FREEDOM
IS IT A CRIME?

The Strange Case of the Three Anarchists Jailed at the Old Bailey, April 1945

Two Speeches by HERBERT READ

FOREWORD *by* E. SILVERMAN

FREEDOM PRESS DEFENCE COMMITTEE

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FOREWORD BY ERNEST SILVERMAN

THE Publishers have asked me to write a foreword to this pamphlet. As an individual who cares about freedom of speech and freedom of the press I accept with pleasure the opportunity to say a word to the public.

Three decent, useful and respectable citizens, who Mr. Justice Birkett said were of the highest character and who he was quite prepared to believe were actuated by the highest motives, are in prison. Their crime is conspiracy to cause disaffection by certain articles which appeared in *War Commentary*. The Jury found them guilty.

When the trial was on the War had not ended. We have been told by Mr. Winston Churchill and Mr. Bevin and Mr. H. Morrison that the liberties we lost as citizens during the war would be restored to us when the crisis was past. There is a fundamental principle at stake in this case. It is a principle which affects us all. The powers given to the Executive during war emergency, which are admittedly a complete suspension of legal rights secured to us by the sacrifices of our predecessors, must be restored to us now. In the hands of a reactionary political executive the arbitrary use of these powers means that what we are to say and what we are to write is to be censored by those who are politically opposed to the views we may hold. It does not matter what Government is in power; the abuses may easily be the same.

I write this foreword as a completely independent person with no political allegiances at all. I am profoundly disturbed, as are a great many thinking people, about the serious encroachments on human liberty which have been imposed upon us without any real guarantee that they are likely to be withdrawn. We *must be careful* that we do not, in the name of freedom, lose what freedom is left to us. These three men, and the woman who was acquitted, are anarchists, and it

may well be that readers of this pamphlet have as vague an idea as I have about what anarchism really means. But this much is certain, that men and women who care sufficiently for principles to imperil their liberty and their careers in the service of such principles are of the very salt of the earth. It may well be that their views are bitterly unpopular now. That matters not; the heresy of one generation is the accepted common sense of the next.

If the readers of these brave speeches of Mr. Herbert Read care sufficiently for freedom of speech and writing, the next question they have to consider is what can be done about it *NOW*. I say without hesitation that, with one or two honourable exceptions, the political parties of the Left are only concerned about the liberties of certain people and are quite prepared, either passively or actively, to agree to the suppression of the liberties of others. This is nearly always done in the name of political expediency. If a few courageous people had not founded some kind of Defence Committee in this case, as in the case of the four Trotskyists who were charged at Newcastle, it is difficult to envisage what would have happened.

If Mr. Herbert Read's speeches move you to action, those of you who are attached to organisations know best how to focus interest on this important case. Those of you who, like myself, are just individuals unattached to organisations, but concerned about these matters can support the Freedom Defence Committee now and in the future, when, I am very much afraid, the need for such an organisation will become apparent even to those who do not see the danger now. I hope that Mr. Herbert Read's very careful and very courageous words will be read by all thinking men and women.

TWO SPEECHES BY HERBERT READ

1. Before the Trial

WE are met at a very significant moment in history. We are told that the end of the war in Europe is in sight—a matter of a few days, even of a few hours. The embattled forces of the Allies are closing in from all sides—dancing round the gigantic crater of ruin which is Germany.

Our statesmen have made a chaos and call it victory. Millions of men are dead, and their silence is called peace. Millions of slaves and prisoners stream eastward and westward—to the North and to the South—anywhere from the centre of this ghastly compass of war. As they travel along the dusty roads, they lose their marks of identity, their uniforms and badges—they resume their human shape and appearance: the grey mass of the unemployed. From unemployment they were snatched by the Conscriptors. The war began in Unemployment: the war will end in Unemployment.

