THE WOBBLIES AND FISKE V. KANSAS: VICTORY AMID DISINTEGRATION

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THE INDUSTRIAL WORKERS of the World are perhaps nostalgically remembered most for a few ballads and their irreverent and insouciant brand of industrial syndicalism. But the Wobblies are not generally known to have been responsible for a leading decision of the United States supreme court which significantly contributed to the establishment of freedom of speech as a right protected against interference by the states under the 14th amendment. Indeed, it is probably accurate to say that many, if not most, of the old Wobblies would not have wished to be remembered as having established a leading constitutional precedent in the "capitalist courts." That, nonetheless, is what was accomplished by the IWW General Defense Committee in the case of Fiske v. Kansas, decided by the supreme court in 1927.1

THE WOBBLIES AND LEGAL DEFENSE

ALTHOUGH there were apparently numerous local legal defense committees established by the IWW in several parts of the country prior to 1917, the nationwide federal raids on the IWW during 1917 led to the establishment of a central IWW General Defense Committee in Chicago for the purpose of defending those arrested and prosecuted as a result of the raids. The General Defense Committee was especially concerned with defending the Wobblies arrested in Chicago and charged with violating the federal espionage act.2 Included among those arrested in Chicago was William D. "Big Bill" Haywood, general secretary of the IWW, who characterized the litigation involving the Chicago Wobblies as "the greatest labor case in the annals of American jurisprudence." 3

After having been convicted in U. S. district court, Haywood served as secretary of the General Defense Committee while free on bail and succeeded in raising substantial sums for the committee.4 But when the appeals in the Chicago IWW case were exhausted in 1920, Haywood and eight of his codefendants forfeited $80,000 in bail by failing to surrender to federal authorities, and Haywood fled to the Soviet Union. This episode undoubtedly contributed to an already simmering dispute within the IWW regarding the appropriateness of legal defense activities.5

To the purists within the ranks of the Wobblies, the only legitimate activity for the IWW was "economic" activity, while "political" activity was regarded as not only useless but also as a betrayal of the purposes of the union. For those holding these views, the capitalist industrial and political system could be overturned only through organizing workers into industrial unions and preparing them to operate the industrial society when the capitalist industrial and political system crumbled. By engaging in "political" activities such as electoral politics or litigation in the "capitalist courts," it was argued, the IWW wasted its time and resources, diverting them from the primary task of industrial organizing, and played into the hands of the "bosses" who controlled the apparatus of the state including the courts.

Writing in the summer of 1919, one Wobblie thus declared that the IWW as an organization have been bled more through lawyers than any other in existence. When have we ever gone into court even with the best of legal talent and really won out as shown by after results? Isn't it clear by this time that when we spend time, energy and money upon lawyers and court procedure, thus diverting same, as we have been doing, away from agitating, organizing and taking action in industry, that that thing is just what the masters wanted us to do and is the reason they put some of us in jail? Don't we see that by reliance on lawyers we become a race of cowards, just what the masters want? 6

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5. Ibid., p. 60.
This cartoon showing a county sheriff aghast at the Wobby invasion of a Kansas wheat field was reproduced in The I.W.W. Case in the District Court of Butler County, Kansas, a pamphlet published by Richard J. Hopkins, Kansas attorney general, July 24, 1920. The Butler county case had resulted in a district court restraining order June 24, 1920, enjoining all members of the I.W.W. from carrying out in any way their “unlawful practices” in Kansas. Three years later, an I.W.W. organizer in Rice county, Harold B. Fiske, was convicted under the state Criminal Syndicalism act. This was one of a series of cases which resulted in the application of freedom of speech and freedom of the press as restrictions on the powers of the states via the 14th amendment.

And another disgruntled opponent of IWW legal defense activities argued that the capitalists
like to have the IWW exhaust its financial resources and waste its energies on legal defense without any results great enough so you might notice them. They like all this because they know that if only they can induce the IWW to adhere to this policy long enough the time will not be far off when the organization, through exhaustion in all directions, will lose its effectiveness as an instrument in the hands of the workers to gain better conditions and to put the capitalists to work.'

Supporters of the legal defense activities of the IWW, however, argued that it had been because of the Wobblies' "ability to defend all victims of the Class War that we have inspired the workers with confidence and have given them the courage necessary to carry on the fight." 8 "It might be fine reading for students of history about 200 years after the revolution," another proponent of legal defense activities declared,

to come across the pages telling of how the IWW let thousands go to the gallows and prisons by spurning legal defense in capitalists' courts, but many have been saved by legal defense in those courts, and as long as there is a possibility of saving more we will keep on with legal defense.

