
"In the matter of
HARRY R. BRIDGES"

NATIONAL FEDERATION
FOR
CONSTITUTIONAL LIBERTIES
1410 H ST., N. W. ROOM 100-2
NA. 7721 WASHINGTON, D. C.

1939

and

1941

A CASE AGAINST LABOR

"Conclusion: The evidence therefore establishes neither that Harry R. Bridges is a member of nor affiliated with the Communist Party of the United States of America."
—Findings and Conclusions of Dean James M. Landis, Government Trial Examiner, December 28, 1939.

To Whom It May Concern:

The Citizens Committee for Harry Bridges is herewith presenting a digest of briefs recently submitted to the Hon. Charles B. Sears, Presiding Inspector, "In the Matter of Harry R. Bridges--Case No. 55973/217."

On the basis of this study of material contained in the briefs we urge that you again write to the Attorney General of the United States and protest the deportation of Harry Bridges. Judge Sears' report to the Attorney General may be made any day now. It is therefore advisable that you write the Department of Justice IMMEDIATELY.

It will aid the defense of Mr. Bridges even more if you will send a copy of your letter to the Attorney General to this office and indicate whether we may publicize it.

Citizens Committee for
Harry Bridges
1265 Broadway, New York
Murray Hill 4-2009

Aug. 28, 1941

On February 12, 1941, a little more than one year after Harry R. Bridges had been exonerated of charges brought against him by immigration officials, the Department of Justice again instituted deportation proceedings against Bridges.

While the new hearings were in progress, these officials learned that Richard Frankenstein, a high official of the C.I.O. and the United Automobile Workers, who has publicly declared his opposition to Communism, was on the West Coast. Apparently hoping that Mr. Frankenstein might be led to make an attack on Bridges, prosecutors subpoenaed Mr. Frankenstein to be their witness. Placed on the witness stand, Mr. Frankenstein took the first opportunity to state his opinion:

"After one exhaustive trial in which Mr. Bridges was completely cleared of the charges against him, there is a hollow mockery in this hearing and a double jeopardy which cannot but prejudice American workmen against their government. They resent obvious unfairness and discriminatory practice whether it is practiced by the manufacturers for whom they work, or the government which they respect.

"Attacks such as this one, aimed at a militant leader of labor who has made outstanding gains for the members of his union, and who has genuinely represented the interests of the American workers, exhaust the patience of citizens and causes them to seriously question the purpose of legitimate functions of government which may be exercised in the future."* (BO, p. 123.)

* Index to Abbreviations:
BO—Bridges' Opening Brief
BR—Bridges' Reply Brief
GO—Government Opening Brief
GR—Government Reply Brief

Department of Justice officials failed to mention this testimony of Mr. Frankenstein in the two long and copious briefs which they submitted.

But there is no doubt that Mr. Frankenstein's comment expressed the position of the C.I.O. President Philip Murray of the C.I.O. prior to the hearing declared:

"The International Longshoremen's & Warehousemen's Union is one of the labor unions affiliated with the Congress of Industrial Organizations which has had a long and terrific struggle to achieve economic security for its members. It has had to meet many adversities and overcome severe opposition from those who at first refused to recognize collective bargaining as an institution most consistent with industrial democracy. Harry Bridges has been designated during the past five years by the 25,000 members of this union as their chosen representative to further their interests as members of a bona fide labor union.

"Unfortunately there are individuals and groups in our nation who have been and who are continuing to be primarily intent upon destroying labor organizations. . . . One of the most frequent attacks practiced by these enemies of labor is the one directed against the leaders of labor organizations.

". . . It would seem to be clear that the present proceedings against Harry Bridges resulted merely because of an attempted appeasement of the attacks which have come from anti-labor sources and are primarily intent upon destroying the International Longshoremen's & Warehousemen's Union and are thereby undermining organized labor as a whole."

President Murray concluded:

"The issues involved in the continued attack run beyond questions affecting Harry Bridges. If proceedings of this description are to be continued, then it is easy to understand how attacks of this kind can follow through and can be openly directed against organized labor. It is my considered judgment that our affiliated unions and members should lend every practical support in defending Bridges in this case." (Letter of President Murray to all officers and unions of the C.I.O., March 15, 1941.)

And the protest resolutions of numerous A. F. of L. unions against this second trial of a labor leader once exonerated show that the labor movement is not divided on this issue.

There is too much evidence before the labor unions, which have followed the case with sharp apprehension, to believe that responsible Department of Justice officials are

acting impartially and with justice as their objective. Their actions have not been those of government officials seeking to deport a man named Harry Bridges if he is guilty and to shield him if he is innocent. Instead, their actions constitute convincing proof that they are using their official positions and power to further the attacks against the militantly honest West Coast C.I.O., of which Harry Bridges is a symbol.

