This Heber Blankenhorn memo is exactly as I got it from Henry Berger, now professor of history at Washington Uniw. (St. L.) several month ago. I do not know where the marking were added by Berger or others.

Henry is the son of a friend. I helped Henry with his theses when he was a graduate student at Wisconsin, Padison. The topic was, approx., the labor movement as part of U.S. foreign policy.

I had asked him for a copy of a memo he had sent mw through his father years ago, he could not find it, recalled that because the copy was so poor he had sent his original, and he sent me this.

The misplaced memo was to John Lewis, from Gardner "Pat" Jackson. It recounted the actualities of my being fired by LaFollete and showed how the charges were both baseless and fabricated. (LaFollette&s real reason is that Jackson and I had lobbied successfully for an extension of the Civil Liberties Committee's life over LaFollette's objections. The extended life enabled the committee to investigate migratery labor/corporate farming in California, as in Grapes of Wrath.)

The alleged reason was my alleged leaking of allegedly secret information to, as Martin Dimes put it, I've forgooten how LaFollette did, if he did) to the Daily Worker. I leaked nothing, had nothing secret to leak, it wasn't to the Daily Worker, and as XXXX Jackson's memo reminded me, what I'd done I'd done under instructions. It was no more than making available to Federated Pressgalley proofs of a volume of hearings then being printed but not yet bound and returned. Federated Press was a labor news service.

Blank's memo does not exaggerate his importance in the committee's creation but it does diminish his importance to the committee in its earlier days.

Probably because it is not personal Blank does not mention Jackson's importance in lobbying and public relations. Jackson was quite important in those areas.

Today there is virtually no mention of that committee and its significance. Beginning with an unimaginably small budget, \$50,000, its hearings led to radical changes and improvements in society and in working condition, the beginning of the modernization of the nation, I think. Labor relations and conditions underwent the most unimaginable changes.

I believe that if Sol Rabkin, another surviving member of the committee's original staff, and I were to be questioned in an oral history it could be of considerable value in many areas some of which might not occur to professors of history and political science today, such as how life was in Washington and in government during the new Deal, not just the obvious relating more directly to the committee and its work and staff.

(We also did a little ad libbing, for example, in helping to pass Social Security Act in the Senate. Among those opposed it to were organizations we were investigating, like the National Association of Manufacturers and the National Metal Trades Association. Jackson's lost memo recounts what I'd forgotten and I think he exaggerated my importance in it. He told Lewis that I had prepared labor's defense and support of the Wagner Act when as I récall, it was a year old. My only recollection of that is a number of visits to Leon Keyserling in Wagner's office.)

A not inconsiderable number of the committee's relatively small staff later became fairly prominent in a number of fields.

LaFollette's pre-suicide complaint that Communists dominated the committee is entirely false. Morewer, he didn't do enough work or have enough connection with the staff to know one way or another. I never had a worse employer.

Harold Weisberg 10/4/87

ST. LOUIS, MISSOURI 63130

DEPARTMENT OF HISTORY

8 July 1987

Dear Harold,

Thanks for yours of 30 June. As a matter of fact Norman Gary did deliver your request to me. I've been out of town, including a brief stop of 18 hours in Frederick, and have only recently been able to get at my files.

Bottom line: I have no copy of the Jackson to Lewis letter. What I sent to you was also a copy (I never had the original and efforts to reproduce the copy XX for you at the time (1976) were unsuccessful for the reason you mention -- poor quality). Indeed, in my file on this is the letter of thanks from you to me (copy enclosed) and a note by me saying I had sent you the only copy I possessed of the Jackson-Lewis letter. I'm sorry about this.

To compensate for the disappointment I also enclose Heber Blankenhorn's 1952 recollections of the Civil Liberties Committee. Recognizing that this is no substitute for the item you want, not the least because it says nothing about your contributions to it, I nevertheless thought it of interest -- fact, fiction, and all. I have lots more stuff on this, on Federal Laboratories (the munitions maker), etc., etc.

These days nobody is particularly shocked, surprised, or even reactive to the disclosures of that era.

regards,

of whom we now see so little!

