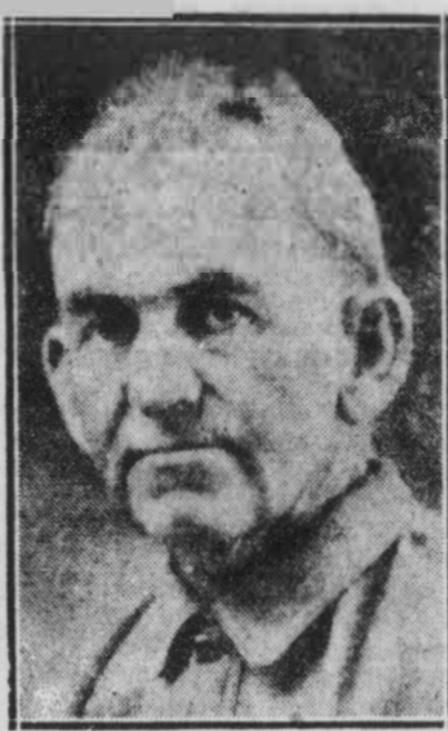


Foster Congratulates Mooney on Writ Victory



WILLIAM Z. FOSTER



TOM MOONEY

Action of U. S. Supreme Court Is Result Of Unceasing Protest, Communist Leader Says in Telegram

Congratulations on his victory in forcing his case to the attention of the United States Supreme Court were sent yesterday to Tom Mooney in San Quentin penitentiary by William Z. Foster, chairman of the Central Committee of the Communist Party of the U. S.

Foster, slowly convalescing from a long illness, was cheered by the latest victory in the fight to bring about Mooney's liberation. For the first time in nearly three years Foster was well enough to visit the office of the Daily Worker yesterday.

"This action," Foster said in his telegram to Mooney, "can only be understood as a result of mass pressure and the almost unanimous opinion of the whole of the country that you have been selected for persecution for your service and loyalty to the working class."

"At least a breach has been made in the legalistic wall against Tom Mooney," he said in a statement for the Daily Worker. "But this action is not due to any growing sense of justice on the part of the capitalists. Rather, they are compelled to retreat in the face of mounting mass pressure, the long struggle for Mooney in which the Communist Party and the revolutionary organizations generally have been the backbone."

The text of Foster's wire to Mooney follows:

Nov. 13, 1934.

Tom Mooney, 31921,
San Quentin, California:

Congratulate you on your victory in forcing your case to attention United States Supreme Court stop This action can only be understood as a result of mass pressure and the almost unanimous opinion of the whole of the country that you have been selected for persecution for your service and loyalty to the working class stop The capitalists of the country desire to keep you in prison as a means of intimidating the working class but the masses have never stopped fighting for your freedom stop Mass pressure is needed now more than ever for your freedom and that of Billings which would be hailed as a tremendous victory for all labor.

WM. Z. FOSTER.

In his statement to the Daily Worker, Foster declared:

"At last a breach has been made in the legalistic wall against Tom Mooney. The California courts brought about Mooney's conviction as a result of the most cold-blooded frame-up in American history. The capitalist class of California would have hanged Mooney had it not been for the thunder of world protest inaugurated by the Russian workers back in 1917.

"For 18 long years the whole capitalist judicial machinery acted as a solid unit to prevent Mooney from in any way exposing the frame-up by which he was buried alive in San Quentin.

"The present action of the U. S. Supreme Court is not due to any growing sense of justice on the part of the capitalists. Rather, they are being compelled to retreat in the face of the mounting mass pressure, the long struggle for Mooney in which the Communist Party and the revolutionary organizations generally have been the backbone. This mass agitation has finally raised such a stir among the masses that the capitalists are finding it increasingly difficult, if not impossible, to keep Mooney in jail any longer.

"The action of the Supreme Court has been compelled by this growing mass pressure.

"Mooney's long fight and his indomitable spirit—the same fighting spirit that caused the capitalists of California to put him in jail—has been manifested in his long years of struggle on behalf of the working class.

"Tom Mooney is innocent. It is safe to say that 10 per cent of the people of the United States know this to be a fact. His continued imprisonment, in spite of this widespread conviction that he is innocent, constitutes the greatest exposure of capitalist justice in the history of the country.

"The capitalists have made Tom Mooney pay a severe penalty for his loyalty to the working class, but their courts have had to pay far more in loss of prestige and confidence among the masses in their institutions. The Mooney case has been an expensive piece of tyranny by the capitalist class, but the end is not yet. . . .

"It would be folly to rely upon the Supreme Court and any other capitalist court to free Mooney—unless they are compelled to do so. Now is the time for the masses to make their voices heard—louder than ever before—in the demand for the immediate liberation of Tom Mooney. Only intensified mass pressure will free Mooney and the 'forgotten man' in the case—Warren K. Billings."

Roosevelt To Reappoint War Chief

(Daily Worker Washington Bureau)
WASHINGTON, D. C., Nov. 13.—Acting on newspaper reports that