First and foremost, these government officials disregarded the fact that Harry Bridges' innocence was established in the first proceeding which began at Angel Island on July 10, 1939. These officials had then presented their charges against Bridges fully. For eleven weeks the hearings went on, the testimony taken filling 7,724 pages.

The presiding officer who conducted those hearings and made the findings for the government was the most distinguished man ever to sit in judgment in such a proceeding. He was James M. Landis, Dean of the School of Law of Harvard University, a position held by him after resigning the chairmanship of the Securities and Exchange Commission to which he had been appointed by President Roosevelt in 1934. He was chosen by the government itself to hear the deportation proceeding against Bridges.

The government thoroughly presented its case, going back into Bridges' life, his membership in various labor organizations, his leadership and activity in the West Coast labor movement, into his friends and associates, and even into the books he read.

After Bridges denied the charges against him, with the aid of documents and witnesses, Dean Landis studied the evidence. On December 28, 1939, Dean Landis issued his findings in the form of a 134-page report which exhaustively analyzed the case. The report was careful, cold and judicial in tone; it was sup-

ported with hundreds of extracts from the testimony of the witnesses themselves. No statement was considered too incredible to be eliminated without being weighed; no statement was considered too probable to escape check. Where there were conflicting stories, Dean Landis indicated which witness he believed and what the reasons for his choice were.

Dean Landis' conclusion seemed to close the government's case against Bridges and hence it is understandable that the significance of other findings of his which appeared to be incidental were overlooked. Yet these other findings of Dean Landis were fully as important as his conclusion that Bridges was neither a Communist nor affiliated with the Communists.

These other findings of Dean Landis are important because they constitute a second proof that the officials seeking to deport Harry Bridges are not concerned with the issue of his guilt or innocence. These other findings of the government's own presiding officer dealt with the character of the government's case and the quality of the witnesses who were used against Bridges.

Only a reading of the entire official report can reveal how fully the government based its charges and built its case on prevaricators and liars. Only a reading of the report can give the full picture of the government witnesses—a parade of criminals and labor spies, of perjurers and mentally unbalanced persons.

In the face then of Dean Landis' official report and Bridges' established innocence, Department of Justice officials ordered Bridges to stand trial again, hardly more than a year after his official exoneration.

This action was repugnant to the American notion of justice, embodied in our Constitution, that a man found innocent cannot be brought to trial again for the same charge.

The ostensible reason which these officials gave for their action was that the law governing deportation had been changed and so, in effect, they were free to have another try at Bridges. Congress, because of a Supreme Court decision in a case involving another person, changed the deportation law to permit deporting a man who might once have been a Communist even if he had in all good faith abandoned his activities and changed his views. Hence these officials claimed they might now retry Bridges under the new law.

But the new law could hardly have been the reason for ordering another trial. A little reflection will show that the question raised by the new law was covered in the first trial against Bridges. For example, to prove that a man is today a member of the Masons, one might proceed by proving that he was at a Masonic gathering a week before and that he had joined the Masons a year ago. This would, of course, tend to prove that the man was a Mason today. This was precisely the method the government used against Bridges in the first deportation proceeding. The record of the hearings shows that the government spent a great deal of time investigating Bridges' opinions and actions not only during a short period before the trial, but during the entire time he lived in this country.

So although, as these officials state, Dean Landis could not have ordered Bridges deported for having once been a Communist, nevertheless that was precisely what the government sought to prove in the first trial for that would have tended to show Bridges was still a Communist at the time of the trial.

More than that. Not only did the government go fully into Bridges' entire past, but Dean Landis carefully considered his past. As his report shows, in none of Bridges' past did Dean Landis find any proof that Bridges was a Communist or affiliated with the Communists.

LIARS, CRIMINALS, SPIES: 1939, 1941

"There is abundant evidence to indicate that the work of Knowles' committee came perilously close to that of those organizations whose sole effort is to combat militant unionism. . . . He was neither a candid nor a forthright witness. . . . Knowles lapsed into his customary aphasia. . . ." (pp. 51-52.)

". . . candor and a modicum of coherence can rightly be expected to attend the witness' own testimony. These were absent with regard to Leech." (p.75.)

"He protested somewhat too much that his interest was still that of bringing about labor unity and peace on the water front for his own litigious tactics can hardly be said to comport with that desire. Finally, Sapiro's testimony possesses elements of inherent improbability . . . something more than the word of a disbarred and repudiated attorney seems required to carry such a burden of proof." (pp. 86-87.)

". . . a definite bias against labor-union activity . . . that makes his work . . . smack of mere labor espionage. His spectrum provides no measurement for distinguishing labor-union activity from communism. . . . Milner can best be dismissed as a self-confessed liar. . . ." (p. 19.)