Not only do I appreciate your thoughtfulness in sending me the copy of the Pat Jackson letter to John Lewis about me - the timing is a source of amusement. The Department of Justice has just questioned my competence. And what Jackson's memo does not say is that in those days DJ also used me, once for four months in the field in what was then a major case you may have come accross, U.S.v Mary Helen et al.

Much of what Jackson says was until now unknown to me, about my being fired. He did not realize and probably never knew the real reason, which is not what he suggests. I had no secrets. The committee had none. And in those days "ackson was staying drunk, doing what I compelled him to do sometimes, generally what I persuaded him to do. My real crime was with "at lobbying through an extension of the committee's life so it could investigate the corporate-farm/migratory worker ("Grapes of Wrath") situation in Valifornia. Bob LaFollette, Jr. was not his father's son. Worst person for whom I ever worked, a sick-in-the-head opportunist.

But I never gave anything not public domain to anybody and it was my job to make it available to all, not just reporters.

Because at some time someone is going to tape an oral history of that period I do not want to let my mind go back and have a chance to canfabulate later. However, I had forgotten about doing things for the unions. I can now recall others. Many others.

I never knew of the friendshap between Jackson and Allen. I also learned from Allen, who was a much older man with a corporation background.

Jackson was right to speak of me as tending toward black and whites but I think it really refers to a refusal to compromise on questions of right and wrong. Capitol "ill was and is no place for that!

The trouble to which he refers, it may interest you to know, was of his beginning. Drew Pearson was used to feed to him a man I later proved was an agent of the Unamericans. He set us up for Dies but I did suspect it and what Jackson did not dare tell Lewis is that I not only cautioned Jakkson about a probable forgery but before during this learned of a dependable handwriting expert from a DJ friend. This recommendation was probably written prior to the end of that case because toward the end I had to fight Jackson, too, to keep us from being jailed through this frame-up really aimed at labor through him. My only help was from Lil. Without her the end might have been different. I was able to take the grand jury away from the U.S.Attorney and force the indictment of this fink while eliminating the possibility of an indictment against Jackson and me. Historian, you may be interested to know that the law Weicher cited in throwing Colson out of his pffice is the one passed to "Aget" Jackson and me.

I'm surprised Jackson did not remember and you did not find another memo. When Lewis, prior to 1940, was looking for a UMW general counsel and there had been this Harlan County prosecution and I was living with the government lawyers on it, through Jackson he asked my recommendation. I went over all the lawyers there, including the man who was later father of the Atomic Energy Act, favor a conservative Texan, Welly K. Hopkins, and Lewis followed my advice.

Surprising what a kid could do in an age of ferment.

Jackson is also right in referring to careerists. These were the ones who were eased in and gradually took over. For a long time I frustrated their efforts to purge the staff of the decent, dedicated, principled people. It was easy. I was a bittleneck. Ind just quit every time they were about to fire a goodguy. Until I got all the important part of the record out they could not do without me. One of those who was always in on taking me out to think they were getting me drunk to talk me into going back to work was later head of the Truman bibrary, Dave Lloyd. Not a careerist but weak and used by them.

House

If you see any more, thanks. Best regards,

COLLECTIONS OF THE ARCHIVES OF LABOR HISTORY
AND URDAN AFFAIRS
UNIVERSAL FROM NEW WAYNE STATE UNIVERSAL
WAYNE STATE UNIVERSAL

WAYNE STOTE UTLYF

Blankenhorn

March 1952

1 Hober Blankenhorn

Garage State ORIGIN OF SENATE CIVIL LIBERTIES INVESTIGATION (1935)

(LaFollette-Thomas Committee)

The Senate investigation of Violations of Free Speech and Labor Rights, chaired by Robt. W. LaFollette, Jr., which held hearings 1936 to 1940, is still considered by labor unions as the most effective Federal investigation ever made in behalf of labor. Its 5-foot shelf of transcripts and reports is still, (1952,) cited in government proceedings, courts, etc.

It was an outgrowth of the just-enacted Wagner Act which I had helped write as Assistant Chairman under Chairman Wagner of The first national labor board. As a staff rember of the Rational Labor Relations sound (18, mer Act) I initiated the LaFollette Committee and was its planner for four years.

