

THE  
**TRUTH**  
ABOUT THE  
**MINNEAPOLIS**  
**TRIAL** <sup>OF</sup> **THE 28**

✦  
**SPEECH FOR THE**  
**DEFENSE**

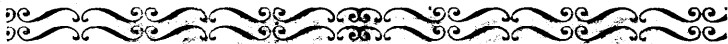
— BY —  
**Albert Goldman**

Labor Attorney and Defendant



Albert Goldman

1. *WHAT ARE THE REAL AIMS OF THE TROTSKYISTS?*
2. *WHY DOES ROOSEVELT PROSECUTE OPONENTS OF IMPERIALIST WAR?*
3. *WHAT DOES THIS TRIAL MEAN TO TRADE UNIONISTS?*



## **THE BACKGROUND OF THE TRIAL**

On October 27, 1941, in the Federal Court at Minneapolis, 28 men and women were placed on trial.

They are accused of "seditious conspiracy" to overthrow the government by force and violence and to "incite" insubordination within the armed forces.

Among the 28 are members of the Socialist Workers Party (Trotskyists) and the famous Minneapolis truck-drivers Local 544, now CIO.

The Socialist Workers Party is the only organization which has carried on a consistent struggle against Roosevelt's attempts to involve this country into the war. Its aim is the establishment of a workers and farmers government in the United States as a step toward the world socialist order.

The Socialist Workers Party has played a leading role in making Minneapolis into a union town. The influence of the SWP has been particularly strong in building Local 544. This local was and is a militant opponent of the president of the AFL Teamsters Union, Daniel Tobin, an outstanding supporter of the pro-war policies of Roosevelt.

Tobin attempted in the spring of 1941 to oust the leaders of 544 because of their anti-war stand. When in order to save their union 544 voted to leave the AFL for the CIO, Tobin called upon President Roosevelt for aid. A few days later the Department of Justice handed down the indictment against the 28.

This pamphlet contains excerpts from the opening defense speech by Albert Goldman, a prominent labor attorney, and himself one of the defendants.

This case is important to every unionist, every opponent of the imperialist war and every believer in free speech, free press and free assembly.

The capitalist press has attempted to build a wall of silence about the trial. To get the truth about this vitally important trial, all workers should follow the developments in the case in the weekly paper of the Socialist Workers Party, **THE MILITANT**.

# **THE TRUTH ABOUT THE MINNEAPOLIS TRIAL**

## ***Speech for the Defense***

**By**

**Albert Goldman**

Below are excerpts from Defense Attorney Albert Goldman's opening statement to the jury, delivered Tuesday afternoon and Wednesday morning, Oct. 28 and 29, following the opening statement by the prosecution:

\* \* \*

Mr. GOLDMAN: Your Honor, and ladies and gentlemen of the jury, I speak now on behalf of all the defendants with the exception of the defendant Nick Wagner, who is represented by Mr. Dolf. When I say I speak on behalf of all the defendants, I do not thereby admit Mr. Anderson's contention that they are all members of the Socialist Workers Party. Some were and dropped out of the party; some, I understand, never were members of the party.

When I refer to the defendants and their beliefs, as I shall in the course of this statement, please remember that I mean those defendants who will without any hesitation whatever admit membership in the party.

I do not know whether you will ever sit on such an important case again, not because merely twenty-eight persons are involved in their liberties, but because great principles are involved, the principles of freedom of speech and of the press and of assembly; not only that, but great social theories are involved. Never before, I venture to state, in the history of this court room have the walls re-echoed with such contentions as made by Mr. Anderson (the prosecutor).

Marxism, the theories of Lenin and Trotsky, have been brought into this case by Mr. Anderson. I do not believe, ladies and gentlemen, that in this court room there has ever been an analysis on questions of more vital importance to mankind.

### ***A Political Movement On Trial***

In the first place the defendants will prove that, if this is a conspiracy at all, it is a very, very peculiar "conspiracy". It is a "conspiracy" of the most peculiar nature ever entered into be-

tween human beings. It is a conspiracy where all of us defendants proclaim to the world what we want, never attempting at any time to conceal our purposes, but, on the contrary, begging people to read what our ideas are.

