

THE 13th **JUROR**

THE
INSIDE STORY
OF MY TRIAL

BY STEVE NELSON

THE 13TH JUROR

A Word to the Reader

It is with pleasure that the Committee to End Sedition Laws brings you this special edition of *The 13th Juror*, by Steve Nelson.

I first met Steve on the Jarama front in Spain, eighteen years ago, when the forces of democracy—which included 3,500 American volunteers of diverse national, political, and religious backgrounds—joined with the heroic Spanish people to stem the fascist interventionist armies of Francisco Franco, backed by Hitler and Mussolini. I learned then, on the field of battle, the caliber of Steve Nelson.

I am proud to join hands with him again today in the continuing fight which Steve is waging to defend democracy at home, a fight of vital concern to all Americans. The Supreme Court of the United States has been asked to re-impose the 20-year sentence overruled by the State Supreme Court of Pennsylvania, which freed Steve. It is because this book tells the entire story of Steve's trial and conviction under the Pennsylvania "sedition" laws, and the additional sentence imposed on him under the Federal Smith Act, and because to an important degree the outcome of Steve's fight depends on the support of enlightened public opinion, that we send you this book and urge you to read it.

We are confident that you will share with us the excitement, the anger, and the exaltation we felt when we read this book, that it will affirm for you, as it did for us, the simple truth that the good fight for freedom must be won not only on the bloody field of battle in a far-off Jarama, but here at home, in unremitting struggle to preserve our constitutional liberties and freedoms.

The case of Steve Nelson is the case of the American people—it is your case.

ALLAN D. McNEIL, *Secretary*

Committee to End Sedition Laws
Room 212, Forbes Building
Pittsburgh 13, Pa.

THE 13TH JUROR

The Inside Story of My Trial

By STEVE NELSON

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Foreword to Second Edition

Despite the cold silence accorded this book by newspaper editors and book reviewers, and the studied pretense that it does not exist by those it names as principals, the first edition has run out. Despite the calculated intent to consign it to the paper pulp heap, it has reached thousands in this land while overseas a number of translations are in preparation.

It is not because they lacked copies of the book that editors of key newspapers failed to review or even mention it. I personally gave it to editors of large papers in Pittsburgh, Philadelphia, and New York. When I visited them I had the editors or reporters read the short chapter describing how one of the jurors at my trial was beaten up, and I waited for their comments. One comment was "Hmmm," and a puzzled silence.

"Does it rate a news comment if not a review?" I asked.

"It rates a comment, sure, but I have to see."

"Okay, you see," I said as I left.

One newsman in a large editorial office picked up the book and looked at the cover, then said, "I bet I know who the 13th juror is. It's us, the press, isn't that it, Steve?" The newsmen around him agreed, "Yes, it must be us."

The New York Times book reviewer read the chapter on the beating of the juror and closed the book with a silent shrug. Two months later I wrote the *Times* to return the book since they were not reviewing it and I could put it to better use. They sent it back with a letter, "... as per your wish."

Another editor of a large paper told me, after reading the chapter, "We get our book reviews from the *Saturday Review*—almost all the papers do that nowadays, it's less troublesome—so I may as well tell you, Nelson, we won't review it." The *Saturday Review*, although it too has the book, has yet to tell of its existence.

On the other hand, the progressive and Left papers and magazines greeted *The 13th Juror* with great feeling, praising it as a piece of writing as well as for the story it tells. And many individuals wrote to me personally as well as to the Committee to End Sedition Laws, expressing similar sentiments.

"At stake, too, is the integrity of a man who sits on Pennsylvania's highest judicial body."

