

“**N**OR only did [Bridges] deny that he was a member of the Communist Party, but he also denied that he had ever been a member of that party....”

“[His] testimony was given not only without reserve but vigorously as dogma and faiths of which the man was proud and which represented in his mind the aims of his existence....”

“3. CONCLUSION.

“The evidence therefore establishes neither that Harry R. Bridges is a member of, nor affiliated with the Communist Party of the United States of America.”

[Decision in Bridges Deportation Hearing, December 28, 1939, by JAMES M. LANDIS, Dean Harvard Law School.]

HARRY BRIDGES

*A discussion of the latest effort
to deport Civil Liberties and
the rights of American Labor*

BY

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TO MEMBERS of Los Angeles Local 51,
Bakers and Confectioners International Union
of America, AFL, with whom I worked
for nine years, who now courageously
enter the fifteenth month of their strike
against the Davis Perfection
Bakeries

D. T.

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EXPERIENCE should teach us to be most on our
guard to protect liberty when the Government's
purposes are beneficial. Men born to freedom are
naturally alert to repel invasion of their liberty
by evil minded rulers. The greatest dangers to
liberty lurk in insidious encroachment by men
of zeal, well meaning, but without understanding.

LOUIS D. BRANDEIS,
U. S. Supreme Court Justice.

I BELIEVE that the forthcoming deportation hearings against Harry Renton Bridges, President of the ILWU and California Director of the Congress of Industrial Organizations, constitute a grave and dangerous challenge to the civil rights of the American people. I believe it is the duty of patriotic persons to expose and resist such a challenge. I believe that the great virtue of the democratic system is contained in the right—even the obligation—of Americans freely to criticize the actions of their government. I believe that such criticism can and should be made without either the actual or implied advocacy of any other form of government.

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Without any reservations I subscribe to the principles of the Constitution and to the traditions of the American people. I gladly accept the obligation imposed by citizenship upon all of us to defend them. I believe that they can best be defended by defending Harry Bridges.

* * *

THE YEAR 1934 beheld two ominously parallel events occurring in two widely separated countries of the world, related to each other only by the year, the identically false charges hurled against the victims and the fact that the guns of the state were turned against those who, by the very nature of the situation, were the friends of the state.

In February, 1934, the political struggle between the Fascist Heimwehr of Austria and the workers approached its climax. The workers, with the most progressive organization in Europe and the finest examples of community housing in the world, were finally impelled to strike against the mounting Fascist aggressions of the Dollfuss Government and the private army of Prince Starhemberg. Before the strike actually got under way, the guns of the Vienna police and the Heimwehr were brought into action.

Witness the charges against the workers. Dollfuss roared that they were "hyenas who must be hunted out of the country." Major Fey screamed the old cry of reaction, "The enemy is on the left! Merciless offensive against the reds!" And Prince Starhemberg, viewing the bodies of forty-two workers in the ruins of the Goethe Hof, lamented: "Far too few shot!" One hundred ninety-three workers were killed, 493 wounded.

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Before six months had passed, Chancellor Dollfuss lay dead, assassinated not by the workers whom he feared, but the Fascists whom he had helped. Major Fey blew his brains out, and Prince Starhemberg fled into exile. In slaughtering the workers they had destroyed the only group which might have saved their lives and the independence of their country. The workers were right, but their dead could not be revived nor their wounded made whole again.

Even as the workers of Vienna were being murdered, the longshoremens of San Francisco, under the protection of NRA, were organizing to secure relief from sub-human wages and working conditions. Early in the summer they struck. By degrees their struggle became a general strike. "Reds, Communists, revolutionaries!" screamed the owners of San Francisco. On July 5th the police and the National Guard declared war on the unarmed strikers. Four hundred were shot, two killed. The strike ended with the appointment by the President of an arbitrating committee composed of Archbishop Hanna, O. K. Cushing and Edward F. McGrady. In a sweeping report in favor of the strikers, every important demand they had made was granted them by a committee of impeccable virtue, and embodied in a two year contract which the employers were pledged to sign.

As in Vienna, the workers were neither reds, Communists nor revolutionaries. As in Vienna, they were right and were proved right. As in Vienna, their dead could not be revived nor their wounded made whole again. On succeeding 5ths of July the workers of San Francisco paraded through the city in memory of that

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massacre. They were led by the man who led their first strike—the alien, Harry Bridges.