". . . Humphreys, whose tendency toward prevarication was almost pathological. . . ." (p. 110.)—Dean Landis, describing various government witnesses in his report on the 1939 hearing.

The testimony which the government officials assembled for the first proceedings against Bridges was described in part by the government's own trial examiner as a "morass of

prevarication." The same characterization may well be applied to the testimony in the present proceedings. It must be remembered that the witness at the first trial was apparently the "cream of the crop" which the government officials gathered. But so thoroughly did this lot discredit themselves, so fully did Dean Landis record their contradictions of themselves and each other, that the government decided not to use them again for the second trial. The new witnesses assembled for the second trial apparently were a second-string team.

"Out of the tens of thousands of persons in all walks of life with whom Bridges has dealt," summarize Bridges' attorneys in their briefs, "the Government was able only to assemble a group of witnesses consisting of men who have committed manslaughter, theft, and labor espionage—who are bitter in their hatred of Bridges, the C.I.O., and unions generally—who have taken bribes, advocated membership in the German-American Bund, been expelled by their unions—mental defectives and rejects from the 1939 investigation against Bridges." (BO, p. 180)

Not a few of the Department of Justice witnesses have led lives which included episodes casting the gravest doubts on their fitness to testify. Here is the roll: Nathaniel Honig "was shown to be a shoplifter with a reputation for truth and veracity which is bad." (BO, p. 132) Robert Wilmot's "record, in fact, shows he was dismissed [from the WPA] for 'drunkenness during project working hours.'" (BO, p. 147) There was John Oliver Thompson, who "pleaded guilty to the crime of manslaughter in New York City in December, 1939, receiving a sentence of two to five years." (BO, p. 158) The Department of Justice politely alluded to his crime as "resulting in the death of his wife." (GO, p. 100) Richard Lovelace, whose statement was placed in the record, was described by his doctor in these

terms: "Showed apparent signs of approaching paranoia . . . not normal . . . an habitual drunkard . . . sent threatening extortion letters to a former sweetheart . . . was 'asked out' of social functions for being drunk and indecent. . . ." (BO, p. 143)

There was also Sam Diner, who was "removed from his union position as business representative . . ." and "admitted receiving \$50 from an employer, for which he was tried for bribery." (BO, pp. 72-73) Furthermore, "it appeared that Diner treated with at least one shop in a dual capacity; *i.e.*, while dealing with it as union business agent, he also purchased from it goods for the San Rafael store operated by his wife. His wife's store sold non-union goods." (BO, p. 75) "He was tried and convicted for a violation of Section 701 of the California Penal Code (threats to do bodily harm) and was placed under bond to keep the peace." (BO, pp. 75-76)

William C. McCuistion, a paid frequenter of witness stands, went to Spain to fight, but "at the first opportunity to desert, he abandoned the Loyalists. . . . In 1939, McCuistion appeared as a witness before the . . . Dies Committee. . . . Among his employers have been Dr. J. B. Mathews and Mr. Stribling, research director and secretary respectively of the Dies Committee. McCuistion has been arrested on some eight occasions. In 1930 he was charged with burglary and assault. He is not certain whether he was convicted of simple assault or aggravated assault, but admits he was guilty of the latter. While testifying for the Dies Committee he was arrested on a warrant charging him with murder. In January of this year [1941] he was tried and acquitted, but did not take the witness stand in his own defense. His other arrests were for a variety of misdemeanors, most of them involving drunkenness. He was again convicted of assault in 1934." (BO, pp. 78-80)

Prosecutors, however, describe their witness

in their reply brief with a burst of pride in his erstwhile militancy: "McCuistion was a bold, blatant eagle in the trade unions, shouting his militancy and Communist affiliations to the world." (GR, p. 39)

There was also Peter J. Innes, who in 1939 "was suspended for ninety-nine years from the National Maritime Union for mishandling union funds. . . . A trunk in which confidential union records were kept was stolen from Curran's apartment in 1938. These records were later introduced before the Dies Committee. . . . By Innes' own admission, those records were 'purged' from Curran's apartment." (BO, pp. 100-101)

Another man brought forward by the Department of Justice to testify against Bridges was Ezra Chase, who, like the others, had rehearsed his venom before the Dies Committee in 1939. Chase, "while still a union member . . . applied for a job as a labor spy. . . . Chase wrote on the application his special qualifications: 'Know trade unions and how to deal with them.' . . . Chase's treachery to his union was without limits. He was willing, he admitted, to use all his energy to break that union in a strike. . . . Chase was compelled to admit having furnished many reports to Captain Hynes of the strike detail of the Los Angeles Police Department. He made one or two dozen written reports and thirty or forty oral reports. . . . Chase, with the guidance of Hynes, had embarked on a project of disrupting and ultimately destroying his own union. This plan included giving Hynes advance information of strikes and picketing, so that the employers who were involved could be notified." (BO, pp. 170-172) Chase "must have been known by the government to have advocated membership in the German-American Bund." (BO, p. 211)