It is a political movement that is on trial here.

It is a movement that is based on certain ideas, maybe strange to you, and maybe strange to Mr. Anderson and everybody else connected with the prosecution — maybe ideas that you do not agree with and that you will not agree with subsequent to our explanation of them; but it is not a conspiracy hatched in the darkness of night in some cellar. It is a movement basing itself on philosophy, proclaiming to the world that this philosophy must be accepted by mankind or else the destruction of civilization is inevitable.

Call that a conspiracy if you wish, but know — know the difference between this political movement and a conspiracy hatched in the darkness of night for the purpose of committing a crime.

\* \* \*

We shall show you — and this is one of the most important things and I want you to bear with me if I illuminate it a little extensively — we shall show to you, by the very evidence introduced by the prosecution, that the Socialist Workers' Party and all the defendants who are members of that party understand that the aim, the objective of that party, was to win a majority of the people for its ideas. I repeat: **The objective and the aim of the party was to win through education and through propaganda a majority of the people of the United States, and Mr. Anderson will have to convince you that that is criminal.**

We shall continue through propaganda, through education, to get everybody in the United States — at least a majority of the people — to accept our ideas, and thereafter to institute a social system which we call by the name of Socialism, a system which we believe will solve all of the ills of mankind, which we believe will abolish war and the destruction that is now raging throughout the universe, because under socialism there will be no countries controlled by a minority of financiers and big industrialists for their profit throwing all the people into useless wars.

We shall introduce such evidence and we shall let the jury decide whether we have a right to our beliefs and our opinions. If Mr. Anderson wants it, we shall gladly go into all the theories of Marxism, and if the jurors do not agree with those theories and they want to put us in jail merely because they do not

agree, that is your privilege. But we think that we have a right to our ideas. We have a right to say that the ills of mankind, unemployment, Fascism, destruction, war — that all these ills of mankind require a solution, and that thus far the only solution is the ideas we represent, the ideas of socialism.

## **OUR INFLUENCE ON THE TRADE UNION MOVEMENT**

The evidence will show that we were very, very interested in the question of trade unionism. We will not deny it! that the Socialist Workers Party adopted resolutions dealing with the question of trade unionism; that it instructed its members to be active in all organizations, particularly trade unions — but in all organizations, social, unemployed, farmers — where people congregate, there should we be. That is what the evidence will show; yes, that we propagate our ideas, to show the majority of the people that they, in order to solve their problems, must accept those ideas. There is no other solution possible.

The evidence will show that some of our members were exceedingly active right here in Minneapolis; that they were responsible, beginning with 1934, for organizing Local 544, General Drivers' Union, and that subsequently they played a very important role in making a union city out of Minneapolis.

The evidence will not show, contrary to the claims made by the prosecution, that the Socialist Workers Party attempted to impose its control on the unions. The evidence will show that in the union where our members were active, specifically in Local 544, the best kind of democracy prevailed; that truck drivers and members of that union not only were permitted but actually were in opposition to the leadership; that they had a chance to criticise the leadership; that they had a chance to vote against the leadership and put up their own candidates; that at no time did anybody prevent any members in the union from getting freedom of expression.

### ***Genuine Democracy in Local 544***

The evidence will prove conclusively to you jurors that if there ever was in the history of this country, in the history of the trade union movement in this country, a union democratic to the core, with a leadership that was absolutely honest, incorruptible, fighting for their ideals, fighting for the interests of

the workers, and that was free from gangsterism and racketeering, it was Local 544; and the evidence will show you, will convince you, that it was after Local 544 began a fight for democracy against the President of the International Teamsters, Daniel Tobin, who wanted to put his dictatorial hand on the union — after that, when Local 544 had to leave the American Federation of Labor, this indictment resulted.

\* \* \*

The defense will prove Mr. Anderson's contention that we are opposed to this war, and the evidence will further prove Mr. Anderson's contention that the defendants consider this war on the part of England and Germany and Italy and the United States as an imperialistic war, fought for the economic interests of the small group of financiers and capitalists who control the destinies of this country, of England, of Germany, of Italy, and of Japan.

