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# NJ Court Frees Communist

## [Walter Gabriel — event of March 3, 1921]†

Unsigned article in *The Toiler* [Cleveland, OH], whole no. 163 (March 19, 1921), pg. 1.

Trenton, NJ. — The Supreme Court of New Jersey has ruled that Section 3 of the Sedition Law, relating to membership in the Communist Party, is unconstitutional. The decision was made in favor of Walter Gabriel, who was arrested in Newark, NJ, during the “Red” raids of January 1920, and was convicted for being a member of the Communist Party and for “advocating the overthrow of the government of New Jersey and the government of the United States by force.”

The New Jersey Supreme Court in acquitting Gabriel ruled that to believe in overthrowing either the state or federal governments by force could not of itself constitute an offense against the laws of the state of New Jersey.

The judgement of the court maintained that no party with a perfectly legal purpose and program could be convicted under the Sedition Law of New Jersey.

Attorney Rose Weiss, counsel for Gabriel, said that most of the 28 states which had enacted sedition laws had based them on the law passed in New Jersey and the declaration of the unconstitutionality of clauses of the New Jersey act could not help having a far-reaching influence elsewhere.

†- **Walter Gabriel** was elected by the Communist Party of America’s New Jersey state convention (Nov. 1-2, 1919) as State Secretary. He was arrested during the mass operation of January 2/3, 1920 and brought to trial in Utica, NY, early that year. Gabriel was convicted of having violated the state sedition act by reason of his CPA membership and was sentenced to 2 to 10 years in state prison. He served time at NJ State Prison, Trenton, before his sentence was finally overturned on March 3, 1921.

*Edited by Tim Davenport.*

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