

duty of this Congress to enact such legislation as will require it.

The eighth provision of the bill makes it mandatory that within 60 days the administrator of this program make an adequate and comprehensive survey of the stock pile of new and used automobile tires in America.

[Here the gavel fell.]

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Oregon [Mr. ANGELL] is recognized for 10 minutes.

OREGON SHIPBUILDER ESTABLISHES RECORD

Mr. ANGELL. Mr. Speaker, in a local paper of this date, the Washington Post, there appears the following headline:

U-boat toll of Americas rises to 234—3 more vessels sunk.

This is only one of the many like news items appearing from day to day showing the heavy toll enemy submarines are exacting from United Nations ships. However, in spite of the gloomy picture presented by these sinkings, we are heartened by the fine record being made by our many shipbuilding plants throughout the United States. In my own State of Oregon only yesterday there was carried a United Press dispatch showing that the Oregon Shipbuilding Co. was delivering yesterday a 10,000-ton Liberty freighter 48 days after its keel was laid. The day before it delivered one of these freighters 56 days after the laying of the keel. This company was commended less than a month ago for completing a ship in 78 days, notwithstanding 105 days was the scheduled time for the completion of such ships. This company has three plants in the Portland area, and it, together with other shipbuilding concerns, is making great strides in our program to beat the submarines.

During the period from September 1941 to May 1942 we have built in Portland shipyards 39 of the Liberty ships, 1 mine layer, 4 net tenders, and 12 submarine chasers and mine sweepers, making a total of 56 ships of a gross tonnage of 425,000. With all the shipyards of the United States working on like schedules, the day will soon be here when we will be able to more than replace the ships lost by the launching of new ships to take their places. However, in the meantime every effort will be made to clean the seas of this menace, the submarine, so that our sea lanes servicing our forces throughout the world may be kept open.

Mr. Speaker, I am proud of the record established not only by the management of these great shipbuilding yards in my district, but also by the men who are actually doing the manual labor to make these ships possible. If it were not for the loyalty and faithfulness of this great body of civilian workers in exerting every effort to produce these ships many days ahead of schedule, we would not be able to meet and overcome this bottleneck in our war efforts.

The SPEAKER pro tempore. Does the gentleman from Alabama [Mr. HOBBS] seek recognition?

Mr. HOBBS. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. HOBBS] is recognized for 4 minutes.

THE DECISION OF THE ATTORNEY GENERAL, HON. FRANCIS BIDDLE, ORDERING HARRY BRIDGES TO BE DEPORTED

Mr. HOBBS. Mr. Speaker, in yesterday's Star were two columns by distinguished columnists who took the Attorney General of the United States to task for ordering the deportation of Harry Bridges.

Miss Dorothy Thompson, in her *On the Record* column, calls the order silly. This is but another illustration of the lengths to which some of our friends of the fourth estate go in such matters. It may be stated positively without fear of successful controversion that this order of the Attorney General was based solely upon the law and the evidence and written because of a high sense of duty to interpret and enforce the law as we wrote it.

Let me read you the decision and order of the Attorney General:

Case No. 55973/217.

In re Harry Bridges.

Before the Attorney General in deportation proceedings.

This case comes to me for decision from the Board of Immigration Appeals.

HISTORY OF THE CASE

On March 2, 1938, the Assistant to the Secretary of Labor issued a warrant for the arrest and deportation of Harry Renton Bridges¹ on the ground that he was subject to deportation pursuant to the provisions of section 2 of the act of October 16, 1918, as amended by the act of June 5, 1920. Section 2 of that act provides as follows:

"* * * any alien who, at any time after entering the United States, is found to have been at the time of entry, or to have become thereafter, a member of any one of the classes of aliens enumerated in section 1 of this act, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported * * *"

Section 1 of the act (as amended by the act of June 5, 1920) insofar as relevant to this report, is as follows:

"Aliens who * * * are members of or affiliated with any organization, association, society, or group that believes in, advises, advocates, or teaches: (1) The overthrow by force or violence of the Government of the United States * * * (3) The unlawful damage, injury, or destruction of property, or (4) Sabotage—

"Aliens who are members of or affiliated with any organization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in paragraph (d).

"The giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation."

¹ The warrant was served on Bridges on March 5, 1938.

² 40 Stat. 1012.

³ 41 Stat. 1008, 1009.

James M. Landis, dean of the Harvard Law School, was appointed trial examiner for the purpose of the hearing which lasted from July 10 to September 14, 1939.

On April 17, 1939, the Supreme Court of the United States, in *Kessler v. Strecker*,⁴ construed the above-quoted act so as to confine the Secretary of Labor to a determination of the relation of the alien to an organization, seeking and advocating the overthrow of the Government by force and violence, to the time at which the arrest of the alien took place. The trial examiner, on December 28, 1939, found⁵ that the evidence did not establish that Bridges was a member of or affiliated with the Communist Party of the United States of America, the organization under scrutiny, at that time.⁶ The Secretary of Labor sustained the finding, canceled the warrant, and dismissed the proceedings on January 8, 1940.⁷

On June 28, 1940, Congress amended the statute referred to so as to provide for deportation of an alien who was "at the time of entering the United States, or has been at any time thereafter" a member of any one of certain classes of aliens.⁸ On June 14, 1940,⁹ the Immigration and Naturalization Service had been transferred from the Department of Labor to the Department of Justice, pursuant to the provisions of the Reorganization Act of 1939.¹⁰ The Attorney General, in view of the amendment referred to, directed the Federal Bureau of Investigation to make a further investigation to determine whether, under the law as changed, grounds existed for reopening the deportation proceedings against Bridges. As the result of this further investigation a warrant was issued by the Attorney General and Bridges was arrested on February 14, 1941, and released under bond of \$3,000. The Honorable Charles B. Sears, a retired judge of the New York Court of Appeals, was appointed an inspector in the Immigration and Naturalization Service to preside over the

⁴ 307 U. S. 22 (1939).

⁵ Landis, J. M., in *The Matter of Harry Bridges* (1939), p. 134.

