

New Deal Communists/ Senate Civil Liberties Committee

8/21/91

Monday's Washington Post included a <sup>7-11</sup> ~~four~~ inch obit on John J. Abt, captioned "Communist Party lawyer." The obit itself reports that he challenged the Internal Security Act, which required Communists to register with the government and precluded their getting federal employment and/or passports, among other things. The obit does not report that the Act was later held to be unconstitutional. It also does not report that he had been named, as I believe he was, as part of a party cell within the Department of Agriculture, where he had been employed as a lawyer. I knew him as counsel for the Senate Civil Liberties Committee when I went to work for it, assigned-loaned-by the Department of Agriculture, where I did not know him or anyone else ever alleged to have been a Communist.

Our dear friends Frieda and Sol Rabkin are sending me the New York Times obit that is probably longer and more detailed. Sol and I became friends when he, also younger than Abt, worked as a lawyer for this committee. Sol told me that the Times reported that Abt was a long-time Communist. So, I assume he was. I say this because <sup>lawyers or their men</sup> ~~those who were not~~ Communists defended individual Communists and also challenged this and other such acts. Republican Presidential Candidate Wendell Willkie, a prominent utilities lawyer, who opposed FDR when he ran for a third term. took the case of California Communist William Schneiderman to the Supreme Court.

I have a general awareness of allegations of Communist Party membership by government employees of that ~~early~~ era. Some were undoubtedly true but I am sure that most were not. I have a general awareness of the allegations that these Communists were unfaithful to their government service and their government. Of those I knew who were or may have been Communists, I have no reason to believe this, particularly not of Abt, the purpose of my writing this memo.

I believe that Charles Kramer, also a committee investigator, was alleged to have been an Agriculture Communist. I do not recall that there was such a specific allegation against any others who worked for the committee with whose work I am familiar, but there were some inferences made against others. I remember Charles Flato was one.

As the committee's editor I was in a position to observe if any political beliefs intruded into the work <sup>of</sup> these men did. It did not. I never had any reason to suspect that anyone on the committee's staff was a Communist or to believe <sup>that</sup> his effort was directed to any purpose other than the committee's work.

I never heard any one of them utter any Communist belief or propaganda, never heard of any one making any recruitment efforts, never knew of any one of them working less than much more time than paid for, there being much overtime and no overtime pay. And I do not remember that any one of them worked less than very well.

Of course, the committee's inquiry being directed at violations of civil liberties and the rights of labor, the Communist Party was <sup>for</sup> not opposed to it or its work. But at the same

time I do not recall that any one of them did anything designed to advance the Communist Party's interest. No prominent Communist was heard as a witness, for example. To the best of my recollection only two Communist witnesses were heard and both were literally witnesses. Some Communists were active in the labor movement. John Steuben was a witness to oppressions that included the murders of steel workers. It was for something similar that James Dolsen was heard as a witness. They were identified as Communists in their testimony.

In thinking about this, I suppose not for the first time but certainly for the first time in decades, I remembered that Abt and the others, real or alleged, were very hard and effective workers in the committee's interest.

What I do recall is that some of the committee's staff who were among the least liberal were the laziest and the poorest workers ~~and~~ on the committee and elsewhere, those who did let their <sup>own</sup> political beliefs interfere with their duties were well-known anti-Communists. Many of those people saw Communist plots in everything and thus opposed what they imagined <sup>was</sup> ~~were~~ what the Communists supported.

As an example on this committee, its continuance to be able to investigate the awful conditions of migratory workers in California. (The real reason I was fired, reasons, include that I lobbied openly for the committee's extension for <sup>that</sup> ~~the~~ investigation. Its best characterization is John Steinbach's "Grapes of Wrath." Because the chairman, Robert A. LaFollette, Jr., had gotten all the political benefit he could get and feared political liability and thus did not want the committee's life extended, the anti-Communists also opposed it, for one example. (His desire to end the committee's life was another reason for firing me, although I was not on the committee's payroll, because I was too much of a perfectionist in preparing the hearings for publication. The actual delays, however, were because the committee loaned me to the Department of Justice, to help it in the then famous conspiracy case known as "Bloody Harlan," prosecution of more than 60 corporate coal operators and their deputized gun thugs who killed miners favoring unionization. (Kentucky))

I think another reason for firing me is that when the overtly-political, the anti-Communists on the staff, arranged to fire those they did not like, each time I said if they did I'd quit. I was a bottleneck and they were not fired. Including Rabkin and Flato.

(After the committee Rabkin worked for the Department of Justice and then was assistant general counsel of the Anti-Defamation League. Flato went on to become a highly-respected writer on medical matters.)

When Sol and I were talking about this and I said that I never knew of any Communist Party matters involved in the committee's work but did recall that there and elsewhere in the government the anti-Communists did intrude their beliefs into their work and their judgments he recall that <sup>and</sup> National Labor Relations Board General Counsel Nathan Witt was a Communist. I did not have much to do with Witt but I was more familiar with what the NLRB was doing than most people and had extensive dealings with it. I knew of no instance

of party interests intruding into that board's work and of quite a few where the anti-Communists did impose their beliefs on their work.

Again it can be said that that board's normal activity of those days was in accord with what the Party wanted, but that does not explain or justify the interferences and impositions of political belief from the other extreme, and they were commonplace.

The NLRB's record in court under Witt was exceptionally good and successful.

Most of the committee's staff was various shades of liberal and most of them worked the same long hours and worked effectively.

As I now recall the real, the significant politically <sup>motivated</sup> allegations of Communism were really aimed at FDR by those who opposed his policies and programs. From this the allegation of Party membership and activity against a multitude flowed. Even the child actress Shirley Temple was labelled a Communist "transmission belt." Catholics and Jews, in that order, <sup>were</sup> castigated as Communists by the Un-American Activities committee of the House. Most were active in union organization.

So, while there probably were spies, as all countries have spies, and perhaps some in the U.S. were members of the Communist Party, for most Communists there was nothing to spy on and nothing in their work where the Party had any interest in intruding and interfering.

It is probable that in those days I knew or knew of other government employees who were or were alleged to be Communists but I can't recall a single instance of Party membership leading to improper activities by any of them. Again, what FDR wanted to do is what the Party either was for or ~~did~~ did not oppose.

But as was true of Abt, a quiet, hard-working man, I have no recollection of any political impositions on work or judgement of acts by them when from the opposite extreme it was well-known and widely approved.

If the Post had not decided on so short an obit on Abt it would not have failed to mention that when Lee Harvey Oswald sought a lawyer he tried to get Abt to represent him. I am certain this is because he was known to have defended Communists. Oswald was really anti-Communist, despite the official line that he was some kind of "Marxist." Abt declined and the Dallas police never told Oswald.

The man with whom I lobbied successfully for extension of the committee's life, over the chairman's and FDR's objections, was Gardner Jackson. He was as anti-Communist as anyone I've ever known. He was a liberal legislative representative of John L. Lewis' United Mine Workers Labor's Non-Partisan League. He had been the information officer of the Sacco-Vanzetti committee. He introduced me to Felix Frankfurter, also on that committee.

NY & LA Times obits add nothing on Senate work except error. Both also err in saying that he had not responded to Oswald's request for his services before Oswald was shot. He declined promptly but police did not tell Oswald.