The evidence will show that we are opposed to the involvement of this country in the war. There will be no question about that, that we consider this war an imperialistic war upon the part of those countries that I mentioned.

Those are ideas of ours with which the jurors may agree or not, but the evidence will show that every statement made by Mr. Anderson to the effect that we believe in sabotage is absolutely false. The evidence will show that, although we will not give support to any war on the part of the United States Government because we consider it to be an imperialist war, a war for profit, a war for markets, a war for spheres of influence, a war for colonies, still the evidence will show that so long as we are in a minority, so long as we cannot convince the majority of the people that our ideas are correct, we shall submit and we have nothing else to do but to submit to the government.

### ***Want Workers and Farmers To Fight Own War Against Fascism***

We shall show that the Socialist Workers Party opposes sabotage. We shall show that Mr. Anderson's claim is absolutely wrong and based on no foundation whatever to the effect that we prefer the enemy, the imperialistic enemy of the United States, to defeat our government. It is absolutely false. What we want, as the evidence will show, is to have the workers and farmers establish their own government, and then to continue a real war against Fascism. The evidence will show that we do not believe that England and the United States, as constituted

at the present, are fighting against Fascism for Democracy, but are actually fighting to protect the interests of this small group of financiers and bankers.

The evidence will show that we have never advocated the idea of insubordination in the army. The evidence will show that, just as we believe — and Mr. Anderson stated it correctly and he quoted, I believe, from my pamphlet on "What Is Socialism" — just as we believe you can no more stop a revolution than you can stop an earthquake, so after years of suffering and war and privation, the men who are doing the fighting and dying will themselves oppose the war and will look for a solution where they can get peace.

Peace, peace, they will cry and neither I nor anyone else will have to agitate them, and neither Mr. Anderson nor anybody else by putting us in jail will stop them.

The prosecution in the indictment and Mr. Anderson in his opening statement charged that our party was in favor of controlling the militia by the trade unions. Mr. Anderson did not explain that correctly.

### ***Military Training Under Trade Union Control***

Our policy is summed up in the following phrase, the evidence will show: "Military training of every worker under the control of the trade unions." Now, if Mr. Anderson thinks that is criminal, that is his privilege. The evidence will show why we adopted that policy. We contend that the evidence will show that the present army of the United States is controlled by officers and especially by generals completely hostile to the interests of the great masses. The evidence will show that I wrote an article after France capitulated, in which I pointed out that the reason for the defeat of the French Army was because the generals and the bankers who controlled that army were the real "Fifth-Columnists" and that they were the ones who were responsible for the defeat. And the evidence will show that I argued that we cannot trust the American generals and the American higher officers to fight Fascism because in essence they are Fascists, themselves, most of them. They are autocrats, arrogant, they utilize every opportunity to teach obedience and discipline in a disgusting manner, and that by and large they are people like that General "Yoo-hoo" Lear who made the soldiers walk fifteen or twenty miles because they yoo-hoed some girls.

The evidence will show that we believe that the trade unions should take control of the training of union members as officers,

not for the purpose, as Mr. Anderson suggests, of overthrowing the government by force and violence, but for the purpose of protecting the interests of the soldier masses. We may be wrong. You may not agree with us, but the evidence will show that we sincerely believe, and will produce facts in the attempt to prove, that the soldiers are suffering under reactionary discipline, that they ought to have greater democracy, and that the higher officers of the army cannot be trusted because they are in essence defenders of the present day social system, which crushes the liberty and the initiative of the soldier masses.

### *We Are Internationalists*

Perhaps some of you have interpreted some of my remarks as indicating that I hold Mr. Anderson personally responsible for the prosecution. I certainly do not. This prosecution comes from Washington. Mr. Anderson, as the District Attorney, must of course take orders from Washington; and even Mr. Schweinhaut, who is from Washington, also is subject to orders. I do not hold them personally responsible.