One would hate to stay in prison, he continued, until the spirit shown by the opponents of legal defense developed "enough power to tear down the walls and the knots in the steel bars. Hell will be frozen over pretty well by that time, to say the least." 9

**The Genesis of the Fiske Case**

*It was* amid such debates over the propriety of the IWW's legal defense activities that the litigation in Fiske v. Kansas began in the wheat fields of western Kansas. Harold B. Fiske was a 26-year-old native of Clinton, Wash., and during the summer of 1923, he was working as an organizer for the IWW Agricul-

tural Workers Industrial Union No. 110. Although the AWIU reportedly obtained a substantial increase in membership during the summer of 1923, opposition to the union's organizers was intense—an opposition the Wobblies claimed had "practically resorted to slavery in order to beat the IWW." Certainly, organizing for the Wobblies was hazardous duty in Kansas during the summer of 1923, since the Great Bend Tribune reported that the "sheriffs of central Kansas as well as other peace officers in this section are making a strenuous effort to rid the country of I. W. W. sympathizers and organizers."

Apparently following the harvest, Harold Fiske had encountered his share of difficulties with law enforcement officials. He had been arrested in Enid, Okla., for vagrancy and held a week in jail without trial before finally being fined two dollars, and he had also been arrested in Goodman, Mo., "for being an IWW. . . ." Fiske arrived in Geneseo on the night of June 30, 1923, but was arrested on July 2 by Rice county authorities and lodged in the jail at the county seat in Lyons. He was described upon his arrest as "a regular walking roll top desk, his pockets serving for pigeon holes" for the abundance of IWW literature he was carrying, and he readily admitted that he was a Wobbly organizer.

Fiske was charged with violating the Kansas Criminal Syndicalism act which prohibited the advocacy of force or violence as a means of political or industrial change. Prosecutions against Wobblies under the criminal syndicalism act were not foreign to Rice county, since another IWW organizer had been prosecuted and convicted under the act in the county previously, despite the intervention of IWW General Defense Committee attorneys.

Shortly after his arrest, Harold Fiske telegraphed the IWW General Defense Committee in Chicago requesting that a GDC attorney be dispatched to Lyons to defend him against the criminal syndicalism charge, and it was speculated in the local press that Fiske's defense attorney would be either Harold O. Mulks or Caroline Lowe, both of whom were GDC attorneys who had been engaged in defending organizers and members of the AWIU in Kansas, Oklahoma, and Missouri. Harold Mulks represented Fiske at his preliminary hearing on July 18, but Fiske was nevertheless bound over for trial in the Rice county district court. When Fiske's trial date arrived in mid-September, however, Harold Mulks was engaged elsewhere in GDC work. Charles L. Carroll of Great Bend, a private attorney, had been retained by the GDC previously as defense counsel for Wobbly defendants in western Kansas, and when Mulks was unable to appear for Fiske's trial, Carroll was again retained by the GDC to defend Fiske. In response to appeals from Carroll and the GDC, the American Civil Liberties Union posted bail for Fiske pending his trial.

Although the defense denied that Fiske was guilty of advocating violence as a means of political or industrial change as prohibited by the criminal syndicalism act, Fiske did testify at his trial that he understood the teachings and constitution of the IWW and asserted that the IWW would "in time rule the labor situation and overpower the capitalists of the United States." After deliberating for two hours, the jury found Fiske guilty of violating the criminal syndicalism act, and on September 20, Judge C. R. Douglass of the Rice county district court sentenced him to serve from one to 10 years in the Kansas state prison.

Charles Carroll appealed Fiske's conviction.

