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# THE CASE OF GRANT

FIFTEEN YEARS FOR FIFTEEN WORDS

By H. E. BOOTE

"My investigation of the evidence has produced in me a conviction that not one of Grant's mates is rightfully in jail."

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PRICE THREEPENCE

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Reprinted from "The Worker"  
and  
Published by the Social Democratic League  
Sydney

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# SOCIAL DEMOCRATIC LEAGUE



## OBJECTIVE.

The realisation of a system of society based on socialist principles—or, in other words, an industrial democracy—wherein the means of production and distribution will be socially owned and democratically controlled by those who carry on the processes of wealth production.

## PRINCIPLES.

The Social Democratic League bases its propaganda upon a recognition of the following principles:—

### 1.—The Class Struggle.

The economic and social conditions which form the basis of the present social system inevitably divide society into two classes, with conflicting economic interests. This conflict of economic interests between the capitalist class and the working class gives rise to what is known as the Class Struggle.

### 2.—Industrial Unionism.

In order that the working class may further their economic interests in the class war against the capitalist class, and in order that they may ultimately abolish the conditions which make the class war inevitable, it is imperative that they organise on the basis of industrial unionism, with the aim of controlling industry in their own interests, as distinct from craft or trades unionism, with its conservative motto of a fair day's work for a fair day's pay, and its obsolete methods which divide the workers into small factions, and render their efforts futile against organised capital.

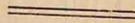
(Continued on page 3 of cover.)

# THE CASE OF GRANT

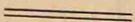
FIFTEEN YEARS FOR FIFTEEN WORDS

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## FOREWORD.

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This pamphlet is a reprint of articles from the pen of Mr. H. E. Boote, the well-known and popular editor of "The Worker," dealing particularly with the case of Donald Grant, one of the twelve I.W.W. men so atrociously sentenced to terms of imprisonment ranging from five to fifteen years, on charges of conspiracy, sedition, etc., by Mr. Justice Pring. The articles appeared in "The Worker" in June-July, 1917, when they created considerable comment. Mr. Boote bases the whole of his case for Grant's innocence upon the actual evidence as contained in the official depositions. No question of sentiment enters into his trenchant analysis, for the simple reason it is not necessary. In our opinion the innocence of Grant is completely established beyond cavil, a view which we think will be shared by all open-minded people after reading the pamphlet.

In issuing this pamphlet the Social Democratic League feels that an impetus will be given to the agitation for a new trial of the twelve men, or a commission of inquiry into their cases. Many of the features of Grant's case are common to all the cases, especially that relating to the evidence offered, aptly described by Mr. Boote as "a fabric of evidence so frail that one honest breath can blow it down." And it is because we think that the same critical analytical method used by Mr. Boote in examining Grant's case would, if applied to the other cases, yield similar results that the pamphlet is issued.

One feature of the cases commands especial attention at this time, just after the stinging defeat of the second

conscription referendum. It is the notorious fact of the splenetic attacks made by Mr. Hughes and his henchmen upon these men whilst they were awaiting trial. During the first conscription referendum the I.W.W. was pictured as the red terror of society, a monster whose sole purpose was to burn and destroy simply for the delight of it. Every capitalist newspaper entered the lists in an endeavor to out-lie previous lies. Hundreds of perjured tongues flicked out falsehood and slander in a furious attempt to secure a victory at the polls for the infamous conscription proposals, by linking up the whole of the Labor Movement with the I.W.W., and then discrediting that organisation as a band of criminals whose sole argument was the firestick. Having failed in this, it became necessary to justify the attacks made on the I.W.W., hence the spectacular swoop upon that body and the dramatic arrest of the twelve men.

No one with a fair and impartial mind will deny that these men were convicted long before they were tried. Despite the illegality of commenting on cases sub judice, Mr. Hughes, Attorney-General, as well as Prime Minister, of the Commonwealth, hardly mounted a platform without abusing the I.W.W., of which these men were the spokesmen. He was ably assisted in this by his followers and the capitalist press. Thus the cases were prejudiced long before the trial, by the chief lawyer in the Commonwealth and by the press, that engine which moulds the ideas of the "average man."

In face of these facts the trial was a travesty on justice, a farce enacted on the stage of law behind whose scenes flitted the big capitalist interests pulling the strings and manipulating the limelight. And when the curtain fell, Toryism and exploiterdom applauded the vicious sentences, and the world of Labor and common humanity awoke to the fact that the spirit that crucified Christ, burnt Bruno, massacred the Paris communards, and ever stretched the body of progress on the rack, still lived and moved in the 20th century.

It should be stated that, like Mr. Boote, the present writer and the Social Democratic League are not concerned with defending I.W.W. principles. We do not accept as safe, useful, or possible the method of sabotage and direct action,

and we furthermore hold that political action is essential to the working-out of Labor's emancipation.

But we are concerned about our fellow-fighters in Humanity's great battle for freedom, albeit their methods may be wrong. They are our comrades, and, working men, they are your comrades, whether you think so or not. Help, then, to obtain Justice for them by reading this pamphlet, and then passing it on to someone else. Agitate the matter in your Unions and Labor Leagues until our demand is acceded to—a full and impartial enquiry into the cases of the twelve men now in jail for the cause of the workers and Humanity.

Let these men be given a chance. Turn the light of honest enquiry, free from judicial error or official prejudice, upon their cases. Not even mercy is asked, simply justice and truth; and with these as arbiters we know that liberty is waiting for twelve working-men whose only crime is that they strove to make a bad world better for all.

LUKE JONES.

# THE CASE OF GRANT

AS REVEALED BY THE DEPOSITIONS OF THE TRIAL,  
AND THE JUDGE'S SUMMING UP.

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By H. E. BOOTE, Editor of "The Worker."