The case here, I think the evidence will show, involves big political questions and big political maneuvering that took place in Washington, not in Minneapolis.

Mr. Anderson, in his opening statement, accused us of being internationalists. All of us who are members of the Socialist Workers Party are internationalists. But Mr. Anderson seems to think that it is a crime, or a part of a conspiracy, and I must answer.

We are internationalists because we really take seriously the doctrine that all men are created equal. That they must have an equal opportunity, and that they are equally good; that there is no difference between German and English and American and Chinese and Negroes; that whatever differences crop up, upon maturity, are the result of their environment, and not of their birth. So the doctrine that all men are created equal is full of meaning to us. We live by it. We have no prejudices, and we detest all forms of racial, religious and national prejudice.

Now I come to a point which I presume should be one of the principal questions at issue, a point concerning which perhaps more evidence will be introduced than on any other point. It is no longer a question involving theory. It is a question which you, ladies and gentlemen, even though you are not acquainted with Marxism and social theory, are perfectly capable of deciding without any help from experts or would-be experts. That is the question of the Union Defense Guard.



We shall introduce evidence to show that in the year 1938, some members of Local 544 got together and decided to organize a Union Defense Guard; that those members did that because at that very time there was an organization, national in scope, and active particularly in Minneapolis, known as the Silver Shirts, an organization fascist in character, with the objective of destroying all the rights of labor, and all the democratic rights of all the people, a fascist organization.

### ***Union Defense Against Fascists***

The evidence will show that those members of 544 learned that the Silver Shirt organization was supported by some labor-hating employers in Minneapolis, and was to attempt the destruction, not only of Local 544, but of all unionism in Minneapolis, to destroy the halls, to attack the meetings, to destroy the property of the unions; that those union men thereupon decided to organize a Defense Guard for the purpose of defending the union halls, the union property, and union meetings against any possible attacks by these Silver Shirt members. Our evidence will prove all this, and if there is one thing that we will not deny, it is this, that the members of our party and the members of the union who were not members of the party — and every American with any red blood in his veins, would do exactly the same thing — prepared themselves to resist any attempt on the part of the fascists to destroy the rights of labor and the democratic rights of the people.

Now, I do not think that any juror will deny any American citizen, or any trade union member, the right to organize a Union Defense Guard. If the prosecution persists in its attempt to make this Union Defense Guard out to be a subversive organization, dedicated to the task of destroying the United States Government, all I can say is that this whole case is nothing but a frame-up on the part of the prosecution, because the evidence will show conclusively that the purpose of this Union Defense Guard was nothing except to defend the rights of the union members, not only of Local 544, but all union men.

## **WE ARE DISCIPLES OF MARX, LENIN AND TROTSKY**

Mr. Anderson, in his opening statement, charged us with being Marxists, and I am afraid that we will have to admit that Karl Marx formulated the basic doctrines of our movement back in 1848.

Now, ladies and gentlemen of the jury, the evidence will show that Karl Marx wrote many books, and that you can get them in all the libraries in the United States; that you can buy them in most book stores; that, together with other writers, Karl Marx is considered now by people who disagree with his writings, as one of the greatest social thinkers of the age; that he had certain theories with which we agree. We do not agree with all the theories that Karl Marx formulated, but with his basic theories undoubtedly we agree. What we do agree with is found in our Declaration of Principles.

Mr. Anderson also charged us, and the indictment charges us, with believing the theories of Lenin. Some of you, in your answers to the questions put to prospective jurors, said that you had heard about those theories; some of you had read something about those theories and about the Soviet government. The evidence will show, and I hope will convince you, that some of your ideas are not correct about the Soviet Union and the Soviet government. The Soviet Union is one thing, and the Soviet government is another. We, of course, opposed the Stalin government very, very seriously, but we think that the fundamental basis of the Soviet Union is correct, that is, the fact that all property, productive property, is owned by the people. That we believe in, but the fact that the Stalin government has subjected the people to a terrorist dictatorship, that we have fought from the very beginning, and we shall continue to fight.