⁶ The trial examiner pointed out that one type of evidence examined as to Bridges' membership or affiliation with the Communist Party was that which consisted of alleged conduct consistent only with such membership or affiliation (p. 9). In this connection testimony and evidence were developed which showed Bridges' "well-defined opposition toward 'red baiting'; his acceptance of aid and assistance in his industrial struggles from the Communist Party—indeed, his solicitation of that aid; his expressed disinclination to disavow that help; his association with persons admittedly Communists, an association that derives primarily from his requests for and acceptance of such aid. There are, specifically, his support of the Western Worker during the 1934 maritime strike; his requests for aid in connection with such issues as the *King-Ramsay-Connor* and *Modesto* cases and the United Labor Party ticket; his not infrequent conferences with the Communist officials on the Pacific coast in regard to these and other matters; his admiration of the sincerity of persons in the trade-union movement, some of whom were avowedly Communists, and his willingness to work with them in the realization of his trade-union ideas." (P. 133.)

⁷ Sears, Charles B., memorandum of decision in the matter of Harry Renton Bridges. (P. 2.)

⁸ 54 Stat. 673. (The classes of aliens are those enumerated in section 1 of the act of October 16, 1918, as amended June 5, 1920.)

⁹ 54 Stat. 230, 1238.

¹⁰ Approved April 3, 1939, 54 Stat. 563.

hearings, take testimony, and make the appropriate recommendations, in accordance with the provisions of section 150.6 of the regulations of the Immigration and Naturalization Service.¹¹

The presiding inspector held hearings in San Francisco from March 31 to June 12, 1941.¹² Bridges was represented by Carol King, of New York, and Richard Gladstein and Aubrey Grossman of San Francisco. The public and the press were admitted to the hearings.¹³ The evidence covers 44 volumes of 7,546 typewritten pages. In addition the Government introduced 297 exhibits, and the alien 62. On September 26, 1941, the presiding inspector transmitted to the Attorney General his memorandum of decision, covering 187 printed pages. His proposed findings of fact¹⁴ and conclusions of law,¹⁵ made in accordance with the regulations of the Service, held, in part, that the Communist Party of the U. S. A. was, "from the time of its inception in 1919 to the present time, an organization that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States";¹⁶ that it was an organization that "writes, circulates, distributes, prints, publishes, and displays printed matter advising, advocating, or teaching" such overthrow;¹⁷ that "the Marine Workers' Industrial Union was a part of the Communist Party dominated and controlled by it"¹⁸ and advocated similar overthrow;¹⁹ and that after entering the United States the alien had been a member of the Communist Party²⁰ and had been affiliated with both the Communist Party²⁰ and the Marine Workers' Industrial Union.²¹ Judge Sears accordingly concluded that Bridges was subject to deportation under the statutes referred to, and submitted a proposed order for his deportation.²²

The alien excepted to the proposed findings, and, in accordance with the usual practice briefs were filed by both sides and oral argument was had before the Board of Immigration Appeals on November 24, 1941. On January 3, 1942, the Board handed down a long opinion—99 mimeographed pages—which contained findings and conclusions that the record did not establish that Bridges was at any time a member of or affiliated with any organization prescribed by the statute, and accordingly entered an order that the warrant of arrest and bond be cancelled, execution of the order to be stayed pending further order of the Attorney General.²³ The case is therefore now before me for decision.

THE ISSUES INVOLVED

The statute under which this proceeding is brought is the act of October 16, 1918,²⁴ as amended by the acts of June 5, 1920²⁵ and June 28, 1940.²⁶

¹¹ Sears, p. 2-3.

¹² Sears, p. 5.

¹³ Sears, p. 6.

¹⁴ Sears, p. 178.

¹⁵ Sears, p. 179.

¹⁶ Proposed finding of fact No. 3.

¹⁷ Proposed finding of fact No. 4.

¹⁸ Proposed finding of fact No. 7.

¹⁹ Proposed finding of fact No. 8.

^{20a} Proposed finding of fact No. 9.

^{20b} Proposed finding of fact No. 10.

²¹ Proposed finding of fact No. 11.

²² Sears, p. 180.

²³ Memorandum of Board of Immigration Appeals, In re: Harry Renton Bridges, p. 99.

²⁴ 40 Stat. 1012.

²⁵ 41 Stat. 1008. The relevant portions of that statute are as follows:

"Aliens who * * * are members of or affiliated with any organization, association, society, or group that believes in, advises, advocates, or teaches: (1) The overthrow by force or violence of the Government of the United States * * *. (3) The unlawful

The issues presented are chiefly issues of fact, and they are vigorously contested. The Government claims that Bridges, after entering the United States, was a member of and affiliated with the Communist Party of the U. S. A., and the Marine Workers' Industrial Union, and that both these organizations advocated and advocate the overthrow by force or violence of the Government of the United States. Judge Sears found in favor of the Government on both these issues.²⁷ The Board of Immigration Appeals determined that Bridges' membership in or affiliation with these organizations had not been established, and therefore deemed it unnecessary to decide whether the Communist Party or the Marine Workers' Industrial Union comes under the statute. The alien offered no evidence to controvert this.²⁸ There was ample evidence to sustain it, which I shall now discuss briefly as, although not admitted, it is not disputed.

HISTORY OF THE COMMUNIST PARTY—ITS AIMS AND PURPOSES

The Communist Party of the United States, a section of the so-called Third International, was founded in 1919;²⁹ and, after its name was changed several times, finally became "The Communist Party of the U. S. A." in 1929.³⁰ The Third International advocated the class struggle, which was described as entering the phase of civil war in America. Illegal methods were also advocated, where necessary, to carry on its work; systematic agitation in the Army; the renouncing of patriotism; and the revolutionary overthrow of capitalism.³¹

The American "section" adopted a program declaring:

"The Communist Party will systematically and persistently propagate the idea of the inevitability of and necessity for violent revolution and will prepare the workers for armed insurrection as the only means of overthrowing the capitalist state."³²

The Communist Party teaches the violent overthrow of existing governments, including the United States. This concept reaches back to the famous Manifesto of Marx and Engels of 1848,³³ which declares:

"The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions."³⁴

In The Thesis and Statutes of the Third International (1920) this doctrine is expanded. "The mass struggle means a whole system of developing demonstrations growing

damage, injury, or destruction of property, or (4) sabotage.

Aliens who are members of or affiliated with any organization, association, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in paragraph (d).

"The giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith, but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation."³⁵

²⁷ 54 Stat. 673.

²⁸ Sears, p. 179.

²⁹ Board memorandum, p. 3.

³⁰ Transcript, p. 54.

³¹ Government exhibit 135, pp. 296, 299, 300; Government exhibit 129, pp. 2, 17; Government exhibit 130, pp. 18, 19.

³² Government exhibit 94, pp. 27-32.

³³ Government exhibit 98, pp. 6-7.

