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Freedom is Everybody's Job!: The Crime of the Government Against the Negro People

George W. Crockett. Jr

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FREEDOM IS Everybody's Job!

*The Crime of the Government
Against the Negro People*

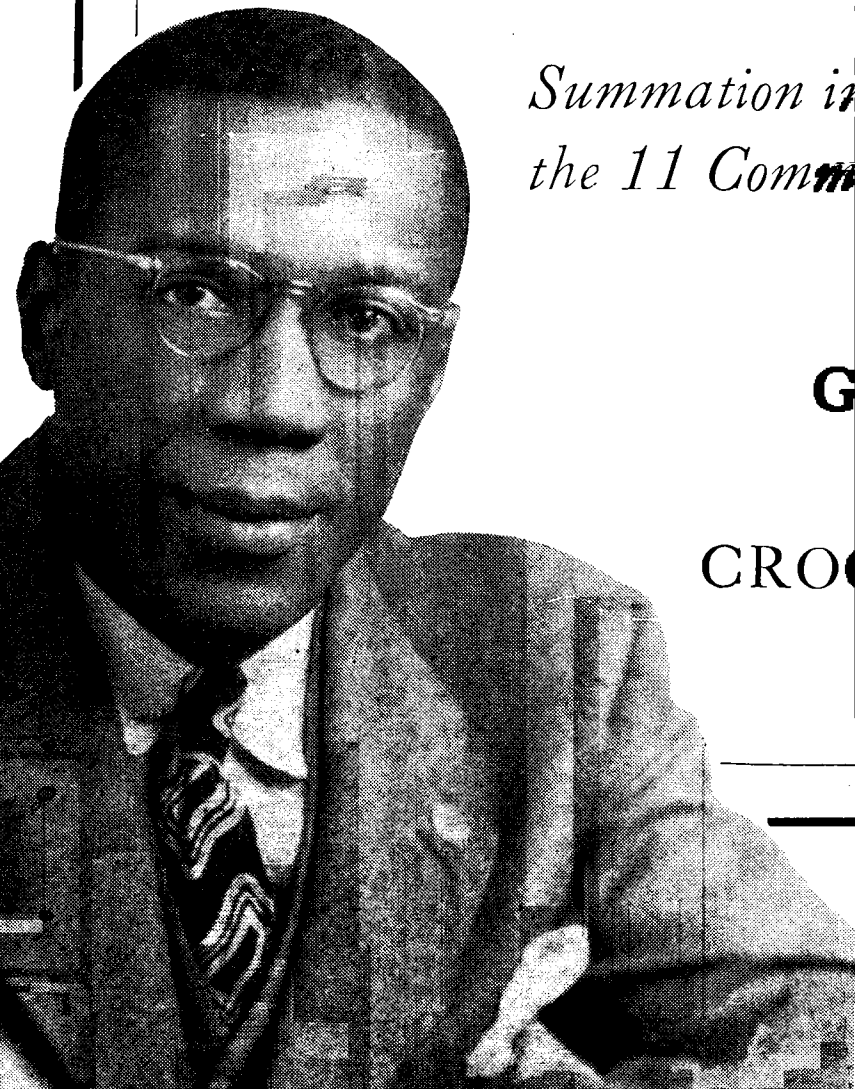
*Summation in the Trial of
the 11 Communist leaders*

BY

GEORGE

W.

CROCKETT, Jr.