### *Affirm Ideas Of Lenin And Trotsky*

So far as the principles of Lenin are concerned, again the evidence will show that insofar as we agree with them, they are found in our literature, and especially in the Declaration of Principles. We do not claim to agree with everything that Lenin said. But with his fundamental theories we agree, and we put them into our Declaration of Principles.

The indictment mentions, and the prosecutor was very, very careful to bring to your attention, that Leon Trotsky was a man whose principles constitute the basis of our party. Here again I admit it. We do not deny that we did everything possible to defend Trotsky against that horrible organization of Stalin, the GPU, and that for thirteen years we succeeded in keeping him alive, and finally one of Stalin's agents succeeded in murdering him. We will not deny that we did all in our power to defend Leon Trotsky, not merely because we liked him as a man but because we think that his ideas represent the hope of mankind.

As Mr. Anderson indicated, Trotsky has written many arti-

cles and, ladies and gentlemen of the jury, if you find us guilty of conspiracy on the basis of the fact that we circulated and published some of the things that Trotsky had written, you will have to find Liberty Magazine guilty; you will have to find Life Magazine guilty; you will have to find almost every important magazine and every important publisher in the United States guilty, because every important magazine and newspaper in this country has published articles by Leon Trotsky, and his books have been published by some of the most important publishers in this country.

### *Approve Workers Revolution Of 1917*

No, we do not deny for one moment that we considered Leon Trotsky to be a leader of our movement, and that we were willing to expend every effort to defend him against the OGPU. One of our members was shot and killed in Mexico in an attempt to defend him. His secretaries were killed, four of them, in the attempt to defend him. His sons and daughters were murdered, but he went on with his work. He had an idea. He wanted to save mankind from the destruction with which it is threatened, and his books and writings are very precious to us.

Again, the evidence will show that we do not believe everything that he said was correct. We do not hold any human being to be infallible. He was human, and therefore he made mistakes, but the fundamental doctrines that he taught are those doctrines which we believe will ultimately save mankind, and if not accepted, will lead to the destruction of all civilization.

We also will not deny, ladies and gentlemen of the jury, that we approve of the Russian Revolution of October, 1917. We consider it to be the greatest step forward in the history of mankind, because for the first time in history the people, the masses who were subjected to the tyrants' regime, the masses who were subjected to all the poverty, who were made dogs by the czarist regime; the masses of peasants and workers arose and said to themselves, "We shall take into our possession the wealth of Russia, and try to produce for our own welfare." That is why we think it is the greatest revolution in history.

## **WE DESIRE PEACEFUL TRANSITION TO SOCIALISM**

Now we come to the very heart of this case. I want to beg your pardon, ladies and gentlemen, if I went into theories and ideas that seemed to be unnecessary so far as this case is con-

cerned, but you will certainly admit that I had to answer Mr. Anderson's opening statement, because he brought in Marx and Lenin and Trotsky and our ideas about trade unionism. I had to answer.

Essentially — and I am sure the Court will instruct you — essentially, the question boils itself down to this: Did we advocate the overthrow of the Government by force and violence? That is the heart of the question; because obviously, ladies and gentlemen, suppose you did not agree with our theories about trade unionism; suppose you did not agree with our theories about the war, our opposition to the war; supposing you did not agree with our designating the governments of England and United States and Germany and Italy as imperialistic; you would not convict us because of that. You said — and I believe every one of you — that you believed in the right of free speech, free press, free assembly, and it would be impossible to imagine a jury composed of American citizens, convicting individuals because they did not agree with the opinions of those individuals.

MR. SCHWEINHAUT (prosecution): I submit that that is clearly argument, Your Honor.

THE COURT: I agree with you, Mr. Schweinhaut. I think counsel should adhere to the line of proof, in answer to the statements of the Government, and not argue the merits of his position as such.

### *Believe In The Class Struggle*

MR. GOLDMAN: This is a question of advocacy, the question of whether or not we advocate the violent overthrow of the Government, and the question of whether we conspired to overthrow the Government by force and violence. Those are the two counts in the indictment, conspiracy to overthrow and conspiracy to advocate violence. Those are the important questions.