10. Fiske v. Kansas, "Record of Appeal" (1927), pp. 7, 21. The Agricultural Workers Industrial Union had previously been No. 449, but the AWIU's number was changed to 110 in a general renumbering of the IWW industrial unions in 1920—See One Big Union Monthly, v. 2, no. 10 (October, 1920), p. 37.
19. Ibid., September 17-18, 1923, interview with Charles L. Carroll, July 14, 1975, Great Bend. The Lyons Daily News, January 17, 1923, indicated that the bail for Fiske was furnished by the IWW-GDC Materials in the ACLU archives, Seeley Mudd Library, Princeton University, however, clearly show that the ACLU furnished bail for Fiske throughout the litigation. These bail funds subsequently became a source of serious controversy between Charles L. Carroll and the ACLU. See especially, "Memorandum re Fiske Superseded Bond by Forrest Bailey," ACLU archives, v. 340; A. M. Harvey to ACLU, February 27, 1928, ibid., v. 344.
to the Kansas supreme court, but mishandled the appeal, and the court dismissed the case because Carroll failed to comply with its rules.22 At that point, Carroll retained A. M. and Randal C. Harvey of Topeka to obtain the reinstatement of the Fiske case in the Kansas supreme court and to handle the further appellate proceedings in the case.23 Despite the Harveys’ efforts, and their argument that the criminal syndicalism act as applied to Fiske violated his freedom of speech as guaranteed by the Kansas and U. S. constitutions, the Kansas supreme court affirmed Fiske’s conviction on November 8, 1924.24

The only evidence the prosecution had introduced at Fiske’s trial indicating that he had advocated force or violence as a means of political or industrial change was the preamble of the IWW constitution. The preamble read as follows:

That the working class and the employing class have nothing in common, and that there can be no peace so long as hunger and want are found among millions of the working people and the few, who make up the employing class, have all the good things of life.

Between these two classes a struggle must go on until the workers of the world organize as a class, take possession of the earth and the machinery of production, and abolish the wage system.

We find that the centering of the management of industries into fewer and fewer hands makes the trade unions unable to cope with the ever growing power of the employing class. The trade unions foster a state of affairs which allows one set of workers to be pitted against another set of workers in the same industry, thereby helping to defeat one another in wage wars. Moreover, the trade unions aid the employing class to mislead the workers into the belief that the working class has interests in common with their employers.

These conditions can be changed and the interest of the working class upheld only by an organization formed in such a way that all its members in any one industry, or in all industries if necessary, cease work whenever a strike or lockout is on in any department thereof, thus making an injury to one an injury to all.

Instead of the conservative motto, “A fair day’s wage for a fair day’s work,” we must inscribe on our banner the revolutionary watchword, “Abolition of the wage system.”

It is the historic mission of the working class to do away with capitalism. The army of production must be organized not only for the everyday struggle with capitalists, but also to carry on production when capitalism shall have been overthrown. By organizing industrially we are forming the structure of the new society within the shell of the old.

22. Lyons Daily News, January 17, 1925; A. M. Harvey to ACLU, February 27, 1925, ACLU archives, v. 344
23. Ibid.

The Kansas supreme court conceded that the preamble did not on its face advocate violence as a means of political or industrial change. The court nevertheless held that the jury could have properly found that Fiske, in explaining the preamble to those he sought to recruit into the IWW, could have conveyed “the sinister meaning attributed to it by the state.” Fiske’s conviction had therefore not violated his freedom of speech as guaranteed by the state or federal constitutions, the court held, since statutes “penalizing the advocacy of violence in bringing about governmental changes do not violate constitutional guarantees. . . .” 25

THE APPEAL TO THE U.S. SUPREME COURT

THIS WAS a remarkable holding by the Kansas supreme court, given the fact that the preamble of the IWW constitution was widely circulated, including through the U. S. mails, and indeed had been printed in a prominent western Kansas newspaper at approximately the time of Fiske’s arrest.26 And there had been no evidence introduced by the prosecution at Fiske’s trial indicating that he had interpreted the preamble to support violence in his attempts to recruit members for the IWW.

Acting on behalf of the GDC, however, Charles Carroll continued to retain the Harveys, and they filed a writ of error on behalf of Fiske in the U. S. supreme court on January 16, 1925. The American Civil Liberties Union was also induced to post a $400 appeal bond for Fiske, allowing him to remain free pending the appeal to the supreme court. As the press in Lyons noted, the Fiske case had become a test case which will finally go to the United States supreme court. The case will affect the laws against syndicalism and sabotage adopted by several of the states of the Union after the world war as a means of circumventing “red” activities in this country.27

Fiske v. Kansas was appealed to the supreme court at a crucial stage in the process that would later be called the nationalization of the Bill of Rights; that is, the application by the court of most of the rights in the Bill of Rights as restrictions on the powers of the states via the due process clause of the 14th amendment.

