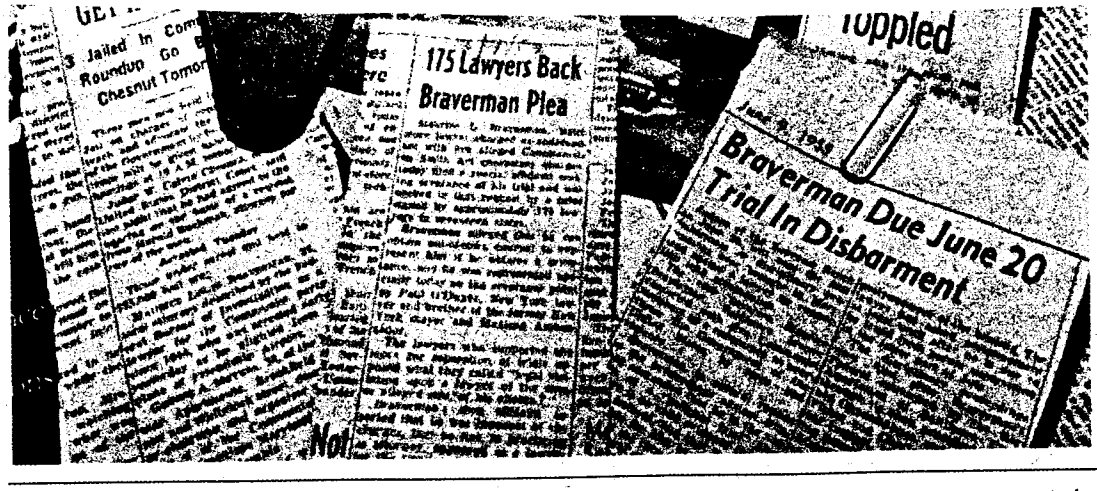
By Kenneth Turan

# The FALL and RISE of an Ex-Communist

*The 20-Year Struggle of Maurice Braverman, Ex-Convict, Attorney-at-Law*

*Maurice Braverman with mementos of things past: newspaper headlines, the motel key his wife used during prison visits, and a watch set 19 years ago at the exact moment of his release.*

Photographs by Matthew Lewis

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Lawyer Maurice Braverman puts his hand in a briefcase and out comes a letter from Huntsville, Texas, a letter laboriously hand-printed on Texas Department of Corrections stationery offering "congratulations on winning your right to practice law again." Other letters have been less appreciative, such as the note to a Baltimore paper which, Braverman admits wearily, talked with high scorn about "the scandal of disbarring a brave man like Agnew and letting a Commie back in practice." Namely Maurice Braverman.

A shambling, sunburnt man of 58 years with a short, greying beard and sharp eyes, Maurice Braverman comes on amiable. Despite a strong trace of temper he seems almost a double for the kindly old professors of philosophy that the Nazis were always unceremoniously bouncing out of German universities in endless Hollywood movies. Not that nice Mr. Braverman in trouble with the authorities? Surely not Mr. Braverman.

Yes, Maurice Braverman, down so long, as the blues lyric goes, seems like up to me. Named as a Communist Party member in a July 11, 1951, session of the House Un-American Activities Committee, he indignantly called the FBI undercover agent who made the identification "a stool pigeon," only to have Rep. Francis E. Walter (D-Pa.) shoot right back, "You may regard her as a stool pigeon, but I regard her as a great American." Arrested and indicted for violation of the antisubversive Smith Act in August, 1951, convicted along with five other "second string Communist leaders" in April, 1952, sentenced to three years in prison, released in May, 1955, after having served 28 months only to be promptly disbarred, forbidden to practice law.

Then began a decade of almost misanthropic isolation, followed by a gradual return to social action culminating, on March 1, 1974, in what one of his lawyers called "an exceedingly rare and unique event:" the readmission to the bar of Maurice Braverman, the only attorney among 114 persons convicted under the Smith Act, the first and only lawyer to be able to return to practice under Maryland's strict new disciplinary rules.

So now Maurice Braverman has become something of a folk hero in Baltimore, where he has lived for most of his life, written up in the papers, guesting on radio talk shows, under consideration as the possible subject for a novel. Though the fuss tends to amuse him, and though he seems to take pleasure in every so often basking in his own vindication, Braverman is ultimately too sharp to be taken in. He is aware, for instance, that many of the offers of help he has received since the favorable decision might not have come if things had gone the other way. "America loves a win-

*Kenneth Turan is a staff writer with Potomac.*

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ner, and I won." There is a peculiarly American cycle, he will tell you, of "burning witches, doing penance, and then burning 'em again. I'm lucky. Unlike the Rosenbergs, I'm here today, I'm alive."