Since it is now becoming evident to some judges, as well as to the CIO leadership in Pittsburgh, that Mazzie and his wife, Cvetic and Musmanno lied in order to destroy the reputation of a labor leader, many people are convinced that they lied all the more when they testified in political trials. "Informing is a dirty business, and . . . some of the dirt is quite likely to rub off on the practitioners," the *San Francisco Chronicle* once stated. Inevitably the truth had to come home to roost: Crouch and Patterson discredited, then discarded by the Government; White mysteriously killed; Cvetic a proven psychiatric case; both Mazzies and Musmanno caught in lies and attempted frameup. What will the United States Supreme Court do about the utter destruction of legal processes where these informers are the principal witnesses—and where the Musmanno demagogues run the courts? Will the Justices face the issue, or will they, as judges often do, turn a deaf ear? That depends upon the people. Only their voice can put an end to such cynical political frameups and restore the Bill of Rights and the Constitution.

I hope that this book contributes to that realization.

Steve Nelson

Pittsburgh, Pa.

July, 1955

Also by STEVE NELSON—

THE VOLUNTEERS

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*To my very dear friend,
the late Robert Minor,
who contributed so much to expose
this and other frame-ups.*

1. *From Iron City to Blawnox*

"Nelson, pick up everything—to go!" a trusty yelled down Range 19 in the Iron City jail, where I had been since June 26, 1952: the day that Judge Montgomery had handed me a twenty-year sentence for "sedition."

I wondered what was up. The judge had ruled that I was to be held in the county jail while appeals were pending and the fight for bail went on. Now, after just six weeks, I was told to "go."

As I came to the checkout point, the guard on the other side of the barred and screened door yelled, "One to go!" The door opened and I stepped into a "cage" with my belongings, mostly letters from friends, books, and a few clothes.

Then the search: every little item is scrutinized; each book is leafed through; seams of clothes are felt and turned inside out.

One of the guards, examining foreign stamps on my letters, said, "Australia—hmm—Iron Curtain country. That where you get your fan' mail from?"

"Read it again, you'll notice that the stamp you are looking at is from Australia."

"Well, isn't that what I said?—Australia—an Iron Curtain place."

There was too much going on to bother answering him. All traffic in and out had been stopped. The prison chief, a large man with snow-white hair, formerly a mounted cop who had clubbed strikers and the unemployed in the early 30's, was acting very important, "directing" activities. Actually he didn't have to budge—everything was done almost automatically by the guards, since the routine never varied. But the chief was "busy" today for an obvious reason: with newsmen and photographers around he had to show how he was handling this "dangerous criminal." So he really gave orders. "Stop!" he yelled to a guard who was about to open the inner door and come to his aid. "Keep that door shut, don't let anyone in or out." Then he wiped his face and looked toward the

outer door where the sheriff and his deputies stood. Finally he walked over to check the papers that the sheriff had pulled out of his inner pocket and laid on the counter. As a rule he never read the official papers—it was someone else's job. When he had finished with that, he went over and stood nervously at the window, as if waiting for a signal. Presently he shouted to the guards and sheriff's deputies, "Okay—one to go!" The deputies replied, "Okay—one to go!"

"Your name?" a guard asked me—a foolish question since the guards had called me by my first name from the time I had been in this jail, over and over, since I was first arrested on August 31, 1950. He repeated the query with a cynical smile, and I said, "Nelson."

"Your full name?"

"Steve Nelson."

"Okay, take your man, Sheriff."

Out came the handcuffs, my hands were extended for them, but then they were suddenly put back in the deputy's hip pocket and, instead, the chief deputy took out a large leather and iron reinforced belt about four inches wide and a half-inch thick, put it around my midriff, and snapped the handcuffs hanging from the belt onto my wrists. Both warden and sheriff signaled the guards on each side of the door and the two large iron keys clanked and ground. The doors opened. I stepped out with several deputies around me, and we descended the granite steps toward the street facing the back entrance of the courthouse.

Cameras clicked and flashed. TV photographers had the klieg lights turned on, for it was too dark otherwise to take pictures in front of the Iron City jail. The score of Mellon buildings leaned over the county courthouse, darkly shadowing the area around it.