25. Ibid., pp. 71-73; Great Bend Tribune, July 3, 1923.
26. Ibid.
GOT AN ORGANIZER.

Harold H. Fiske, an organizer for the I. W. W. who admits it, was arrested by the city marshal of Geneseo yesterday afternoon and Sheriff Ward went to that city and got him last night, lodging him in the Rice county jail. Fiske had a paid up red card for himself, application blanks, blank cards and report blanks. He was a regular walking roll top desk, his pockets serving for pigeon holes. His blanks and literature were neatly folded and arranged, being held together with rubber bands.

Sends for Lawyer

Harold Fiske, I. W. W. organizer in the Rice county jail, has wired to Chicago for an attorney to defend him and his preliminary has been set for Monday, July 9, in Justice Porter's court. He is charged with a felony under the state anti-syndicalism law and if convicted can be sentenced to the penitentiary for not less than one year or more than ten years or fined $1,000. It is presumed the attorney will be Harold Munks or Caroline Lowe, both of whom appeared here last year in defense of Danton, a similar character, who obtained release from the supreme court because lower court did not establish an overt act. In the case of Fiske, County Attorney Quinlan declares, there is evidence that he took applications for membership in the I. W. W. in Rice county.

THE LYONS DAILY NEWS

THE LARGEST CIRCULATION OF ANY PAPER IN RICE COUNTY

LYONS, KANSAS, WEDNESDAY, Sept. 19, 1917

I. W. W. COURT

Got Two Cases to Fiske

Harold H. Fiske, charged I. W. W. organizer, is now held in the Topeka jail under the charge that he is a member of the I. W. W. in Rice county. He was arrested last Monday and has been in jail since.

TO FEDERAL COURT

Harold Fiske, convicted in the Rice county court of criminal syndicalism and sentenced to the penitentiary, which finding was affirmed in the Kansas supreme court, has been granted the right to appeal to the United States circuit court of appeals and on Saturday, at Topeka, furnished a $400 bond to guarantee the costs of his appeal. He is a member and organizer of the I. W. W. and is being backed financially by that organization in a test case which will finally go to the United States supreme court. The case will affect the laws against syndicalism and sabotage adopted by several of the states of the Union after the world war as a means of circumventing "red" activities in this country.
With but one 19th-century exception, the court had until 1925 consistently refused to hold that the 14th amendment applied to any of the rights in the Bill of Rights as restrictions on state power. Indeed, as late as 1922, the court had declared that "the Constitution of the United States imposes upon the States no obligation to confer upon those within their jurisdiction. . . . the right of free speech. . . ." Neither "the Fourteenth Amendment nor any other provision of the Constitution. . . ." the court continued, "imposes upon the States any restrictions about 'freedom of speech'. . . ." 

During the "red scare" in New York, however, Benjamin Gitlow had been convicted of violating the New York Criminal Anarchist act of 1902 by circulating a left wing socialist document called the "Left Wing Manifesto." Although the New York appellate courts affirmed his conviction, the American Civil Liberties Union carried an appeal of the Gitlow case to the U. S. supreme court. And Walter Pollak, Gitlow's ACLU attorney, argued before the court that it had previously held that the 14th amendment protected the fundamental rights of the individual. The question of whether "freedom of opinion and expression on matters of public concern" was such a fundamental right, Pollak argued, "can be answered in only one way." 

While the court affirmed Gitlow's conviction in Gitlow v. New York in 1925, in the course of his opinion for the majority, Justice Sanford indicated that the court was making a famous and momentous "assumption" in the case. "For present purposes we may and do assume," Sanford said, "that freedom of speech and of the press—which are protected by the 1st Amendment from abridgment by Congress—are among the fundamental personal rights and 'liberties' protected by the due process clause of the 14th Amendment from impairment by the states." Although they lost the case on the issue of the validity of Gitlow's conviction, Walter Pollak and the ACLU had thus persuaded the court to state more explicitly than ever before the concept that the 14th amendment might guarantee to individuals against impairment by the states some of the rights in the Bill of Rights.

Coming to the court hard on the heels of the Gitlow case, Fiske v. Kansas provided the opportunity for the court to affirm that its assumption in the Gitlow case was indeed reality, and that the 14th amendment did protect freedom of speech against impairment by the states. Interestingly enough, in their arguments before the court counsel for Fiske and for Kansas only fleetingly discussed the issue of whether the 14th amendment guaranteed freedom of speech. The primary focus of the opposing counsel in the Fiske case was rather on the question of whether the preamble of the IWW constitution advocated violence or other unlawful means of political and industrial change.