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Every working man and woman in New South Wales knows Donald Grant.

For years he was the most popular orator of the Sydney Domain. Sunday after Sunday thousands surrounded the stump from which he spoke. His pungent satires upon capitalistic society evoked the laughter and applause of vast audiences. His eloquent appeals for working-class solidarity stirred them to the depths of their being. And now he is doing fifteen years' imprisonment with hard labor in Parramatta Jail.

That there is an intimate relation between Grant's career as an agitator against Capitalism and the fact that he has now been put where he can agitate no more, I have no doubt whatever.

He was sentenced on other charges, of course. Very serious crimes were imputed to him, a jury of his countrymen declared him to be guilty, and a bench of Judges on appeal confirmed the verdict.

Yet, IN SPITE OF ALL THAT I firmly believe that Donald Grant is an innocent man, and that the punishment he is undergoing is primarily due to his powerful advocacy of the cause of the workers.

This is a sweeping statement to make. I am well aware that at the first blush many of my readers will discredit it. But I make it in sober earnest, and am prepared to stake what reputation I possess upon it.

Donald Grant is NOT GUILTY. He is as free from guilt of the crimes alleged as I am, or as you are who read this, or as the Judge and jury who deprived him of his liberty.

And the object of the present writing is to convince the working class of Australia that a terrible injustice is being done to this champion of their rights, and urge them to take concerted steps to establish his innocence, and secure his release.

#### "FIFTEEN YEARS FOR FIFTEEN WORDS."

With Grant there are eleven others undergoing various terms of penal servitude on the same charges. Just now, however, I am concerned with Grant alone. That some at least of his fellow prisoners are guiltless I seriously suspect, but there are features in the case of Grant that distinguish it from the rest and challenge attention.

I said so in "The Worker" at the time. I said, "This man got fifteen years for saying fifteen words."

And I gave the fifteen words as follows:

**"FOR EVERY DAY BARKER IS IN JAIL IT WILL COST THE CAPITALIST TEN THOUSAND POUNDS."**

That statement of mine was condemned in the law court, but if it contains the barest element of truth it justifies special prominence being given to Grant's case.

I said, moreover, in "The Worker" article, that "nothing else was alleged against Grant by the prosecution but the Domain utterance," that "no evidence was tendered to show that he conspired with any person, at any time, for any purpose whatsoever.

"It was not shown that he was seen under suspicious circumstances in company with any of the other accused, with whom he is supposed to have acted in conspiracy.

"No serious attempt was made to connect him with any fire, or to link him up with inflammable cotton-waste, or anything of that sort.

"It was even admitted that at Broken Hill, during a period of great industrial excitement, he had counselled the crowd to be calm and abstain from violence."

For printing and publishing that comment on Grant's case I was prosecuted for contempt of Court. The writ served upon me declared, among other things, that what I wrote regarding the evidence at the trial was "grossly misleading."

The Court agreed that it was misleading, nevertheless, though I am well aware that my condensation of Grant's case was somewhat summary and sensational, I am prepared to submit the reasoning on which I based it to the judgment of the public, in order that they may form their own conclusion on the matter.

#### WHERE IS THE EVIDENCE?

In the first place, let me emphasise the striking fact that although Grant was found guilty of conspiring to commit three separate and distinct crimes, and was sentenced to five years' hard labor on each count, **THE EVIDENCE ONLY SHOWED HIM TO HAVE DELIVERED PUBLIC SPEECHES.**

It might be thought, by those who had not closely followed the Court proceedings, that Grant was proved to have been closely associated with the others in circumstances of at least a suspicious nature.

It might be thought that he was seen with them in places, and under conditions, lending themselves to the purposes of conspirators.

It might be thought that incriminating documents were discovered in his possession, connecting him beyond a shadow of doubt with the conspiracies alleged. Or that the materials for producing chemical fire were found on his person, or in his room.

Anybody, knowing that this man had been pronounced guilty of conspiring to burn down buildings, to pervert the course of justice, and to excite sedition, would naturally infer that the evidence had implicated him in one or all of these ways.

But such was not the case.

Grant was only convicted of MAKING SPEECHES; and not secret speeches either; for in every instance they were delivered in the most open manner possible, AND WITH THE FULL KNOWLEDGE THAT THE POLICE WERE PRESENT and were taking notes!

On no single occasion was Grant ever seen by the witnesses for the Crown in company with any of the other accused, except on the platform in the Sydney Domain from which members of the I.W.W. spoke.

The detectives who for days watched the I.W.W. rooms did not see Grant entering or leaving them.

The informers or accomplices who gave evidence NOT ONCE INCLUDED GRANT in their incriminatory statements.

The police who arrested him, who searched his person and the place where he lived, found nothing whatever of an unlawful character; nothing that identified him even remotely with criminal conspiracies.

Judge Pring in his summing up said: "It is always important in a case of this kind to show that the persons charged have been in the habit of associating together."

And he pointed out that Glynn, McPherson and Besant lived together, that Fagin, Teen and Beatty lived together, and that of the accused as a whole "two, three, four, five, and so on, have been seen together on different occasions."

But his Honor might with perfect justice have drawn the attention of the jury to the fact that, except at public meetings, and under conditions by no means conducive to conspiracy, GRANT WAS NEVER OBSERVED IN THE SOCIETY OF ANY OF THOSE WITH WHOM HE IS STATED TO HAVE CONSPIRED.

### GRANT SPEAKS THE TRUTH.

In his address to the Court Grant put very forcibly this failure of the prosecution to involve him in their case. He said:

"In the whole of the evidence they have never shown that Grant was with any of them. Leary and Matthews and the rest of them say that they saw Reeve in the morning and evening when he was at Long Bay; but all these detectives have never said they have seen me with any of the

accused—they know that I can prove that I have never been with any of them round the hall. They say that Grant has been in the Domain, and has been talking to them in the Domain. Of course I have been talking to them in the Domain. Otherwise they have not put forward one syllable of evidence to show that I in any way have been talking to these men."