Most mornings find Maurice Braverman in an absolutely bare basement office with yellow walls, a green metal desk and a tiny, one-foot window near the ceiling, an office he admits "reminds me too much of my prison cell." The room is in the Family Law Center of Baltimore's Legal Aid Bureau, a fluorescent-light-and-acoustic-tile type of place where a colorful "*Justice* is what we're all about" poster doesn't really relieve the gloom of overheard dialogue like "How are you going to make him pay for it when he's not there," the gloom of people waiting with the endless patience of those who have no alternative course of action but to wait.

Divorce work, which is the Family Law Center's line, is not exactly Maurice Braverman's ultimate aim in life, and neither are the other things like consumer law and domestic relations he will be getting into in the coming months of volunteer work at Legal Aid. However he needs the refresher experience the place provides before going back to a private practice that will center around civil liberties. He has already set up an office in the basement of his house—"There's very little overhead, and being 58 I can't count on depreciating office furniture for 30 years"—sent out fliers, ordered stationery reading "Counselor-at-Law," handled his first divorce—he'd been to the wedding—and had the strangely gratifying experience of preparing the wills of a large number of friends who "must have been waiting years on the chance I'd be allowed to practice again."

It all seems ever so pleasant, the fairy tale ending to a brutal nightmare, but Maurice Braverman has hardly forgotten what has gone before. Talking on a radio station, his voice breaks and tears dot his cheeks as he describes how he lay on his prison bed and cried bitterly the night Julius and Ethel Rosenberg were executed for espionage. Later, sitting in a bar, his face suddenly hardens as he sees a man who broke off their friendship during the bad days and he snaps out, "the stupid son of a bitch, he hasn't seen me in 20 years, he doesn't want to know he knows me". And a discussion of *Dennis v. United States*, where the Supreme Court ruled that Smith Act prosecution of Communists was legal, ends as Braverman almost bangs the table and, his voice rising in great heat, calls the case "the worst f----- decision the court ever made." The days of the past are still an emotional subject with Maurice Braverman, and really, it is naive to think it would be otherwise.

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To Maurice Braverman, it seemed almost as if the Biblical end of days was closing in on America, that this country was on the verge of fascism and worse. "I thought they'd throw us all into concentration camps, I feared torture and everything else," he says. "I never thought it would be as simple as arrest."

So why, one wonders, with all this as backdrop, why did Maurice Braverman commit himself to defending Communist Party members in open court?

The answer lies partly in Braverman's insistence, even 20 years after the fact, in carefully pointing out that he did not, as some news stories said, ever deny he was a member of the Communist Party. "I neither admitted nor denied it, I evaded, avoided the question because to admit it would have been like an open admission you were a witch," he explains. And why is making that point so important to him at this late date? "Because I don't lie," he says a bit sharply. "Because I have principles."

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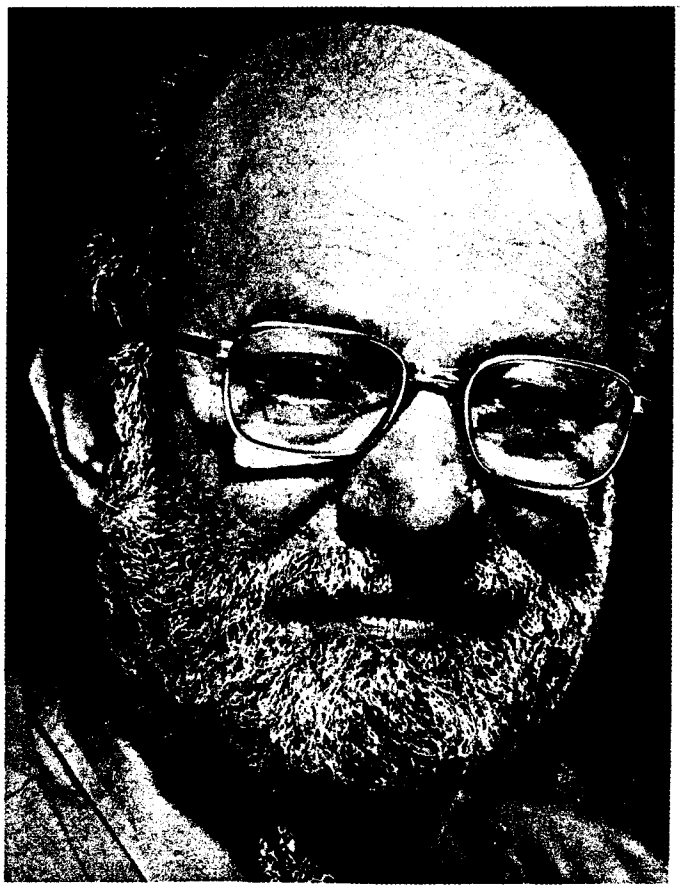
**Braverman,** *from page 11*