* * *

BEFORE the 1934 strike 12,000 longshoremen of the Pacific Coast existed under almost feudal conditions. Their average earnings were \$10.45 per week. They were the victims of the "shape-up," which operated in this fashion: The call from employers would go out along the waterfront for workers to assemble at, say, seven in the morning. Four or five hundred men would appear and assume a formation known as the "shape-up" in order that the straw-bosses might select their crews. Ten percent of the men were chosen, the remaining 90% went home to try again tomorrow. The lucky 10% were known as "star gangs." Throughout the length of the Pacific Coast the "star gangs" got the work, while the labor reservoir of the remaining 90% effectively held wages down and mitigated against labor organization. The "star gangs" were forced to reciprocate for the favors shown them by "kicking back" from 10% to 15% of their wages to the straw-bosses. The result was chaos and virtual slavery.

Later, under the threat of growing tension, the owners set up hiring halls, which helped to eliminate the "kick-back," but did nothing to spread the work and eliminate the "star gangs," since the hiring hall "dispatcher"—the man who chose who should work and who should starve—was an employee of the owners. The possibilities of graft and discrimination remained staggering. With the advent of NRA, the International Longshoremen's Association became active once again, obtaining a new charter from

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the AFL. The men swarmed into the organization. The employers responded with labor spies, wholesale bribing, beating of organizers, black listing and discharging of union men, and, of course, the hoary charge of Communism. Violence stalked the whole waterfront. Union men learned to travel together—never alone. It seemed that the San Francisco police were alert in defense of the shipowners' property, laggard in the defense of a union man's life.

The unions demanded, in addition to higher wages, control of their own hiring halls in order that they might voluntarily spread out the work; and bargaining on a coastwide rather than on a port-to-port basis. It was these issues which caused the 1934 strike which began on May 9 and ended on July 21 with Presidential intercession. It was at this time that the cry, "Deport Bridges," first began to be heard.

In this connection, it is interesting to note that on March 4, 1935—less than a year after the strike—President Roosevelt had this to say of the American Merchant Marine, which was then receiving a government subsidy of \$30,000,000 for carrying mail worth \$3,000,000: "Reports which have been made to me by appropriate authorities in the Executive branch of the Government have shown that some American shipping companies have engaged in practices and abuses which should and must be ended. Some of these have to do with the improper operating of subsidiary companies, the payment of excessive [executive] salaries,* the engagement in business not directly a part of shipping and

* All italics are mine. D. T.

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other abuses which have made for poor management, *improper use of profits* and scattered efforts."

These were the people against whom the longshoremen were striking. And on June 28, while they were still on strike, while the employers were shrieking "Communism!" the President, in his first fireside chat of 1934, declared:

We seek the security of the men, women and children of the Nation. . . . A few timid people who fear progress will try to give you new and strange names for what we are doing. Sometimes they will call it "Fascism," sometimes "Communism," sometimes "Regimentation," sometimes "Socialism." But in so doing they are trying to make very complex and theoretical something that is really very simple and very practical.

Certainly the longshoremen of the Pacific Coast and their leader, Harry Bridges, stood with the President in seeking "the security of the men, women and children of the Nation." They were implementing with legal and practical action each progressive act of legislation enacted by the Congress. They were, in the words of the President, "proving that Democracy can work." There were, of course, other strikes and other agreements. The present agreement has been extended through 1942. And the picture of the longshoremen on the Pacific Coast has been utterly changed.

The "shape-up" and the "kick-back" have been eliminated in favor of a hiring hall controlled by the union. The "star gang" is no more. Instead of 10% working and 90% remaining virtually idle, every union longshoreman is guaranteed work on a basis of sharing the work in absolute equality. Wages have raised to \$1 an hour straight time, \$1.50 an hour overtime, with appropriate

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increases for "penalty cargo"—cargo which by reason of great health hazard and physical danger is more expensive to handle. San Pedro longshoremen average around \$2,000 per year, based on a working week of between 30 and 40 hours. Stevedores when occasionally working on penalty cargoes earn as much as \$70 to \$80 per week. For the entire Pacific Coast, the longshoremen average between \$1700 to \$1800 per year. *Since 1934 no longshoreman has ever been on relief!*

A survey of 217 representative longshoremen chosen at random from the Seattle-Portland district reveals an average yearly wage in 1938 of \$1750. In 1940 the average pay of San Francisco longshoremen was \$2550 per year. Half of the men are buying homes, and 25% of them own their homes outright. Practically all of them drive their own cars. The accident rate has steadily dropped. They are good, honest citizens earning decent livelihoods, contributing to the social, cultural and economic welfare of their communities. Many of them are sending their children through college. All of this has been accomplished in six years among men who formerly were living under a system of hopeless terror and disunity, completely without any legal or union protection, on a salary which averaged 66% less than they receive at present.