A few days ago Eisenhower reported that he had taken two million prisoners since D Day. "Not enough," replied Sir James Grigg, "I want two million *and four*." At this stage in the unfolding of the European tragedy, four people have been arrested, here in this Land of Liberty. We have met here to ask *Why?*

Why at this final stage of the universal butchery are these four comrades arrested? Is it to be seriously contended that at this twelfth hour any words of theirs could so disaffect members of His Majesty's Forces that the outcome of the war would be in doubt? I hope that that will be the argument, for it would be the biggest compliment ever paid to the philosophy of anarchism. What other charge, in relation to the war—and remember that 39A is a wartime regulation—what other charge is conceivable? I see none, and therefore I conclude

that 39A is being used for other than its intended purpose. If I am asked what other purpose is conceivable, I would point to the singular fact that whilst in all other European countries (the so-called neutrals excepted) the fascists or collaborationists have been incautious enough to come out into the open, and have been caught there, *here* they have never emerged from their hiding-places—have never taken off their masks.

There was a time—back in 1940—when I thought that here too the war would inevitably lead to revolution—that it would be neither won nor lost without a social upheaval. I was wrong. We won the Battle of Britain, but lost the chance of a British Revolution. The fascists—I do not refer to a poor prematurely-born homunculus like Moseley—the fascists kept on their masks, stayed in their hide-outs. There were regulations and controls—lots of them—but the new controller was the old boss writ large. There was no essential change. We were, and in all essentials we have remained, a fascist plutocracy.

Against this crypto-fascism in our midst, only an insignificant minority has hitherto fought openly. Some have fought in a round-about way—by collaborating with Badoglio in Italy, with King George in Greece, with General de Gaulle in France—I am too naive to appreciate the tactics of our communist friends. But a few people, and prominent among them our four arrested comrades, have fought our home-based fascism openly and directly. They have fought with increasing vigour and growing success. A certain weight of opinion has formed behind them, particularly among members of the younger generation. It seems possible that our fascists in high places have become aware of this small but brilliant band—have seen this small but bright red-light, and have resolved to extinguish it before it becomes a glowing beacon. How else explain a move which on every other interpretation is patently ridiculous?

Comrades, the time for doubts and hesitations is past. Those who waited for the war to bring about a revolution must now repent their mistake. The situation is unequivocal. There will be no revolution—just yet. But from this moment we move into active resistance. The front line of the Resistance Movement is now here, in England, and we, *alone* if necessary, will continue the fight against fascism. We have French comrades, Dutch comrades, Polish comrades, comrades whose underground struggle we have admired. But from now on we must treat them as heroes of another day. We have supported them in their struggle against fascism. We do not now expect them to

fraternize with the friends of fascism here. In the moment of their victory we expect them to continue the fight by our side.

That fight will not be conducted in the hills or on the beaches or in any such romantic places—it will be carried into the streets and docks, into slums and factories. Nor shall we fight with block-busters and tanks, not even with tommy-guns and bombs. Our weapons are words, and all we need for success is freedom of speech and expression—"everywhere in the world." That is the first of the four freedoms, but what cynical mockery is this which in the moment of victory falls on our comrades on no other charge than the exercise of that freedom. But we shall not suffer their persecution. We do not challenge any law that is natural, any trial that is just. But we stand firm in asserting the traditional rights which free men in this country have fought for throughout the centuries, and we challenge that State which, with arbitrary authority and ignoble instruments—I refer to our political police—has dared to abrogate those traditional rights: we challenge that State to an unrelenting strife. It is a small group of anarchists whose freedom is threatened, but, comrades, I do not speak to you now as an anarchist: I speak to you as an Englishman, as one proud to follow in the tradition of Milton and Shelley—the tradition of all those poets and philosophers who have given us the proud right to claim freedom of speech and the liberty of unlicensed printing. For that, comrades, is the issue, and in that issue we shall engage our personal liberty and if necessary our lives.

We could give our comrades many inspiring words to remember as they stand in the dock next week, but most of all I would like them to remember those words which an American Quaker addressed to an American jury during the last war, when he was facing a similar charge. That Quaker's name was Eugene V. Debs, and here are the beautiful words he used on that occasion:

> "Gentlemen of the Jury, I am accused of having obstructed the war. I admit it. Gentlemen, I abhor war. I would oppose the war if I stood alone. I believe that nations have been pitted against nations long enough in hatred. . . .
>
> I am opposed to war. I am perfectly willing on that account to be branded as a traitor. And if it is a crime under the American law to be opposed to human bloodshed, I am perfectly willing to be branded as a criminal and to end my days in a prison cell. . . .
>
> And now, Gentlemen of the Jury, I am prepared for the sentence. I will accept your verdict. What you will do to me does

not matter much. Years ago I recognized my kinship with all living beings, and I made up my mind that I was not one whit better than the meanest of earth. I said then, and I say now, that while there is a lower class I am in it: while there is a criminal element, I am of it: while there is a soul in prison, I am not free."