³⁴ Government exhibit 91, p. 3.

³⁵ Government exhibit 91, p. 44.

ever more acute in form, and logically leading to an uprising against the capitalistic order of government."³⁶ Lenin speaks of the necessity of violent revolution.³⁷

This and much other documentary evidence introduced by the Government, and the oral evidence of a number of witnesses to the same effect, who testified that the Communist Party of the United States had indoctrinated its members with these purposes,³⁸ establishes, as Judge Sears concludes, that it is an organization that advises, advocates, and teaches the overthrow, by force and violence, of the Government of the United States.³⁹

The evidence also sustained the Government's contention that the party writes, circulates, distributes, prints, publishes, and displays printed matter advising such overthrow, so that the party comes within the purview of the statute.⁴⁰ This also Judge Sears found.⁴⁰

PENETRATIVE ACTIVITIES OF THE COMMUNIST PARTY

Penetration into trade-unions was strongly emphasized in Communist literature, and conversion of their members by constant agitation and propaganda. Reforms in the labor movement should be accepted as screens behind which revolutionary activities could be carried on. To carry out this program the Trade Union Educational League was formed about 1921, for the purpose of infiltration into the American Federation of Labor unions, of "boring from within."⁴¹ "Fractions" were organized within particular unions to advance the aims of communism behind the "front" of education.⁴² The union was the American affiliate of the Red International of Labor Unions, which was the Trade Union Bureau of the Comintern.⁴³ The league was to compel its party members to join labor unions; the party was to engage in strikes and wage movements, to war against class collaboration plans, and to organize the unorganized.⁴⁴

In 1929 the Trade Union Educational League became the Trade Union Unity League, which began a new program of organizing directly its revolutionary industrial unions controlled directly by the Communist Party.⁴⁵ Its official publication was Labor Unity, of which the Government witness Nat Honig was for a time editor.⁴⁶ The T. U. U. L., as it was called, openly supported⁴⁷ and was dominated⁴⁸ by the Communist Party.

³⁶ Government exhibit 94, p. 47.

³⁷ Government exhibit 182, pp. 19-20.

³⁸ Transcript, pp. 51-55, 76, 93, 115-117, 285, 363-364, 376-378, 381, 1393-1394, 1398, 1433-1434, 1863-1864.

³⁹ Sears, p. 178.

⁴⁰ Government Exhibit 93, pp. 6, 12-13; Government Exhibit 105, p. 16; Government Exhibit 182, pp. 9-34; Government Exhibit 184, pp. 14-18; Government Exhibit 95, pp. 36-37; Government Exhibit 98, p. 7; Government Exhibit 102, p. 62; Government Exhibit 237, p. 20; Government Exhibit 120, pp. 32, 54, 59, 62; Government Exhibit 225, p. 453; Government Exhibit 239, p. 57; Government Exhibit 138, pp. 127, 14.

⁴¹ Sears, p. 178.

⁴² Transcript, pp. 72-77; Government Exhibit 135, pp. 164-165.

⁴³ Transcript, p. 444; transcript, pp. 72-77, 150, 161; transcript, pp. 368-372; Government Exhibit 120, p. 6.

⁴⁴ Transcript, p. 78; transcript, p. 137.

⁴⁵ Transcript, pp. 208-213.

⁴⁶ Transcript, pp. 234-236; Government exhibit 164, p. 809; Government exhibit 220, p. 26; Government exhibit 129, p. 32; transcript, pp. 436-437; see also Government exhibit 66.

⁴⁷ Government exhibit 135, p. 218.

⁴⁸ Government exhibit 135, p. 220; Government exhibit 221, p. 13.

⁴⁹ Transcript, pp. 443-448; Government exhibit 220, p. 31; Government exhibit 164, pp. 799, 810.

The Trade Union Unity League chartered the Marine Workers' Industrial Union in 1930.⁴⁰ The Government contended that Bridges was a member of or affiliated with this union during the years 1932, 1933, and 1934. This union included both seamen and longshoremen in its membership, contrary to the craft type of organization of the American Federation of Labor. It was liquidated in 1935.⁴¹

Judge Sears found, and I concur in the finding, that affiliation with or membership in the Marine Workers' Industrial Union was grounds for deportation.⁴²

FRONT ORGANIZATIONS

Testimony on front organizations showed that they were represented to the public for some legitimate reform objective but actually used by the Communist Party to carry on its activities pending the time when the Communists believe they can seize power through revolution.⁴³ The party took control of the Workers Alliance as a medium through which to organize the unemployed, "to develop widespread militant mass struggles," and "to build the revolution" through association in "a militant class conscious unemployed organization."⁴⁴

Other Communist front organizations were the International Labor Defense, whose immediate purpose was to defend Communists, but among whose members were many non-Communists unaware of its Communist control;⁴⁵ the All-American Anti-imperialist League;⁴⁶ the American Negro Labor Congress;⁴⁷ and the American League Against War and Fascism.⁴⁸

THE BACKGROUND AND HISTORY OF BRIDGES

Bridges is a citizen of Australia.⁴⁹ He entered the United States in 1920 and has not returned to Australia. In 1933, having been a longshoreman, he became active in trade-union work on the San Francisco water front. It is apparent that he has done much to improve the conditions that existed among the longshoremen. He was successful in reorganizing and leading the International Longshoremen's Association, an American Federation of Labor union. He led the 1934 maritime workers' strike on the Pacific coast; was president of the local I. L. A. from 1934 to 1936, and Pacific coast president in 1936. In 1937 his union was expelled from the American Federation of Labor, changed its name to International Longshoremen and Warehousemen's Union, and affiliated with the Congress of Industrial Organizations, of which Bridges was promptly elected Pacific coast district president. He holds several important offices in the Congress of Industrial Organizations.⁵⁰

⁴⁰ Government exhibit 221, p. 8; transcript, p. 1920.

⁴¹ Government exhibit 164, p. 812; transcript 1920, 5886.

⁴² Sears, p. 62. The alien himself evidently recognized the character of this organization since he testified in the 1939 hearing that he was aware that the goal stated by the M. W. I. U. was the establishment of a "Revolutionary Workers Government."

⁴³ Transcript, pp. 78-79.

⁴⁴ Transcript, pp. 450-454.

⁴⁵ Transcript, pp. 179-180.

⁴⁶ Government exhibit 35; Transcript, pp. 154-155; see also Government exhibit 18, pp. 1-2; Government exhibit 36, pp. 7, 12; Government exhibit 60.

