

# U.S. Board Over-Rules Bridges Ouster Order

CIO News 1/12/41

WASHINGTON, Jan. 10—A second finis—and probably the last—has been written to the Bridges case with the report by the Appeals Board of the U. S. Department of Justice unanimously cancelling the deportation warrant and closing the proceedings. The report now goes to Attorney General Francis T. Biddle for final action, with no bets offered that it will be reversed.

The report, issued in a 99-page document six months after hearings concluded in San Francisco before Judge Charles B. Sears, goes into the record in an exhaustive fashion and disposes of all evidence on which Sears relied for his unfavorable verdict.

Findings of the Appeals Board, headed by J. A. Fanelli of the department, were seen as a crushing answer not only to anti-union forces seeking Bridges' deportation but also to San Francisco waterfront employers who recently threatened to "get" Bridges if the Longshoremen's and Warehousemen's Union did not stop pressing its plan for increased production on the waterfront to meet war needs.

"We are deeply gratified by the decision of the Board of Appeals," officials of the Bridges Defense Committee said. "The ruling, which comes after a most careful review of the case, is a victory for the millions of persons who have staunchly supported Bridges and have contributed financially and morally in this great cause . . ."

"Mr. Bridges will most certainly press his union's plan for increasing America's war production in the longshore industry through full utilization of dock facilities, the introduction of labor saving equipment and the most economical methods of cargo handlings. The union's determination to obtain this increased production only several days ago resulted in certain Pacific coast shipowners again threatening to 'get' Bridges. These shipowners were given their answer today by the Board."

## THE FINDINGS

Written in a style reminiscent of the analysis presented by Dean James M. Landis in the first hearings, where Bridges was found not deportable for the first time, the report is in effect a stinging rebuke to Judge Sears for his reliance on two unreliable and prejudiced witnesses, for his obvious attempt to convict rather than sift evidence, and for the general tone of lying and labor-baiting shown in prosecution testimony.

For example, take James D. O'Neil, one of the main props on which Sears relied for his verdict. To begin with, O'Neil contradicted himself freely on the stand. He swore that a statement allegedly made to the FBI had not been made at all. In that statement itself he made contradictions, saying at one time he "knew" Bridges was an admitted Communist, at another time declaring that this was not true. This is what the Appeals Board says of him:

## 'TANTALIZING'

"James D. O'Neil, produced by the Service (i.e., by the FBI) was a most tantalizing witness. Speculation as to the ultimate motives for his testimony may fill many fascinating tomorrows. But on the record before us, decision on his testimony both on and off the stand is relatively simple. His testimony off the stand is not to be heard, and when his testimony on and off the stand is heard it cannot be believed."

And again "O'Neil lied under oath in this proceeding when he denied making the statements. His unsworn prior statements show him therein the bragging sensationalist with little regard for precision in truth."

Harry Lundeberg, leader of the AFL's paper Int'l Seafarer's Union, and the second principal witness on whom Sears relied, comes in for equally incisive comment from the Board. Lundeberg, it will be recalled, was described by Sears as admittedly prejudiced against Bridges, though his testimony on Bridges' affiliation to the Communist Party was blandly accepted by the elderly judge as gospel truth.

This is what the Board says about him:

"The Presiding Inspector (Sears) notes that Lundeberg gave his testimony 'in a natural, rugged, hard-bitten fashion.' These are adjectives of varying content and connotation. It may

well be. On the record here, Lundeberg impresses neither in truthfulness nor in forthrightness."

And again, in examining the three separate (and increasing) versions of Lundeberg's story of Bridges' invitation to him to join the Party: "It is at least as likely an hypothesis that he is at first hesitated to commit perjury, but having once decided to do so, he assumed a strong offensive in uneasiness."

#### PAPER'S CONNECTIONS

A considerable part of the Board's report is devoted to examining the question of the "Waterfront Worker," and whether or not Bridges was an editor while the paper was published by the Marine Workers Industrial Union. The report describes certain minor errors in Bridges' testimony on a long and involved matter of dates and other minute details:

"To label devious the testimony on such matters simply because, when elicited piecemeal more than five years after the event and over the course of two hearings, it does not present a tightly articulated and smoothly rationalized story, would be little short of gratuitous

"The Allen's testimony is not that of a witness who is straining to justify himself by dovetailing every detail of carefully planned or coached testimony . . . Minor deviations in this setting are evidence of uncoached and forthright honesty."

#### AFFILIATION

The same section on affiliation disposes of the prosecution's charge that cooperation by Bridges with the MWIU and other organizations was evidence of affiliation by saying:

"The ILA, the longshoremen's union of which Bridges was an influential member, was a legitimate union with legitimate grievances. The strike (in 1934) was legitimately directed at removing the grievances. It did. That much is unquestioned.

"It is urged, however, that mutual assistance between the ILA and the MWIU during the strike shows Bridges' affiliation to the MWIU. We think not."

Concluding on affiliation, one of the three main props on which Sears leaned for his deportation verdict, the Board sums up:

"We have reviewed the evidence as bits making up an attempted complete mosaic, yet evaluating each particle so that its true worth might stand out in the whole with chiselled clarity. The picture fails to materialize. We can find on this record only that affiliation is not established."