

THE "CRIMES" OF



**CLAUDE
LIGHTFOOT**

AND

**JUNIUS
SCALES**



Civil Rights
PUBLICATION

5¢

VOICES FOR DEMOCRATIC RIGHTS

"... the essence of the (American) dream is and always has been freedom, the escape from tyranny—political, religious, economic, social—into a free country where a man could work out his own destiny in his own way. . . .

"There has seldom been a time at which these matters have not deserved attention. But it must be admitted that the Cold War has thrown the whole subject into unusual disorder. A political party in this country has been identified with the 'enemy.' Those associated with this party have therefore come under suspicion as an imminent danger to the state. . . . It has appeared that the peril to the country could be dealt with only by methods that drastically departed from those which have characterized Anglo-American jurisprudence.

"The range of suspected persons has been enormously extended by resort to guilt by association. The evidence offered to show that a man is a danger to American institutions has often been farcically remote. The treatment accorded suspected persons in Congressional investigations and administrative hearings has not always been that contemplated by the Sixth Amendment. A kind of continuous propaganda and social pressure has been kept up that has tended to suppress conscientious non-conformity. Political advantage has accrued from claiming that others were indifferent to the threat of communism. The result has been that governmental officers, university presidents, and ordinary citizens have felt it necessary to exhibit inordinate anxiety on this score."

*Robert M. Hutchins, President,
The Fund of the Republic, 5/31/55*

"The free expression and exchange of ideas on all matters affecting the public good is the cornerstone on which America has built its heritage and its greatness. Any action which threatens the right of any group or citizen to express his point of view in the free market place of ideas threatens the very foundation of our democratic ideals and puts in jeopardy our basic civil liberties.

*Walter Reuther, President, CIO
7/29/55*

THE "CRIMES" OF CLAUDE LIGHTFOOT AND JUNIUS SCALES

PEACE . . . it's wonderful! And equality . . . it's a grand feeling!

Pres. Eisenhower, returning from the summit at Geneva, told the American people and the world that the danger of war has receded.

And Chief Justice Earl Warren, from the summit of justice in Washington, proclaimed that there shall be equality—at least in education.

Yet two men—a Negro and a white, of the essence of our country—who fought for peace and equality, today face long prison terms for their efforts.

Why should Claude Lightfoot's prosecution mar the joy of evolving peace? And why should Junius Scales' imprisonment blemish the development of equality?

These are not just two individuals. Nor even just two human beings. In their fight for justice, they also represent our way of life—the Bill of Rights—the right to speech and thought, the right to assemble and associate and petition. *That is why their rights concern the American people!*

But the alleged guardian of justice in our land, Attorney General Brownell, has other plans. Brownell has not lifted a finger to enforce the constitutional rights of Negroes to vote in the South. He argued in the Supreme Court against the immediate implementation of equality of education in the South. He has done nothing to protect Negro people fighting for these elementary rights. These policies have in fact encouraged Dixiecrats to resort to the murder of such Negro leaders as Harry T. Moore and his wife in Mims, Fla., as Rev. George Wesley Lee in Belzoni, Miss., as Lamar Smith in Brookhaven, Miss., culminating in the recent horrible lynching of the 14-year old Negro lad, Emmett Louis Till, in Sumner, Mississippi. Brownell couldn't see the self-confessed "mistakes" (!) of his old private legal client, ex-Air Force Secretary Talbott, when they were shoved before his nose. Yet this same Brownell presumes to find "crimes" in the thoughts and speeches and associations of Lightfoot and Scales, who fought for these Negro rights and against corruption in government.

"OFF WITH THEIR HEADS"

Claude Lightfoot of Chicago, Ill., and Junius Scales of Greensboro, N.C., are leaders of the Communist Party who have spent the major part of their adult lives fighting through established legal means for what they considered the solutions to the needs of the American people. They wrote and spoke, participated in the activities of a legal political party, helped organize workers into trade unions, and rallied people against discrimination and acts of violence against the Negro people.