Like Eugene Debs, our four comrades have dared to stand firm in the cause of humanity. What they have said, all lovers of peace and freedom have said and will continue to say. Our comrades go to trial as our representatives. In the hour of their trial, and after their trial, whatever its outcome, we shall not fail them. If the four are imprisoned, forty will step into the breach and carry on. If forty are imprisoned, four hundred will be there to take their place. We have been challenged: we accept the challenge. We will fight: fight the Defence Regulations and that foul and un-English institution, the political police. We will fight tyranny and oppression in every shape and form, everywhere in the world, until freedom is finally a reality, and justice a natural right.

2. After the Trial

At our last meeting I said that if our comrades were imprisoned, we who remained free would continue the struggle against the forces of repression now active in this country, against the political police, against every enemy of freedom. That struggle is now on. The weapons with which we can fight are limited: they are the very weapons which our authoritarian government is attempting to take away from us—our printing-press, our pamphlets, our right to speak and publish the truth that is within us. Limited as they are, these are nevertheless the only weapons we need to create such a volume of protest that press and parliament, the public at large will be compelled to listen to us. We shall not rest until our comrades are released, and even then we shall go on, to create such a consciousness of the existing danger to our common liberty, that the cause of it is for ever eliminated from our society.

It will not be an easy campaign. Among the many lessons which this episode has taught us, the most surprising to me has been the indifference of the so-called liberal press. There have been exceptions, and in particular I would like to mention the *Manchester Guardian.*

But for the most part, once they had exhausted the "news value" of the case in a sentence or two, the rest has been silence. Here was a clear threat to the liberty of the Press. Did the Press rise in righteous indignation? We have not heard a single note of complaint. This institution which boasts that it is the guardian of our national liberties was perhaps a little drunk with the prospects of a military victory: at any rate, it slept whilst the very liberties which they thought were being secured in Europe, were filched from us here in the Old Bailey.

Then there is Parliament. We anarchists have never placed much faith in the dim inmates of that opium den, but we note that many of them talk frequently of liberty, inside the House and out. But what has Parliament done to defend our liberty in this case? We know well enough that all that gang talk endlessly about freedom, it is a nice inspiring word—but they uphold its reality only so long as it does not threaten their private interests.

In these last few weeks more hypocrisy has been smeared over our daily and weekly papers than ever before in our history. If you can bring yourself to read the leading articles and commentaries in these periodicals, you will find the word "freedom" in almost every paragraph. You are told that we have just won the greatest war in history—for "freedom". You are asked to celebrate this glorious victory—"in the cause of freedom." You are even encouraged to get drunk for "freedom." We are not deceived. So long as our three comrades remain in prison, victory is an illusion, and the man who celebrates it is nothing but a mug.

We have met here to-night not to celebrate a victory, but to take counsel after a defeat. In the face of that defeat, I propose now briefly to reaffirm the beliefs for which our comrades have been persecuted and imprisoned. It would give me great pleasure to do this if only to show that we are by no means intimidated by what has happened. The penalties of the Courts are only justified on the assumption that they deter others from repeating the alleged offience. We are not moved one inch from our course. All that legal pantomime at the Old Bailey was from every point of view a futile and costly farce. It has cost our side quite a lot: it must have cost the State more—several thousand pounds. There are the salaries of Inspector Whitehead and his agents for the three or four months they devoted to the case: there are the still larger salaries of the Attorney General and his assistants for the many days they devoted to the

reading of *War Commentary*: the still larger salary of his lordship the Judge, for the four days he spent listening to the case: and then the more modest wages of the ushers who tried to keep us out of the Court and of all the various clerks and bailiffs who filled the benches in the Court. Nor must we forget the wages of the policemen who inspected all our identity cards one day. That makes a pretty total, which might have been justified if the prisoners on trial had been gangsters or profiteers, murderers or swindlers.