⁴⁷ Government exhibit 36; Transcript, pp. 160-163; see also Government exhibit 28, pp. 4-5.

⁴⁸ Transcript, pp. 365-368; 454-459; 1262, 1264-1265.

⁴⁹ Transcript, p. 10.

⁵⁰ This information is not disputed and it is more fully developed in Judge Sears' memorandum. See pp. 82-88.

BRIDGES' CONNECTION WITH THE WATER-FRONT WORKER

There is sharp disagreement between the presiding inspector and the board of appeals as to whether or not Bridges' connection with the water-front worker shows affiliation with an organization proscribed by the statute. Judge Sears holds that it does;⁵¹ the Board, convinced that "the alien's testimony on the matter is consistent and truthful,"⁵² finds that at the time Bridges was connected with the paper it was not an organ of the Marine Workers' Industrial Union or of the Communist Party.⁵³

The Worker was a mimeographed sheet published in San Francisco from December 1932 until 1936. It was first issued by the Marine Workers' Industrial Union,⁵⁴ identified as an affiliate of the Communist Party. Bridges, with a group of longshoremen, was active in the publication of the paper.⁵⁵ At the 1939 hearing little was made of this fact, and no copies of the paper were introduced in evidence. At that hearing Bridges testified that he became connected with the paper in September or October 1932, "maybe a month or two" after it had been running.⁵⁶ Thirteen copies of the paper were introduced at the second hearing, the first, dated February 1933, being numbered volume 1, No. 2. The same number refers to the first issue, and to the December issue. Judge Sears concludes that the first issue under Bridges' sponsorship was that for December 1932 giving reasons which seem to me persuasive.⁵⁷ He notes that of the issues of the paper in evidence, four of the five published prior to September 15, 1933, acknowledge the assistance of the Marine Workers Industrial Union; and that the alien, in the 1941 hearing, stated that his group had not taken it over till September 1933,⁵⁸ contradicting what he had previously said, apparently to disassociate himself from any connection with the Marine Workers Industrial Union. Judge Sears concludes that there was no change in the sponsorship of the paper in September 1933, and that Bridges and his group were responsible for its publication from 1932 to 1936. Judge Sears finds during that time no substantial change in the paper's policy.⁵⁹

Bridges admitted that the address, 830 Market Street, was the first used by his group; yet it was used only before July 1933. Judge Sears further concludes that the paper during Bridges' sponsorship was under the control of M. W. I. U. and the Communist Party, because (1) of the acknowledged cooperation with M. W. I. U. at first, and later the favorable treatment of M. W. I. U. and T. U. L. and other Communist-sponsored organizations; (2) consistent attacks upon reactionary leaders of the American Federation of Labor; (3) support of Communist candidates for political office; (4) advice to read Communist literature; and (5) the use of addresses of Communists or Communist organizations.⁶⁰

The Board treats Bridges' changed testimony at the two hearings as a normal inconsistency, the first testimony being merely a slip of the tongue as to the year;⁶¹ and concludes that the hiatus in publication referred to by him at the first hearing had actually occurred in 1933, when in the August issue the paper was dated by the day of publication (August 15, 1933) instead of by mere ref-

⁵¹ Sears, p. 97.

⁵² Board memorandum, p. 43.

⁵³ Board memorandum, p. 43.

⁵⁴ Transcript, p. 2553.

⁵⁵ Transcript, pp. 2551-2555.

⁵⁶ Transcript, pp. 2562-2563.

⁵⁷ Sears, p. 91.

⁵⁸ Sears, p. 92.

⁵⁹ Sears, p. 92.

⁶⁰ Sears, p. 94.

⁶¹ Board memorandum, p. 18.

erence to the month, as previously.⁶² The paper had changed from a monthly to a semi-monthly basis in July, yet a full month elapsed between August 15 and September 13.⁶³ This and certain evidence of changed editorial policy in the paper pointed out by the Board is not highly persuasive. The main consideration is the alien's veracity. Judge Sears heard him testify at the second hearing, and was not impressed. The Board did not have that advantage, and merely passed on the written record. I accept Judge Sears' finding on this point.

The Board having found that Bridges did not become connected with the Waterfront Worker until after September 15, 1933, considers the nature of the paper only after that date. But having agreed with Judge Sears' finding that Bridges had been connected with the paper since December 1932, I concur also with his finding that the paper was Communist dominated since that date. No single reason given by Judge Sears conclusively establishes this: That the paper attacked American Federation of Labor leaders; that it supported Communists for political office (Bridges said he would not decline to support people with respect to matters on which he was in agreement with them solely because they were Communists); because it advised reading Communist literature (Bridges claimed such literature alone printed the truth on labor matters); finally, because of the use of Communist addresses by the paper, though to my mind this latter reason is the most convincing of all. The first address, 830 Market Street, San Francisco, room 421, was the headquarters of the Needle Trade Workers Industrial Union, a T. U. L. affiliate. The second, 3470 Nineteenth Street, San Francisco, was a building occupied by Walter Lambert, an admitted Communist.⁶⁴ The third, post office box 1158, San Francisco, was rented by Harry Glickshon, an admitted Communist, who had been responsible for the publication of the Worker under the M. W. I. U.⁶⁵ Standing alone no reason, except perhaps this last, is conclusive; but they are cumulative, and taken together, make out a strong case.

The presiding inspector accordingly concluded that Bridges' connection with the Waterfront Worker showed his affiliation with the Communist Party.⁶⁶

This link, Judge Sears held, was supported by further evidence. Bridges was chairman of the strike committee of the International Longshoremen's Association in the 1934 strike.⁶⁷ He worked with Harry Jackson, an admitted Communist, in getting the Marine Workers' Industrial Union (a Communist union) to join the strike, and induced seamen to join the latter union.⁶⁸ Bridges opposed the adoption of a resolution by the central labor council and by his own union, repudiating Communist organizations;⁶⁹ and, before the resolution was adopted, notified Sam Darcy, district organizer of the Communist Party, that the resolution was being contemplated.⁷⁰ He approved acceptance of the services of the "Western Worker," the Communist Party newspaper, to help the strike by publishing a daily strike bulletin free of charge.⁷¹ This cooperation was referred to by William Z. Foster in his book, "From Bryan to Stalin." "Harry Bridges," Mr. Foster wrote, "was elected chairman of the I. L. A. strike committee, and the West-

⁶² Board memorandum, pp. 18-20.

⁶³ Board memorandum, see table, p. 19.

⁶⁴ Government's Exhibit 219.