Of Captain Hynes (who was not called by the government) it may be enough to say that he was the FBI liaison man in Los Angeles,

according to the LaFollette hearings; that he was implicated in the 1939 investigation against Bridges, and that "the LaFollette reports prove, that Hynes has personally directed the activities of spies in order to carry out as well-organized and cold-blooded a program to destroy labor unions as was ever conceived." (BO, p. 173)

Other Department of Justice witnesses were birds who have received pay for befouling their own nests, like Dies Committee tattler Benjamin Gitlow, and Howard Rushmore, who became an expert on "reds," on the payroll of the Hearst press. They possess records too well known to require further identification.

METHODS "DEVIIOUS AND UNUSUAL"

"... witnesses whose eventual willingness to testify is brought about by men accustomed to employ methods of a disreputable nature..." (p. 75.)

"Furthermore, the very method of approaching Earl King through his brother, who could hardly be presumed to have knowledge as to the truth of the matters upon which Earl King's testimony was being sought, is devious and unusual. The incident, besides not being very creditable to the Government, affords some basis for not completely disbelieving the assertion that Doyle, whose very integrity was put in issue, could have transcended the bounds of propriety which seem not too clearly to have been envisaged by one Government official." (pp. 73-74.)

"He is a trained police officer with years of service. Yet he swears falsely... The picture that Keegan draws of himself is not one of a chief of detectives confident of the integrity of his office and the trustworthiness of his men and their tactics." (pp. 69-70.)—Dean Landis, on government witnesses.

The extraordinary testimony of these extraordinary people would seem to be worthy only of rejection under any circumstance. But there can be no doubt that many of these government witnesses were subject, by reason of their past records, to compulsion, intimidation and coercion by government officials. Under such circumstances their testimony is not merely unworthy of belief; their testimony casts grave suspicion upon the Department of Justice officials who assembled it. The witnesses were subject to such pressure and control by the authorities that it seems probable that they would have sworn to whatever the government officials chose to ask.

Few, if any, of them were free from the fetters of obligation or the restrictions of authority. Some spoke with the hands of the law poised over their shoulders. Thompson the wife slayer "was on parole at the time of his testimony" (BO, p. 159), under the supervision of persons who could recommend his return to detention in prison.

Of James D. O'Neil, the Department of Justice lawyers said: "After arrest and citation [for contempt], he appeared and testified in these proceedings." (GO, p. 284) He testified himself: ". . . They wanted to pass the sentence on Tuesday. I think Mr. Lucking [U. S. Attorney] made the suggestion that it come up on Wednesday morning instead, pending my appearance on the stand and my attitude at that time." (Record, p. 2375)

Not only was O'Neil told by government officials that his sentence for contempt would depend "on his attitude" as a witness against Bridges. The government had another string on O'Neil. Major Schofield, one of the Department of Justice men in charge of the case against Bridges, admitted on the witness stand that he had told O'Neil, in order to persuade O'Neil to testify: "I don't believe that any employer would fire any man who came into court in response to a subpoena and testified to the truth." (Record, p. 4839)

The government officials themselves stated in their brief: ". . . The statement of Lemuel B. Schofield to him as to the matter of his not losing his position at Marysville if he testified, was construed by him as possibly coercion." (GO, p. 290)

Testimony from the court record shows O'Neil being asked by Prosecutor Del Guercio, and answering:

Q. Is it your testimony that you were coerced and threatened by FBI agents?

A. I regard it more or less of an intimidation to say, 'Your job is all right provided you turn out to do the thing we want you to.' . . .

On cross-examination he was asked by Defense Attorney Gladstein, and replied:

Q. Tell us about how your job was lost?

A. I was informed by phone, the day after I failed to appear, by the manager of the station, that he was sending my check down and didn't care to have in their employ a man who had been associated with Bridges.

Maurice J. Cannalonga, so defense witness Rosco Craycraft testified, told the latter "that the testimony Cannalonga had given in the case, and the statements he had given to the FBI were untrue; that he was forced to testify falsely through intimidation by the FBI; that the FBI was holding a twenty-year Mann Act charge over his head; . . ." (BO, p. 25)

Bridges' attorneys conclude, in their brief: "The necessary conclusion is, not only that Cannalonga's testimony against Bridges is completely untrustworthy, but also that the Government's case is tainted by the inference that improper inducements were used by the FBI to obtain that testimony." (BO, p. 70)

Shortly before Nathaniel Honig became a witness against Bridges, he took "without paying for them" at least two books belonging to the store of Frederick and Nelson in Seattle. (BO, p. 130) He was brought to the Police Station and, after he was permitted to pay for the books, was not charged or arrested. At the time of his appearance, Honig, therefore, was not free from the danger that a charge might be pressed against him by police authority.

