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The Russell Case

GUILTY on all seven counts is the verdict of the jury in the case against R. B. Russell in Winnipeg. The first count was "seditious conspiracy," the next five were for "committing overt acts," and the seventh was for committing a "common nuisance." The case arose out of the Winnipeg strike last summer.

The workers have been following with a curious interest the extraordinary course of this trial, and any comment of ours could scarcely place more clearly before them the distinctive character of bourgeois justice, than the daily reports of the trial in the press. The summing of Judge Metcalfe in his final instructions to the jury was a fitting close up to the proceedings. We publish his address, as reported in the press, without further comment at present.

Winnipeg, Dec. 24.—In his address to the jury, Mr. Justice Metcalfe asserted that sympathetic strikes were illegal. "Those who take part in an unlawful general sympathetic strike can hardly hope to take benefit from clauses in the code which exempt honest strikers, honestly striking, in an honest strike from punishment," he said. Among other things his lordship cited as illegal was agitation that spread dissension throughout the country, and intimidation.

Mr. Justice Metcalfe concluded his charge to the jury by directing them to return a verdict on each count separately. He said that he had decided to allow a reserved case for the consideration of points of law to go to the Court of Appeals.

His lordship quoted definitions of seditious conspiracy, stated that the accused should receive the benefit if the jury found that Russell's intentions were bona fide, that he had no malicious motives and no guilty mind.

It would have to be shown in the evidence that there was a common design, he said, otherwise there was not a conspiracy. The act of a conspirator prior to the time he and the accused met was evidence against the accused. If they found the accused and others banded together for an illegal purpose, then any act by one of the party with reference to the common object was evidence against any of the others engaged.

Dealing with letters written by Russell or received by him, his lordship said there was evidence that Russell assisted in getting control of the Trades and Labor Council. It was hard to forget Russell's letters, with their nice, short, well-expressed sentences, such as, for instance "knock hell out of the Labor party," he said.

Russell was connected with the Socialist party, which was responsible for distribution of Socialist literature. Referring to this propaganda, the judge said:

"I have seen altogether too much

of it."

Dealing with Wm. Ivens, another of the accused strike leaders, his lordship said that he was the editor of the Western Labor News and possibly the jury might find that sufficient to show that the propaganda was seditious.

"Speaking to you as a judge," he said, "if I were on a jury there is much in that matter that I would find no difficulty in concluding was seditious."

Armstrong, one of the accused, the judge stated was, according to the evidence, a soap-box orator and a red, who, with Russell and others gained control of the Trades and Labor Council. Queen also was responsible for propaganda distribution at a theatre meeting and had aided and abetted the strike. W. A. Pritchard had been called one of the most active speakers and workers in the Socialist cause and had issued propaganda for the One Big Union. He stated that Johns, another of the reds who had gained control of the Trades and Labor Council, was a delegate to the Calgary convention.

"As for Robinson," went on the judge, "like rancid butter in the mouth which leaves a bad taste is the evidence of Robinson, secretary of the strike committee. Robinson had tried to disclaim responsibility for everything and swore that he did his duty as an alderman by the city at large. Somehow it did not sound very well from him. Robinson did his duty to the strike committee. R. E. Bray, said the judge, was not serving two masters. He led returned soldiers who were strike sympathizers.

Mr. Justice Metcalfe declared that it was illegal for men to conspire to commit acts that will endanger the general citizens, that intimidation during a strike was illegal and that picketing, under Canadian law, was illegal.

Regarding the Soviet form of government of which one has heard so much in connection with the strike and the trial, his lordship also expressed an opinion. There was no objection, he said, to a man thinking that the Soviet Government of Russia was a good one, so long as he did not intend to convey to others the desirability of the institution of such a government for Canada. When he commenced to attack the Canadian form of government and put before "the plugs" the desirability of a Russian system in Canada, the jury, exercising their common sense, might infer that he was trying to introduce that system in Canada.

"It was up to the jury," his lordship stated. "Would they like it? Would they resist it? Would it be liable to cause a breach of the peace? If it would, in a public sense, would it be seditious?"

The judge commenced his summing up at 8:15 o'clock and did not conclude his charge until midnight.

Nine members of the jury which convicted Russell are farmers, two are rural merchants and one is a city man, residing in Norwood, a suburb. The names and addresses of the twelve are: Harold Woodhead, Morris; W. McClimont, Hazelridge; A. A. Anderson, East Selkirk; Roy Totton, Otterburne; Edward Heney, Sanford; T. W. Smith, Emerson; Joseph Freehette, St. Pierre; D. S. Pritchard, Carman; Theo Nugent, Sanford; Wm. Heale, Teulon and C. T. Fisher, Norwood.