That statement of Grant's is the SIMPLE AND ABSOLUTE TRUTH. Not a scrap of testimony was offered in the witness-box which would associate Grant with the men who were blamed as his fellow conspirators in criminal and desperate enterprises!

Detectives Leary, Lynch and Matthews, watching the I.W.W. rooms, and shadowing its members, did not see Grant there on any occasion.

Detective Lynch says he saw Glynn, Larkin, Reeve, Moore, Hamilton, and Teen about the rooms, but he does not claim to have seen Grant there.

Detective Matthews goes further. He stated in his evidence explicitly: "I have seen all of the accused—WITH THE EXCEPTION OF GRANT AND KING—going in and out of or about the I.W.W. rooms."

Scully, the chemist and accomplice, said that on the occasions when he went to Fagin's room he met there Fagin, Hamilton, Beatty, and Teen. HE DID NOT MEET GRANT. He knew him only at public meetings and lectures, and classed him with Glynn as "an absolutely sensible speaker," who "never advised the audience to resort to violence of any description—always to organisation and legitimate means of adjusting the grievances of Labor."

When McAlister the informer went to the I.W.W. rooms HE DID NOT SEE GRANT. He professed to have taken part in a drawing of discs to decide who should start a fire, but he did not say that Grant was present.

Louis Goldstein, in his evidence, did not mention Grant. David Goldstein the informer in giving testimony did not once use Grant's name.

None of these witnesses ever saw Grant under circumstances which, by any stretch of the most evil imagination, might implicate him in a dastardly conspiracy, or even taint him with suspicion.

It is stated that while Grant was at Broken Hill—during a period of great industrial excitement, be it remembered—attempts were made to set fire to some chaff; but beyond the mere coincidence of dates the prosecution offered no evidence to show that Grant was responsible for those attempts.

On the contrary, the police were constrained to admit that in his Broken Hill speeches GRANT URGED THE STRIKERS NOT TO RESORT TO VIOLENT MEASURES.

As Judge Pring put it in his summing up:

“Now with regard to those speeches at Broken Hill, you will remember that two of the police gave evidence, and they admit, both of them, that upon an occasion—they differ, I think, about the particular occasion—GRANT DID UNDOUBTEDLY ADVOCATE THAT THERE SHOULD BE NO VIOLENCE.”

So that instead of linking up Grant with a conspiracy of violence, the prosecution actually gave evidence which tended to show that he had no sympathy with anything of the sort.

It will be noted from all this that the case against Grant RESTS ENTIRELY ON THE SPEECHES HE DELIVERED.

He was not seen with any of the other accused under compromising conditions.

He was not connected by definite evidence with any outbreak of incendiary fires.

No incriminating papers or letters were found in his possession, nor any of the materials by which fires were started.

Grant is enduring the hell of fifteen years' imprisonment with hard labor because of the speeches he made at public meetings.

I shall now, therefore, after this preliminary clearing of the issue, proceed to examine those speeches in detail, taking them as they are reported by the prosecution, and recorded in the depositions taken at the trial.

When a man is convicted of three serious crimes, and the evidence against him rests on speeches he has delivered, one would naturally suppose that great care had been taken to have those speeches accurately reported.

Common justice would seem to call for some confirmation of the accuracy of the reports.

If the person who did the reporting was unskilful, or negligent, or prejudiced; if he did not exercise ordinary care to secure a correct record of the speaker's utterances, it would surely be monstrous to send that speaker to jail for a long term on the evidence which such reports afforded, unless their substantial correctness was established by other and independent testimony.

Let us see, then, whether the reporting of the speeches in the I.W.W. cases was of a character to justify the reliance placed upon it.

### HOW THE POLICE REPORT SPEECHES.

The first instance of reporting in the official depositions is that of Detective Leary. He attended a meeting of the I.W.W. in the Domain on September 10, 1916, and was also present at a public meeting against conscription outside the Town Hall on September 22. He reported statements alleged to have been made at these meetings by the accused Reeve. They were long statements—one contained 105 words and the other 130, yet he DEPENDED SOLELY ON HIS MEMORY for their accurate preservation.

He made no notes of any kind at the time; did not even scribble down a few words as the speaker uttered them in order to assist his memory, but simply wrote out the whole lot from recollection WHEN HE GOT HOME AT NIGHT!

Constable Mackay was somewhat better equipped than Detective Leary. He attended the same meeting on September 10, as well as other I.W.W. meetings, and took shorthand notes. Sergeant Brown, who reported a meeting outside the Sydney Town Hall, also made his notes in shorthand.

But in both cases they were only scrappy notes. There was no attempt at continuity in them and the danger of misrepresentation by the giving of passages torn from their context is notorious.

His Honor sounded a note of warning in this respect when summing up to the jury. He said:

“But of course you have to remember that neither he (Mackay) nor any of the others who reported the speeches

say that they took the whole of them down; they are scraps of speeches, PERHAPS NOT EVEN CONNECTED SCRAPS."