The President, going to the people in his second campaign, stated his aims fearlessly and courageously. In his September fireside chat, having already chosen and named his enemies, he likewise chose his friends: "We insist that labor is entitled to as much respect as property. But our workers with hand and brain deserve more than respect for their labor. They deserve practical protec-

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tion in the opportunity to use their labor at a return adequate to support them at a decent and *continually rising* standard of living, and to accumulate a margin of security against the inevitable vicissitudes of life....

"There are those who fail to read both the signs of the times and American history. They would try to refuse the worker any effective power to bargain collectively, to earn a decent livelihood and to acquire security. It is those shortsighted ones, *not labor*, who threaten this country with that class dissension which in other countries has led to dictatorship and the establishment of fear and hatred as the dominant emotions in human life."

Mark it well, this was not Harry Bridges of the longshoremen speaking; it was Franklin Delano Roosevelt, President of the United States. Yet so well had the forces of reaction observed the technique of Fascism in Europe, that they were prepared to apply it in the United States. Already they had labelled Harry Bridges a Communist because he dared wrest a living wage from them. Now they smeared the President. On September 29, 1936, an incredible thing happened: a President of the Republic was obliged publicly to defend himself against charges of Communism! Witness:

In this campaign another herring turns up. In former years it has been British and French—and a variety of other things. This year it is Russian. Desperate in mood, angry at failure, cunning in purpose, individuals and groups are seeking to make Communism an issue in an election where Communism is not a controversy between the two major parties!

It might have been Harry Bridges himself protesting that a living wage, not Communism, was the issue between his union

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and the employers of Pacific Coast longshoremen. For the employers were not really concerned about Communism; they were concerned about *profits*. The two major parties in the 1936 election were not concerned about Communism; they were concerned about possession of the Presidency. In each instance, the forces of reaction—for convenience and without consideration for the truth—enulated that technique which has resulted in an enslaved Europe.

Franklin Delano Roosevelt was re-elected to the Presidency of the United States. Harry Bridges was annually re-elected to the presidency of his union. But the employers never gave up their red cry. For three years the campaign against Harry Bridges continued, culminating in his deportation hearing before Dean of Harvard Law School, James M. Landis on Angel Island in San Francisco Bay in the summer of 1939. He faced charges of membership in an organization advocating violent overthrow of the United States Government.

In the course of the trial, at fabulous cost to the taxpayers and the shipowners, every act of his life in the United States was carefully reviewed. The alien, the Communist, the foreign agitator who had so carefully and so efficiently followed both the spirit and the acts of the Roosevelt administration, was at last caught in the web of his own perfidy. Big business on the West Coast chuckled with anticipation, awaiting the day of his deportation and the dissolution of the union for which he worked.

Here are the men Prosecutor Shoemaker offered as government witnesses against the alien Bridges: Major Lawrence A. Milner,

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who publicly perjured himself on the stand and confessed to labor spying; John L. Leech, convicted in Toledo, Ohio, of cashing a forged money order, convicted in Los Angeles for frequenting a resort; Aaron Sapiro, disbarred in the New York Federal Court for jury tampering, indicted with Al Capone for racketeering; Eugene George Dietrich, dishonorably discharged from the U. S. Navy; Theodore Marion Stark, who served 15 months in a Washington Reformatory on a stolen car charge; John Ryan Davis, convicted and given a suspended sentence for embezzling \$1800 in union funds while business agent for the Sailors' Union in Aberdeen, Wash. Incredible? Of course. True? Incontestably so.

Dean Landis, on December 28, 1939, turned in his verdict: "The evidence therefore establishes neither that Harry R. Bridges is a member of nor affiliated with the Communist Party of the United States of America."

Complete vindication for all save the taxpayers who stood the expense of the trial; for all save the Government witnesses who discredited themselves and covered the prosecution with shame; for all save those men and organizations which for seven years had hounded Bridges in violation both of morals and law.