It is hard, even for those who lived through it, to recapture for those who didn't the shrill, hysterical fear and trembling that the stridently anti-Communist heyday of Senator Joe McCarthy (R-Wis.) caused in America. For those directly involved, it was a fearful, fearful time, more than one person said, rife with clandestine suspicions and professional informers. "Dante's Inferno, that's how you describe it," says Harold Buchman, one of Braverman's original lawyers. "When you walked into a courtroom you really felt like you were going into a lion's den. Those transcripts would make first-rate comedy now, people would be in stitches."

No one laughed then, however, in fact no one did much of anything. "Are you kidding?" Buchman says, "Everyone ran. Do you know how many careers were ruined, how many people were driven underground? After all, how many brave people are there? Most people were either seduced or coerced. It was an insane period."



*Maurice Braverman*

**Braverman,** *from page 18*

And so, though he was keenly aware that "a lot of lawyers wouldn't touch these cases for anything," Maurice Braverman began defending the accused. "It was never a question of weighing the good I might accomplish versus the bad that might happen to me," he explains. "I would feel how could I live with myself if I didn't do what I was supposed to, what I had to do.

"I guess," he adds sardonically, "I'm a fool."

Maurice Braverman did not always have this streak of idealistic social consciousness. Born in Washington but a Baltimore resident since he was 5, Braverman didn't even always want to be a lawyer. "I wanted to be a doctor, I didn't want to be Clarence Darrow, but I couldn't afford medical school," he says. "So my father suggested, 'Why don't you go to law school?' and I liked it from the first day. Why do I like it? Why does a person order corned beef instead of roast beef? I have a passion for the law, and it's as hard to describe as any other love affair."

Braverman's civil libertarian feelings were aroused by a law school study of the Sacco and Vanzetti case. He graduated and was admitted to the bar in 1941 and in 1943 joined the Communist Party, motivated in part by "my strong feelings as a Jew in putting an end to fascism. I'd found out somewhere that among the great fighters against fascism were Communists." Plus, he will point out, "we were allied with the U.S.S.R. then, it was a legal organization."

While contemporary newspaper clips describe Braverman as part of "a secret white collar group which received special security protection from the Party," the man himself laughs and says the whole thing was more like "a Great Books study group. We met in people's houses and while membership was kept quiet for fear of being fired, no one snuck in the back door or used a password or anything like that." In fact things were so low-key the group could never quite manage to get through Marx's *Das Kapital,* which Braverman himself didn't finish until he got to prison.

Besides books, discussions centered on trying to get friends and associates to do things about what Braverman, his voice rising, calls "the burning issues of the times, like discrimination. Do you realize that Baltimore was a Jim Crow town, that you couldn't get a drink with a black friend, that some blacks would wear turbans in restaurants and pretend they were Indians." Outrage in Maurice Braverman is always close to the surface, and he backs away from nothing, not even his CP membership.

"I want to emphasize the positive things," he says in a strong, positive voice. "The Party was a great experience, it gave us an education. For the first time I read history and got a consciousness of history. We'd come to lectures and hear people with fourth and sixth grade educations and we'd sit with awe and respect as they handled historical and philosophical questions of the utmost complexity. The Party was a vehicle of great intellectual growth for me, a very rich part of my life."

Not everyone, however, felt this munificent toward the CP, and Braverman began getting involved defending people who were treated with downright hostility for supposed Communist sympathies. His first major clash came in 1948 in connection with the Alger Hiss case and a Senator named Richard M. Nixon. "I was representing an old Jewish tailor," he says with a smile, "and Nixon was convinced this little old Jewish tailor was the key to the whole Hiss business. The questioning wasn't getting him anywhere so Nixon got furious, came down off the podium, shook his finger at the tailor and me and said, 'You know something and we are going to get it out of you.'"