But what in actual fact were the prisoners in the dock? They were men who held a certain belief, a theory of society, an ideal if civilization, and all they had done, the only crime with which they could be charged, was that they had incidentally taken steps to bring their beliefs to the attention of members of His Majesty's Forces.

What is this belief whose mere propagation constitutes a crime? I am going to tell you, in simple direct words, and what I shall say will amount to no more and no less than the substance of the beliefs for which our comrades are now suffering a sentence of imprisonment.

We begin with the central fact of WAR. We say that if our civilization is to survive—not this country nor that country, but the whole civilization of which we are members—war must be eliminated. War has now reached a stage of technical development which in future will involve, not merely the deaths of millions of human beings—men women and children—but also the complete destruction of the material necessities of life: food, housing, communications, health. War will henceforth mean annihilation, not merely for the vanquished, but for all who engage in it.

We then analyse the causes of war, and this is where we begin to differ from other people who would also like to get rid of war. We say that modern war cannot be explained in terms of capitalism, of imperialism, of economics or of populations: it is a disease of civilization itself, something inherent in the very structure of modern society. In order to get rid of war, we must alter the structure of society.

But "to alter the structure of society" is merely a polite way of saying that a revolution will be essential, and it is for using this word "revolution" that our comrades are in prison. They would not have been put in prison if they had expressed a wish to alter "the structure of society"—which only shows what power is attributed to *words* when they become *weapons*.

But whatever we call the process, the choice before our civilization is clear: either revolution or annihilation. That is the unescapable

conclusion which we anarchists have reached, and we claim that it is a rational, indeed a logical conclusion.

But what then does revolution imply? We say that the structural fault in our civilization which leads to war lies in the doctrine of national sovreignty, which requires for its expression and propagation the social organ known as the State. Modern wars are conducted by States, through their paid servants—the politicians, civil servants and armed forces. Wars do not, in our stage of development, break out naturally between *peoples,* and in spite of all the powers of persuasion which States can command and direct, the peoples remain largely indifferent to the issues involved in State wars. Put in another way, we might say that modern wars are essentially ideological, and ideologies belong to classes, not to peoples. The peoples have no ideologies anywhere. They have interests and prejudices, customs and superstitions: they may be selfish and egotistic, but everywhere and at all time their main purpose is to secure a living from the soil, or from the labours of their hands or brains: and they know that such a purpose is not furthered, but frustrated, by war. Lives, houses, cattle, tillage, material possessions of every kind—these are the common wealth of the people, however unevenly distributed that wealth may be. That kind of wealth is destroyed by war. What is not destroyed by war is another kind of wealth—gold, bonds, credits and other goods not made by labour: these may escape war, just as German Bonds will survive this war, or as Russian Imperial Bonds have escaped "the greatest revolution in history": but this kind of wealth does not belong to the people, but to the State and its servants, and, one must add, to its dupes.

Under defeat, a particular State may disintegrate. We have seen several States disintegrate during the past few years—France, Belgium, Italy, Greece, and now Germany. This, we say, provides a golden opportunity to make the necessary structural alterations in our social system. It is, in fact, a revolutionary situation, and in such a situation, when the State has revealed all its insubstantiality, and has vanished overnight, we must not let any body of gangsters or looters step out of the ruins and organize another State. That will only lead inevitably to another war and a worse war. In such a revolutionary situation, our comrades said, and I repeat, the armed forces have ceased to exist as instruments of a State: for the moment the nations have become peoples, people in arms. Let the nation remain a people in arms—stick to your arms, we say to such a people, rather than deliver them

up to any gang which takes upon itself to speak in the name of a new State. If we are a people, all equal and all equally armed or disarmed, then we can get together and agree on a new form of society, a non-governmental society, in which nation will no longer be opposed to nation, State to State, but a society in which people will work together for the common good. When that reform has been accomplished, everywhere in the world, we can all throw away our arms, and live in peace ever after.