Said Dean Landis of Bridges' testimony: "It was given not only without reserve, but vigorously as dogma and faiths of which the man was proud and which represented in his mind the aims of his existence. It was a fighting apology that refused to temper itself to the winds of caution.... *It was unequivocal in its distrust of tactics other than those that are generally included within the concept of democratic methods.*"

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Having made himself clear on the issue of Harry Bridges, the Dean turned to a dissection of prosecution witnesses. Of Major Milner, he wrote: "Milner's testimony in this proceeding is deserving of little, if any, credence." Of Leech: "In evasion, qualification and contradiction it is almost unique." Of Harper Knowles, head of the American Legion's Radical Research Committee and former executive secretary of the Associated Farmers: "He was neither a candid nor a forthright witness." Of Sapiro: "Sapiro's testimony possesses elements of incoherent improbability." Of Captain Keegan of the Portland police red squad: "The conclusion is inescapable that his testimony is far from reliable.... Not only was Keegan's respect for an oath negligible, but he was again and again faced with testimony so variant from that which he had given that he was forced to alter his original story or to make its hollowness patent by the crudeness of his subsequent explanations." Of Larry Doyle, bearer of credentials from the ex-governors of California and Oregon, self-confessed labor spy and professional red-hunter: "Doyle proved to be a problem in continuity."

Thus, the collapse of the great red trial against Harry Bridges. Twice now had the longshoremen been vindicated; first by the committee headed by Archbishop Hanna in which their aims were declared just; and second, by the decision of Dean of the Harvard Law School, James M. Landis, that their leader was not a Communist. Up and down the Pacific Coast, labor breathed easier and settled down with a will to the job of national defense.

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ONE MIGHT reasonably consider, in view of the high degree of civilization now extant in the United States, that a man who has been so sweepingly vindicated, who has proven himself so superior morally and ethically to his accusers, might continue his work unmolested. So to believe, however, would be grossly to underestimate the honor of those particular types of high businessmen and low politicians whose traditional collaboration has written some of the blackest pages in American labor history.

Harry Bridges is to be tried again. The new hearing is based upon passage of the Alien Registration Act of 1940 which states that an alien is deportable if he ever *was* a member of or affiliated with an "organization advocating forcible overthrow of the Government of the United States."

This means that Mr. Bridges, on the basis of alleged new evidence and a new law, will be obliged to stand trial for essentially the same charge of which he has been cleared. Inescapably one is reminded that during the false imprisonment of Tom Mooney, a defense effort to reopen the case with new evidence was balked by application of the ancient legal maxim "there has to be an end to litigation." Mr. Bridges has been harrassed for seven years by private, municipal, state and Federal investigators. It seems not unreasonable to suggest that a legal maxim employed *against* a labor leader might also occasionally be employed in *favor* of a labor leader, lest it degenerate altogether into a political weapon for the persecution of minorities.

In connection with the forthcoming hearings one is obliged to

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recognize the existence—although not the moral force—of legal theory which holds that aliens in the United States need not necessarily be accorded the protection reserved to the people by the Constitution and the Bill of Rights.

Conceding that Harry Bridges apparently is outside the most primitive protections accorded civilized men in civilized countries, one still must point out, in all logic and good faith, that such an application of the law to aliens contradicts an equally valid theory that all men are equal before the law.

Moreover, it is entirely reasonable to emphasize that the Bill of Rights specifically refers to *people* and *persons* rather than *citizens* in offering its protection. It seems logical to assume that if the Bill of Rights had been intended to apply only to citizens and not to aliens, it specifically would have limited such rights to citizens. Since the Constitution is not a carelessly worded document, one might correctly deduce that the term *people* or *persons* was deliberately selected for the purpose of guaranteeing certain rights to all classes of inhabitants of the United States.

The Fifth Amendment to the Constitution of the United States proclaims, without specific limitation to *citizens*: ". . . nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb." The reference to *life* has not been construed in practice to limit the protection to offenses for which capital punishment alone can be inflicted. On the contrary, it applies to all offenses in the category of felonies, and in most states even to indictable misdemeanors. If the law, as expressed in this provision is to be administered justly and morally, the second trial of

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Harry Bridges constitutes double jeopardy. No other person in America has been twice tried in this manner. No other person in American history has been the subject of a special law brought into Congress to deport his person.

But there is still another and more ancient legal right involved in this second trial of a labor leader. If such trial is held, Mr. Bridges either will be convicted of one-time membership in the Communist Party, or he will be acquitted. Conviction will result in deportation and—which is far more important to his accusers—a smashing defeat for the ILWU; acquittal, according to the precedent already set, merely will render him liable to a third trial under a third law especially cooked up for a third emergency. But if Mr. Bridges is found guilty of the charge of former membership in the Communist Party, what becomes the legal position of the State of California, which recognized the Communist Party on a basis of equality with all other political parties, and specifically guaranteed the right of Californians to belong to it? Would not the state, by virtue of having legalized what is now taken to be a crime, receive the onus of guilt rather than the individual whose only offense was to behave in a way the state assured him was legal?