Things got more complex for Braverman after he himself was named a Communist before HUAC. "Toward the end of July, 1951," says Braverman's wife Jeannette, "Maurice became aware that he was being followed wherever he went. Cars with their motors running were stationed in the street near our home. Neighbors, friends and relatives were visited and questioned by members of the FBI. 'Who visited our home?' 'What was taking place there?'" The heat was on.

When Maurice Braverman

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**Braverman,** *from page 20*
talks about this period his emotions are mixed. On the one hand he was "so frightened, it's very hard for me to describe. It was so unreal it was surreal, like going through a nightmare." Just as an example, he talks of a completely apolitical woman, his next door neighbor, who called up to commiserate the morning he was arrested and ended up being fired from her Federal job because, he claims, his phone was tapped. "How do you explain that," Braverman says now, still aggravated at the thought. "Just for that call she lost her job. She just didn't have sense enough to be afraid."

On the other hand, though, a great feeling of glee bubbles out of Maurice Braverman as he talks about his battle of wits with the minions of the FBI. "My code name was Louse," he says with an extraordinary grin. "They had six cars, two agents in each car, sitting outside my office, but sometimes I'd slip out the back door and they'd lose me. They'd tail me everywhere, even to Bar Mitzvahs, but I had a trick when I wanted to get away."

A former cab driver, Braverman would lead his surveillance to a stop sign crossing a major traffic artery where "the cars go through in waves. I'd scoot through at the very end of a wave and they wouldn't be able to follow." In fact, says Braverman, his grin widening, he has a friend who recently met one of those very FBI agents, now a lawyer in the South, who ended his outraged description of Braverman ("that Commie Jew") by insisting, "He tried to get us killed!"

And somehow, even the circumstances of his arrest seem funny to him in a bizarre and painful way. Hardly a power even in the tiny world of the Communist Party, Braverman could not understand why all this was happening to him, though now he is convinced it was because he had called FBI chief J. Edgar Hoover "a fag" on a tapped telephone. Arrests were starting and Braverman was worried so he slipped away from his protectors and went up to New York to talk to another attorney.

"He just laughed at me," Braverman remembers. "'They're just arresting leaders,' he said. 'Are you a leader?' 'No.' 'Are you a member of the Politburo?' 'No.' 'Did they arrest 300 members?' 'No, they're just arresting leaders.' 'Then why will they arrest you?'"

Still, Braverman was convinced the arrest was coming, and, wanting it to be in Baltimore and sure that his phone was tapped, he called home and told his wife he'd be on a plane leaving New York at 8 p.m. However it was pouring rain in New York and he had so much trouble catching a cab to LaGuardia that he arrived at the airport just as the plane was scheduled to take off. "Are you Mr. Braverman?" the woman at the ticket counter said as he huffed and puffed through the door. "We're holding the plane for you."

"Never in all of American history," says Maurice Braverman with a big laugh, "has a plane ever been held up for such an unimportant person as Braverman. Why am I laughing? Really, it was funny."

Once the plane landed in Baltimore, however, and, at 1:07 a.m. on August 8, 1951, Maurice Braverman was arrested, the humor, even the gallows variety, abruptly ceased. Magically he became a public figure, with eight-column banner headlines screaming, "Braverman, Five Others Indicted" and "Flynn Calls Braverman Communist," and it took a jury of nine men and three women only two hours and 40 minutes to find him guilty of violating the Smith Act, to label him someone who "wilfully advocates, abets, advises or teaches the duty, necessity, desirability or propriety of overthrowing the government of the United States . . . by force or violence." A label which Maurice Braverman and friends irately insist has never fit, not at all.

"The case was an outrage, the whole thing was a fraud from beginning to end," fumes one of Braverman's original lawyers, Joseph Forer, in the tones of high indignation that want you to forget it all happened more than twenty years ago. "There was absolutely no evidence he ever advocated overthrowing the government, or even ever said a word in that direction. It was hysteria from beginning to end."