Grant also, in his statement, directed the jury's attention to the unsatisfactory and unjust character of the reporting done by Mackay. He said:

"Mackay has brought forward these notes, SEVEN MONTHS OLD—I don't know where they have been in the meantime, whether they have been in the Museum or not—and he uses this 'later on.' 'Later on' he said: 'For every day Tom Barker is incarcerated in Long Bay it will cost the capitalist £10,000.' Further on he uses 'later on' again. WHAT IS THERE IN BETWEEN? If I were to pick up this Book of Books here, on which the witnesses have been sworn, and pick out two or three lines, or one sentence, out of the whole book, and put it to you, and say, 'In one chapter there is such and such,' and a while afterwards I will read you so and so, and take away all that was in between, would you say it was a fair statement of that? Mackay makes no pretence of being able to say what I said in between; he has either deliberately, or without doing it deliberately, left out what I said, and I submit that the reason he has left it out is because if he had put it in there would be NO POSSIBLE CHANCE OF RIGGING UP A CHARGE AGAINST ME."

#### A QUEER REPORTER.

The reporting of the Broken Hill speech was of a still more peculiar character.

In this instance a man named Brown was employed by the police to take the report. He described himself in Court as "a reporter for newspapers."

But under cross-examination he admitted that he was not on any paper, and that he "was not a journalist or an author of any sort"! He had learned to write shorthand, he said, yet he "did not take these notes in shorthand"!

Nor did he take the whole of the speech, assigning as the reason that "there was too much poetry for me to take all of it." He could not, however, remember any of the poetry.

But although he must have been terribly hurried to follow a fast speaker like Grant in longhand, he neverthe-

less had time to jot down his introductory words as "Ladies and gentlemen," a phrase which, as everybody who has heard Grant is aware, HE NEVER USES.

This queer "reporter," engaged by the police in a town where there were trained newspaper men available, painfully trying to keep pace with a rapidly delivered speech by the obsolete method of longhand, was still able to waste time writing down words that Grant under no circumstances would ever utter!

I know nothing of Mr. Brown or his capabilities beyond what his evidence discloses, but that is quite sufficient to enable me to say without hesitation that in my opinion his report of Grant's speech was not worth the paper it was written on.

#### IS THIS JUST?

It will be seen that four men were responsible for the reports on which Grant was convicted.

The first—Detective Leary—did not record Grant's words as they were spoken, but merely listened to them, and then wrote out a bit from memory when he got home at night.

The second and third—Constable Mackay and Sergeant Brown—used shorthand on the spot, but took down only the merest scraps of Grant's speeches, and "not even connected scraps," as the Judge pointed out.

The fourth—Frederick Philip Brown—claimed to be a shorthand writer, but for some curious reason which the prosecution did not explain, evidently considered the slow process of longhand to be the best method of reporting a speech delivered at the rate of about 150 words a minute.

And it is on the evidence of reports taken in this slovenly, scrappy, and inefficient manner that Grant is doing fifteen years' hard labor in jail.

I put it to any fair-minded person—IS THAT JUST? Is it the sort of testimony on which a man should be snatched from the living world and immured in a place where human beings die yet do not rest, but like damned souls in the Inferno, toil without honor or reward?

Is it not a scandal and a shame that a man should be robbed for fifteen years of that liberty which is life on such evidence as that?

Public men have constantly to complain of being entirely misrepresented in condensed reports of speeches taken down by competent and impartial reporters under conditions most favorable to accuracy.

Yet here is a public speaker branded with infamy, found guilty of three grave crimes, and sent to jail for the best years of his life, on the strength of reports taken by interested, and, as regards at least two of the four, incapable reporters, under conditions which would have rendered accurate reporting difficult even for experts.

For it has to be recollected that all of these speeches were delivered in the open air, and that no facilities were provided for reporting. The notes would have to be taken standing, with a ceaselessly moving crowd all round, and a continual noise going on.

Constable Mackay and Sergeant Brown—the only two of the four with any qualification for the work—both refer to the difficulty they experienced.

Said the former: "I don't profess to have taken the whole thing down word for word. IT WOULD BE ALMOST IMPOSSIBLE. There is a great deal of interruption at a meeting of that kind—people selling newspapers and passing to and fro."

Said Sergeant Brown: "It was not easy to take a note there; not as easy as it would be in Court. It is difficult to take a note there. It is possible I did not hear every word correctly."

Those are candid admissions. But Grant was not given the benefit of them. He was found guilty and sentenced just as if there could be no doubt whatever about the correctness of the reports.

Sometimes it might happen that a single word will make all the difference between a lawful and a criminal utterance. As an example, take the speech reported by Sergeant Brown on August 27, in the Domain.

The witness testified as follows:

"At that meeting Grant said, amongst other things, 'Hughes and Pearce say they don't want conscription for abroad. I know they don't—they want it for conscription of labor. Our carcasses are numbered, just like the sheep.' Lower down he said: 'No man has a right to say to me, I demand your carcass.'" Then he begins another passage:

"If they take our carcasses, it is up to us to sabotage their property. I am not here for the sake of running the risk of getting pinched; we are prepared to fight all the time for the liberty we have got. I hope we shall live to see the end of this war, and be ready to fight in the real war—the class struggle."

Obviously, with the exception of the phrase, "Sabotage their property," there is nothing in those passages to which any unlawful significance can be attached. And for the defence it was denied that the word "property" was used; what was said was, "If they take our carcasses it is up to us to sabotage their PROFITS."

With a great noise going on, and subject to all the disturbances and inconveniences of an open-air meeting, how could the reporting policeman be sure that "property" was the word used, and not "profits"?

Brown said under cross-examination: "I don't think I would have mistaken the word 'property' for the word 'profits.' I don't say it is not possible."

It certainly is quite possible; it is even highly probable. Yet on a verbal distinction of that subtle nature the liberty of a man is made to depend.

Look at this business how we may, Donald Grant has not had a fair trial. Both as regards matter and manner the case for the Crown was defective and unjust.

### CLEARING THE GROUND.

And now, having shown the haphazard and wholly unreliable way in which these speeches were reported for the purposes of the prosecution, I will proceed to examine the substance of the speeches themselves.