Beyond the question of guilt or innocence of the state in such an instance, arises the much larger principle of the Constitutional prohibition of *ex post facto laws*. So important was this ancient principle held by the framers of the Constitution that it was made part of the original document, two full years before the adoption of the ten amendments comprising the Bill of Rights. The Con-

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sitution clearly states that "no bill of attainder or *ex post facto* law shall be passed." And it makes doubly sure by adding that "No state shall . . . pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts. . . ." Neither persons nor citizens are mentioned in this portion of the Constitution.

The great principle that laws should not apply to events which occurred before their passage has been confirmed by the Justinian Code and the *Code Napoleon*; by such English lawgivers as Bacon, Coke and Blackstone, and by the founding fathers before its adoption in the Constitution.

Bills of attainder, *ex post facto* laws, and laws impairing the obligation of contracts, [wrote James Madison,] are contrary to the first principles of the social compact, and to the very principles of sound legislation.

Alexander Hamilton took an even stronger view of the matter: "The creation of crimes after the commission of the fact, or, in other words, the subjecting of men to punishment for things which, when they were done, were breaches of no law, and the practice of arbitrary imprisonments, have been in all ages, the favorite and most formidable instruments of tyranny."

If in spite of these clear injunctions, Harry Bridges is brought to trial for an alleged offense which was entirely legal at the time he is alleged to have committed it, one gravely may fear the time when such a man as Mr. William Knudsen is expatriated because at one time he belonged to the legally recognized Republican party, or because at one time he gave out perfectly legal interviews praising certain aspects of the Nazi regime in Germany.

In connection with Germany, it is interesting to note that the

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German Constitution of 1919 contained a prohibition of *ex post facto* laws. The prohibition was first violated in the Reichstag Fire Trial of the alien Van der Lubbe, in which arson was retroactively changed from a non-capital to a capital crime. Van der Lubbe was executed under this *ex post facto* law, and the German Constitution was destroyed by National Socialism.

The prohibition of double jeopardy and *ex post facto* laws are principles for which men have fought and died. They carry the tremendous moral authority of centuries of sacrifice in wresting democratic rights from tyrants. They are among the *inalienable* rights of all men, as opposed to the special rights of a class of men. By any democratic procedure, they should be applied to the case of Harry Bridges.

The principle of deportation, on the other hand, has no such history. Originally presumed to be the right of the sovereign, it was wrested in England from the Stuarts and since has been deemed to spring from legislative grant. Thus the right of the alien under Anglo-Saxon law to continue his residence becomes a matter of law rather than of executive grace. The theory, at best, is distasteful to the majority of people. No men ever fought and died for the principle of deportation.

In America the principle of deportation originally was intended as a protection against the paupers and criminals of Europe who were sent to the Colonies as if to a prison rather than a free country, and frequently became public charges. Only later was it twisted into an instrument of oppression for political minorities. Neither in ethics, in morals nor in law does it command the

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authority of the double jeopardy and *ex post facto* principles. Yet, in the case of Harry Bridges, it is presumed to supplant and nullify those more ancient precepts.

The Alien Registration Act of 1940, in its effect upon the rights of the people, has comparable results to the treason laws of Thomas Jefferson's time. Wrote the author of the Declaration of Independence: "Most codes extend their definition of treason to acts not really against one's country. They do not distinguish between acts against the government, and acts against *oppressions* of the government. The latter are virtues, yet have furnished more victims to the executioner than the former, because real treasons are rare, oppressions frequent. The unsuccessful strugglers against tyranny have been the chief martyrs of treason laws in all countries."

The trial and conviction of such a labor leader as Bridges can scarcely fail to have the precise effect which the Third President deplored.

More recently, Justice Brandeis, in one of the most movingly beautiful opinions ever handed down by a member of the Supreme Court of the United States, plainly declared himself on the basic issues involved not only in the Bridges case, but in all other cases having to do with restrictions upon civil liberties. Attorney General Jackson has quoted this opinion many times:

Those who won our independence believed that the final end of the State was to make men free to develop their faculties, and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty. They believed that freedom to think as

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you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; that this should be a fundamental principle of the American Government. They recognized the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that the path of safety lies in the opportunity to discuss freely proposed grievances and proposed remedies; and that the fitting remedy for evil counsels is good ones. Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law—the argument of force in its worst form. Recognizing the occasional tyrannies of governing assemblies, they amended the Constitution so that free speech and assembly should be guaranteed.

Fear of serious injury cannot alone justify suppression of free speech and assembly. Men feared witches and burnt women. It is the function of speech to free men from the bondage of irrational fears. . . .