⁶⁵ Government's Exhibit 211.

⁶⁶ Sears, pp. 97-98.

⁶⁷ Transcript, pp. 5401, 5411, 5423, 5848.

⁶⁸ Transcript, pp. 5755-5757, 5854-5855.

⁶⁹ Transcript, p. 7388.

⁷⁰ Transcript, p. 5956.

⁷¹ Transcript, p. 5789.

ern Worker,' local Communist organ, was endorsed as the official strike journal."⁵¹ William F. Dunne, in a pamphlet describing the strike said: "The leadership passed into the hands of a left-wing group, working in fraternal co-operation with the M. W. I. U., headed by Harry Bridges."⁵² Judge Sears concludes that these associations and transactions were further evidence of the alien's affiliation with the Communist Party.⁵³ I think this conclusion is not unwarranted.

TESTIMONY BEARING ON BRIDGES' MEMBERSHIP IN OR AFFILIATION WITH THE COMMUNIST PARTY

Judge Sears examines in detail the evidence of 15 witnesses as bearing on Bridges' membership in or affiliation with the Communist Party. Much of this evidence is rejected as being untrustworthy, contradictory, or unreliable. However, the evidence of two witnesses is accepted as showing that Bridges was a member of the party. If this evidence is believed—and Judge Sears believed it—the doubt is decided. The question is substantially one of credibility. The Review Board did not think the evidence credible. But it should be remembered that Judge Sears saw the witnesses on the stand, watched their demeanor and expression, and was in a far better position to judge their truthfulness than the Review Board, dealing with the cold print of the record.

The two most important witnesses as to membership are Harry Lundeberg and James D. O'Neil.

Harry Lundeberg

Lundeberg, a prominent American Federation of Labor west coast labor leader, testified that in the summer of 1935, at a dinner in Bridges' home, a man, whom Bridges later told Lundeberg was Sam Darcy, a prominent Communist, asked Lundeberg to join the Communist Party, saying that Bridges was a member. Bridges said, "You don't have to be afraid because nobody has to know you are a member of the Communist Party," and added, "You don't have to be afraid, because I am one, too."⁵⁴ Bridges denied the conversation;⁵⁵ denied that Darcy had ever been at his house;⁵⁶ but admitted that Lundeberg had dined with him in 1935.⁵⁷ The witness testified that Bridges' wife, his daughter, and his secretary were at the dinner.⁵⁸ Bridges thought that his wife and secretary had been there.⁵⁹ They were not called to testify, and the presiding inspector felt, rightly, I think, that their absence weakened Bridges' statement,⁶⁰ although the Board was of the opinion that no such inference could be drawn.⁶¹

Lundeberg was, by his own admission, a biased witness; but so, for that matter, was Bridges. Lundeberg had previously told Federal agents that he had no information that Bridges was a Communist.⁶² But Judge Sears thought that this was a "natural reluctance . . . to testify"; and believed the evidence.⁶³ As I have said, it is solely a matter of credibility. Judge Sears was the trial judge, and it seems to me not inappropriate to accept his reaction to the witness. The review board analyzes Lundeberg's testimony at great length and rejects it for several reasons. Lundeberg had, on three previous occasions, told Government agents

that he had no information that Bridges was a Communist. When subpoenaed in this case he told the story to counsel for the Immigration Service the night before he was called. But anyone who is familiar with witnesses, and their reluctance to testify, as referred to by Judge Sears, knows that such a contradiction frequently occurs. Judge Sears was impressed with the "natural, rugged, hard-bitten fashion" with which Lundeberg testified.⁶⁴ The review board thought that since Bridges' testimony on other matters showed no indication that self-interest operated he should be believed in this question.⁶⁵ But because a man tells the truth in one instance hardly indicates that he is not lying in another. And Judge Sears saw and heard Bridges, while the review board did not.

James D. O'Neil

O'Neil, a Government witness, failed to appear, and had to be cited. As publicity director of the Congress of Industrial Organizations, he shared offices with Bridges after 1936. The two men were intimate. In October 1941 he made a statement to two Federal Bureau of Investigation agents, which was taken down by a stenographer who was present, that he joined the Communist Party in December 1936;⁶⁶ that he walked into Bridges' office one day in 1937 and saw Bridges pasting assessment stamps in a Communist Party book; and that Bridges reminded the witness that he had not been attending party meetings.⁶⁷ O'Neil admitted making the statement, testified that what he had stated was the truth, but that it was garbled, and untrue in the particulars mentioned.⁶⁸ The stenographer, however, verified the correctness of the statement;⁶⁹ and Major Schofield testified that later O'Neil had repeated the statement to him and to other witnesses. Judge Sears admitted the statement, saying:

"Whatever may be the common-law rule in relation to the reception of such evidence as that of Mrs. Segerstrom and Major Schofield, in this hearing the parties are not confined to common-law proof. Hearsay is admissible but the character of such evidence is an element to be used in its evaluation. The principal reason for the exclusion of hearsay at common law is that the opportunity for cross-examination is absent. In the present case, the sanction of cross-examination was present. Although the statement given to Mrs. Segerstrom and the statement made in the presence of Major Schofield were not under oath, there is something equivalent, for O'Neil testified on the stand that he told the truth in his interview with the agents of the Federal Bureau of Investigation and in the interview at which Major Schofield was present. There is, in my opinion, therefore, every reason why this testimony should be heard and considered as substantive proof."⁷⁰

Judge Sears was convinced of the truth of the statement. Certain inconsistencies between the statement and what the witness said in his later conversation with Major Schofield were emphasized by the Board. But these go to details, and do not affect the substance of what he said. It is important to note that the Board found "that O'Neil did make to Segerstrom (the stenographer) and Major Schofield the statements attributed to him by these witnesses."⁷¹

The Board held that the statements were admissible for purposes of impeachment, but

not as affirmative, probative evidence.⁷² The Board, admitting that the technical rules of evidence do not apply to administrative procedures, was of the opinion, nevertheless, that the fundamental requirement of a fair hearing required that the statements be excluded.⁷³ With this I cannot agree. They were not submitted in the absence of the witness but only after he had taken the stand, admitted that he had made them, said he had spoken the truth when he made them, and denied merely that he had been correctly reported.