That is the doctrine which our comrades preached, for which they have been persecuted and imprisoned. You may not agree with it—you may not agree with Buddhism or Christianity, with communism or conservatism, but we do not, in this country, imprison people for being Buddhists or Christians, conservatists or communists. Why, then, in the name of all that is just and equitable, are these three anarchists deprived of their liberty?

Well, it is perhaps a simple miscarriage of justice, an anomaly of the law, some bad kind of joke played by the State jesters. That would be the most agreeable explanation to offer. But if that is not the right explanation, if our comrades have been imprisoned in the pursuance of a ruthless and determined policy, then the rights we believe we possess as citizens of this democratic country are at an end. There is no longer in this land such a thing as the liberty of unlicensed printing for which Milton made his immortal and unanswerable plea: there is no longer any such thing as freedom of expression which ten generations of Englishmen have jealously guarded. These words are now a mockery, and either we have been duped slaves to accept such a breach of our traditional rights, or we resolve never to rest until they are restored. I cannot imagine what perfidy of mind has spread among our judiciary that it has so far forgotten its trust as to allow so great an abuse of justice under the excuse of war-time regulations—regulations which peace has now made obsolete. Some of these Regulations have just been abolished—the fascists have been set free, but our comrades remain in prison. These Regulations which were admitted under protest at the time of their enactment, and only accepted in view of their temporary force, were designed, however illogically, to secure a victory in the cause of freedom. By all accounts, that victory has been won. But we are here to assert that the war which has been won on the Continent of Europe has been lost in this island of Britain, and we can have no joy in victory, nor ease from strife, until our comrades once more stand beside us as free men.

FREEDOM PRESS DEFENCE COMMITTEE

THE Freedom Press Defence Committee was formed, when four Anarchists were charged with causing disaffection among members of H.M. Forces under Defence Regulation 39A. After the Police had raided indiscriminately the offices of Freedom Press and the homes of those four people and others, and found what they alleged to be literature of a seditious character, the law took its "natural course" which resulted in the trial of Marie Louise Richards, Vernon Richards, John Hewetson and Philip Sansom at the Old Bailey on April 23-26th.

The three men were convicted and given nine months imprisonment each. Marie Louise Richards was acquitted on the grounds that a wife cannot conspire with her husband.

The Freedom Press Defence Committee was composed of delegates from various organisations, such as the Independent Labour Party, the Peace Pledge Union, the Federation of Indian Associations, Commonwealth and the Libertarian Discussion Group, etc., as well as a number of individuals who were willing to devote their time to furthering its activities. A large number of prominent men and women in literature, the arts and public affairs came forward as sponsors. Local committees were also formed in Glasgow, Bristol, Birmingham and other provincial centres.

The Committee made itself responsible for giving publicity to the facts of the case and for collecting funds for the defence of the four accused. Protest-meetings were organised; thousands of appeal-letters were sent out and publicity was given by means of articles and letters in the press, exposing the methods employed by the police and warning the public of the dangerous implications of the case.

The various aspects of the persecution of the Anarchists—the farcical trial at the Old Bailey, the revelation of an active and widespread organisation of political police, the continuance of Defence

Regulation 39A and its use to suppress the expression of opinions distasteful to the authorities—clearly indicate that the government is prepared to embark on a policy of suppressing progressive movements where these endanger its own hold over the people. It is almost certain that in the near future we shall see continued attempts on the part of the police and the State Departments to curtail freedom of expression. Already there have been further arbitrary infringements on individual rights, and there may well be further trials and persecutions as iniquitous as that of the four Anarchists.

The Freedom Press Defence Committee does not therefore consider that its responsibility will end with the defence of the Anarchists. The enthusiastic support which has been forthcoming during its short existence, as well as the urgency of the political situation, have convinced its members of the necessity for continuing the struggle against arbitrary authority as a permanent Freedom Defence Committee. This Committee will exist as a vigilance organisation to publicise all cases that come to its notice concerning the infringement of civil liberties, and to give aid to the victims of such attempts.

To carry out these activities, it is necessary for the committee to have adequate funds. The reader who considers that its work is of sufficient importance to justify his support is asked to send his donations to The Secretary, Freedom Defence Committee, 17, St. George Street, Hanover Square, London, W.1.

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