ABOUT THE AUTHOR

GEORGE W. CROCKETT, JR. entered law practice in Jacksonville, Florida, in 1934, upon graduation from the University of Michigan. In 1939 he went to Washington to serve first in the Department of Labor and later with the President's Fair Employment Practices Committee (FEPC). Some of his work attracted national interest. In 1943, when the Philadelphia Traction Company was refusing, despite the manpower shortage, to employ Negroes above the rank of porter, Crockett prosecuted the case before the FEPC. His suggested findings became the ultimate court order in the case, an order President Roosevelt later sent the Army to enforce. Articles Crockett wrote in law journals were picked up by courts in Georgia and Louisiana—the empire of white supremacy—which did not know they were borrowing the arguments of a Negro! As a result of his reputation and his own thinking, he moved on from government service to the labor field in 1944. He founded the Fair Practices Committee of the CIO United Auto Workers and was its executive director from 1944 to 1946; in 1947 he became administrative assistant to the international secretary of the union. He is now associated with the law office of Maurice Sugar and engaged in the general practice of law in the city of Detroit.

Mr. Crockett entered the case of the 12 Communist leaders because as he stated in a letter to the *Detroit News*, “. . . this indictment and trial of the Communist Party and its leaders is a step—a cleverly concealed step—which if unchecked now can and will lead our country to Fascism and war.”

INTRODUCTION

THIS PAMPHLET CONTAINS but a portion of Mr. Crockett's summation to the jury in the recently concluded trial of the eleven leaders of the Communist Party.

The defendants—all members of the National Committee of the Communist Party of the United States, were indicted on July 28, 1948 under the so-called "Smith Act" and charged with conspiring to organize as the Communist Party a society or group of persons who teach "the Marxist-Leninist principles of the overthrow and destruction of the Government of the United States by force and violence." The trial, one of the longest in history, lasted for nine months.

Mr. Crockett was one of five trial attorneys who undertook the defense. His summation to the jury lasted more than three hours. Reprinted here are his introductory remarks and his discussion of the prosecution's attempt to discredit the defendants and their Party's position and activities in support of the rights of the Negro people.

The bulk of Mr. Crockett's address to the jury was directed to the heart of the prosecution's case—the conspiracy concept—and constituted a masterly refutation of the prosecution's claim that the Communist Party was dominated from abroad, used conspiratorial methods such as false names and "Aesopian" or code language, and that Party clubs were operated as small conspiratorial groups.

Summation:

DEALING WITH THE NEGRO QUESTION



FREEDOM IS EVERYBODY'S JOB

By GEORGE W. CROCKETT, JR.

INTRODUCTORY REMARKS

MR. CROCKETT: May it please the Court, ladies and gentlemen of the jury:

This is the moment which to me is the highlight in my life. I have the feeling that I have lived for this moment when an opportunity will be given me to tell you how much the Constitution means not only to me but to these eleven men who are on trial here.

We have been associated together here for approximately six months listening to testimony offered by the prosecution to support its charge that these men are guilty of a conspiracy to teach and advocate a forbidden doctrine, Marxism-Leninism, which the prosecution contends means the overthrow of the Government of the United States by force and violence.



In riding the subways here in New York I have noticed a sign, a sign that says, "Freedom is everybody's business."

Freedom is indivisible. We cannot deny freedom of speech to Communists and at the same time preserve freedom for Jews or for Catholics or for Negroes or for persons of foreign ancestry. You cannot outlaw the Communist Party because of its political theories without creating a most dangerous precedent, a precedent that may in the future be used to outlaw the religious organization or the political organization or the inter-racial organization to which you or I might belong.

Once we in America forget that freedom is everybody's business, once we accept the fascist theory that Communists have no rights or that all Communists should be sent to Russia or put in concentration camps, once we begin thinking and speaking in those terms we descend to the very depths of Hitlerism.

I can recall and I am sure you can recall also that three years before Hitler came to power remarks similar to those I have mentioned were being made in Germany about Communists and about Jews. And all of us know what happened then. First came the Reichstag trial of the Communists and the outlawing of their party. Then came the pogrom against the Jews and the concentration camps, and then—and then came the banishment of everyone who disagreed with the Nazi ideology.

You have the power by your verdict to forestall that chain of events here. Should you fail to do so, then while it may be the Communists today, tomorrow it will be the Negroes and Jews, and the day after tomorrow it will be all who dare speak out against the fascist tendencies which are all too prominent in our country today.