But there is a law in our land—the Smith Act—which makes it a crime to advocate or teach the violent overthrow of the government, or to set up an organization for such a purpose. It also makes it a crime to belong to such an organization.

The attempt to "prove" that the Communist Party, a public legal organization, advocates "force and violence," has become the major concentration of the Justice Department. *Unable to prove* that the Communist Party teaches "force and violence," the Justice Department charges that Communist Party leaders comprise a conspiracy to teach "force and violence" at some indefinite time in the future. *And having no evidence to prove even that*, the Justice Department resorts to police spies, informers, stoolpigeons, political renegades, professional liars, characters with criminal records, all paid witnesses to manufacture the "evidence" needed. And on this flimsy basis, a number of Communist Party leaders were imprisoned.

Early in 1955, Brownell took a step further. In two separate trials which were different only in the names of the cities where they took place, and where the same type of "witnesses" and "evidence" was used, Lightfoot and Scales were convicted under the Smith Act membership clause. Their only "crime" was membership in the Communist Party, and they were sentenced to five and six years respectively.

Not one shred of evidence, even from the rantings of the most depraved informers and paid witnesses, was produced by the government to prove a single act that could by any stretch of the imagination, or by the loosest legal interpretation, be considered criminal. As the Legal Committee of the Illinois Division, American Civil Liberties Union, characterized the facts of the trial, "There was no charge nor was there any proof of any conspiracy of which Lightfoot was a party. There was no charge nor was there any proof that the defendant himself believed in or made preparation for the overthrow of the Government." And as the Winston-Salem (N.C.) *Journal and Sentinel* stated editorially, the



Eugene Dennis



Benjamin J. Davis

"jury was asked to enter a man's mind and determine its contents. . . ." The same was true in the Scales case.

The government claimed only that Lightfoot and Scales *thought and spoke and belonged*; and for that, like the Queen in *Alice in Wonderland*, Brownell yelled, "Off with their heads!"

Thus the Justice Department established a new "crime," foreign to our law and to the Constitution—*Guilt by Association*. Just as it tried to establish in the persecution of Owen Lattimore, who disagreed with government foreign policy, the "crime" of *Guilt by Parallelism*. And just as it tried to establish in the case of the marine academy honor student, Landy, whose mother was allegedly once a Communist Party member, the "crime" of *Guilt by Heredity*. Thus the guardian agency of justice and "law and order" in our land makes a shambles of the Bill of Rights, of the First Amendment to the Constitution guaranteeing freedom of thought, of speech and of association.

It may well be that you and Lightfoot and Scales don't see eye-to-eye on many things. But experience has already shown that only free debate in the market-place of ideas can settle such differences and reveal the truth. If the market-place is shut down for one group, isn't it in essence closed for all?

That's why our Founding Fathers made so sure to guarantee the right to freedom of thought, speech and association. *That is why these freedoms are so vital for you.*

It would reveal the full extent of the criminal conspiracy against the freedoms of the American people, expressed in the persecution of Lightfoot and Scales, if we could see clearly why thinking, speaking and belonging suddenly became a "crime"; what it was that Lightfoot and Scales thought and said, and for the realization of which they associated.

LIGHTFOOT AND SCALES THOUGHT AND SAID:

War is not inevitable. The horror of atom and hydrogen bombs can and must be stopped. Differences between nations cannot be settled by war, but only by negotiation and discussion. World trade will improve world standards of living and reduce world tensions. Different social systems can coexist in peaceful competition, and must if the misery of untold millions is to be avoided.

Lightfoot and Scales also warned that there were some in our country—few, but powerful and vociferous—who insisted that war was inevitable, that a preventive war with “A” and “H” bombs used against Asians and East Europeans was essential; that negotiations and discussion and trade were impossible; that we had some God-given mission to fulfill, even if it must be done by fire and sword; that we were faced with a “clear and present danger” and that only “leading from strength” could save us.