We shall prove that the defendants believe in the theory of the class struggle: that in our present society there are two major classes; on the one hand the class that owns the productive wealth of society; on the other hand, the class of workers, and by the term "workers", we mean the farmers, laborers, industrial workers, all those who work by hand or brain, and that this class is exploited by the financier and big capitalists; and between those classes there is a constant struggle going on. We do not have to advocate that struggle in order that it should exist. It existed before we were in existence, before you were born, before I was born, before Karl Marx was born. It is a fact in society, and this struggle between those classes goes on in society, regardless of our wishes and desires. The American

workers and farmers, the majority of whom as yet know nothing of our theories, continue to struggle against the imperialists and against the Wall Street bankers, even though they know nothing about our theories.

Then the evidence will show that we believe that at a certain moment in history this class struggle will become more and more serious, and might lead to a violent war. Again, the evidence will show that it is not a question of whether we desire it and advocate it, but that the class struggle exists and will develop regardless of our wishes and our desires, and regardless of your intentions and desires, and regardless of the prosecution's intentions and desires.

The evidence will further show, as Mr. Anderson has himself indicated, that we prefer a peaceful transition to socialism; but that we analyze all the conditions in society, we analyze history, and on the basis of this analysis we predict, we predict, that after the majority of the people in the United States will want socialism established, that the minority, organized by the financiers and by the capitalists, will use violence to prevent the establishment of socialism. That is what we predict.

### ***Predict Overthrow Of Capitalism***

Now the jurors will be instructed by the Court, I am sure, to be, again, very careful about this point, the question of advocacy, as against prediction, and the evidence will show that I wrote a pamphlet called "What is Socialism", in which I deal with that question very, very simply, and I think, very, very clearly. We prefer a peaceful transition, but we predict that the minority will not permit the majority its right to establish socialism. This is the heart of the question.

And the evidence will show that we were constantly insisting from the very beginning of the existence of the Socialist Workers Party, that we had a constitutional and a legal right to say what we said and to do what we did, and that in insisting upon that right we did everything openly. Our headquarters are still open. The evidence will show that. The evidence will show that we still continue our meetings, that we still publish and distribute our papers. It is a peculiar kind of criminals that you have, who insist on their rights to do what they are doing and to say what they are saying.

MR. ANDERSON: Your Honor, it seems to us that whether or not they insist on their rights is not a question for this jury at all.

THE COURT: I do not think it is, nor do I think that the

matter to which counsel has referred, with reference to the prediction, is a proper matter for an opening statement.

### ***Predict Violence by Reactionary Minority***

MR. GOLDMAN: I said that the evidence will show that instead of advocating and inciting to violent overthrow, that the defendants merely predict. It is their prediction.

THE COURT: You say the defendants predict it?

MR. GOLDMAN: Yes, the defendants predict it.

THE COURT: I think you should devote yourself to a fact statement, what you propose to prove. That is not what you have been referring to in this part of your recital.

MR. GOLDMAN: The evidence will so show. We expect to prove it.

THE COURT: Just tell the jury what you expect to prove.

MR. GOLDMAN: We expect to prove that the defendants never advocated, never incited to violence, but simply predicted the violence of the reactionary minority. We say that the defendants had a right to say, under the constitution, what they said, and to do what they did. We rely on the jurors who swore to be fair and impartial to us, who swore to uphold the First Amendment guaranteeing free speech and free press, that they will give us that right, even if they do not agree with us. Thank you.



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# ***Defend Free Speech and Labor's Rights !***

The 28 working men and women on trial in Minneapolis are being defended by the Civil Rights Defense Committee. This is a national committee composed of labor leaders, writers and outstanding leaders in progressive circles throughout the United States. These are people of various political views who have united for the purpose of defending the democratic and constitutional rights of the defendants in this case.

The Civil Rights Defense Committee has been endorsed by the American Civil Liberties Union and the Workers' Defense League.

Funds are needed at once to maintain the defendants and their families during the trial, to defray the heavy court costs and to prepare an appeal to the Supreme Court, if necessary.

***Send all contributions to***

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