



Communist Party members march down J Street.
(Photo courtesy of the Center for Sacramento History.)

Red Menace!

The Center for Sacramento History details the Sacramento Conspiracy Trial of 1935

By William Burg

In 1935, was Sacramento a hotbed of Communist conspirators, plotting the destruction of the American government? Did right-wing organizations work with business owners to break unions and jail workers for their beliefs? Prosecutors and defense attorneys debated both of these positions during the 1935 Criminal Syndicalism trial, the subject of a new exhibit opening December 4th at the Center for Sacramento History.

Communists in Sacramento?

Yup, quite a few of them, according to exhibit curator Rebecca Crowther. "Capitalism and Communism clashed daily in local papers [of the time]," she says. Crowther, an assistant archivist at CSH, was inspired to organize

the exhibit after discovering a group of photographs from the trial in the archives. "It was kind of a slow day, and I was refileing Sacramento *Bee* images that had been pulled for a researcher. As I was putting the images away, I noticed a label that said 'Communist Trial' and I thought, 'I wonder what this

is?' I pulled out about sixty of the most fascinating images that I had seen in a long while."

Enthralled by the images, Crowther dug deeper into the story, discovering a slice of Sacramento history that few now recall. Working with Head Archivist Patricia Johnson and co-curator Lisa Prince, Crowther found many other documents related to the trial, including the original Sac PD mug shots of the defendants, 1930s communist literature cited in the trial, and literally thousands of pages of original court files. The story these documents told was dramatic, complex and often tragic.

During the economic turmoil of the Depression, groups across the political spectrum sought support in California. In the Sacramento Valley's agricultural breadbasket, farm workers and cannery employees organized as the Cannery and Agricultural Workers Union (CAWIU) and found allies in the California Communist Party. Fascist groups like the Silver Shirts and California Cavaliers existed as well, but their numbers were small. Local governments and businesses sometimes drafted the American Legion, a more mainstream organization, to break strikes and infiltrate or intimidate left-wing groups. Another mainstream group, the Associated Farmers of California, used both lobbying and infiltration to oppose union organization and Communist activity.

In the summer of 1934, a general strike paralyzed the docks of San Francisco. CAWIU members opposed efforts to recruit strikebreakers in the Central Valley and also called for a general strike among pickers and canners, just as the fall harvest was beginning. On July 20, the height of the San Francisco strike, Sacramento police chief William Hallanan and Sacramento County district attorney Neil McAllister led a raid on CAWIU headquarters (at 1529 8th Street) arresting 24 people. This raid followed an earlier raid on Communist Party headquarters, (located at 912 ½ 8th Street), that confiscated Communist books, pamphlets, signs and organization records. The 24 people arrested in the July 20 raid were charged with vagrancy and were kept in the Sacramento County drunk tank for two weeks. 18 of the 24 were soon charged with criminal syndicalism.

"Criminal syndicalism" was defined as "any doctrine or precept advocating, teaching or aiding and abetting the commission of crime, sabotage... or unlawful acts of force and violence or unlawful methods of terrorism as a means of accomplishing a change in industrial ownership or control, or

effecting any political change." An artifact of the first American "Red Scare" during World War I, this law was intended to deter radicals from making public calls for violent revolt.

Jury selection ended on January 2, 1935, and the trial took nearly four months, making it the longest-running criminal trial in California history. McAllister made use of the seized Communist materials to make his case for the syndicalism charges. Many of the Communist political tracts called for violent revolt, and McAllister pointed out every detail, reinforced by testimony from spies who had infiltrated the union's ranks. McAllister argued that the defendants were part of a much larger conspiracy, paid for by the Soviet Union, and concluded his case with the Pledge of Allegiance and an appeal to the jury's patriotism.

Attorney Leo Gallagher represented most of the defendants. Gallagher's resume included representation of Marinus van der Lubbe, a Dutch Communist accused of setting fire to the German Reichstag. In Sacramento, Gallagher's defense denounced McAllister's loud rhetoric and criticized the testimony of McAllister's witnesses, many of whom crumbled upon cross-examination. He also questioned the validity of the law, claiming that union membership and the Communist Party were both legal in California, so membership in either group was not in itself an act of criminal syndicalism. Criminal syndicalism was a crime based on belief, not action, so McAllister had to prove the existence of a conspiracy. Gallagher argued that no conspiracy existed, and that the defendants wanted justice and fair wages, not armed revolution.

Despite Gallagher's efforts, the trial concluded with a guilty verdict for eight of the defendants on April 1, 1935. Because of serious problems concern-

ing the trial, including the discovery of listening holes drilled into the walls of the jury room, the case was overturned in September 1937 and the accused were freed. Despite their acquittal, the trial had a chilling effect on labor organization in California for years afterward.

The seemingly average people swept up in the events that culminated in this trial continue to intrigue Crowther. She points to Sacramentan Norman Mini, a Sac High graduate, who was a poet and jazz musician before being arrested and tried for 'subversive' activity. What were the outside forces that drove him and the other defendants- and their adversaries- to action?

Red Menace! Opening Reception
December 4, 6PM - 7:30PM
Lecture by Dr. Kathryn Olmstead, 7:30PM
Center for Sacramento History
551 Sequoia Pacific Blvd.

"Before going into this project, I wasn't terribly familiar with the history of the Depression," says Crowther. "Now I understand how truly tough it was for farm laborers, how underpaid they were, how they had been prevented from unionizing. Someone had to fight for the rights of these people, to help them band together through strikes, to help them fight for a decent wage. It just so happened that the needed help came from individuals who identified themselves with the Communist Party."

On December 4, CSH will hold an opening night reception featuring a presentation by Dr. Kathryn Olmstead entitled "Blood and Sunshine: Farm Workers, Unions, and the Great Sacramento Conspiracy Trial of 1935." Dr. Olmstead will also sign copies of her latest book, *Real Enemies*. The exhibit runs through May 2010.

To learn more about the Center for Sacramento History, visit their Web site at <http://www.centerforsacramentohistory.org>