The people—you and your relatives, the members of your church, the workers in your shop, your neighbors and your lodge brothers and sisters—the people also did not completely accept the inevitability-of-war talk. They wanted peace and knew how to get it. They urged the government to go to the conference at Geneva. And now we are told by President Eisenhower, no less, that the danger of war has receded. And now we know that negotiations are possible and peace may be had for the trying. Perhaps you are one of the millions who wanted this and like Lightfoot and Scales thought pretty much the same thing, and said much the same thing, and perhaps even associated with others to do the same thing. *What “crime” are you guilty of?*

With the danger of war receding, what is there left to the “clear-and-present-danger” argument used by Brownell as a justification for violating First Amendment rights? U.S. Supreme Court Justice Hugo Black in his dissent in the Dennis case on June 4, 1951, clearly posed the issue when he declared, “Public opinion being what it is, few will protest the conviction of these Communist petitioners. There is hope, however, that in calmer times, when present pressures, passions and fears subside, this or some later court will restore the First Amendment liberties to the high preferred place where they belong in a free society.” The time has come to restore First Amendment liberties. *Smith Act prosecutions should cease!*

Yet Brownell persists in persecuting Lightfoot

and Scales and their colleagues. And he promises to extend the persecutions through the McCarran Act, through the Communist Control Act. Is he persisting in his persecution as an act of *intimidation*, not only against Lightfoot and Scales, but against the American people as a whole to keep them from ever again opposing the policies of the few but powerful in our country who want war? Is that why five Communist leaders—Eugene Dennis, Benjamin J. Davis, John Gates, Jacob Stachel, Carl Winter—already having served five years in prison for “conspiracy” to violate the Smith Act, are now being threatened with “double jeopardy” prosecutions under the Smith Act membership clause that may bring them additional ten year



Jacob Stachel



John Gates

sentences? Is that why Dr. Albert Blumberg, Max Weiss and John Noto, three more Communist leaders, face trial on the same “membership” charge, even while the legality of the Lightfoot and Scales convictions is being tested in the courts?

LIGHTFOOT AND SCALES THOUGHT AND SAID:

All men are created equal. Negro as well as white Americans have the inalienable right to equality of opportunity. The Declaration of Independence and the Bill of Rights and the Thirteenth, Fourteenth and Fifteenth Amendments, won with the blood of the people, are not figments of imagination, but principles men should live by. Ninety years are long enough for the issues for which the Civil War was fought to become living reality. Concretely this means full equality today—economic, political and social. It means unity of Negro and white, and free association. It means an end to jimcrow and segregation in jobs, education, housing, recreation, in the dispensation of justice and the right to vote—in the total life of the American people. If this is not to be, can we call this nation free?

Lightfoot and Scales also pointed to the racists who instigate and prosper by the antagonism between Negro and white—and between Puerto Rican and North American, between Mexican and Anglo, between Jew and non-Jew. For such as these equality seems only to be the subject of Fourth of July orations.

The horrible lynching of Till is but the outrageous climax of the inhuman persecution of the Negro people. For two years running the racists organize violence against Negro tenants in the Trumbull Housing Project in Chicago. They organize the murder of Mr. and Mrs. Moore, of Rev. Lee, of Lamar Smith who fought for the Negro's right to vote. They throw Mrs. Rosa Lee Ingram and her two sons into prison in Georgia for life for defending her honor as a woman and her dignity as a Negro. They sentence Carl Braden, a white, to fifteen years in prison on "sedition" for daring to help a Negro couple buy a decent home in Louisville, Ky. They commit subversion by nullifying the Bill of Rights and Supreme Court decisions with regard to desegregation, and threaten what amounts to a new secession from the Union.