There were five of them put forward by the police. Three were delivered in the Sydney Domain, one outside the Town Hall, and the other at Broken Hill.

Now, two of these speeches were practically DISCREDITED AS EVIDENCE OF CONSPIRACY BY THE JUDGE in his summing up, and in order to further clear the ground, and get down to the root of Grant's offence, it will be well to dispose of these two straight away.

The first was delivered in the Domain on September 3, 1916, and was reported by Constable Mackay as follows:

"Grant said: 'We will keep up this fight. We recognise to-day that we are in — (there was some interruption here, and the witness did not get the complete sentence). We are going to keep on challenging their position. If we are sent to jail a wave of indignation will rise throughout Australia, and they will be forced to let us out. A few days in jail has been meted out to every agitator that has been worth a damn.'

"Grant addressed the meeting a second time, and he said: 'Purchase the literature and become educated. The working classes can only put up a fight by organising industrially. We must see to it that the working classes are not prepared to pit bayonet against bayonet, baton against baton, for if they do there is only one alternative—go down for ever. Therefore I say we should depend upon our forces in the shops—our industrial forces.'"

That is the passage, and it was actually put in by the prosecution as EVIDENCE ON WHICH TO BASE A SERIOUS CRIMINAL CONVICTION against a public speaker!

His Honor consigned it to the rubbish bin with this comment:

"In regard to that, I DON'T KNOW THAT ONE COULD SAY THAT A MAN OUGHT TO BE CONVICTED FOR SAYING THAT. It is foolish language; it is perhaps rather blatant, but it does not seem to advise the use of what may be called violence or force."

The other speech completely discounted by the Judge was also reported by Constable Mackay, in the Domain on September 10, 1916.

"Grant said: 'At the Central Police Court there is no justice. You are removed from the Court, and they tell you to sit down, and take your photo in different ways, because the police have determined to prevent us voicing our principles. It is not finished yet. I am going to say this, that if the higher Courts uphold the decision of the lower Court there is going to be an uproar in this country.'"

On that the Judge remarked: "I DON'T KNOW THAT ONE COULD SAY THAT THAT WAS CRIMINAL LANGUAGE—foolish, perhaps."

Constable Mackay's report continued:

"I want to say this—next week we are going to start an agitation to present this case before the public, and it has been agreed that I go to Broken Hill, where we have a great deal more freedom of speech. If our cause is a bad cause, then let those that are prepared to say so come out and preach it. It is the finest advertisement that has ever been given to the industrial movement. It is good to know that during the greatest war the world has ever known about they consider we are so great a menace as we have to have our mouths shut or do 12 months in jail. They are going to put us in jail, and that is no use either. We know from the start of history that no great movement spread rapidly until it had been persecuted. If it comes to being sent to the Penitentiary until this war is over—if Reeve, Larkin, and myself have to choose between our principles and going to jail, then I say we say without a moment's hesitation, 'Send us to jail!'"

On that his Honor made no comment whatever. Obviously there was no comment to be made, except such as would utterly discredit the prosecution that submitted a speech of that description as evidence in a great conspiracy trial.

We have now narrowed the issue down to three speeches. Whatever was the evidence on which Grant was declared to be guilty of three grave crimes, and sentenced to fifteen years' hard labor, IT MUST BE CONTAINED IN THOSE SPEECHES. Let us see if we can find it.

I will take first the one nearest to us in point of time—that is, the speech made at Broken Hill on September 17, 1916.

This was reported by the young man Brown, who, under the gentle guidance of counsel for the prosecution, describing himself, said: "I am a reporter; I report for newspapers;" and a little later, under the rougher handling of the cross-examination, admitted, "I am not a journalist or an author of any sort."

It is easy to believe that. The way in which the reporting was done confirms the admission. Yet this person, who was not a "journalist or an author of any sort," was SELECTED BY THE POLICE of Broken Hill to go to the I.W.W.

meeting, and take down Grant's speech, evidently for the purpose of a criminal prosecution.

### A QUEER REPORT.

What were his qualifications for this important task? He could write shorthand, he said. But HE DID NOT DO SO AT THE MEETING. He used longhand, a method by which a swift writer, using abbreviations, cannot do more than forty or fifty words a minute, while Grant, as every journalist knows who has heard him, speaks at fully three times that rate.

So that this quaint reporter, commissioned by the police to record Grant's utterances, with a view to getting evidence for his indictment in the Courts, would miss at least a hundred words for every fifty that he could capture!

This is his report:

"Grant said at the first part of his speech: 'Fellow workers and ladies and gentlemen, I am going to address you this afternoon on conscription, and for those people who do not wish to listen to me they had better go away. As far as I am concerned, I have to tell you the case; that is, that I am a rebel, and to that extent at least of one individual of the working class, and subjected to £2/10/- a week, while King George gets £40,000 a year. I have nothing at all against King George, but I have not his job.'

That is all this alleged reporter got of that part of Grant's speech. It is a very short passage, but brief as it is, suspicion of its accuracy shrieks from its every line.

As I have previously pointed out, Grant never addressed an audience as "ladies and gentlemen"; no one ever heard him use that form of address.

Moreover, Grant is too well-informed to say "King George gets £40,000 a year," when it is a matter of common knowledge that the King gets ten times that amount.

Then, as reported by this young man from Broken Hill, the passage is shockingly ungrammatical, and Grant, though not a master of language, employing a classical diction, talks quite as good English as the average platform speaker.

Thus this short report, consisting of only 95 words, contains two palpable errors of recording, and in addition displays throughout such a slipshod phraseology as stamps it with unreliability for all who have heard Grant speak.

As evidence in support of a criminal charge the only thing in it worth a moment's notice is the statement, "I AM A REBEL."