McCustion's testimony was offered a few short months after his trial for murder and subsequent to a long record of experiences with the police and relationships with government agencies. Sam Diner had what the Department of Justice lawyers euphemistically termed a "record of arrests." (GO, p. 107)

Some witnesses for the Department of Justice had associations or obligations. Dawn

Lovelace "admitted her present and past friendship with Keegan, Browne, and Milner." (BO, p. 144) This trio had been involved in the 1939 hearing against Bridges. Dean Landis said of Keegan, Chief of Detectives in Portland, that his "testimony is far from reliable" and his "respect for an oath negligible," and that he was "one of the prime movers in the effort to bring about the deportation of Bridges." (pp. 56, 59) Dean Landis said of Laurence A. Milner, an undercover investigator, that "he played an active role as an *agent provocateur* of mob violence," (p. 12) and that he was "a man who has no regard for an oath." (p. 17) Readers of the Landis report will remember his discussion of the evidence that Lieutenant Browne, Keegan's subordinate, had offered a witness a sum of money to give testimony against Bridges.

How Richard St. Clair, a witness in the latest trial, came to testify against Bridges may be stated in the words of the government's own brief: "The defense also called George A. Graham, a representative of the Orange County branch of an organization known as the Associated Farmers, to bring out that Graham at one time assisted St. Clair in securing a job as a farm laborer and also went to the farm where he had located the job for St. Clair to bring him to Santa Ana, California, where certain representatives of the Immigration and Naturalization Service [the division of the Department of Justice which presented the case against Bridges] were located who desired to interview him." (GO, p. 127) The well-known anti-labor record of the Associated Farmers and its interest in securing the deportation of Harry Bridges make comment on this witness superfluous.

Other witnesses had jobs to retain—among them FBI employees.

Still others who spoke against Bridges did so after a history of having been involved with

him in a series of disputes about trade union affairs. Typical of these was Harry Lundeberg, secretary-treasurer of the Sailors' Union of the Pacific. Lundeberg's antagonism and animosity was manifest throughout his testimony. It may be illustrated by the words of Department of Justice lawyers when they wrote of the "difference of opinion [between Bridges and Lundeberg] on numerous questions of policy that arose in labor disputes" (GO, p. 79). Lundeberg himself showed his feeling against Bridges by declaring at the hearing "that Bridges had been a 'scab.'" (GO, p. 79) Lundeberg stated: "I say the trade union movement would be better off without him.'" (GB, p. 57)

Another government witness, Thomas Laurence, who "admitted serious opposition to all the policies that he identified with Bridges ever since the formation of the Los Angeles C.I.O. council," (BO, p. 137) according to sworn testimony often used such language as: "I hate that Bridges! That son of a bitch! I would do anything in the world to 'get' him! I would even lie to hang him!" (BO, p. 138)

"REQUISITES OF FAIRNESS"

"It seems wiser to stand firm upon ordinary considerations of fairness, and to hold that the prosecution is not entitled at the trial to withhold from the inspection of the accused and the jury any documents or chattels relevant to the case."—Dean Wigmore, *standard authority on the law of evidence.*

"Proceedings in deportation cases must comport with those fundamental requisites of fairness, of due process of law, that attach to judicial and administrative procedure alike (Cf. Chin Yow v. United States, 208 U. S. 8)." (Dean Landis, pp. 135-6.)

The use of these unsavory witnesses, and the methods by which the FBI and the Department of Justice representatives obtained their testimony, are proof that these officials were not deaf to the cry of anti-union employers on the West Coast: "Get Bridges at any cost! Smash the unions!"

But the lengths to which these officials went can best be understood by this fact: these Department of Justice officials had—and still have—in their possession documents tending to establish Bridges' innocence, which they refused to produce at the hearing.

Is it not their duty, as officials of our government, as men bound impartially to do justice, to have turned this evidence over at once to Bridges' attorneys or to the Presiding Inspector (who serves as judge in deportation proceedings)? Is it not their duty to deport only the guilty and protect the innocent? Yet the Department of Justice representatives suppressed documentary evidence which might have served to further establish Bridges' innocence.