Perhaps you are one of those millions who also realize that democracy and freedom exist for no one, if all don't share their blessings; who helped achieve fair employment practices clauses in union contracts and some state legislation; who welcome

interracial housing; who support, even in the South, desegregation of schools and places of recreation; who rallied to the defense of Willie McGee, framed on a rape charge, and of the Trenton Six, framed on a murder charge; who are outraged by the lynching of Till; who reject racism. If so, you and Lightfoot and Scales seem to have thought and said much the same thing and perhaps associated with others to do much the same thing. *What "criminality" is there in this?*

But Brownell just cannot guarantee that the perpetrators of the Till horror will be brought to justice—and that lynching will be finally stopped. He simply cannot "find" the murderers of Mr. and Mrs. Moore, of Rev. Lee and of Lamar Smith. He is simply "paralyzed" by such terrorist organizations as the National Association for the Advancement of White People, and lets its subversive leader, Bryant Bowles, go scot free. He is just "helpless" in the face of the Dixiecrat defiance of the Supreme Court desegregation decision, the continuous anti-Negro violence being organized in the Trumbull Housing Project and other manifestations of increased racist attacks.

Is it an accident that the first two convictions under the Smith Act membership clause involved fighters for Negro rights—Lightfoot, Negro leader in the North; Scales, white leader in the South? Brownell is in a great hurry to set a precedent in the Scales and Lightfoot convictions—an act of *intimidation* in an attempt to halt the advances

UAW unemployed members at the steps of Detroit's City Hall demanding immediate Common Council action on establishing a public works program. April, 4/54.



being made by the Negro people as a result of their efforts and those of their white allies, of the growing unity of white and Negro in the struggle for democracy.

LIGHTFOOT AND SCALES THOUGHT AND SAID:

"To secure to each laborer the whole product of his labor, or as nearly as possible, is a worthy object of any good government," as Abraham Lincoln put it. Lightfoot and Scales said: The standard of living, and the conditions of work must constantly be improved. The cost of living must be consistently lowered. The lagging of wages threatens economic disaster. Only through the organization of workers into militant labor unions can conditions of labor be improved. Only through the unity of labor can the organization of labor be made effective. And only through labor's full participation in the political life of the country can the gains of labor be secured.

Lightfoot and Scales also exposed those who resist giving labor "the whole product or as nearly as possible"; who declared that security for workers is possible only in prison, that eating hot dogs is enough for workers, that workers should be content to be the dogs of society; who expressed the principle that what is good for General Motors is good for the country. These were conspiring to hamstring labor by lobbying for the anti-labor Taft-Hartley Act and Butler Bill incorporated in the Communist Control Act, by taking out injunctions, carrying out screenings, engaging labor spies, and inviting congressional witch-hunt investigations at the very moment when union negotiations are being held, or strikes are in progress.

But workers in mines and mills and factories and railroads and other places of employment stuck to their unions—16,000,000 of them. And they achieved the first steps toward labor unity—between the AF of L and the CIO. And they have led the labor movement into taking the beginnings of political action. James Carey, secretary-treasurer of the CIO, expressed the sentiments of the workers on Labor Day 1955, when he inveighed against government of General Motors, by ex-Air-Force Secretary Talbott, for Dixon-Yates. These sentiments of the workers contributed to forcing the Talbotts to resign, to cancelling the Dixon-Yates give-away contracts, to compelling the auto industry and the steel industry and all other industries to negotiate

and meet at least some of the demands of labor. Well, the millions of workers and Lightfoot and Scales were apparently not so far apart in what they thought and said, and perhaps associated to do. *Where is the "crime"?*

Brownell has no plans to defend labor in its rights. He is too busy rushing to put away Lightfoot and Scales and their colleagues under the Smith Act membership clause—an act of *intimidation* against those who would convince workers that in union there is strength and in unity there is power; to set a *precedent* with which in time to try to shackle labor, to paralyze it and, if possible, to strangle it.

WHAT DOES IT ADD UP TO?

Well, this is approximately what Lightfoot and Scales thought and said. Can you find any conspiracy in this? Do you see any "force and violence" in it? Isn't this kind of thinking and speaking protected by the First Amendment, which guarantees "the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances"?