The Peekskill affair, the malicious burning of Negro homes in Florida—these things didn't just happen. These recent events, together with the resurgence of the Ku Klux Klan, are unfailing signs which indicate that our tomorrow, unless we hold fast today will be a tomorrow devoid not only of freedom of speech and assembly for Communists but freedom of speech and assembly for all minority peoples in this country.

To agree that Communists have the right to speak or to assemble or to make known their beliefs is not to say that you agree with their views, any more than my participation in this case can be taken to mean that I agree with the political or economic beliefs of my clients, Mr. Stachel and Mr. Winter. I have on numerous occasions in the past criticized Communist views which I regard as contrary to my own views. Indeed, three months before I entered this case I publicly debated a political issue against Mr. Winter, my client.

I have no objection to anyone criticizing Communists or Communism to their heart's content. As I read the Constitution, and especially its guarantee of freedom of speech, it is the privilege of everyone of us to criticize not only the Communists but any organi-

zation we please to criticize. But when you ask me to give my consent to the punishment of men simply for being Communists or for agreeing to teach Communism, then a decent respect for human intelligence demands that clear, direct and convincing proof be presented as to why it is a crime to be a Communist, or to teach and advocate Marxism-Leninism.

Quotations from books, or one man's statement as to the meaning of those quotations will not suffice. Nor will the uncorroborated statements of government informers constitute the clear and convincing proof to which we are entitled. If it is a crime to be a Communist, you and I and the American people are entitled to know why it is a crime. The fact that certain sections of our population say that Communism is bad does not necessarily make it so.

THE MEANING OF RED-BAITING

I have noticed that everything which you and I think is good for all of the people, Communists seem to think so also, and because they think so, sooner or later someone labels the whole thing a Communist plot, and you and I get nothing. That is what happened to the people's desire for price controls. That is what happened to President Roosevelt's public housing and slum clearance program. That is what is happening to federal aid to education, and that is what also has happened to Civil Rights legislation in this country.

So I repeat, you and I and the American people have no quarrel with anyone who wants to embrace Communism but when we are asked to sit silently by while families are broken up and men are punished for their economic views, then we begin to wonder what group will be next, for those who yell "Communists" loudest seem to be the identical groups who have resorted to every conceivable subterfuge calculated to deny to the common people of America the things we are entitled to and which by right we should have in this, the richest country on earth.

Now these are some of the thoughts which have motivated my actions throughout this trial, and they are also the thoughts which guide me in trying to sum up for you my views concerning the evidence in this case.

The Court has told you during the course of the trial, and will undoubtedly tell you again, that these defendants and their party

are presumed to be innocent of the charge. That is an important presumption, especially when you begin to consider evidence with reference to a persecuted group such as the Communist Party, because there is no doubt in my mind that some of the evidence presented in this case has been calculated to appeal to any prejudice which you may have against Communists.

All of us have prejudices. There is no point in denying that. It is no crime to have a prejudice. What is criminal is when you allow that prejudice to cause you to do an injustice to an innocent person. That is when prejudice ceases to be something that you can explain away.

I recall at the beginning of the trial the Judge, in the process of inquiring whether or not any of you had prejudices, held up a piece of paper and suggested that your minds should be as clear as that piece of paper. Of course, most of you probably unconsciously felt that you could approach this case with minds just as clear as that piece of paper. I know, and I think you know, that that is virtually impossible in America today. There is no "on the fence" position so far as Communists are concerned.

Our population is divided into those who uphold the Constitution and believe that every group has a right to its own thoughts, and that the American people have a right to hear those thoughts. That's one group. The other group is composed of those who would subvert our Constitution, would make of it so much Aesopian language. I am hopeful that all of you belong to the first group. If you do not, then I respectfully request that you bear in mind this presumption of innocence.