People filled the courthouse steps, though it was an unusual hour for city office-holders and bureaucrats to show their faces. There was no mistaking the character of this crowd. It was the same that had been called out by Judge Musmanno or Montgomery or the gang titled "Americans Battling Communism" to jeer and boo at me and my friends on other occasions. Just as before, two old women who worked as clerks for the county tax office yelled, "Why don't you go back to Russia?" I looked straight at them. One of them glanced back to see if her boss was watching and approving

her actions. The other one shouted, "You Communist dog—see how you'll like the Workhouse! It's a good place for you."

I recognized a bloated, blond young fellow with a crew cut, wearing an old army raincoat, one of those who had tried to provoke my friends in the courthouse corridor during the trial and who had carefully bowed to Musmanno and the stoolpigeon Cvetic as they passed by. Everyone who saw him had to take notice that here was an important person. Today he was yelling and gloating: "This is the last ride for you, you Commie bastard!" Others, too, were shouting, but not many. I remember every person who yelled—the imbeciles and the stuffed shirts, the ones who had found this was the best way to prove their "loyalty" and "Americanism." The others stood around looking nervous. One newspaperman who knew me looked on with glassy eyes. Most of them knew me, but this morning they were silent—no questions or comments.

The sheriff's car started. The cameras ground. Cross traffic was stopped. And we left the granite-stone jail on Ross Street behind us—headed for the Workhouse at Blawnox.

The sky was overcast and smog hung heavy over the streets. The smell of sulphur filled my nostrils, and I didn't have to be told that the steel mills were working full blast—on Korean war orders, no doubt. The cars went up the boulevard by the Pennsylvania Station. The Allegheny River and North Side of the city came into view. In the distance I could see U.S. Steel's Isabella furnaces in Etna, their reddish yellow smoke billowing from the blast and open-hearth stacks, filling the valley over the Allegheny River with fumes and smoke.

After a moment of silence the deputy said, "You live somewhere around here, don't you, Steve?"

"Yes," said I. "Right on top of the hill here; we just passed the school my children go to."

"Is that right? What a shame." And he turned his face.

"Yes," I went on, "some teacher is telling them, perhaps at this very moment, that we are fighting for democracy and freedom in Korea, to think and speak as we please without fear. I am a good example of that." I looked at my handcuffs.

The deputy made no comment. I turned once more to look back at the hill where my wife and children lived, at my "home."

It is slightly over the hill, just behind the tall houses and trees, but the general direction is unmistakable, for we live on the highest point in the county, as my Bobby and Josie used to tell people. There is a water reservoir there and an old iron flag pole. I kept craning my neck to get a good glimpse of it.

I remembered a time not long ago when I had sat near the wall around the reservoir while Josie and Bobby ran a race around it. When the Korean War broke out, we could no longer sit there. The so-called Civilian Defense had raised an alarm that someone might poison the water—after all, we had to be impressed with the fact that we were “at war.” The last time I had seen the reservoir was during my trial. At that time I didn’t know that the walks around it were “off limits” until a man stepped out of the little guard house and yelled at the children and me, “Hey you, stop! Who are you? I have a notion to take you in.” A chill went through me. The children looked bewildered; they knew the man and he knew us—why did he want to “take me in” again? I got really worried, for I could see how this situation might be used for a new, easy frameup: all that a newspaper or some stalwart of the local “Americans Battling Communism” need say was that I was “found loitering at the city water reservoir.” And if just one witness would swear that some “stuff” was found in the water that night, the cry would go up: “Spy! Saboteur!” The electric chair. . . . Well, it hadn’t happened. It was one nightmare that hadn’t come true. The trouble was, there were so many that weren’t nightmares at all, but part of real life in America today.

2. *I Meet Napoleon*

The old gray walls of the Workhouse stretch endlessly, rising high as the grounds dip toward the Allegheny River, and are capped by castle-like pieces of architecture. These were not built for mere decorative purposes, although they are symmetrically spaced. They serve as guard houses, and from them juts a faceless man with a rifle. In the long wall at the far end, overlooking the river and valley, there is only one break: the “gate.”