Plainly the speaker meant that he is a rebel in the sense that every class-conscious worker is a rebel—that is, a rebel against the social conditions that subject him to exploitation, and sentence him to servitude and poverty.

Grant gave that explanation himself when addressing the Court. He said:

"I admit I said 'I am a rebel.' I said I am a rebel against the conditions that exist. I am a rebel against the conditions that have driven me and thousands of my class from ocean to ocean, to beg brothers of the earth here to give us leave to live, as we did in the Old Land. That is my conception of being a rebel. Later on I said, 'I know no King,' and the sense in which I said it is this—this is an industrial question; I am not concerned about Kings or Emperors or any other rulers. What I am concerned about is this industrial question. It is a job question, and does not deal with the question of a King at all."

### A SINISTER SUGGESTION.

The next passage supplied by the "reporter" from Broken Hill is a mere torn-off, disconnected scrap, as follows:

"It is a great honor to be put behind the bars, because they know that what I have said is true, and if I don't get my liberty less ore will be produced, and if they don't let us out SERIOUS AND MYSTERIOUS THINGS WILL HAPPEN. Tom Barker was the most expensive prisoner ever behind prison bars in Australia, and they could not keep him there."

Now what was the meaning of the statement: "If they don't let us out serious and mysterious things will happen"?

The prosecution insinuated that it meant that places would be mysteriously burned down, but this is an interpretation of the words governed by the necessities of the prosecution, who were obviously at their wits' end to make out a case against this working-class agitator.

His Honor did not seem to be impressed by this sinister suggestion, for in his summing up he dismisses it WITH-

OUT A WORD OF COMMENT, merely putting against it the explanation given by Grant himself.

Grant in his statement to the Court said: "It is not hard to explain that sentence. . . . What I did say was this: 'If I don't get my liberty less ore will be produced, and if they don't let us out serious and mysterious things will happen'—and the strange and mysterious things that were going to happen, what I was talking about, was THE IMPORTATION OF ALIEN LABOR into this country. It was stated by one of the best known officials in New South Wales that alien labor was coming in, and the politicians were denying it."

The truth of Grant's explanation is borne out by the fact that at the time that meeting was held the conscription campaign was in full blast, and it was being freely alleged by anti-conscriptionist speakers that the authorities were SCHEMING TO BRING IN ALIEN LABOR to take the places of the white workers whom they wanted to deport to the European battlefields.

Grant therefore clearly meant that if the prominent anti-conscriptionists could be got out of the way behind prison bars, and the opposition to militarism thus crippled, this nefarious plot would be put into effect.

A fuller report of his speech would have shown beyond all doubt that it was to this that Grant alluded in the sentence "strange and mysterious things will happen."

But the prosecution's hired reporter appears to have TAKEN DOWN ONLY THE SCRAP THAT HE THOUGHT WOULD SUIT HIS EMPLOYERS. The rest, which would have thrown light on a sentence vague and ambiguous when deliberately isolated from what went before and after, was either not reported or was withheld from the Court.

The policy of omission was consistently followed by the prosecution throughout. They put in as evidence, not whole speeches, or large portions complete in themselves, but the veriest scraps, and, as the Judge pointed out, "not even connected scraps."

#### WHY DID THEY DO THIS?

I am satisfied, from my examination of the depositions, that they did it for the reason which Grant assigned when, referring to the omissions of another of the police reporters, he declared that what he had said in between the scraps

had been left out because, "had they been put in, there would be no possible chance of rigging up a charge against me."

I cannot imagine that anyone will contend that a man ought to be sent to jail for fifteen years for saying that, if certain agitators were incarcerated, "serious and mysterious things would happen." Such a statement might assume a criminal significance if it formed a link in a chain of evidence connecting the person who uttered it with unlawful actions and outrages, but I have conclusively proved, I think, that in Grant's case the scraps of speeches relied upon by the prosecution were not supported by the slightest evidence of criminal conduct.

#### MORE QUEER REPORTING.

Another passage was reported by F. P. Brown as follows:

"Passing conscription is one thing, and putting a gun on our shoulders is another. I shall never carry arms as long as I live. I would not shoot a capitalist, and would rather go to jail than give my carcass to the enemy."

That scrap may be dismissed with the remark that it is hardly conceivable that Grant is undergoing fifteen years' imprisonment for saying that he wouldn't shoot a capitalist.

F. P. Brown continues: "Then he said something about 'Do you know what sabotage is?'"

He took down nothing else just there; did not even give us the definition of sabotage to which the question was evidently leading up. In heavens name what sort of a report is this?

Here are a few more scraps thrown in the face of Justice:

"Later on there is this passage: 'Now what if these three men go to jail? If they do, fill up the jails, and go back to work, and hit the boss in the right place, and then the bosses will open up the jails.'"

"There is another passage: 'We are going to jail because they are afraid of us.'"

"Then: 'If we are going to be jailed for five months we shan't stay there that time, because the industrial unions will say, these men must come out; there is no charge against

them. We shan't stay there all the time; they will say, these men are dangerous, and the prison bars will be forced open."

"Another passage is: 'We know the capitalistic jail; it can't murder us for our deeds; we don't care a damn about your jail as long as you remain true outside, and make it unprofitable for them to put us in their jails. In England now you can get an iron cross for killing forty Germans, but for Christ's sake don't shoot a rabbit.'

That is all that F. P. Brown reported. He was employed by the police to do this important work, and **THOSE FEW SCRAPS ARE ALL THAT HE APPEARS TO HAVE TAKEN**. If he took anything more, the prosecution were careful not to submit it to the jury.

All over this report there is the stamp of inadequacy, if not of bias.