Once it got gang the Senate Committee had the qubet support of Pres. Roosevelt. A white louse conference expressed the attitude (about 1938, present Treasury people, Morgenthau, Oliphant etc) as follows: "Every time the Lawr Board encounters heavy opposition, that Senate Committee takes the heat off it. It runs continual interference for the Board. It, with the Board and the Supreme Court, is establishing the Wagner Act." That was part of the original plan. The Committee also aided greatly the growth of a rejuvenated labor unionism, growing by the millions. That was the second part of the original idea. It struck directly at the latent fascism in American capitalism. That was the idea's third part.

The Senate Committee investigated (a) systems of organized professional strikebreaking, and pretty well desuroved it except for racketeering; (b) the practise of organized industrial espionage through professional concerns and private systems; hundreds of such concerns dissolved; (c) plant arsenal/stocked with heavy we apons, tear gas etc. to crush labor; the munitions companies quit that business; (d) deputy sheriff systems to prevent union organization e.g. Harian Co. Ky., steel towns, etc.; much of that was broken up; (e) National Assn of Manufacturers and adjunctive bodies organizing fake Ultizens Committees, vegilantism and propaganda for defeating labor; similar devices, e.g. Special Conference Committee, Constitutional Educational League, etc; fascist-minded groups of Tom Girdler, Mand etc.; these were considerably curbed; (f) misuse of police powers, e.g. Chicago Memorial Day massacre, 1937; such practises lost their prestige a bit (g) most complete investigation ever made of a great strike (Little Steel) in which all these practises were involved. ed; steel was untimately organized complete; (h) special instances of violations of Wagner Act and or individual civil liberties; samplings which had drrent effect.

These investigations were timed to coincide with the organization of basic inquistries, e.g. CIU, in autos, steel, electric manufacture, aluminum, rubber, some coal, etc. This took courage and roused heaviest subterranean opposition. The Committee had two defenses. First it proceeded on a predetermined plan, independent of

ad hoc suggestions from unions or anybody. Second, 85 % of all the Committee testimony "came from the accused", i.e. from the offending industrialists, their files or agents, etc.

I had had the plan in mind for years and laid it before the new NLRB (Madden, Carmody, Smith) as they took office in Aug. 1935. They were skeptical not believing that "starting a Senate investigation was Board business." They finally said that if I thought I could do it I could try. They gave me no help, not even a secretary at first. Later they backed me strongly, especially farmody. Public record of the origin is in the preliminary Senate Committee Hearings, April I-10 1936 where I introduced the testimony and my witnesses and closed the hearings with a number of analyses and other documents. These were the hearings on which the Senate voted the investigation in June. Another record is the House investigation of NLRB, April 1940, page 498, which adds the dates of the originating memos on which NLRB acted, Sept. 12 and 20, 1935.

Another record is the NLRB field conference June 1936 at which I expelined what NLRB was to do for the Committee and argued the reasons for it, to meet NLRB legal objections. First the Senate Com. could tackle whole sale, labor spying etc interfering with the administration of the Act which NLRB could only take up piecemeal in isolated cases. Second "to establish this new great pyramid of a social law you couldnt get far by trying to stand it on its point, on narrow existent legal precedents; you had to send up to the Supreme Court test a flood of new precedents, growing out of administration and out of public consciousness of industrial conditions, and that the Senate could do far beyond the effect of limited HLRB hearings."

That part of the original plan was just what did happen. - Chairman Madden closed that conference by recounting the origins, - adding that "not the least remarkable thing of HB's work was that it was a single-handed job" - and announcing that I would be in charge of NLRB cooperation with the Senate Tormitee.

The first that Senator Lafollette knew of the plan was in the following personal informal letter from me. dated Dec. 3 1935 (not hitherto published): (he was in Wisconsin at the time):

Dear Bob:

I need a word of advice.
You were a power in passing the wagner Act. I predicted to this Board that a by-product of the Act would be increased activities on the part of undercover agencies, in the way of espionage and disruption of unions. The Board found in its very first large cases the trail of Pinkerton's, Railway Audit and Inspection, A.A. Almer, etc. In short the ancient and honorable national system of espionage and strike breaking appears now in the light of law-breakers of the Nagner Act.