THE NEGRO QUESTION

(NOTE: The prosecution called two defense witnesses—Nowell and Cummings—each of whom testified in effect that the Communist Party "used" the Negro and "exploited the grievances" of Negroes. Also during the course of the trial, the Court told Councilman Davis, one of the two Negro defendants, that he should "be a good boy.")

"USING" NEGROES?

I raise the question, just what is meant by "using" Negroes? Every time I hear that statement I boil with resentment, that in this day

and time anyone can think that Negroes are so immature, so childish, so inclined to, shall I say, be a good boy, when they are far above 40 years of age, that they can believe that any organization whether it is the Communist Party or any other organization can treat the Negroes in America as so many pawns to try to use for whatever purposes they see fit to use them.

The whole notion of using Negroes is part and parcel of that white supremacy which seemingly is running roughshod over this country, not only in the South but in recent weeks right here in the North.

Negroes have demonstrated their maturity. You know from your own knowledge about such outstanding Negroes as Ralph Bunche and his work with the United Nations; of Paul Robeson, who was called here as a witness; of Mrs. Mary MacLeod Bethune; of any number of other Negroes whom I could mention who have attained prominence in all aspects of American life. For anyone to say, as the prosecution seemingly contends here, that the Negro people can be used by any organization is an affront to the Negro people. Communists or no one else use the Negroes.

So far as the Communist Party is concerned it is probably more accurate to say that Negroes have used the Communist Party. It is the one party in which they feel free to speak and to act like Americans. It is the only party that seemingly cares about the plight of Negroes in this country.

Moreover, the Negro question is the property of all America, and I think all Negroes would like very much to see a lot of other organizations, political as well as otherwise, "use" the Negro question. That does not mean using the Negro.

The Communist Party has, of course, used the Negro question. There is no doubt about that. It has used it, however, in such cases as the Scottsboro case not only for the benefit of Negroes, though its first aim was to liberate the Negroes who were on trial in that case. But it used the Scottsboro case for the purpose of establishing the right of all Americans to a fair trial in a land running roughshod with prejudice.

The Communist Party, as Mr. Davis told you, used the Negro question in the Herndon case, but it used it not only for the benefit of the defendant Herndon but also for the purpose of establishing the right of all Americans to freedom of political views and freedom of political expression.

The Communist Party moreover has used the Negro question in the trade union movement. It was not until recent years that Negroes were accepted on an equal level with whites in the trade union movement, not until the CIO came into existence. And it was the Communist Party that instituted that practice, and it has accounted for more Negroes being employed, more Negroes being upgraded, more Negroes getting wage increases than any other one organization in this country.

BEN DAVIS AND HENRY WINSTON

More important, the Communist Party has used this so-called Negro question as the evidence in this case indicates for the purpose of establishing the right of Negroes to hold public office. Ben Davis is a credit to the Negro race. It is a credit to have a Negro serving on the City Council of the world's largest city. That is something that all of us can be proud of, whether we accept Communism as a philosophy of life or not. We can still be proud that a man has by his own industry pulled himself up from the clay hills of Georgia to a seat on the highest legislative body of our principal city.

If you mean that by the election of Henry Winston to the second highest administrative office in the Communist Party that the Communist Party is using the Negro or using the Negro question then I say the Negro question should be used that way. We Negroes would like nothing better than to see the Republican Party and the Democratic Party, and other organizations use Negroes in that capacity, recognize their ability and not be afraid to have a black man in charge of their organizational problems.

Certainly the Communist Party has used the Negro question. It has used the Negro question primarily to educate America, on how the Negro issue is being used today as an entering wedge for fascism in this country.

I could mention a thousand other ways in which Communists have come to the assistance of the Negro people, to free them from segregation, to secure for them admission to state-supported schools, to end poll taxes and the lynching system in the South. All of these instances might be brought to your attention, for it is primarily because of the Communist Party position on this point that this prosecution has been instituted against them.