Those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty.

In view of the fact that those broad civil rights generally accorded to all men in democratic states are being denied to Harry Bridges, one is forced to the reluctant conclusion that he is being prosecuted for special rather than for legal reasons. Since he has committed no crimes, since he has been the object of investigation for seven years and already has been once acquitted of substantially the same charge for which he is presently to be tried again, there seems no reason for such deliberate persecution other than the fact that he is the brilliantly successful leader of a powerful trade union.

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But his crime is even worse than this. He is the *honest* leader of a trade union. American labor history is lamentably rich in studies of dishonest union officials who have accepted bribes to work the betrayal of their followers. Such men prosper. They wear diamonds and own country homes and travel about in bullet-proof limousines and dine only at the most expensive night clubs. Such men are not deported. But an honest labor leader—a man who cannot be bought—ah, there indeed is an undesirable alien!

* * *

UNIONS in the United States and the principles permitting them have extensive moral sanction in tradition and legal sanction in legislation. In a report published in 1933, President Hoover's Research Committee on Social Trends, said:

In the United States, as in other industrial countries, labor organization has been the chief instrument for improving the conditions of workers as well as the most effective medium for the expression of the discontent and aspirations of labor . . . Organized labor played an important role in the development of a free popular school system in this country, and this interest in popular education has never been abandoned . . . The whole history of industrial relations in this country has been characterized by the violence of the conflicts between capital and labor. In the majority of these struggles, *unfavorable decisions by the local and federal courts, the use of drastic injunctions, control by employers of the local and state police have often determined the issues of both strikes and lockouts.* . . .

And those who insist that the idea of one big union—i.e., the industrial union as exemplified in this country by CIO—is the cunning invention of Moscow, might further profit from the Hoover Committee's report by reading:

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With few exceptions the bulk of American trade unions [1933] have been strictly craft organizations, limiting their membership to workers pursuing well defined and separate occupations. This form of organization, appropriate to small shops and to a hand industry, rapidly became ineffective in the face of mechanization, the breakdown of customary skills and the increase in the size of the units of production. To these technological and industrial changes the unions were either unwilling or unable to adjust themselves . . . There can be little question that the inflexible adherence to . . . craft organization, failure to adjust the economic policy of trade unions to the vicissitudes of competitive industry . . . have been contributing factors of great importance in accounting for the present situation.

Apparently, then, both Democrats and Republicans agree that the organization of labor is a good thing and that the purpose of such organization is to better the condition of the worker. Why, then, we are forced once more to ask, does one of the most successful organizers of American labor, a brilliantly forceful petitioner for the rights of labor, find himself constantly harrassed by the very government which professes such solicitude for the welfare of the men he leads?

In our search for an answer we necessarily must examine the man Bridges himself. Who is he? Where did he come from? What is his record? Why isn't he a citizen? What kind of a union has he organized?

Harry Bridges is now 39 years old. He was born in Australia of a family which held and still holds rather extensive real estate interests. His uncle is a member of Parliament. He was reared and educated a Catholic. As a boy he fell in love with the books of Jack London and took to the sea. He arrived in the U. S. April 20, 1920, paid his \$8 head tax in San Francisco, and became a legal entrant.

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He applied for his first papers, received them; in applying for his second papers he filed thirty-two days before the expiration of the filing period, although government officials claimed he was a few days late. A slip-up somewhere. Petty, bureaucratic immigration officials are famed for their shabby treatment of alien petitioners. Again Bridges applied for and received his first papers, becoming eligible for citizenship during the depth of the depression. Being unemployed most of the time, he lacked the twenty dollars necessary for his second papers. He was informed somewhat later that if he attempted to get his second papers, things would be made "so hot" for him he would wish he'd never tried. However, since his last deportation hearing, he again has tried unsuccessfully to become an American citizen.

His status is quite different from that of rich Americans who—while clinging to their American citizenship—flock to every country of Europe to live luxuriously at the expense of deflated foreign currencies, returning to America only when trouble threatens, and then reluctantly. In any event, his status is different from that of wealthy and titled Europeans who—retaining their foreign citizenship—enter the United States as refugees to infest the most expensive hotels, resorts, night clubs and gambling establishments, while sighing and murmuring for the tragic fate of their countrymen across the Atlantic. His status, in short, is probably no different from that of five million other aliens who have lately registered with the Federal Government. Whatever the cause, to his own sorrow and to the sorrow of American labor—albeit to the great delight of employer groups

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—the man is not a citizen and probably cannot now obtain citizenship. It is worthy of comment that the same hypocritical individuals who attack Bridges for not having become a citizen are the same men who have moved heaven and earth to prevent him from acquiring citizenship. As an alien he is subject to trial and immediate deportation. As an alien he is denied all protections accorded to citizens when brought before the bar of justice.

