

crush and destroy the young Communist movement by means of barbarous persecution. The Communist Party was forced into an illegalized existence, under which it would, according to capitalist expectations, dwindle into a mere propagandist sect and lose its vitality in the absence of any contact with the masses. The Communist International draws the attention of the Communist Party of America (unified) to the fact that the illegal organization must not only serve as the ground for collecting and crystallizing of active Communist forces, but that it is the Party's duty to try all ways and means to get out of the illegalized condition into the open, among the wide masses. It is the duty of the Party to unite the masses politically for the struggle against American capitalism.

These extracts fully justify the position of the CEC of our national party on the question of legal work. They also contain another important idea, namely, the ideal of the necessity of a Communist mass party. We will try to develop this idea, as it is of utmost importance to the Communist movement of this country.

It would have been foolish and ridiculous to talk of a Communist mass party at the time when the Communist Party was in the process of formation. It was unnecessary at that time to create a Communist nucleus consisting of the most advanced, more class-conscious workers around which to build the future strong mass party. During the present period of depression and the breakdown of capitalism, the masses are open to conviction. Large numbers of workers are ready to join the movement.

### **The Russian Analogy.**

Many of us think that a Communist mass party is superfluous for the Communist movement. Such an opinion is probably a relic of the early stage of our movement, when the party was compelled for a time to isolate itself from the masses, during the process of formation. Thus many comrades point to the victory of the Russian Communist Party with a membership of approximately 10,000 out of a population of 130,000,000.

The comparison does not, however, warrant the conclusion drawn. Previous to the October Revolution, Russia was economically a backward country. It is true that a few industries were operated on a large scale, but we must remember that Russia was then and is now, mainly an agricultural country. The large in-



dustries had been concentrated in a few centers only. Moreover these industries had developed with such rapidity that the Russian capitalists had had no opportunity to organize efficiently. Previous to the Bolshevik Revolution, capitalism had not, therefore, flourished sufficiently to exert any decided influence over the political and economic life of the country. After the overthrow of the Tsarist regime, there remained in the political field but one other well organized body, strong enough to take control — the Communist Party of Russia, the Bolsheviki.

The Bolsheviki were confronted with the most favorable conditions for the assumption of power. There was no need for such a violent struggle against national capitalism as the Revolution in Western Europe and America will undoubtedly involve. On the other hand, the working class of Russia had not yet fallen under the vicious influence of the treacherous trade union leadership such as we find in Western Europe and America. For these reasons, the Russian Communist Party, in spite of its limited membership, found it comparatively easy to establish direct contact with the working masses.

### **Our Task.**

The Communist parties of Western Europe and America must overcome many obstacles which our Russian comrades did not have to face. They must do battle against a well organized, class-conscious and powerful capitalist class. At the same time, they must wage a bitter fight against the traitors within the ranks of the proletariat — the able lieutenants of capitalism — the reactionary labor leaders who hold in their relentless grasp the vast mass of workers organized within the labor unions.

To comrades opposed to the formation of a mass party it is well to point to the experience of the Communist Party of Germany, which confirms our stand. Although this party included in its ranks, even before unity was accomplished, about 100,000 members, it was not strong enough to win the fight against the treacherous bureaucrats of these unions and accomplish a successful proletarian revolution. This leads us

to the inevitable conclusion that only a Communist mass party, penetrating and permeating the labor unions and other organizations of the workers, only such a party can become the leader of the proletarian revolution in capitalist countries like Germany, England, and the United States.

In reply to the opponents of a Communist mass party, Lenin in one of his speeches delivered at the 3rd Congress of the Communist International [June 22-July 12, 1921], said, “Those who do not understand that in Western Europe, where almost the entire proletariat is organized, it is necessary to win over the majority of the working class, those are lost for the Communist movement.”

Comrade Zinoviev in his report to the 3rd Congress of the Comintern, made in the name of the Executive Committee of the Comintern the following comment regarding England and America:

Comrades, we have not only caused splits during this year, but we have equally helped, especially in England and America, to unite the various existing currents. Before the 2nd Congress [July 19-Aug. 7, 1920], there were in England 8 minor currents, struggling with each other. And we have now — due to a great extent to the pressure of the Executive Committee of the Comintern — only one party. The same is true in regard to America. Regarding America, we decided not to accept to the International any of the factions until unity was achieved. We must advise our American friends to learn to work not only within the limits of the illegal party, but to organize notwithstanding the White Terror, a legal and semi-legal movement, functioning parallel to the party, in order to win over larger circles of the working class. It is a question of life or death for the English and American Parties not to remain a sect. The ground in England and America is so well cultivated that our party must be able to plant the seeds. We are of the opinion that our main slogan for these two parties must be: *Closer contact with the masses, more legality.*

These extracts prove conclusively that the CEC of the Communist Party of America has taken the proper position on the question of legal work before the highest tribunal of the Communist International took a similar stand. We therefore appeal to all the members of the Party to cooperate with the CEC toward building up a legal organization that will insure the future growth of the party and the ultimate success of the movement. Comrades, to work!

*Edited by Tim Davenport.*

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