Well might it be the work of one who, when asked in cross-examination if he didn't hate trade unionists, replied, **"I HAVE A STRONG PREJUDICE AGAINST THEM."**

Probably that was the reason the police chose him to report, by the cumbrous and unfair method of longhand, a speech which they could easily have got taken fully and fairly by an experienced shorthand writer.

#### VIOLENCE NOT ADVOCATED.

But utterly insufficient as all these scraps are, by whoever reported, unable as we are to gather from them any adequate idea of what Grant really said, they bear abundant testimony to the fact that he discountenanced violence.

Note these expressions: "We must see to it that the working class are not prepared to pit bayonet against bayonet, baton against baton." . . . "The working class can only put up a fight by organising industrially." . . . "We must depend on our forces in the shop, our industrial forces." . . . "For Christ's sake, don't shoot a rabbit." . . . "I would not shoot a capitalist."

And call to mind what the Judge said of the speech at Broken Hill: **"GRANT DID UNDOUBTEDLY ADVOCATE THAT THERE SHOULD BE NO VIOLENCE."**

And don't forget that Constable Mackay, who regularly attended I.W.W. meetings in the Domain, stated in evidence

that he had never heard any of the speakers advocate violence.

On August 27, 1916, Grant addressed a meeting in the Domain. Scraps of it were reported by Sergeant Brown, the only scrap of any importance whatever being this: "If they take our carcasses (by conscription) it is up to us to sabotage their property."

Grant swore in the box that what he said was, "It is up to us to sabotage their PROFITS," and he explained that he was referring to the case of a man named Coombes, reported in the "S. M. Herald" of August 26, 1916.

I have looked up the newspaper files, and Grant's statement is borne out fully by the "Herald's" report, which gives Coombes' utterance as follows:

"I appeal to the working men of Broken Hill to make it so UNPROFITABLE for the boss that they will drive him out of Australia."

Sergeant Brown admitted that Grant referred to the Coombes case. It is a logical inference, therefore, that Grant, in referring to Coombes' appeal to "make it UNPROFITABLE for the boss," endorsed it by saying, "It is up to us to sabotage their PROFITS."

There was a noise going on at the time, and Sergeant Brown, under cross-examination, admitted it was possible that he did not hear every word distinctly, and that it was not impossible for him to have mistaken the word "profits" for "property."

This admission, reluctantly though it was made, together with the established fact that Grant was NEVER KNOWN TO APPROVE OF THE DESTRUCTION OF PROPERTY as a method of working-class warfare, makes it perfectly clear that what Grant did say was, "It is up to us to sabotage their profits," meaning by the policy of "slowing down" on the job.

#### NEARING THE END.

I have now but one more speech to examine, and then I will summarise the results of this investigation, and show beyond all reasonable doubt that Donald Grant is the victim of a miscarriage of justice, and that he is doing fifteen years in Parramatta Jail because of the prejudice created

against accused members of the I.W.W. by capitalistic papers and politicians, for shameless political purposes while the case was proceeding, or while the men were lying in the cells awaiting trial.

The last speech we have now to examine is the most distant in point of time. It was delivered in the Sydney Domain on Sunday, April 2, 1916, and Constable Mackay was the reporter. This is his evidence, so far as it relates to Grant:

"On April 2 Grant also addressed the meeting. He said: 'Barker has been sentenced, and is going to prison for telling the truth. It is quite evident that anything the I.W.W. publishes will be searched for offences against the War Precautions Act. For every day that Tom Barker is incarcerated in Long Bay it will cost the capitalist classes £10,000.' He also said: 'I am a rebel and know no King, and have got the guts to fight for the class to which I belong.' THAT IS ALL I HAVE GOT IN HIS SPEECH.

"He offered the book, 'Sabotage,' for sale, and advised those present to purchase it, also 'Direct Action' and a book called 'Poems of the Revolution.' He held them up in his hand, and advised the people to purchase."

To his Honor: "Grant said, 'Purchase the literature on sale, and become acquainted with the ideas and methods of sabotage and go-slow, and the propaganda of the I.W.W.'"

That speech was made SIX MONTHS BEFORE GRANT WAS ARRESTED. Evidently it was not considered to be a criminal utterance at the time. It was the later developments—the necessity of getting evidence to sustain a charge of conspiracy—which induced the prosecution to resurrect the shorthand scraps taken by Mackay so long before, and try to import a criminal suggestiveness into them.

### "SABOTAGE."

Counsel for the Crown stressed the statement that Grant held up the book, "Sabotage," for sale, and asked the people to "become acquainted with the ideas and methods of sabotage and go-slow."

The Judge also laid emphasis on this point. But it cannot be on the ground that he offered "Sabotage" for sale

that Grant was convicted of three crimes and sentenced to fifteen years' imprisonment.

IT WAS NOT ILLEGAL TO SELL THIS BOOK, or action would have been taken at once. Any bookseller could include it in his stock and display it in his window.

It was sold openly, (WITH THE POLICE PRESENT AT THE SALE, and how the offering of a book which might thus be freely and legally sold and purchased could be evidence of a criminal intention is something that the mere lay mind is unable to comprehend.

Sergeant Gibson, of Broken Hill, who arrested Grant on September 26, 1916, admitted in Court that there was no objection to the sale of I.W.W. literature there. He said, "I received no orders to stop the sale. I have not stopped the sale of it since the conscription issue was raised. IT IS SOLD JUST AS OPENLY THERE NOW AS EVER IT WAS."

Yet his Honor in summing up went so far as to say that an invitation to buy this book, by one of the accused in the course of an address, "would tend to show that he was, at that time, in his speech, advocating the use of criminal and improper means."

It was an amazing direction to give the jury. It meant that although nothing in the speech itself might be adduced in proof of a criminal intention, if the police could show that a work which had never been placed upon the list of prohibited publications was recommended to the audience, the speech would thereby become tainted with criminality!