But to continue with Bridges, the man. He holds an honorable discharge as a quartermaster from the United States Geodetic Survey. He is married. He has a fifteen year old daughter. He has a twenty year old step-son who is a sergeant in the United States Army. His only possessions are a mortgaged automobile and a vacant lot in Australia. During the 1936 coastwide waterfront strike Bridges gave all of his salary to the strikers each week. His salary as President of the International Longshoremen's and Warehousemen's Union is \$75 per week plus nominal union expenses. Contrast this salary with the legendary incomes of corrupt labor leaders, and you have the true measure of Harry Bridges. He is the lowest paid labor leader of any importance on the North American Continent.

Now what of the union he heads? What of this revolutionary organization which so hideously and subversively demands a living wage for the 35,000 workers at present affiliated with it? Considering the fact that there are labor unions whose officials have not permitted an election in twenty years, it is refreshing to discover that the ILWU elects officers annually. They are elected by the majority of absolutely secret ballots. At any time the union is

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tired of an officer, a petition signed by 15% of the membership compels his immediate impeachment. He is out of office the moment the petition is presented, and draws no salary until his trial, during the course of which his guilt or innocence is determined. This clause was inserted at the request of Harry Bridges.

This process of democracy at work runs through every action of the union. Any act of the International Executive Board can be subjected to referendum by the entire union at the request of fifteen per cent of the membership. All proposals which a negotiating committee is authorized to make to employers are first adopted by secret majority vote. Beyond such proposals the bargaining committee is not authorized to venture. No contract may be ratified without secret majority vote. Bridges has long argued that a union leader must share the hardships of a strike as well as the glories of victory: hence *neither he nor any other official of the union receives a penny of salary while the men are on strike.*

There is no racial, religious or political discrimination within the union. Members include Americans, English, Russians, Negroes, Finns, Turks—every nationality in the world. Beyond any question the ILWU is the finest example of democratic trade unionism in America.

When confronted with such an organization, there are only two ways to destroy it: split the membership, or eliminate the leader. For seven years the attempt has been made by provocateurs and labor spies, yet the magnificent cohesion of the union has only increased. Hence, the leader must be destroyed. One attempt has failed miserably. Another is under way at this time.

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If the forthcoming hearings fail, there will be still others. For Harry Bridges is a dangerous man, as all honest and efficient men are dangerous.

In spite of the complete legality, the genuine unselfishness, the enormous social benefits of his work, this man for seven years has been harrassed. His rights of privacy have been violated. His telephone wires have been tapped. He has been trailed by detectives. He has been urged into dozens of compromising situations. He has refused fortunes in bribes.

Staggering sums have been raised to secure his deportation under the guise of fighting Communism. He's been cleared of Communist charges in a hearing before one of the most eminent legal authorities in America. He is shortly to face a new variation of the charges in complete defiance of the inalienable rights of civilized peoples. This time no mercy will be shown. Red-baiting will be carried to its final extreme.

For months detectives have quizzed disgruntled unionists—and there was a disgruntled one even among the Twelve Apostles—seeking every detail of his personal life. He will be smeared economically, politically, morally. If the charges against him fail as signally as in his previous trial, still more money will be raised, still more detectives will be employed, still more hundreds of thousands of taxpayers' dollars will be squandered. For his crime, as evidenced by the paychecks of his union members, is grave beyond measure.

I have frequently quoted the words of the President of the United States. The words of a President of the United States con-

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stitute a most solemn compact with the people from whom alone derives all of his power, all of his greatness, all the dignity of his exalted office. They are earnestly pondered by those whose combined virtues the President merely reflects, and upon their sincerity brave men risk their goods, their careers and their lives. The words of an individual involve only an individual's honor; but the words of the President carry with them into history the honor of a great and generous people. Never to be compromised, never to be altered, never to be recalled, they eternally record the character of the nation and of the man it lifted to power. History recognizes no saving qualifications, no mitigating circumstances, no tempering of truth to expediency. She judges men only by their fidelity to high responsibilities. Remorselessly she distinguishes between the faithless politician and the enlightened statesman. Upon those who measure in time of crisis to the great simplicities of such evaluation is conferred the noblest reward within mankind's power to bestow: the unstinting love of their countrymen. For those who fail there awaits a punishment far more terrible than deportation: the reproach and contempt of a betrayed people.

