
The Case of Fred H. Merrick:

Statement by the Central Executive Committee of the Workers (Communist) Party

[events of Nov. 30-Dec. 4, 1925]

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Fred H. Merrick entered the Pittsburgh court in which he was to be tried for criminal sedition last Monday [Nov. 30, 1925] and his attorney entered for him a plea of *nolo contendere*, which means that he pleaded neither guilty nor not guilty to the charges against him. On Friday [Dec. 4], Merrick was brought into court for sentence and in answer to question stated that he had left the party in July and pledged not to engage in its activities in the future. On the basis of these statements, he was paroled by the judge for a period of ten years.

The charges against Merrick were based upon his activities as District Organizer of the Workers Party. They involved the right of the party to carry on its activities openly in the state of Pennsylvania. In addition to Merrick, there were indicted eight other comrades. The district attorney made the proposal that all of the nine defendants plead *nolo contendere* and they would be paroled as Merrick was. The question was submitted to the Central Executive Committee of the party, which decided that no member of the party could stand mute under such charges and it instructed all of the defendants to plead not guilty and to fight the cases against them.

Although a special representative of the party was sent to Merrick in an effort to induce him to take his stand with the other eight defendants loyally supporting the principles of the party and fighting for the right of the party to carry on its work in Pennsylvania, Merrick refused to carry out the instructions of the CEC.

It is a tragedy for the revolutionary movement when a fighter such as Fred H. Merrick has been felled under the blows of the capitalist class. Merrick's past history has been that of a militant fighter for the working class cause. Because of his active support of the

Westinghouse strike some seven or eight years ago, he served a three-and-a-half year prison sentence. The brutal treatment he received undermined his health and broke down his nervous system. Even that, however, cannot be an excuse for the betrayal of his comrades and the revolutionary movement, which Merrick committed when he refused to take his stand with the other defendants and fight with them.

Merrick declared in court that he had not been a member of the party since July [1925], although he took no action to sever his connection with the party. The Central Executive Committee does not accept Merrick's statement of having severed his connection, but publicly expels him from the party.

The betrayal of Merrick is all the more discreditable in contrast to the spirit shown by the other defendants. Comrade [Edward] Horacek, who was called to trial following Merrick's betrayal, boldly took his stand and pleaded not guilty and on the witness stand avowed the Communist principle and his support of those principles.¹ The other defendants, Comrades Voytuk, Urbon, Pasternak, Jenkins, Rostrom, Joe Kovalski, and Tom Myerscough, were ready to take the same position.

This is the revolutionary courage which is a credit to our party.

*Central Executive Committee,
Workers (Communist) Party of America,
C.E. Ruthenberg, General Secretary.*

Edited with a footnote by Tim Davenport

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¹ Brought to trial on Nov. 30, 1925, Edward Horacek was convicted of two counts of violation of the criminal syndicalism law with "no overt act" on Dec. 4.