MORE THAN "GRIEVANCES"

Another charge that has been made in this case is to the effect that the Communist Party seeks to exploit or to utilize the grievances of Negroes. I ask you to consider the use of that word "grievances."

Again I find myself resentful. I resent anyone referring to the problems faced by Negroes in this country today as simply grievances, as though you stepped on someone's toe or refused him a drink of water. Is that all the significance the prosecution attaches to the denial to eight million Negroes of the right to vote simply because they happen to have black skin?

Is it no more than a "grievance" to lynch hundreds of Negroes for no crime other than the fact that they are Negroes?

Is it a "grievance" to deny employment, responsible employment to Negro men and women or to Negro professional people in federal government or in state or city government?

And yet you don't need evidence in this case to know that all this and more is being done, nor do we need present more evidence in this case for you to know that the Communist Party's position is diametrically opposed to such practices.

BIG BUSINESS PROFITS FROM JIM CROW

These are the failings of our American democracy: a subversion of the 13th, 14th and 15th Amendments. Neither you as members of the jury nor the American public as a whole can close its eyes to that fact, and that it is in the interest of big business and an administration controlled by big business to have these anti-democratic practices continue and thus to encourage racial competition among workers. The net results, of course, is to depress wage standards and living standards of all workers. That is what the Communist Party is opposed to, and that is another reason why they are being prosecuted and persecuted in this case.

THE NEGRO PEOPLE

Negro oppression in this country unlike the oppression of some other minority groups is the oppression of a whole people. That is what Mr. Winston tried to get over to you from the witness stand

when he was talking about Negroes being oppressed as a nation. I don't agree with the notion that the Negro people constitute a nation, and yet I know that it is part of the teachings of the Communist Party.

But one thing I do know and that is that oppression in so far as the Negro people are concerned is not confined to any particular class; it is extended to all the Negro people. It is no answer to say that some Negroes wear fine clothes; that some Negroes have beautiful automobiles; or that some Negroes do not have to live in the ghetto of our cities called Harlems. Certainly some of us have fine clothes. Some of us have beautiful automobiles. Some of us have comfortable homes and we like them. It is because we like them that we are fighting for the right of all other Negroes and all Americans to have these same comforts plus the greater comfort of knowing that they are free.

We Negroes, regardless of our economic or educational status, are still second class citizens. The best evidence of that in this case is the fact that in this day and time it is still considered unusual that I, a Negro, should be representing two white defendants in a Federal Court. And of course, you and I know that it is the general practice in our American courts not to have Negro lawyers in important cases like this. You don't see a Negro lawyer at the prosecution's table and there is a very obvious reason why you don't see one. It is not the practice of the Democratic Party to employ Negroes as United States attorneys. Because we have allowed this pattern of Negro discrimination to become fixed in our American way of life, that very pattern has been made the basic for anti-Semitism, for prejudice against Catholics, Mexicans and other minorities, and other prejudices which you know exist in large sections of our land.

Our aim in life should be to make democracy ring out for all the people of this country, not for just a few.

If, therefore, the program and activities of the Communist Party on the Negro question as set forth in its 1945 resolution and constitution constituted "utilizing the grievances of Negroes," as the prosecution contends, then this country needs a great deal more of that, not only by the Communists but by everyone else and by every other organization that calls itself an American organization.

THE WITNESSES

Now I would like to deal with the witnesses Nowell and Cummings separately.

Any Negro such as Nowell who would accept employment with that notorious anti-Semite and white supremacist Gerald L. K. Smith, or any Negro such as Cummings who would become a common political informer on his own relatives, is too low to be identified with our mistreated but nevertheless proud race.