I was led behind an iron door and my "chastity belt" was removed. The deputies who brought me exchanged papers with the man at the gate, an apparently speechless creature but wearing an important air. There were two gold bars on his black elevator-operator's cap, which was tilted to one side. When he finally opened his mouth, his first words were: "Yes, take the belt, he won't need it for a good while."

The deputies left. The inner door opened before me, and the "man" motioned me in: "Stand up against that wall and wait." I entered a corridor about as large as a good-sized hall, with a skylight window some twenty-five feet overhead. I stood leaning against the white tile wall. For a moment I thought I was alone, so soundless were the men passing back and forth. I looked to see if I could recognize any of them. They moved along like ants, uttering not a word—glancing curiously at me, the newcomer in "street clothes." They were all dressed in dirty gray, patched, shapeless pants and shirts, the shirts a little cleaner but just as patched as the pants.

A prisoner passed nearby. I spoke to him to find out whether he knew a certain man I had met in the county jail. He looked at me with frightened eyes and didn't answer. Maybe he was deaf? I was about to ask the same question of the next man who passed close to me, when the "man" spoke up from behind the iron cage.

"Don't talk, do you want me to put you in the hole?"

"No, what did I do?"

"You're trying to be smart, Nelson. I know your kind." He gave me a cold look. "You're in jail now, mister, and don't forget it."

Out of the guard's sight a prisoner stood in one of the narrow but deep doorways and made motions for my benefit, holding one hand over his mouth, gesturing with the other and with his head, as if to say, "Don't, don't, don't speak." Finally he whispered loudly, "Buddy, don't talk; they'll throw you in the hole," and disappeared into the catacombs.

I got tired and impatient, leaning against the wall. Although I knew there was nothing good in store for me, it was hard to stand and wait this way. I shifted from one foot to the other.

A large-bellied young guard, who smelled of perfume, appeared from one of the catacombs and motioned, "Hey, you, come along."

I followed him down a pair of narrow concrete stairs, just wide enough for one person, which led to the barber shop and shower-room below. About twenty men, all looking alike in their shapeless outfits, were going through the motions of their "work." They looked at me and at the young guard, whose nickname was "Buck," and he scanned them with an animal hatred. They kept on working, shaving and cutting hair, without a word. A sign, "DON'T TALK," hung over the desk where the guard seated himself, pulled out a pack of tobacco, and stuffed his big mouth full while he surveyed operations. His eyes fell on a tall Negro youth who was splashing under the shower and using a small rag to scrub himself. Buck went up to him and said, "Hey, you, where did you get that rag?" The prisoner stepped out from the shower and said, "Oh, I picked it up in the rag shop where I work. Why? Is there something wrong, sir?"

"You'll learn what's wrong soon enough." Buck scribbled on a piece of paper and added, "Nine days in the hole will teach you not to take things that don't belong to you."

As I returned from the shower, the guard said, "That's your stuff there," pointing to an old Navy duffle bag with a stick about two inches wide and eighteen inches long. My name, prison number and "20 years" were painted on the stick. "Your clothes won't keep that long," jeered the guard. "You might want to send them to your wife; maybe she can find better use for them."

"I'll just put them in the bag," I answered, my eyes riveted on the stick with the unbelievable words. It seemed that hours passed as I stared, though it was only a fraction of a minute. The guard saw to it that no time was wasted.

By now other men sat on the low wooden benches; they went through the same procedure as I had. Two more officials came in, and by Buck's behavior I could tell they were "important." The man in black, with the two gold bars on his elevator cap, was the boss of the place. He had various names, as I soon learned, among them the "General" and the "Hero"—the first because he was the boss regardless of who held the official title, and the second because it was said he had been wounded in World War I. His peculiar gait when he tried to walk fast was supposed to be the result of the wound. It was also said that he was receiving a pension for this disability. However, an old prisoner who was a vet of World War I