The Board cited regulations (sec. 150.1 (c) (d) of the Service providing that statements of persons during an investigation must be taken down in writing, the signature requested, and the interrogation made under oath.⁷⁴ The Board concluded that this was not done and that the statements were therefore inadmissible. But as the Board says, the regulations were not called to the attention of the presiding inspector,⁷⁵ and no objection was made to the admission of the statements on the ground that they had not been taken in conformity with the regulations. The regulations provide (d) that where the alien refuses to make a recorded statement under oath or to sign, the investigating officer shall make a report in writing which "may be used in support of an application for a warrant of arrest, when the investigating officer certifies that no other evidence to establish the facts stated in the report can be readily obtained. * * *".⁷⁶ It does not appear whether O'Neil was asked to sign the statement and swear to it. On the whole question I am of the opinion that Judge Sears' decision to admit the statements was appropriate and legally sound. The courts have constantly emphasized the fact that the technical legal rules of evidence do not apply to administrative proceedings such as deportation hearings. Hearsay evidence is properly admitted in such proceedings.⁷⁷

The Board stressed the impropriety of Judge Sears' admission of the O'Neil statement in violation of the "published departmental regulations."⁷⁸ Had the alien raised the question at the time of the hearing, compliance with the departmental regulations would have been obligatory and a deliberate rejection of a request to exclude the testimony would have rendered appropriate the objections now raised by the Board.⁷⁹ No objection having been raised by the alien throughout the hearing, however, he waived the right to object on the technical ground that the statement was not taken in accordance with the rules.⁸⁰

The Board found that O'Neil's statements are not credible.⁸¹ Judge Sears found the opposite.⁸² Not having heard him testify it is difficult for me, acting necessarily in a reviewing capacity, to judge. Again I believe that more weight should be given Sears' findings, on matters involving credibility, than the Board's.

⁵¹ Board memorandum, pp. 64, 66.

⁵² Board memorandum, p. 71.

⁵³ Board memorandum, p. 66.

⁵⁴ Board memorandum, pp. 66-67.

⁵⁵ Federal Register, Jan. 4, 1941, p. 68 ff.; Federal Register, Jan. 11, 1941, p. 1 ff.

⁵⁶ *Nicoli v. Briggs*, 83 F. (2d) 375 (1936); *Kjar v. Doak*, 61 F. (2d) 566 (1932); *Healy v. Backus*, 221 F. 358 (1915); *U. S. ex rel. Bilokumsky v. Tod*, 263 U. S. 149 (1923).

⁵⁷ Board memorandum, p. 64.

⁵⁸ Ex part Radivoeff, 278 F. 227 (1922).

⁵⁹ *U. S. ex rel. Vaftauer v. Commissioner*, 273 U. S. 103 (1927); *U. S. ex rel. Coria v. Commissioner*, 25 F. Supp. 569, 570 (1938); *Nicoli v. Briggs*, 83 F. (2d) 375, 378 (1936); *Kjar v. Doak*, 61 F. (2d) 566, 567 (1932); *Evanoff v. Bonham*, 50 F. (2d) 756, 758 (1931).

⁶⁰ Board memorandum, p. 74.

⁶¹ Sears, p. 115.

⁵¹ Foster, Wm. Z., *From Bryan to Stalin* (1937), p. 260.

⁵² Dunne, Wm. F., *The Great San Francisco General Strike* (1934), p. 47.

⁵³ Sears, p. 103.

⁵⁴ Transcript, pp. 7006-7010, 7087.

⁵⁵ Transcript, pp. 7509-7510.

⁵⁶ Transcript, p. 7361.

⁵⁷ Ibid.

⁵⁸ Transcript, p. 7083.

⁵⁹ Transcript, pp. 7362, 7503.

⁶⁰ Sears, p. 106.

⁶¹ Board memorandum, p. 83, footnote 105.

⁶² Transcript, p. 7087.

⁶³ Sears, p. 106.

⁶⁴ Ibid.

⁶⁵ Board memorandum, p. 93.

⁶⁶ Transcript, p. 2403.

⁶⁷ Transcript, p. 2408.

⁶⁸ Transcript, pp. 2387-2388, 2282, 2288, 2293-2294.

⁶⁹ Transcript, pp. 2401-2413.

⁷⁰ Sears, p. 115.

⁷¹ Board memorandum, pp. 61-62.

OTHER EVIDENCE OF BRIDGES' ASSOCIATION WITH COMMUNIST PARTY

There was other evidence tending to associate Bridges with the Communist Party. Lee F. Barlow testified that in 1935 Bridges, in answer to a question, said that the only way that a young fellow could get ahead in the labor movement was to join the party.¹⁴ Though denied by Bridges,¹⁵ the presiding inspector reached the conclusion that the conversation took place.¹⁶ This has some significance in the general picture. There was testimony that on August 16, 1935, Bridges discussed with several active members of the Communist Party, at least two of whom were not members of a trade union, the contents of a telegram which he proposed to send to an officer of his local union.¹⁷ Judge Sears believed the evidence, and thought it showed a close association with Communists in line with other evidence of affiliation.¹⁸ Howard Rushmore's testimony was to the effect that Bridges had praised the Youth Congress and mentioned cooperation which he had received from the National Students League, both identified as front organizations of the Communist Party.¹⁹ Judge Sears did not consider that this testimony established Bridges' membership in or affiliation with the Communist Party, but did show Bridges' attitude toward the party and its program.²⁰ Bridges' "sympathetic attitude toward Communists," was shown, said Judge Sears, by the testimony of Ezra F. Chase and John S. Horn, which, however, fell short of establishing membership.²¹ Bridges' attack on so-called "red baiting" tended to sustain this attitude.

Judge Sears excluded other evidence that Bridges had attended Communist meetings on the ground that it was inconclusive, unreliable, or contradictory—the evidence of Diner that Bridges had attended a convention of the Communist Party on September 23, 1934;²² of Honig, who claimed to have seen Bridges at a number of "top fraction" meetings a short time before the 1936-37 strike;²³ of Thomas Lawrence, who claimed to have seen Bridges at a Communist meeting at some time between May 9 and July 31, 1934;²⁴ of Maurice J. Cannalunga, who testified that Bridges had participated in Communist "fraction" meetings;²⁵ of Richard A. St. Clair, who gave testimony that he had seen Bridges three times at Communist headquarters;²⁶ of Robert P. Wilmot, that he had seen Bridges at a Communist "fraction" meeting and had heard him confess to being a Communist;²⁷ and of John Oliver Thompson, who testified that Bridges had gone with two Communists to the party's headquarters in New York.²⁸ All of these witnesses were, at one time or another, members of the Communist Party. Although Judge Sears concluded that their evidence, for one reason or another, did not establish membership in or affiliation with the Communist Party, taken as a whole it cannot, because of its volume, be completely disregarded.