I told you that we Negroes are proud of Ben Davis. We are proud of Henry Winston. We are also proud of Geraldine Lightfoot, who, notwithstanding the fact that she knew she ran the risk of being cited for contempt; notwithstanding the fact that she knew that in the event a conviction was returned against these defendants, she and all the other members of the Communist Party were likely to be prosecuted and persecuted—notwithstanding her awareness of all of those facts, she was prepared to take and did take the stand and tell the truth as she understood the truth about the Communist Party.

Yes, we are proud of the Davises, the Winstons, and the Lightfoots. We may disagree with their politics, but we are proud of them for not turning their backs on the heritage of the Negro people.

For our heritage like the heritage of these defendants also dates back to Civil War days.

AN AMERICAN HERITAGE

You remember the testimony of my client Mr. Winter concerning the officers in the Union Army who supported Abraham Lincoln but who were members of the Communist Party. The heritage of the Communist Party goes back to Civil War days just the same as the heritage of the Negro people.

Like the heritage of the Communist Party, our heritage — the heritage of the Negro—also includes the use of false names, the breaking down into small groups and the holding of private meetings in secret meeting places. The underground railroad did not reveal its passenger list, nor did it issue timetables or maps showing the time and the place of arrival of the next fugitive train.

There was force and violence in those days also, but just as today the force and violence comes from those who hate the Negro people with a bitterness surpassed only by their hatred of the Communists, in those days force and violence came from those who opposed the advocacy of Negro freedom, and those who sought to hold back the growth of democracy in our young country.

We had our Nowells then just as we have now. We had our Cummings then just as we have them now. But our scorn for them is just a little bit less than our scorn for an administration or a prosecution who would rather make common informers of Negroes than employ them regularly as Government agents or United States district attorneys to help rid our country of Ku Kluxers, lynchers, fascists and Gerald L. K. Smiths.

These two witness—Nowell and Cummings—have sought to leave with you the impression that the Communist Party has been dangling before Negroes the prize of a separate black republic in the Black Belt in the South in return for Negro participation in an alleged Communist plot to overthrow our Government by violence. This is the rankest sort of slander. It too is a prosecution slander against the intelligence of the Negro people.

I am grateful that it has been admirably refuted by Mr. Winston, Mr. Davis, Mr. Hall and several other of the defense witnesses, and I am sure you will remember the indignation with which they denied this prosecution slander.

SELF-DETERMINATION

Self-determination in the Black Belt, as I understand it, means the unrestricted right of the Negro people down there to vote. It also means the unrestricted right of the Negro people down there to run for public office on an equal basis with everyone else. In this connection I should like to read to you the following testimony of Mr. Winston at page 14, 775 of the transcript. He said:

“What would this” — referring to self-determination — “What would this mean? I told the students. I stated that if the Negro people had rights, full rights in the South, that instead of no Congressman, no Senator from this area of the country, that there will be 50, at least there will be as many Negroes in the highest legislative halls of the country as existed during the reconstruction days.

“I said that it would enable Negroes to become governors of states, mayors of cities.

“I stated that it would enable them to participate in the administration of things; that they will become police officers, integrated fully and equally, and that they would have the right not only to arrest Negroes in Negro communities, but would act as policemen with full authority.

“I stated that the fire department would embrace Negroes. I said that the judiciary would include Negro judges, magistrates and so on.

“I said we would put an end to the lily white staff of the Department of Justice and give Negroes the opportunity to prosecute cases, not only of murder but the peonism of plantation owners and so on, and the crimes that are now being perpetrated against the Negro people in the South.

“I said the right of self-determination was a demand, a democratic demand which included many aspects, and that the people had the right to determine in which way in the exercise of that right they want their lives to be arranged to live in peace, security and happiness.”

That is what Mr. Winston said in refuting the lies that had been brought to you by these informers, the Nowells and the Cummingses.

FORCE AND VIOLENCE

But according to the prosecution's theory this case has only to do with force and violence. Let us look at this force and violence.

There is a lot of evidence of force and violence in our country these days; but it is not force and violence emanating from the Communist Party.