Counsel for Kansas of course argued strenuously that the preamble did advocate violence, and that utterances inciting . . . the accomplishment or effecting of industrial or political ends, change or revolution by unlawful means, present a sufficient danger of substantive evil to bring their punishment within the range of legislative discretion. . . . Such utterances by their very nature involve danger to the public peace and to the security of the state, threaten breaches of the peace and revolution. 

Counsel for Fiske, on the other hand, contended that there was nothing in the preamble of the IWW constitution "which says anything

Harold B. Fiske, a native of Clinton, Wash., was working as an organizer for the Industrial Workers of the World Agricultural Workers Industrial Union in Rice county in June, 1923. Arrested in Genesee July 2, he was charged with violating the Kansas Criminal Syndicalism act which prohibited the advocacy of force or violence as a means of political or industrial change. In September, 1923, he was found guilty in the Rice county district court, a decision that was appealed to the Kansas supreme court and eventually to the U.S. supreme court. The Lyons Daily News reported Fiske's arrest and the progress of the case through the courts.

28. Chicago, Burlington & Quincy Railroad Company v. Chicago, U.S. Reports, v. 166, pp. 236-263, in which the court held that the due process clause of the 14th amendment protects a right to just compensation, a right also guaranteed by the Fifth amendment.
32. Ibid., pp. 652, 655-666.
about crime, physical violence, arson, destruction of property, sabotage or other unlawful acts.” Harold Fiske, his counsel argued, advocated nothing unlawful, directly or indirectly, specifically or generally, immediately or remotely. He advocated political and industrial change, it is true, but he proposes no means to bring these changes about, except by industrial organization, and this court has upheld the right to organize so many times that it would be superfluous to cite authorities.  

Only toward the end of their brief did counsel for Fiske allude to the question of whether the due process clause of the 14th amendment guaranteed a right of free speech against state interference. “We assume from the decision in Gitlow v. New York...”, they said, and former decisions of this court, that freedom of speech and of the press are among the fundamental personal rights and liberties protected by the due process clause of the Fourteenth Amendment from impairment by the states, and therefore have not discussed this question at length.

The central issue raised by the Fiske case therefore went largely undiscussed either by counsel for Fiske or for Kansas in their arguments before the court. The assumption of the Gitlow case was treated by both sides as a reality, and both sides proceeded on the premise that the 14th amendment did protect freedom of speech from impairment by the states.

THE SUPREME COURT DECIDES

On May 16, 1927, the supreme court announced its decision in Fiske v. Kansas unanimously reversing Harold Fiske’s conviction. Writing for the court as he had in the Gitlow case, Justice Sanford noted that the preamble of the IWW constitution was the only evidence offered by the state of Kansas to prove that Fiske advocated force, violence, or other unlawful acts as means of political or industrial change. But upon its own independent examination of the preamble, Sanford said, the court found that the preamble did not advocate force or violence as a means of political or industrial change. Sanford concluded that:

The result is that the Syndicalism Act has been applied in this case to sustain the conviction of the defendant without any charge or evidence that the organization in which he encouraged and others advocated any crime, violence or other unlawful act or method as a means of effecting industrial changes.

Alexander M. Harvey (1867-1928) and his son, Randal C. Harvey, represented Fiske in his appeals to the Kansas and U.S. supreme courts. Retained by the I.W.W. general defense committee, the Topeka attorneys argued that the Kansas Criminal Syndicalism act as applied to Fiske violated his freedom of speech as guaranteed by both the state and federal constitutions. This photograph, which is reproduced from In Memoriam, Alexander Miller Harvey (Topeka: Shawnee County Bar Association, 1928), shows Col. A. M. Harvey in court. Active in Populist politics, Harvey was elected lieutenant governor in 1896 on the Democratic-Populist fusion ticket.
or political changes or revolution. Thus applied the Act is an arbitrary and unreasonable exercise of the police power of the State, unreasonably infringing the liberty of the defendant in violation of the due process clause of the Fourteenth Amendment. 36

Although the principal issue in the Fiske case was that of freedom of speech, and that issue had been squarely decided by the supreme court of Kansas, in his opinion for the court, Justice Sanford did not once mention a violation of Fiske’s freedom of speech as the grounds for the court’s reversal of his conviction. The result has been continued disagreement among both constitutional scholars and the justices themselves as to the significance of the court’s decision in the Fiske case.