As you know, we have never in twenty years had a Senatorial investigation, despite many demands, of this system. How can we get it? While not speaking officially

THE ARCHIVES OF LADOR "STORY
AND URBAN AFFAIRS
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I think that this Board will be ready before long to make a formal request for such an investigation.

My idea would be a special Senatorial Committee with powers. So far I have broached the subject to no Senator. It's again a case of going first to Bob La Follette, for advice as to how to go about it, whom beside yourself to see, how to set it up with as little noise as possible and get it through, - the objective being a complete tear-up of labor espionage, strue breakers and strike munition companies, and their hookup with highly-placed legal defenders.

Please drop me a line (to this office, marked "personal") of advice.

With all good wishes, cordially,

HB:fam

LaFollette was not enough interested to write but I saw him when Congress assembled in Jan. 1936. First I saw my old chief. Wagner, reminding him of the investigation I had urged two years before (which he had vetoed, rightly) and explaining what of it I now had in mind. He said "Good idea. Just the thing. And now as the time with at war uncture. But he refused to head it up because he was not a member of the Senate Labor Committee. We talked of LaFollette; Wagner said "Ideal. I'll talk to him. Bob needs something of this kind, to get reelected." LaFollette asked what was behind my letter, the plan, and was it "NLRB official?" He approved but said it , such a committee, would virtually be appointed by the Senate majority leader (Robinson) and he, LaFollette, was not a member of the majority party; but he would help at it. We talked of Senator Hugo Black but when I saw him he approved and would have nothing to do with it "I cant afford to have the reputation of being a perpetual investigator" though he would vote for it. I proposed to the two Bobs an old friend Senator Costigan of Colo., who agreed to give me a final answer, and tas stricken that very day with mortal illness. Back to LaFollette who at last got two senators/ to be fellow members (Elbert Thomas of Utah, who developed into one of the staunchest liberals in the senate, and Wurphy of Iowa, who was killed in an accident in midsummer of 136). LaFollette meanwhile was being urged to take up specific civil liberties cases; he "married the two" in the resolution which he wrote and introduced in March '36. When I suggested it was to sweeping, without time limit, as to arouse maximum opposition laFollette said "All I know is this is the only kind of investigation that would be worth while." Events proved I was wrong; LaFollette was dead right. He said everything would depend on the preliminary hearings, "whether you have stuff to present that will impress the senate. I have just been told by an old friend that if you say you have stuff, you do have it." (Later I learned that the old friend who spoke to me and to LaFollette at the right time was Charles W. Ervin).

Meanwhile I had completed my case (a) from NLRB files, and digging, Regional Director Clint Golden was the greatest help; and (b) direct from unions. John Lewis had said "Fine idea. Cant be done. We've demanded this of Congress for years, they wont do it. But if you want it Wen will help." Sidney Hillman of Att approved skepti-It che mine workers

amalgamated Clothing Was Pro

cally, said his union had mo data to help. Sec. Davison of Machinists said he had stuff and would give it to me. So did Pres. Howard of Typographical. John Edelman of Hosiery Jorkers went right to work on it and produced at the hearings. Fres. Green of AFL said "Come to our convention next month (Oct. 35) and push it." I did and ran into luck to support my resolutions: Ed. Levinson showed me proof sheets of his book on strikebreakers and his union pushed on that angle of the resolution which was passed. I drafted a questionnaire which Green sent out to all unions for data. (Incidentally the communist party which still opposed the Wagner Act as they had since 1934, refused to have again to downth the Sepate Committee, for reasons which they gave.)

Madden of NLKB balked at "rushing up there unless the senate would really act." I hurried to Lawollette who said "you and your Board get a hearing at IO oclock tomorrow. I hope you do have stuff. But I must tell you this, because you are an old personal friend and I dont want you personally disappointed. We cant get this resolution through this year. We can only lay a foundation for possibilities next year." I was so stummed I sat a long time on the curb near the Senate Office Bldg, until people got to looking at me; and I decided LaFollette was wrong; by the coldest analysis I could make the time was ripe. I told Madden the opportunity was now; but I did decided to throw all my best witnesses right at the Committee from the start. In a few days, the ress front-paging the testimony where even senators could read it, Wagner said "Bob's got it, now." After 8 days of it LaFollette prosed "wind up your testimony and we'll print the record and make a report." Yet it took the very last day of "unanimous consent" in the semate session to get it voted, with an appropriation of only JI5,000, enough to kill it; except for the resolution's provision authorizing the Committee to borrow investigating personnel from government agencies!