Force and violence takes the form—according to this case—of force and violence against Negroes in the form of lynchings and other mob actions. Mrs. Lightfoot's testimony regarding how the Communist Party concentrated the attention of the people of Chicago on the lynching of four Negroes in Monroe, Georgia, in 1946, and Mr. Davis' testimony concerning the Scottsboro and the Hernon cases are indicative of this force and violence which certainly is calculated to overthrow constituted authority.

We have had evidence here, too, of force and violence against

trade unions in the form of police and armed guards who forcibly interfere with the right of trade unionists to organize and to picket for redress of their grievances. That is force and violence, but it is not used by the Communists; it is used against the Communists and against others who seek to aid in the trade union movement.

We also have had some testimony here about force and violence against Communists because they are Communists. This was graphically presented to you in the testimony of Mr. Hashmall who, you will recall, repeated to you the report which he made to the Ohio Communist convention concerning the wrecking of his home in Columbus.

NOT A SINGLE LYNCHER PUNISHED

All of this is force and violence which actually overthrow our constitutional government. Why aren't these perpetrators of force and violence prosecuted? They not only conspire to overthrow our governmental processes; they actually attempt and usually succeed in doing so, at least temporarily.

The answer of course is clear. You can hardly prosecute yourself. Should the administration prosecute these perpetrators of force and violence it would be prosecuting the same influences that are behind this false conspiracy charge.

The usual answer, of course, is that there is no evidence upon which to convict anyone.

But it does seem to me that an FBI that is omnipotent enough to find an error of fact in the certified copy of Mr. Winston's birth certificate; or to know precisely where Mr. Winter was living in Los Angeles on a given date five or six years ago; or that Mr. Davis' application for a driver's license contained an erroneous answer—it seems to me that an FBI sufficiently competent to ferret out details about Communists should be able to find evidence sufficient to support a conviction of at least one lyncher. And yet the records show that never in the history of Mr. J. Edgar Hoover's FBI have they been able to locate, identify and convict a single member of a lynch mob. And this includes their so-called investigation of the brutal slaying of those four Negroes in open daylight in Monroe, Georgia in 1946, as well as many other instances of mob violence in which they have been called in to investigate.

As a matter of fact, no punishment has been inflicted by a federal court for a single lynching in the history of this country.

It also seems queer to me how an FBI which is sufficiently competent to ascertain whether or not a trade union officer perjured himself in an affidavit; or whether any of these defendants swore falsely when they applied for passports to fight fascism in Spain or to work with the anti-Nazi underground in Germany, or to attend a fraternal meeting of Communists in Europe—yes, how an FBI which is competent to ascertain all of this suddenly becomes strangely incompetent when it is called upon to ascertain and prosecute the persons who wrecked the home of just one American worker.

THE ADMINISTRATION SUBVERTS THE CONSTITUTION

And it likewise is strange that a prosecution which does not hesitate to indict the whole leadership of a political party on the flimsy evidence of a Budenz and a dozen FBI stoolpigeons, suddenly finds itself completely impotent to prosecute the Peekskill affair and the very fascist groups who by their terroristic acts make necessary the very security measures which have been presented to you as evidence of a conspiracy in this case.

This system of prosecuting the victims and exonerating the perpetrators of fascism reflects the demagoguery on the part of the administration and on the part of this prosecution. The demagoguery which all of us know and see in the shameless desertion of the Civil Rights program in Congress, the promotion to our Supreme Court of the chief architect of the denial of civil rights to the people; and the voting of additional public funds to that thought control agency under the domination of the poll-taxer Rankin for the purpose of continuing this notorious work of denying civil rights to the American people. These administration acts, together with this trial, have subverted our constitutional safeguards and made of the First Amendment, the 13th Amendment and the 14th and 15th Amendments to our Constitution so much Aesopian language.