And Braverman himself, who will start out calmly, with an obviously often repeated litany of "force and violence are completely alien to everything I believe in," gets exercised all over again when he describes his trial and the testimony of one Paul Crouch, a World War II deserter who claimed to have had high level military contacts with the Russians. "This was so ridiculous," Braverman says, still exasperated, "a marshal of one of the biggest armies in the world sitting down with some deserting private. And yet," he goes on, "in spite of all the forces of the FBI, there was never one piece of evidence in all the arrests, all the trials, that myself or any Communist ever plotted or taught the overthrow of the govern-

ment."

What was shown was that Braverman was connected with the Communist Party, and, things in general being the way they were, and the Smith Act in particular being strictly interpreted by the Supreme Court in the Dennis case, that was enough for conviction. It was not until six years later, in *Yates v. United States*, that the Court reversed itself and said that the specific intent to forcibly overthrow the government could not be shown by "mere membership or the holding of office in the Communist Party." But for Maurice Braverman, already having served his years in prison, the reversal came too late. "It was a dark period," says Stanley Mazeroff, a lawyer who helped with the reinstatement proceedings, "and Braverman just got caught in it."

Caught meant imprisonment in the Federal Penitentiary in Lewisburg, Pa., where, Braverman says, slipping casually into prison argot, "I pulled very hard time for the first six months." Serving along with Alger Hiss under a warden who "did everything he could to make life difficult for political prisoners," he still rankles at the "degrading experiences" he was put through. He was not, he says, allowed to move into honor quarters, was refused meritorious good time off which he was recommended for, was not allowed to receive the large numbers of Christmas cards he was sent as a political prisoner, was not given full information when one daughter was seriously ill with appendicitis. "It was the callousness with which I was treated," he explains, "as if I was less than a person."

One of the stranger problems Braverman had was try-

ing to explain to his fellow inmates exactly what he was doing in prison. "Most of them had either raped some woman or finagled on their income tax or stolen cars and they just didn't understand what I was in for," he says. "Most prisoners are natural anarchists to start with, they feel the government's no good and ought to be overthrown, so at first they thought I was great, a hero. Then when I told them I hadn't tried to overthrow it at all, they really couldn't grasp what I was doing there." Finally, Braverman took to just shrugging his shoulders when asked about his record, "making like it was too distasteful to discuss, and the Emily Post of prison etiquette decreed that I be left alone."

On the outside, Braverman's family had other forms of harrassment to deal with. His wife had difficulty finding a job and once she did, she says, "the FBI would call this place of business every few weeks with no apparent reason except possibly to bother them." It was a hard time, made worse by the deaths of a brother, mother-in-law and brother-in-law, and Mrs. Braverman helped get through it by working 17-18 hours a day, both at her job and in various legal maneuvers for Maurice, "exhausting myself so I could sleep."

Never missing, not even during a hurricane, the monthly visits Maurice was allowed, Jeannette Braverman says "what sustained me most was the knowledge that we were right. Maurice hadn't hurt anybody, he was only trying to do good, so we were not ashamed, we were able to walk with our heads held high, with dignity."

We included the Braverman's two daughters, then 9 and 12, who had to deal with chants of "Communists, don't go near them, they're Communists," and "Your father's a traitor, your father's a jailbird," from their peers. "It was heartbreaking," said Mrs. Braverman, who told her daughters that while she herself could go talk to their teachers and their friend's parents, it would be better if "they fought their battles themselves." And, she feels now, her daughters gained from the experience to the extent that, besides being "concerned about injustice and being able to follow our princi-

ples," they became "very independent girls, with an understanding of life, of what it means to be able to take care of yourself."

The younger daughter, now Mrs. Ruth Pia of Baltimore, came through it relatively unscathed, her main memory of the time being "All I knew was that my father was arrested for nothing, for doing absolutely nothing." But the elder daughter came home in tears after some taunts and is still bothered enough by what she went through to refuse interviews or even the use of her name. It is no wonder, then, that when Braverman left prison on May 19, 1955 at 8:53 a.m., he set a watch he'd bought at the prison commissary for that time and kept it that way ever since. "I thought a bad period of my life had ended," he says. "I felt life was starting again for me."

Starting, however, on a distinctly unsettling note as Braverman was almost immediately disbarred for his Smith Act conviction, a crime then judged to be of the requisite moral turpitude for exclusion from the bar. Though he fought it all the way to the Supreme Court, Braverman had expected disbarment—"I knew the tenor of the times" —had studied accounting while in prison and began in that profession once the verdict became final.