To thus, make the advice to purchase a lawful book evidence of an unlawful purpose was surely not only illogical, but unjust and immoral. If such a perversion of judicial reasoning were common in our Courts no one would be safe.

### THE CRUCIAL WORDS.

Apart from the invitation to buy "Sabotage," Grant's speech contained but one sentence upon which the police could fasten attention. It was this:

"FOR EVERY DAY BARKER IS INCARCERATED IT WILL COST THE CAPITALIST CLASSES TEN THOUSAND POUNDS."

Those are the fifteen words for which, I said in my prosecuted article, Grant got fifteen years.

It may be that I summarised the case sensationally, but if it was not for that utterance that Grant was convicted and sentenced, then what WAS it for?

In the course of this investigation we have come across nothing else that was said or done by Donald Grant that gives the slightest color to the charge that he was engaged in a conspiracy of violence.

I have searched for something more definite than that all through the depositions, and HAVE BEEN UNABLE TO FIND IT.

I defy any man to take the official record of the evidence given in Court, and point to anything else which even hints at the advocacy of violence by Grant, or suggests in any way that he was conspiring to burn down buildings and incite the working class to seditious outbreaks.

That is what I had in my mind when I declared that Grant had been sentenced to fifteen years for saying fifteen words. I have shown now EVERY SCRAP OF EVIDENCE THAT WAS GIVEN AGAINST HIM. And on that evidence I am willing to take the verdict of intelligent readers as to whether or not I was justified in my statement.

### IS THIS CONCEIVABLE?

Certainly, of all the bits of Grant's speeches quoted in Court, the declaration, "For every day Barker is incarcerated it will cost the capitalist classes ten thousand pounds," stands out most prominently.

What did he mean by it?

For my part, I cannot determine precisely what he meant. Had the prosecution taken a fuller report, the context would have given us the explanation, beyond a shadow of doubt.

But the prosecution did not; from which it can only be concluded that the context, whatever it was, DID NOT SERVE THEIR PURPOSE. We can therefore only place upon the isolated sentence which they submitted to the jury a construction in accordance with reasonable inference and the circumstances of the case.

The Judge in his summing up, commented on this passage as follows:

"There you have a threat. It may mean a threat of violence; it may mean a threat to strike, or something of that sort."

We know, however, that Grant never threatened violence. The prosecution were actually compelled to admit that out of the mouths of their own witnesses. The police reporter who took down this very passage said in Court, "I NEVER HEARD GRANT ADVOCATE PERSONAL VIOLENCE."

Scully also testified to the same effect, while the two policemen from Broken Hill admitted that they heard him appeal to the crowd not to resort to violent acts.

There is another fact, too, which renders it in the highest degree improbable, if not impossible, that Grant—or any other of the I.W.W. speakers now in jail—urged the use of violence and incited to the destruction of property.

ALL THESE SPEECHES WERE MADE IN THE PRESENCE OF THE POLICE, and the speakers knew that notes were being taken of what they said.

Listen to Constable Mackay:

"These men spoke quite openly in front of me. They knew I was there. I have heard them pass a joke in the crowd to me. Reeve said, 'Hello, Mack, you have got your notebook with you. I hope you are in good fettle.' Passing into the crowd, he would say, 'Hello, Mack!' when he saw me there. He knew I was reporting."

Is it conceivable that with a policeman standing before him, notebook in hand, any one of the accused would deliver addresses advocating violence, and showing that he was taking part in a criminal conspiracy?

To believe any such thing is to outrage all sense of probability.

So that his Honor must have hit the mark when he suggested, with regard to the passage in Grant's speech which we are considering, that it might mean there would be a strike of such dimensions that it would cost the capitalists ten thousand pounds for every day Tom Barker was kept in jail.

No other interpretation of this detached utterance will harmonise with what we know of the facts revealed by the evidence.

tralia, the grounds upon which I then maintained that Donald Grant was innocent, and that in his case at least a ghastly miscarriage of justice had occurred.

I may add, in concluding this task, that my investigation of the evidence has produced in me a conviction that **NOT ONE OF GRANT'S MATES IS RIGHTFULLY IN JAIL.**

And I hope that the agitation for a **NON-JUDICIAL PROBE** of the whole business will be continued, and that the workers of Australia will never let the matter drop until justice has been done to these men.



### 3.—Anti-Militarism.

That as militarism in its various forms is an institution that serves as a bulwark in maintaining the present iniquitous social conditions, being therefore a perpetual menace to the interests of the working class, it behoves the workers to oppose militarism in all its forms.

### 4.—Internationalism.

As the capitalist system of production is international in its scope and operations, and as, consequently, the working class are uniformly condemned to economic dependence upon, and industrial subjection to, the capitalist class, the international identity and unity of working-class interests is obvious; therefore, internationalism must be recognised as an indispensable industrial and ethical principle by all who aspire for industrial freedom.

#### Methods.

The Social Democratic League, being a purely propagandist body, proposes to further its propaganda through the media of public meetings, lectures, debates, discussions, within and without labor organisations, political and industrial, and by the dissemination of literature bearing upon all questions of social, political, and industrial interest to the workers. As education along correct lines is the essential and pre-requisite condition for the workers to free themselves from the thralldom of capitalism, the Social Democratic League is confident that industrial evolution, in conjunction with its educational efforts, will crystallise in the necessary political and industrial organisations of the working class that will ultimately triumph over the forces of capitalism. We therefore affirm the necessity for the joint use of political and industrial action for the establishment of the Socialist Republic.

#### As to Political Parties.

The Social Democratic League, not being a political party, allows its members freedom to support whatever party they may consider to be in line with progress and with the interests of the working class.

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