Reasons Why Defense Rested Its Case

The defense called upon the Hon. A. T. J. Johnson, attorney-general for the Province of Manitoba, to testify in regard as to who was responsible and who was paying for the prosecution. Mr. Murray's first question as to the witnesses' status in the Province, was naturally allowed and answered. The second question was, "Did the Provincial government, as representing the crown, refuse to prosecute the accused?" Immediately A. J. Andrews jumped to his feet, objecting to such a question being asked or being answered. As this had been the fate of all such important questions, no answer was given. The next question asked of the attorney-general was, "Who is paying for the prosecution?" That naturally touched a vital spot, particularly for the crown counsel. The judge again upheld the crown's contention, and the question as to who is paying for the prosecution will be a dark secret until the next session of the Provincial legislature or the Dominion parliament.

Most Dramatic Incident

Then happened what might be described as one of the most dramatic incidents in the annals of the Canadian bar. Witness after witness for the defense had been turned down by the rulings of the court, and this last one was as much as Mr. Cassidy, K.C., could endure. Jumping to his feet, he strongly protested against the judge's ruling, saying that it seemed a "vigilance committee" was prosecuting, meaning the "citizens' committee," and not the crown. Turning to the attorney-general he thanked him for his attendance, and bade him good-bye, then turning to the judge, he said in view of his attitude, he could not see what use it was calling any more evidence, and he was going to close the case for the defense immediately, and start addressing the jury on behalf of the accused. It was then 12:30 o'clock, and the judge asked Mr. Cassidy if he did not wish for time to consider his address. Mr. Cassidy answered by saying that he was prepared to start right away, and give the jury a chance of getting home by Christmas.

STOP PRESS NEWS

Dec. 27—Judge Metcalfe sentenced R. B. Russell this morning to two years imprisonment.

SOVIET-ESTHONIA PEACE IN SIGHT

NEW YORK, Dec. 23.—A despatch to the Jewish Daily Forward from its Copenhagen correspondent says the establishment of peace between Soviet Russia and Esthonia was certain. An exchange of communications between the two governments already had been effected, the correspondent stated.

ECONOMIC CLASS

Word reaches us from a correspondent in Tacoma, Wash., that Comrade Jim Fisher is conducting a large and enthusiastic class in Marxian Economics, under the auspices of the Central Local of the Tacoma Socialist Party.

SOME NOTES ON THE TRIAL

The legal status of trades unions were gone into. The counsel for the defense showed by the various enactments that labor had a full right to call either a general or sympathetic strike, and all efforts being made by the crown at this juncture to challenge that right, was nothing else but an effort to cripple the usefulness of those organizations.

As evidence of the furious efforts of the Dominion government to stamp out freedom of thought and speech, the counsel for the defense read a statement showing that there were more prosecutions for sedition in Alberta during two recent years than there had been in England during one hundred years. The population of Alberta is about half a million, that of England forty-five million.

Referring to the literature issued by the Socialist Party of Canada, the crown prosecution likened it to certain works in a doctor's library which might be classed indecent, so, therefore, such books as the "Communist Manifesto," "Socialism, Utopian and Scientific," "Value, Price and Profit," are indecent and unfit for working men to read.

Senator Robertson, Minister of Labor, sat with the crown counsel, discussed matters with them and took quite a number of notes of the proceedings.

Senator Robertson, Minister of Labor, after the adjournment, interviewed the judge in his private rooms.

R. B. Russell, a wage earner, has been tried for political offences and found guilty by a jury, not of his own station in life, but composed entirely of farmers and business men. Although the wage earners are a huge majority of the population of Canada, not one of them sat on the jury.

Query: Who are the most successful exponents of the class struggle theory, the Reds or the Whites?

Labor Defence Fund

LABOR DEFENCE FUND

Send all money and make all cheques payable to A. S. Wells, B.C. Federationist, Labor Temple, Vancouver, B. C.

Collection agency for Alberta: A. Broatch, 1203 Eighth avenue east, Calgary, Alta.

Central Collection Agency: J. Law, Secretary, Defence Fund, Room 1, 530 Main street, Winnipeg.

MANIFESTO OF THE SOCIALIST PARTY OF CANADA

Propaganda Meeting, at Empress Theatre, corner Gore Avenue and Hastings street, Sunday, 8 p.m. Doors open at 7:30 p.m.

Articles are desired on the Socialist Philosophy or on current events interpreted in the light of its principles.