He also began a ten-year period where "I was a pretty bitter, cynical man. I wouldn't be talking to you ten years ago: the press was my enemy. For ten years I was completely apolitical. I collected coins, I wrote a book on coins, I took up gardening, fishing, collected stamps, played the organ. I did anything so as not to be involved with people or politics. It was too painful."

A de facto exit from the Communist Party — "I kind of got lost in the shuffle" — followed, and despite everything, Braverman always had hopes he would practice again. "It was maybe like a dream about a lottery ticket," he explains. "You keep buying, you keep dreaming, you never give up hope, but on the other hand you don't put all your hopes in it either."

Finally, in the mid-1960s, Braverman's social consciousness returned. "You know what changed my mind?" he asks. "It was the young people, a whole new generation of people who cared, who weren't buying the bull—, who were going down South

and making civil rights a reality. They were really involved, and I felt I ought to be also." So Maurice Braverman became, in no particular order, treasurer of the New Democratic Coalition, Fifth District Club; president of the St. John's Council on Criminal Justice, a prominent prisson reform group; an executive in his community association, a teacher in the Baltimore Free University, and more. Still, though, he hesitated when the question of reinstatement to the bar came up. "I had to feel the times had really changed before I wanted to explore leagal ways of reopening the case," he says. One of his lawyers adds bluntly, "He did not want to suffer another nail in his civil liberties."

In the end it was a favorable column entitled "A McCarthy Era Casualty Who Is Still Being Punished" in the Baltimore Evening Sun, the paper which had so vilified him in the past, that made the difference. "I figured if the paper could say these things maybe times have really changed," Braverman decided, and contacted the American Civil Liberties Union about getting reinstated. They agreed to help and when the Maryland State Bar Association called to say they would support him, too, Braverman simply "broke down. I couldn't talk at all for two hours. I didn't realize myself how strong and deep my emotions were."

On March 1, 1974, after a series of hearings, petitions and more hearings, Maurice Braverman won vindication. By a 5-2 vote the Maryland Court of Appeals ordered his reinstatement as a member of that state's bar. Chief Justice Robert C. Murphy, speaking for the majority, noted that the lack of current enforcement of the Smith Act indicated that "convictions obtained under that Act, including Braverman's, were related to 'a particular time and condition,'" so his disbarment was "in large measure a product of those times and conditions and must be viewed 'in terms of present realities.'" As Braverman himself says, "everyone knows what 'crimes of moral turpitude' mean, it's things like rape, murder, assault. It's not something that's a crime for only six years."

As with everything else involving Maurice Braverman, however, there were rumblings of discontent, centering largely around his alleged

lack of repentance for the crime that led to his disbarment. The Baltimore City Bar Association refused to back Braverman's petition for reinstatement unless he did so repent, and Appeals Court Judge Marvin Smith, in his dissenting opinion, felt strongly that "Braverman was not punished for 'unorthodox political beliefs'" and that the man's lack of "remorse for his wrongdoing" meant that he should under no conditions be reinstated.

Braverman's lawyers contended in court that his recent civic activities show that he is a changed man, and Braverman himself told the judges, "If I was to say I am rehabilitated that would mean I needed to be. I have always been a man of honor, I have never committed any crime. In the sense that I am still a man of honor and integrity, I am rehabilitated." As to people who, even after the favorable verdict, persist in considering him a dangerous Red Menace, Maurice Braverman says "I don't say anything. How do you answer ignorance? I spent twenty years of my life proving I don't believe in force and violence. You can't reach everyone, and I won't try."

So at age 58, Maurice Braverman is, in a sense, starting life all over again. Fearful at first that he would be painfully rusty after his long absence from law, Braverman has since gained "a great deal of confidence" and says the whole legal business has him feeling "goddamned good." A man whose conviction and imprisonment have been called by his lawyers "kind of a barbaric hoax" and "a miserable performance," Maurice Braverman himself has come to a certain rapprochement about all that has gone before. "It was a bum deal," he will say, "It ruined part of my life, it was disastrous for my career, it did a great deal of harm and caused me a great deal of pain." And then he will add this:

"If someone had come to me in 1943 and said, 'If you join the Communist Party you'll be ostracized, imprisoned, suffer tremendous economic loss, your kids will be hurt, you'll go through 20 bad years,' I would not have joined it. But on the other hand I like where I am now, I like my head now that I've got it together, and if the only way to get there is to go through what I have, I'd go through it again." ■

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