Here is a typical example of this conduct by these government officials. One of the chief

government witnesses who swore that he knew Bridges to be a Communist was named Ezra Chase. Chase was a self-admitted labor spy (BO, p. 171); his strike-breaking and union-busting record has already been described. Now long before Chase appeared on the witness stand against Bridges he went over his story with the FBI and immigration officials. Various times he put his story in writing and signed his statements. (BO, p. 175)

But on the witness stand, Chase admitted that he could not say that the story he was then telling was the same as the stories he had told in writing to these government officials. (BO, p. 175) Bridges' lawyers thereupon asked the government officials to produce Chase's earlier written statements. They did this because they were certain that Chase was not telling the truth and that they could best prove this out of his own mouth.

What did the Department of Justice representatives do in response to the request that they produce these documents? They admitted possessing the documents but refused to let Bridges or his attorneys see them.

This was not an isolated example of such conduct. Bridges' attorneys asked to see all the written statements which the FBI had obtained in private questioning of witnesses. The FBI and government officials had questioned their witnesses time and again before putting them on the stand and in at least one case had obtained three different written statements from a witness. (BO, p. 19)

Bridges' attorneys made a perfectly fair request in asking for these various statements, which could only serve to bring out the truth, no matter whom it would hurt or help. To refuse to supply these documents would be to hide the truth and to deny justice.

What did the Department of Justice do in fact when this request was made? Here is the testimony of Major Lemuel B. Schofield, one

of the government officials in charge of the case, as he told it to a subcommittee of the United States Senate (BO, pp. 204-5.)

“. . . the Attorney General left it [*i.e.*, the granting of Bridges' attorneys' request to see the documents in the government's possession] to the discretion of the hearing inspector—that is, our officer who was prosecuting the case—and myself, and we promptly refused the request.”

The inescapable conclusion is that the Department of Justice representatives suppressed evidence which tends to substantiate the defense and further establish Bridges' innocence of the charges they have brought for the second time.

THE REAL ISSUE APPEARS

“Bridges' own statement of his political beliefs and disbeliefs is important. It was given not only without reserve but vigorously as dogma and faiths of which the man was proud and which represented in his mind the aims of his existence. It was a fighting apologia that refused to temper itself to the winds of caution.”—Dean Landis, p. 133.

Why this effort on the part of these Department of Justice subordinates to deport Bridges at any cost? It will be helpful to examine the revealing words of the government prosecutors. The following quotations are taken from the briefs submitted by these prosecuting officials and signed by them. Here is the written language they used in describing Bridges:

“Bridges has been shown to be a labor spy. . . .” (GO, p. 327)

“. . . his [Bridges'] record is repugnant to men with a consistent record of loyalty to unions. . . .” (GR, p. 39)

“Bridges was and is a serpent, slithering into the trade union movement from a dark, unwholesome den. . . .” (GR, p. 39)

Now it is completely clear that none of these attacks on Bridges personally had anything to do with the deportation charges the officials had brought against Bridges. There could be no issue whether he was a good leader in his union or a bad one; there could be no issue whether he was loyal to his union or not. If Bridges were not loyal to the men in his union, if Bridges were a labor spy, the government could not deport him for those reasons.

It is not necessary to defend Harry Bridges from such charges here. The protests of A. F. of L. and C.I.O. unions alike against the cam-

paign to "get" Bridges has made these Department of Justice officials fully aware of the regard West Coast working men feel for their militant leader.

Instead it is necessary to examine the charges against Bridges fully—for they reveal that these officials are not attacking Bridges as an individual but for the trade union policies of the unions he serves. Significantly the government injected into its new hearing against Bridges two new incidents of a kind not used by them at the first hearing, at which Bridges was exonerated.

These relate to two strikes by C.I.O. unions on the West Coast at the time that the deportation hearings were in progress. The strikes involved the United Automobile Workers at the North American Aviation plant, and the International Woodworkers of America. Harry Bridges has no connection with these unions, except in a general way as California Director of the C.I.O. On what grounds, therefore, did the government bring in the question of these strikes? Let the government brief speak for itself:

"The testimony of the Alien himself is sufficient to show that this subversive movement [a strike!] was supported and approved by him *up to the time that it was made apparent that the United States Government was going to intervene in the situation by force of arms.*" (GO, p. 299; italics theirs.)

The following appears in the official brief of the U. S. Department of Justice:

"*Bridges stated he would have favored the longshoremen on the picket line in that strike.* (Tr. 7408) He was in support of the strike. (Tr. 7406) *He did not tell Connelly [a California C.I.O. official] that he was opposed to the strike.* He told Connelly it looked bad and he didn't think that he could handle it, and advised him to tell the strikers that their strike was justified but that they were up against too much and advised them to go

back to work. According to Bridges, he further said to Connelly that *perhaps they knew what they were doing*, but he was still of the same opinion and said, 'Anyway, I wish you luck. Say "Hello" to the strikers for me.' His testimony was that he said, 'Well, tell the fellows best wishes and good luck from me.' (Tr. 7403) His testimony alone sufficiently shows that he was thoroughly in sympathy with the subversive influences that had produced the strike. . . ." (GO, p. 300; italics theirs.)