Judge Sears found that the alien was not opposed to the publication in a trade-union newspaper of Communist releases provided

¹⁴ Transcript, p. 7130.

¹⁵ Transcript, p. 7361.

¹⁶ Sears, p. 118.

¹⁷ Transcript, pp. 1240-1241, 1245-1246, 1276, 1249, 1282, 1285, 1290-1292.

¹⁸ Sears, p. 123.

¹⁹ Transcript, p. 728 ff.

²⁰ Sears, p. 133.

²¹ Sears, p. 137.

²² Sears, p. 141.

²³ Sears, p. 144.

²⁴ Sears, p. 147.

²⁵ Sears, p. 152.

²⁶ Sears, p. 155.

²⁷ Sears, pp. 158-159; Transcript, pp. 1659-1662.

²⁸ Sears, p. 160.

that they were favorable to the policies being pursued by trade unionists themselves. This finding is largely based on Bridges' own testimony—that: "I believed that if the Communist Party happened to send in a statement saying they would do everything they could to support the particular dispute at that time in behalf of the union position, my position would be that I wouldn't have any great objection to seeing that carried in the union paper."²⁹

THE NORTH AMERICAN AVIATION STRIKE

On June 5, 1941, the workers at the North American aviation plant in Los Angeles, engaged in production essential to the national defense, went on strike in violation of an agreement not to strike pending mediation before the National Mediation Board.³⁰ Richard L. Frankenstein, National Director of Aviation of the Congress of Industrial Organizations, gave his opinion that the strike, though the demands were justified, was Communist maneuvered and unwarranted.³¹ Bridges, who kept in close touch with the situation, regarded the strike as justified; and, though the Congress of Industrial Organizations director of the State of California did nothing to avert it or call it off—a view apparently in conflict with other Congress of Industrial Organizations high officials,³² Judge Sears held, justifiably I think, that though this did not, as the Government contended, show membership or affiliation, it did show Bridges' sympathetic attitude toward a strike denounced as a Communist maneuver.³³

CONDUCT ESTABLISHING A PATTERN OF AFFILIATION

Judge Sears summarizes Bridges' attitude toward the Communist Party and its policies by saying that the "isolated instances," while not evidence to establish membership in or affiliation with the Communist Party, nevertheless show a sympathetic or cooperative attitude on his part to the party, and form "a pattern which is more consistent with the conclusion that the alien followed this course of conduct as an affiliate of the Communist Party, rather than as a matter of chance coincidence."³⁴ This conclusion, said Judge Sears, was strengthened by his consistently favoring nondiscrimination against union men because of Communist membership; and by his excoriating "red-baiters," as he called those who took an opposite view, which "amounted to cooperation with the Communist Party in carrying out its program of penetration and boring from within."³⁵

THE I. W. W. ORGANIZATION

I need not discuss the evidence of Bridges' membership in the Industrial Workers of the World as a ground for deportation, since Judge Sears was unable to conclude that "the I. W. W. during the period of Bridges' membership advocated or circulated documents advocating the illegal destruction or injury of property."³⁶ A contrary conclusion would not seem to be warranted.

BRIDGES AS A "GOOD" LABOR LEADER

Judge Sears permitted Bridges to show that he was a "good" labor leader.³⁷ Undoubtedly he helped to establish better working conditions as a result of the 1934 strike, and particularly to secure for maritime workers higher wages. Judge Sears held that the evidence, however, was without probative value.³⁸ Because Bridges was a "good" labor leader, and thought that a Communist could be a good labor man, hardly shows that Bridges was not

²⁹ Sears, pp. 157-158.

³⁰ Government Exhibit 294.

³¹ Transcript, p. 7452.

³² Transcript, p. 7476 ff.

³³ Sears, p. 163.

³⁴ Sears, p. 169.

³⁵ Sears, pp. 169-170.

³⁶ Sears, p. 175.

³⁷ Sears, pp. 166-168.

a Communist. The argument is a non sequitur.

WIRE TAPPING

Judge Sears' ruling on the alien's motion in relation to alleged wire tapping seems to me to present nothing of which the alien can complain. The alien made no showing whatever that wire tapping was used to obtain any of the evidence introduced against him at the hearing. The hearing was concluded on June 12, 1941. The alien now alleges that his wires were tapped from August 5 to August 22, 1941. Even assuming this allegation to be true, it certainly constitutes no ground for vitiating the hearing. Nothing in the decisions of the Supreme Court in *Nardone v. United States*³⁹ or *Goldstein v. United States*⁴⁰ indicates that wire tapping employed after the completion of court or administrative proceedings, and never made the foundation of evidence introduced in such proceedings, is to be regarded as in any manner relevant.

DOUBLE JEOPARDY

The alien claims that the 1939 hearing established that he was neither a member of nor affiliated with the Communist Party of the United States of America, and that hence he was put in double jeopardy by the proceedings before Judge Sears. This contention must be rejected. As Judge Sears says: "No jeopardy at all is involved for that word has application only to prosecutions of a criminal nature."⁴¹ A deportation hearing is not a criminal prosecution—a fact which the courts have pointed out in numerous well-considered cases *Mahler v. Eby*, 264 U. S. 32 (1924); *Bugajewitz v. Adams*, 229 U. S. 585 (1913); *Zakonaitte v. Wolf*, 226 U. S. 272 (1912). Reference may also be made to *Helvering v. Mitchell* (303 U. S. 891 (1938)) in which Mr. Justice Brandeis expressly states that "in the civil enforcement of a remedial sanction there can be no double jeopardy."⁴²

RES JUDICATA

The doctrine of res judicata likewise has no application to this proceeding. Deportation is not a punishment, nor are deportation proceedings similar to criminal prosecutions. Decisions in such proceedings are decisions of the executive department, rather than of the judicial. Executive decisions, as Mr. Justice Holmes pointed out in *Pearson v. Williams*,⁴³ a leading immigration case, "cannot constitute res judicata in a technical sense."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Accordingly, I accept and affirm findings of fact (1) to (3), inclusive, and (8) to (10), inclusive, of the Board of Immigration Appeals; I reverse the Board's findings (4) to (7), inclusive; I reverse the Board's conclusions of law; and I make the following findings of fact and conclusions of law, proposed by Judge Sears, to wit:

Findings of fact

1. That Harry Renton Bridges is an alien, to wit, a native and citizen of Australia;
2. That said alien entered the United States at the port of San Francisco, Calif., April 12, 1920, as a member of the crew of the barkentine *Ysabel*;
3. That the Communist Party of the U. S. A., from the time of its inception in

³⁹ 308 U. S. 338 (1939).