Some scholars, for example, argue that the Fiske case was a confirmation of the reality of the assumption in the Gitlow case and that freedom of speech was therefore applied to the states via the 14th amendment in the Fiske case. Zechariah Chafee, Jr., in his classic work, Free Speech in the United States, indicates that the Fiske case made the Gitlow assumption a reality,” 37 and Henry Abraham concurs, arguing that the supreme court “confirmed unanimously the nationalization of freedom of speech in the case of Fiske v. Kansas.” 38 Others, however, have concluded that the Fiske case left the assumption in the Gitlow case unconfirmed, because of the court’s failure to mention freedom of speech as the basis for its decision in Fiske. Many constitutional scholars thus hold the view that freedom of speech was not definitely confirmed by the court to be a 14th amendment right until Stromberg v. California in 1931. 39

Disagreements over the significance of the Fiske case have not been confined to those occurring among scholars, but may also be found among the justices themselves. Responding to an inquiry from Justice Felix Frankfurter, Justice Harlan F. Stone asserted that “Free speech was held to be guaranteed by the 14th Amendment in Fiske v. Kansas by a unanimous Court, Sanford writing in 1926.” 40

Stone’s date was of course incorrect, but he was on the court when the Fiske case was decided in 1927. Stone’s assessment of the significance of the Fiske case is, however, disputed by a memorandum in the autobiographical notes of Chief Justice Hughes. Citing the court’s decisions in Stromberg v. California and Near v. Minnesota in 1931, Hughes stated that it “fell to my lot as Chief Justice . . . to write the opinions of the Court . . . holding that freedom of speech and of the press was embraced by the Fourteenth Amendment.” 41 Hughes thus clearly felt that the Fiske case had not applied freedom of speech to the states in 1927, but rather that the Stromberg case had accomplished that objective four years later.

Given the scholarly and judicial disagreement over the significance of the Fiske case, perhaps it is most accurate to say that it was one of a series of cases, beginning with the Gitlow case in 1925 and culminating with Near v. Minnesota in 1931, that resulted in the application of freedom of speech and freedom of the press as restrictions on the powers of the states via the 14th amendment. 42 Through their much debated and disputed legal defense activities, the Wobblies had through their Legal Defense Committee made a significant contribution to a fundamental change in the protection of freedom of expression under the constitution.

THE DISINTEGRATION OF THE WOBBLIES

While the Wobblies were in the process of achieving their victory in the Fiske case, it is ironic that their organization suffered an internal schism from which it never recovered and which led to the eclipse of the IWW as a factor in American labor history. This precipitous decline of the IWW began with a conflict over control of the leadership of the organization in Chicago that led to a disension-ridden convention of the membership in the fall of 1924. The principal dissident group among the Wobblies, called the Emergency Program or EP group, was expelled by a

40. Ibid., p. 470.
42. Compare Justice Sutherland’s statement regarding the Gitlow-Gitlow-Stromberg-Near line of cases in Grojean v. American Press Co., U. S. Reports, v. 297, pp. 233, 244.
vote of the convention, but the resulting rift in the organization led to its permanent decline. As the leading scholar of the decline of the Wobblies, John S. Gambs, points out, there were numerous reasons for the irreparable division of the IWW into warring factions in 1924. But in light of the IWW General Defense Committee’s victory in the Fiske case, it is ironic that one of the leading causes of the 1924 split was the legal defense activities of the organization. As Gambs notes, to large numbers of Wobblies legal “defense (construed as political activity) was irrevocably distinct from organization work (construed as economic activity),” and several members of the IWW indicated that “the conflict of organization work and defense activities led to the split of 1924.”

To the purists within the ranks of the Wobblies, legal defense activities thus continued to be viewed as illegitimate, leading to charges that “those who enthusiastically supported legal defense activities were ‘politicians.’ And to the I.W.W. ‘politician’ is a word which expresses fundamental contempt.” This attitude was clearly expressed by the delegates to a convention held by the expelled EP faction in 1925. “The delegates . . .,” one of the convention resolutions declared, “know that recourse to legal technicalities, crawling petitions, kow-towing to master class courts, and the building up of funds to keep a lot of worthless pie-cards in office has proved its uselessness . . . “ To large numbers of Wobblies, therefore, the IWW’s supreme court victory in Fiske v. Kansas was the product of illegitimate activities that prostituted the true purposes of the organization and was one of the leading factors contributing to its disintegration.

44. Ibid., p. 80.
45. Ibid., p. 65.
46. Ibid., p. 102.