The charge against Bridges with regard to the International Woodworkers' strike is similar. With barely concealed triumph, the government brief gives the following "proof" that Bridges is a Communist:

"Bridges then identified the following telegram: 'I.L.W.U. [the union which Bridges heads] pledges full support to strike for improved hours wages working conditions of N. W. lumber workers against the notorious Weyerhauser. National defense should mean decent wage-hour standards just as important as large profits of industrial corporations. We regret that employer representatives on National Mediation Board were apparently able to influence Board against strike and sincerely hope you may be successful in urging C.I.O. representatives on Board to offer reasonable basis for returning to work with substantial increase improvement for workers involved.' (Tr. 7495)" (GO, p. 304-305.)

These Department of Justice prosecuting officials were not content to attack only two C.I.O. unions. During the course of the hearings, they put on the witness stand such men as Gitlow and Rushmore, men who have earned their living by attacking labor leaders and unions, who promptly swore that the entire C.I.O. was the spawn of Moscow theories and plans. (BO, p. 210.) A government witness was produced to swear that he found proof of Communism in the support

of aid to Loyalist Spain, of peace and democracy, of Nazi boycott. (BO, p. 210.) The government was willing to use as one of its chief witnesses a man whose advocacy of membership in the German-American Bund the defense offered, but was not permitted, to prove. (BO, p. 211.) Thus the attack of the Department of Justice officials on Harry Bridges was shown to be indissolubly linked with attacks not only on trade unions but on democracy itself.

Perhaps Dean Landis could not say of these officials what he said of Bridges:

"Bridges insisted that the answers to the problems that were thus posed could be made more effectively through the extension of the democratic machinery rather than otherwise. . . . Because of this belief which he stated he possessed in the democratic mechanism, trade-unionism, he contended, had to enlarge its conception of objectives. The maintenance of those claims that ordinarily go under the name of civil liberties would thus be one of its concerns." (p. 130.)

"LANDIS' SO-CALLED OPINION"

"... The findings and conclusions of Dean Landis have no force or effect whatsoever in this proceeding." (Department of Justice prosecutors in Government Reply Brief, p. 2)

"... defense counsel attempt to prove their contention by referring to the opinion of Dean Landis rather than on the facts produced in this hearing in referring to Lieutenant Brown, Captain Keegan and Major Milner as being discredited individuals. . . ." (GR, p. 92.)

"Of course, Dean Landis' opinion is outside the record in this case and has no probative standing whatsoever. . . ." (GR, p. 154.)

"It should be unnecessary to point out that Landis' so-called opinion was based upon misinformation. . . ." (GR, p. 155.)

"This is an inaccurate statement. . . ." (GR, p. 160.)

"This is meaningless. . . ." (GR, p. 160.)

"... naive . . ." (GR, p. 162.)

"... his restricted knowledge of the facts of this case . . ." (GR, p. 163.)—Excerpts from Government Reply brief, all on the report and finding of Dean Landis.

* * * * *

"These findings are, perhaps, unusually long and detailed but I have thought it desirable to state in full the bases which underlie my conclusions. I have, therefore, set forth substantially every item of evidence contained in the long and voluminous record and attempted to give it that weight that it deserves. Any other method of approach seemed to me futile, for conclusions as to the credibility that should attach to the witness in this proceeding can be satisfactorily reached only after painstaking and minute analysis of their

testimony. That process alone permits a fleeting doubt to be dismissed or to ripen into the conviction that which is paraded as truth bears the unmistakable marks of falsehood."
—Dean Landis, letter to Secretary of Labor accompanying his report, Dec. 28, 1939.

Except for Bridges' telegram of sympathy to the striking woodworkers and his support of the striking aviation workers until the time that the government took over the plant, the Bridges prosecutors presented testimony concerning the same sort of events occurring in the same period of time covered in the 1939 hearing. Therefore, aside from the two strike incidents (about which the extracts from the government's brief enable the reader to draw his own conclusions), Dean Landis studied the government's 1941 case in 1939.

Since Dean Landis completely exonerated Bridges, the existence of his scholarly report seemingly embarrasses these officials. Hence these Department of Justice subordinates allude in their brief to the official report of a man appointed by President Roosevelt to the highest public positions and now serving as Dean of Harvard Law School as:

"... Landis' so-called opinion." (GR, p. 155.)

Again they say:

"Even though Landis' opinion might have some value, which the Government does not concede..." (GR, p. 154.)