⁴⁰ 62 Sup. Ct. 1000. See also *Goldman v. United States* (62 Sup. Ct. 993).

⁴¹ Sears, p. 16.

⁴² P. 404.

⁴³ *Pearson v. Williams*, 202 U. S. 281 (1906); see also *Wilbur v. United States*, 281 U. S. 206, 217 (1929); *United States ex rel. Tremaine v. Commissioner of Immigration*, 209 Fed. 137 (1913); *White v. Chan Wy Sheung*, 270 Fed. 764 (1921).

1919 to the present time, is an organization that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

4. That the Communist Party of the U. S. A., from the time of its inception to the present time, is an organization that writes, circulates, distributes, prints, publishes, and displays printed matter advising, advocating, or teaching the overthrow by force and violence of the Government of the United States;

5. That the Communist Party of the U. S. A., from the time of its inception to the present time, is an organization that causes to be written, circulated, distributed, printed, published, and displayed, printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

6. That the Communist Party of the U. S. A., from the time of its inception to the present time, is an organization that has in its possession for the purpose of circulation, distribution, publication, issue, and display, printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

7. That the Marine Workers' Industrial Union was a part of the Communist Party, dominated and controlled by it;

8. That the Marine Workers' Industrial Union was an organization that believed in, advised, advocated, and taught the overthrow by force and violence of the Government of the United States;

9. That after entering the United States the alien has been a member of the Communist Party;

10. That after entering the United States the alien has been affiliated with the Communist Party;

11. That after entering the United States the alien has been affiliated with the Marine Workers' Industrial Union.

Conclusions of law

That under the act of October 16, 1918, as amended by the acts of June 5, 1920, and June 28, 1940, the alien, Harry Renton Bridges, is subject to deportation in that:

1. After entering the United States he has been a member of an organization, association, society, or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

2. That after entering the United States the alien has been affiliated with an organization, association, society, or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

3. That after entering the United States the alien has been a member of an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

4. That after entering the United States the alien has been affiliated with an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

5. That after entering the United States the alien has been a member of an organization, association, society, or group that caused to be written, circulated, distributed, published, printed, and displayed printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

FRANCIS BIDDLE,
Attorney General.

MAY 28, 1942.

ORDER

I therefore order that the alien Harry Renton Bridges be deported to Australia at the expense of the Government on the charges that:

1. After entering the United States he has been a member of an organization, association, society, or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

2. After entering the United States he has been affiliated with an organization, association, society, or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

3. After entering the United States he has been a member of an organization, association, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

4. After entering the United States he has been affiliated with an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

5. After entering the United States he has been a member of an organization, association, society, or group that caused to be written, circulated, distributed, published, printed, and displayed printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

FRANCIS BIDDLE,
Attorney General.

MAY 28, 1942.

Mr. Speaker, the document I have just quoted proves the assertions I have made regarding it. The duty of making this decision was placed by law upon the Attorney General. He did not seek it. His oath of office bound him to do his duty without fear or favor, as the Attorney General of the United States should. He did just that. If enforcement of the law by officers sworn to perform that duty be silly, then I am sure that all of us should say, "God speed the day when all of our law-enforcement officers may be just that silly." Our forefathers took their lives in their hands, and many of them died upon the field of battle, in order that we might bring forth upon this continent a government of law and not of man. It seems to me that it is high time that Americans should compliment and support our officials when they do their duty and enforce the law rather than call them silly.

And then Mr. Frank R. Kent, in his column, *The Great Game of Politics*, suggests that possibly the reason for the order of the Attorney General was to counteract the effect of the President's parole of Earl Browder. This seems to me to be not only gratuitous, unwarranted, and unjustifiable, but also an ignoble suggestion. It casts aspersion of conspiracy and ulterior motive upon both the President and the Attorney General. Why do some insist upon looking for ulterior motive when duty is plain and nobly done? The Attorney General is a man of brilliant intellect, excellent legal ability and experience, of high courage and character. He studied the record of the Bridges case—as his opinion shows—including the opinions of

Dean Landis, Judge Sears, the Board of Immigration Appeals, and the 2,800 pages of evidence gathered by the Federal Bureau of Investigation in a splendid piece of work. His trained legal mind and his intellectual honesty led him to follow the gleam of truth wherever it led.

May I say again, it seems to me that it is high time that all America rose to the support of this high-minded, honest official and glory in what he has done in this instance to enforce the law we wrote. If the law be wrong, then we who wrote it are to blame, not the Attorney General. If the law be right, as we insist that it is, then Americans as one man should rise and applaud a courageous, brilliant, and honest decision.

[Here the gavel fell.]

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

THE LATE HONORABLE JOHN HENRY MOREHEAD

Mr. McLAUGHLIN. Mr. Speaker, it is with deep regret that the House has learned of the passing of one of its distinguished former Members, the Honorable John Henry Morehead, of Nebraska.

Born in Lucas County, Iowa, in 1861, he attended public school, later removing to Nebraska where as a young man he taught school and engaged in the mercantile business in a small country town. He rose by his own efforts to positions of trust and confidence in his community, his county, his State, and his Nation. He was elected county treasurer of Richardson County, his home county in Nebraska; mayor of Falls City, his home city; member of the State Senate, serving in that body as president pro tempore. He was chosen Lieutenant Governor, and in 1912 he was elected, and reelected, Governor of Nebraska, occupying that high office from 1913 to 1917, and making a constructive record which left a lasting impression on the State's history. He served with distinction as a Member of this body, representing the First Congressional District of Nebraska from 1923 to 1935 from the Sixty-eighth to the Seventy-third Congresses. In 1918 he was the nominee of the Democratic Party of Nebraska for United States Senator.

Throughout his life Governor Morehead took a deep interest in the welfare of the State of Nebraska and its people. He was a farmer, an orchardist, a stock raiser, and was active in the development of Nebraska's resources.

In this brief statement it is my purpose to express the sorrow which I feel and which all Nebraskans feel at the deep loss which we have sustained in the passing of a distinguished citizen and a faithful public servant of Nebraska. His bereaved family and his many friends will be consoled by the recollection of a life well spent in the service of the people. At a later date appropriate services will be held in this Chamber on which occasion more time will be devoted to a dia-