WHY THE COMMUNISTS ARE BEING FRAMED

Remembering all of these things, can there be any doubt in your minds why the Communist Party is being persecuted under this frame-up charge of conspiracy?

This attempt to outlaw the Communist Party is in effect an attempt to outlaw the party of Scottsboro and Herndon; and the party that has saved the democratic honor of New York City by electing a Negro and a Communist to the City Council.

This is an attempt to outlaw the party which has given sustenance as well as hope to the Negro people in their struggle for freedom and equality; in their quest for the substance rather than the shadow of American democracy.

This is an attempt to illegalize the party that has fought against the whole system of force and violence practiced upon Negroes.

This is an attempt to outlaw the party that leads the fight against those Jim Crow curtains in our railroad dining cars which set aside Negroes as untouchables. This is an attempt to outlaw the Party that leads the fight against those who would confine Negro children to the tubercular slum areas of our city. This is an attempt to outlaw the party that leads the fight against those who would keep the Negro "in his place."

And finally, and most important of all, this is the persecution of a party which in the 30 years of its history has acted as the conscience of America. For make no mistake, to the extent that the Republican Party or the Democratic Party or any of the other political groups in this country have advanced the cause of democracy, it has only been because of the prodding by the small group of conscientious democratic citizens of this nation who find themselves members of the Communist Party. To that extent, the Communist Party is in truth and in fact the conscience of America.

America needs this party of protest. Get rid of it and I promise you there will be another party to take its place. America just can't live without a conscience. Should your verdict—and I pray God it will not—result in the outlawing of this Communist Party, there will be thousands of other people to take their place. For there are hundreds of thousands of us who also adhere to the same democratic principles, the same democratic teachings, and the same democratic practices which have resulted in the persecution of these eleven men. And their voices will be heard.

Statement on Being Sentenced for Contempt

OCTOBER 14, 1949

(Note: Following the verdict of the jury, Presiding Judge Medina directed that each of the defense stand and then, without any prior notice or opportunity to be heard or to obtain the assistance of counsel, proceeded to cite each of the defense attorneys for contempt of court and to impose sentences ranging from thirty (30) days to six months.

Mr. Crockett was sentenced to four (4) months imprisonment.

The following is the extemporaneous statement he made to Judge Medina immediately after he had been sentenced.)

MR. CROCKETT: Long prior to today your Honor saw fit to adjudge me in contempt, which I believe was the first adjudication of contempt that had been made in the course of the trial. Today additional adjudications have been made. As a lawyer, I shall of course take whatever course of action is open to me to remove from my record the suggestion that any Court has found my conduct inconsistent with the best conduct to be expected from a member of the American bar.

Nevertheless, in this particular instance, I regard it as a badge of honor to be adjudicated in contempt for vigorously prosecuting what I believe to be the proper conception of the American Constitution. And I say again that if I were offered the opportunity to participate in another trial like this I would fight it just as vigorously as I have tried to fight at this time.

It so happens that because of conditions in America, I of course look upon many problems different from the way my associates and perhaps the Court, would look upon them. I have to look upon them not only as a lawyer but also as a member of a minority group.

For the first time in the 15 years that I have been practicing law I have had an opportunity to practice as an American lawyer and not as a Negro lawyer. I have enjoyed that brief trip into the realm of freedom, as far as the practice of law in America is concerned. I have enjoyed it so much that I intend to continue that way.

I am aware, of course, that this is an important case. I am also aware that this is not the end of this case. There have been similar instances in history, especially in connection with trials under the Alien and Sedition Laws, where judges have seen fit to imprison attorneys because the attorneys disagreed with the judge's conception of the law. But history has revealed that the attorneys in those cases were correct.

I have faith in history, I have faith in the American people, I have faith in the American bar.

National Non-Partisan Committee

TO DEFEND THE RIGHTS OF
THE 12 COMMUNIST LEADERS

Suite A • 23 W. 26th St., New York 10, N. Y.

MU 9-8796

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