If any answer to this indirect attack on Dean Landis is needed other than the mere recital of his standing in legal and governmental communities, it may be found in the fact that the government itself chose Dean Landis to sit in judgment upon Bridges.

To the charge, therefore, repeated at this hearing, that Bridges was a member of the I.W.W.—in 1921—which Bridges admitted, stands the finding of Dean Landis:

"At that time [in 1921] he also became a member of the I.W.W., but within a few months terminated his relationship with that organization because he disagreed with their views." (pp.122-123.)

Not only does Dean Landis' opinion stand as a bar to the charges of the Department of Justice prosecutors, but the official position of the Immigration authorities of the United States from at least Nov. 19, 1919, to Mar. 31, 1941—when the present deportation hearings against Bridges opened—has been that mere membership in the I.W.W. does not constitute grounds for deportation. (BO, p. 200.)

But the theory of these Department of Justice officials, a theory which is a menace to the entire American labor movement—one which they advance as sufficient basis for Bridges' deportation even if he is not a Communist—involves his leadership of the San Francisco strike of 1934.

The Department of Justice claims that membership in or affiliation with the Marine Workers Industrial Union (a union extinct since 1935) is a deportable offense. The prosecutors offered no proof that Harry Bridges ever was a member of this union. But because he accepted help from this union in 1934 in order to win his own union's strike, the government claims he is subject to deportation.

But Dean Landis studied Bridges' activities in the 1934 strike. Bridges freely admitted before Dean Landis in 1939 that he had accepted help from this union because it was necessary to the success of the striking longshoremen. And in his findings Dean Landis said of this action:

"Persons engaged in bitter industrial struggles tend to seek help and assistance from every available source." (p. 133.)

Moreover, Dean Landis pointed out that the immigration authorities in 1934, as illustrated by the opinion of the Solicitor to the

Department of Labor which was confirmed by the Commissioner of Immigration and Naturalization, concluded that the M.W.I.U. was not Communist or Communist controlled. (p. 102.)

Yet in the present proceedings the Department of Justice seeks to deport Bridges on the distinct ground that he, in behalf of his union, accepted help in 1934 from a union, actual membership in which in that same year was not considered grounds for deportation. The government prosecutors thus come to this position: to have been a member of the MWIU in 1934 was proper, but for Bridges to have accepted the aid of the MWIU in winning the strike of his own union was to commit a deportable offense. This seems so contrary to all notions of justice that perhaps quotation is necessary to prove that these officials seek to deport Bridges for such conduct:

MR. GLADSTEIN [one of Bridges' attorneys]: ". . . if you do something as a union leader to accept the support of those seamen who are willing to assist the longshoremen in winning that strike and you actually do win your strike, then according to the Government's theory you are deportable."

PRESIDING INSPECTOR: "I think that is part of the Government's contention." (p. 543 of the transcript.)

* * * * *

The real menace of the theory of the prosecutors, however, is not the injustice done under it to Harry Bridges. It is a theory which, if made into law by the deportation of Bridges, constitutes a threat to the entire American trade union movement. Under that theory, an alien need not be a member of an organization considered "subversive" to become subject to deportation. Under that theory, an alien need not believe in "subversive" doctrines to become subject to deportation. An alien who accepts aid from any organization labelled "subversive" instantly becomes subject to deportation no matter what his own opinions are, no matter what his motives are, no matter what his purpose in accepting that aid.

The significance of this is startling. Suppose a union, which has alien members, accepts help of any kind from an organization called "subversive" by these Department of Justice officials. These aliens become deportable at once, under the theory which the Department of Justice is using against Harry Bridges. Will any union in America dare to accept help from another labor organization? All that the Department of Justice has to do is label the source of the help as "subversive" and those aliens who receive it become deportable for that reason alone—no matter what their own beliefs.

Could a more powerful instrument be placed in the hands of those opposed to labor? At one stroke, they can prevent completely that cooperation between trade unions which has been the source of organized labor's strength. At one stroke, they can wipe out the fraternity of organized labor. Rights long protected and considered inviolate under American law will depend upon the whim of the Department of Justice. No alien in the land can safely remain a member of any trade union, fraternal order or civil liberties organization.

This threat to aliens is what is contained in the deportation efforts of the Department of Justice against Harry Bridges.

This attack on the American trade unions is what the Department of Justice attempts when it seeks to deport Harry Bridges.

The defense of Harry Bridges is not the defense of a single man.

The defense of Harry Bridges is the defense of labor's right to organize and fundamental American institutions and liberties.

Tear off and mail

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- of the

CITIZENS COMMITTEE FOR HARRY BRIDGES
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I believe these friends are also interested in the defense of Harry Bridges and would like to hear more about your committee.

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