Under the Committee's very able paid secretary, Robt. Wohlforth I as NLRB liaison managed the borrowing of more than 30 NLRB personnel to be the core of the Committee's investigators, NLRB paying their salaries and expenses, \$150,000. within the first two years. As Committee planner I drew the preliminary plans in 26 of the Committee's 27 investigations in 4 years. Daily control of the investigations and all questioning at hearings were in the hands of Senators LaFollette and Thomas. No congressional investigation was ever so scrupulously and tightly controlled by the chairman as was mittees ever rivalled. No witness but had his free untrammeled "day out of that day, if possible, rather than to claim more "day." The hearings, known country-wide, helped work a new day in the American social organization.

covert. The courage of LaFollette and Thomas was put to more severe with LaFollette (basic though that has to be) but twice he raised the wind-up of the work: "there's no blinking the fact that the opposition

is piling up so that if I am to remain as a senator we have got to get ready to call it a day." I ventured to point the immense popularity he was achieving but he said "the votes you are referring to are not in Wisconsin." In 1939 after the disheartening opposition to his proposed legislation he said "My friends have word of a \$1,000,000. slush fund to defeat me, widespread contributions, and I have not 2 thin dimes." When in 1940 a \$10,000 majority in the Milwaukee district reelected him he and I danced a jig in his office: he said "For the first time in my experience I had the Wisconsin solid labor vote." I said "Then the investigation did it," to which he agreed. But it was not a wide margin.

5

CONCLUSIONS: Two things stand out in this history. (To interpret this frank account as an "I-story" would be to miss the point). First the importance of a tiny minority. Second their utter unimportance unless the climate of the country - public opinion - is with them. The minority, with sound plans, rightly timed, can use what powers they have to get much for the majority whose political powers are unorganized.

The Senate Committee was in the proved minority tradition, exemplified by Senator Rbt. M. LaFollette, SR., Senators Wrris, Black, Tom Walsh and Wheeler of Montana, etc - the lone tribune of the people who uses his office to the full for the common good. It was what Wagner encountered 1933-35 in getting his Act passed; he noted "there are hardly six senators who will rise on the floor and fight at my side, but there are only IO or I2 who will speak against it." (At the end only I? voted against.) The senate majority had no use for the LaFollette Committee but opposition was confined to cutting appropriations for it to ribbons. Outside opposition to the Committee climared in Feb. 1937 during the critical negotiations to settle the auto sit-down strikes. Day after day the Committee revelations of the practises of General Notors - such as that their milli n dollar espionage included spying on the Asat. Sec. of Labor McGrady - reverberated in the strike settlement battles. Suddenly LaFollette called off the hearings having been told he was interfering with the negotiations in Detroit. I got him to phone Gov. Murphy (mily conducting those gegotiations who said "your hearings are the greatest possible help, go right ahead." In a few days General Motors recognized the union and settled. In a fortnight the Committee announced its plans to hold hearings on U.S. Steel. Right on that date U.S. Steel recognized the union and signed up.

All-important was that the cimate of the country approved the Committee's work step by step. The Supreme Court felt it: six weeks after the steel settlement the Court validated the Wagner Act, 5 to 1 The climate created by "Rocsevelt reform," by the Wagner Act, by the Civil Liberties Committee and most solidly by the abounding spread of unionization - these combined to work perhaps the most basic change in the American social structure in this century.

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POSTSCRIPT TO MEMO. ON ORIGIN OF SENATE CIVIL LIBERTIES INVESTIGATION, 1935-40

The preceding account outlined the main line of the Senate investigation as an outgrowth of the Wagner Act (NLRB) and traces its effects, through the exposure of industrialists methods, upon the collective bargaining settlements in autos and steel, and some coal (Harlan Co. and the steel captive mines) and upon the Supreme Court validation of the Wagner Act, Apr 12, 1937. In short its contributory effects, along with the other named factors, upon the spread of unionism from 3,000,000 membership in '35 to over I2,000,000 at the outbreak of the war in 'LI.