* * *

IN TIMES of confusion, during which honest men honestly disagree on matters of foreign and domestic policy, strange and terrible forces are brought into play upon the national destiny. In such historic moments it becomes imperative to the welfare of all men and institutions that the stresses and strains upon the civil edifice be not permitted to crack the cornerstone of the struc-

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ture, which is the fundamental liberties granted free men in free countries.

Fortunately for America, only a handful of her patriots are scoundrels; but unfortunately, all of her scoundrels with scarcely an exception are patriots. Strange voices today cry throughout the land. We are told that liberty must be suppressed in order for liberty to exist. We are told that labor must abdicate its traditional rights in order to avoid abdication of its traditional rights. We are told that free speech must be limited in order to avoid the limitation of free speech. We are told that classes must be persecuted in order to avoid the persecution of classes. We are told we are already at war in order to avoid war.

The beauties of America are extolled by men who have only exploited those beauties. The praises of liberty are sung by men who traditionally have sought only to destroy liberty. The name of democracy is defended loudly and zealously by men who have only discovered the word within the last year. Those who have taken the most from America and given back to it the least now seek the protection of the flag in a national crisis to take even more and return even less.

These men who for long years have employed their wealth, their power, their newspapers, their spies, and now their political office in a continuous campaign to oust Harry Bridges from his leadership of California labor are not patriots. They are not demagogues. They are not defenders of American tradition. They are not the friends of working men or of professional men or of small merchants or of farmers. They are the old, old enemies of progress

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against whom the American people have struggled for the past hundred sixty-five years, against whom they will continue to struggle until the Constitutional guarantees of civil liberties are as widely applied and as vigorously defended as the Constitutional guarantees of the rights of property.

When I read the surveys of American fortunes, when I witness overwhelming financial power descend from father to son precisely as the entailed estates and titles of Europe descend, I realize more fully than ever how much Harry Bridges has given to America and how little he has taken from America. This man and his \$75 weekly salary and his mortgaged car are very important to me for the typically American pattern they present. He is an immigrant, as all of us were immigrants at one time or another. Like most of us, he has made no fortune, profited by no man's toil, violated no law, betrayed no man or cause. But more patriotic than most of us, he is a sincere democrat, a genuine defender of America by his defense of that portion of the "ill-fed, ill-clothed, ill-housed" third of our nation which, because of his efforts, has become well-fed, well-clothed and well-housed. If he is deported as an undesirable alien, or when he dies, his daughter's only heritage will be the knowledge that 35,000 maritime workers, under the leadership of her father and in full conformity with the law of the land, advanced from degradation and poverty to that position of human dignity and economic sufficiency which is the aim of all free men.

We can spend a million—ten million—lives in defense of the American continent, yet they will have been wasted if those prin-

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ciples for which Harry Bridges stands and now is persecuted are overthrown. For in our whole land—vast in its resources, teeming in its industries, first in the world if you wish—there will be no single free man.

"It is not the critic who counts," Theodore Roosevelt once said, "not the man who points out how the strong man stumbled, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena; whose face is marred by dust and sweat and blood; who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause; who at the best knows in the end the triumphs of high achievement; and who at the worst, if he fails, at least fails while daring greatly; so that his place shall never be with those cold and timid souls who know neither defeat nor victory."

It is not really the man Harry Bridges who matters at the forthcoming hearings, for his record will remain triumphantly behind him in the daily lives of the union he headed. And if the hearings turn out adversely for the defense, it will not be Harry Bridges who is deported, but the principles of American liberty for which men have died on battlefields all over the world.

A NOTE ON THE

AUTHOR

BORN in Colorado, Dalton Trumbo trekked to California with his family while still in his teens. Following the death of his father, he went to work as a night bread-wrapper in the largest bakery in Los Angeles. In his spare time he wrote six novels, close to a hundred short stories before his work finally began to sell. Once started, his rise was meteoric.

His record in the past few years includes novels "Johnny Got His Gun," selected most original book of 1940, and "The Remarkable Andrew," already beginning to hit best-seller lists throughout the country. Writing for the screen, he has done many films, including "A Man To Remember," voted one of 1938's best pictures, and the screen play "Kitty Foyle," currently playing to jammed houses.

You can do your part to help defend Harry Bridges and "the principles of American liberty" by sending your contribution, however small, to:

HARRY BRIDGES DEFENSE COMMITTEE,
595 MARKET ST., SAN FRANCISCO.

I am enclosing \$

Name

Address