The Senate investigation main objective was the industrialists' "under-cover" system for combatting and controlling labor - its secret organized spying on labor, its professional strikebreaking and privately paid "police" forces, its control over sheriff and public police bodies, its hidden propaganda machinery for using "citizen committees" and public opinion. Mention has been made of the earlier Interchurch Steel Strike investigation, 1919-23, which I directed, and whose findings I of course used in initiating the Senate investigation. Particularly the Interchrch Reports chapters' on steel espionage, the first detailed study ever made, were serviceable in 1935.

I had a still earlier source of information (which I have never hitherto published though I have told some people of it). It came through my service as a U.S. Army captain with the General Staff 1918-1919.

When the Senate Committee began to prove that labor spying etc was a nationwide ingrained practise of industry some of my colleagues used to ask "Blank, was this a lucky guess? Even with your Interchurch stuff how did you suspect this was such a tremendous system? 2 I did not then tell them nor did I tell the Senators that it was no guess.

James asked to take a commission with the General Report of the control of the co and commanded that operation. (I was supposed to be some Sort of European political expert"; I knew enough of what I wanted that I who in early 1918 spotted Prof. Masaryk when he reached here from in Prague Pres. Mesaryk gave, one of his books naming Capt. HB as one of his helpers.)

> My mission dealt entirely with Europe but as a fledgling officer I ran into something clse: the Army's Military Intelligence brach dealing with labor. That was something discussed in

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general Staff Conferences and I found myself getting a squint at something that I viewed with sock and disguat. Incredulously I made it more than a squint. The background was that the Army consilered labor unions as a hostile element that had to be "watched." The means was a system of "investigation reports" of which I examiined whole files. I was as bed to because I at once openly questioned the reliability of the reports; I pointed things that I said I knew were not so - that such and such strifes were not "bolshevik" and such and such unions were not "subversive." The Counterintelligence officers thought I was noive and explained their files at lagth. Largely they were "D.of J. investigation reports" (F.B.I.) and I was told that these reports in turn were largely from "the under-cover reports of the creat corporations." These experienced officers said "all these great companies have systems of keeping track of their labor forces" and that the Army Intelligence and the Dept. of Justice had always worked with these systems. The report skets were never signed but I could trace different systems. They were typed on different colored sheets, - light and dark yellow, light and dark blue, greenish, pinkish, greys, etc. - from Pennsylvania Rly, other railways, steel companies, coal, - some I was told were Pinkerton. (Later I regretted that I never made a list or any notes). A striking thing was the way the same misinformations were passed back and forth among them - it was a more or less integrated practise. Equally striking was the reports: ignorance and their patent fabrications. It was shown that named union members were being arrested on these reports, for deportation, etc.

It dawned on me that I a lone young officer was up against an entrenched system and could do nothing about it. Even if I tried to get to the Secretary of War (Baker) about it, probably he already knew of it, and approved. After some weeks I refused to sit in conference with Counter-Intelligence, on the ground I was too busy with my own work (which was overwhelmingly the case.) Before long I was sent to France and served afterwards, IOIO, with the reace Conference in Paris.

But I remembered that nefarious under-cover system, and knew that it was nationwade, and I swore to myself if I ever got a chance I'd hit that as hard as I cald. I got one chance with the Interchurch investigation, the second with the Senate Committe e. Today the main body of that business is pretty well destroyed.

In Europe in the I920's and early '30's I saw how spying on labor and private armies secretly financed by industrialists were essential implements of fascism. I saw it in Italy and Germany at the very time Mussolini was honoring great American industrialists and they him; as did Hitler later. It made in Washington in the '30's for me an added reason for striking from our industrialists' hands such weapons, seeing how many quasi-fascists were beginning to show their hand in the capital-labor conflicts of the '30's. The Senate Civil Libertics Committee was steered in the direction of a job that needed doing. Public opinion despite all the hurrah against "red sit-down strikes", the "communistic CIO", etc. saw the larger issues and supported the Committee. Hy part in the long-drawm out work was simply that of the experienced researcher (who found a more favorable climate in Roosevelt's days than exists in 1952.)