From *Union*, Journal of Mine, Mill & Smelter Workers



Maybe you agree with some of what they say. That's your right without fear of being jailed for it.

Maybe you don't agree with what they say. Maybe you believe in other things. That's your right, too. Shouldn't you be free to think and say them without fear of imprisonment? And shouldn't you have the right to get together with others—to "associate" with like-minded people, concerned with the welfare of the people, to put your ideas over? And if there is disagreement, shouldn't each have the freedom to try to convince the other?

But behind the conviction of Lightfoot and Scales is an attempt to silence disagreement with government policies, to break up associations that in any way express an independent program, to imprison dissenters and to establish one approved, orthodox and official line of thought. Experience has already shown that it is being put into effect, starting with Communists and going beyond them.

WHERE YOU COME IN

You remember that McCarthy accused the Democratic Party of 20 years of treason, and the first period of Eisenhower's administration of two more years of treason. It seems that was not just a wild yelp. Because now Brownell has indicted the United Auto Workers Union under the Federal Corrupt Practices Act for participating in the last election campaign, and for the "crime" of helping elect a labor man on the Democratic ticket as U.S. Senator. Brownell has taken a first step in the direction of achieving a one-party system. And how far away are you?

After the conviction of Lightfoot and Scales, Brownell cited the Mine, Mill and Smelter Workers Union as a "Communist-infiltrated" organization under the Communist Control Act, just as it was engaged in a major strike. But the Communist Control Act defines a Communist as anyone who "has indicated by word, action, conduct, writing or in any other way a willingness to carry out in any manner and to any degree, the plans and designs, objectives, or purposes of the (Communist) Organization." Which made even the *Wall St. Journal* shudder with "fear" editorially, declaring, "The Communist Party may be against juvenile delinquency. So is this newspaper." Under this definition of "Communist," you become liable under the membership clause of the Smith Act for merely belonging to a trade union that on one point or another, economic, political or social, may not agree with what Brownell thinks correct.

Does this seem far-fetched? Brownell has already shown that he has no intention stopping with Communists, Negroes, workers. For desperate men



Carl Winter



Albert Blumberg

in power, the whole wide world of opposition—any kind of opposition—is fair prey. He has already moved to get you—no matter who you are—for daring to think and speak and associate—no matter how remote you are from Lightfoot and Scales. Non-conformity is the "crime" and being a non-Communist doesn't help.

And so Owen Lattimore is indicted for perjury for denying support for the Communist Party because he too disagreed with State Department foreign policy. And Dr. John P. Peters is discharged from government employment as a "disloyal" person for associating with others in some non-conformist political actions. And Dr. Otto Nathan, executor of the Prof. Albert Einstein estate, is denied a passport because of his active anti-fascist past. And Dr. Corliss Lamont is indicted for contempt of Congress for defending the First Amendment to the U. S. Constitution.

So, if you're not a worker, not a Negro, not a Communist, you must still give heed to the warning of Pastor Niemoeller, learned from his experience living under Hitler: "When Communists were jailed, it was all right, we weren't Communists. When Jews were hounded—we didn't care. When the union leaders were arrested—we preferred to keep quiet. We were not union members. When I was jailed—it was too late to do anything."

Communist to Negro to worker to everyone else—that is certainly the path toward an American brand of fascism if the barrier of the Bill of Rights is smashed. *But it is not a path down which the American people aim to go.* The resistance is mounting day by day—bringing important victories—and giving confidence to the people that their democratic fight-back is irresistible.

Brownell was stymied and Lattimore is free. Dulles was stymied and Nathan has his passport. McLeod, chief of federal security, was stymied and Peters was vindicated. McCarthy was stymied and Lamont is acquitted. The Pentagon was stymied and

Landy has his commission. The Dixiecrats were stymied and desegregation is the law of the land. The intimidators of justice were stymied and U.S. Court of Appeals Judges Hastie and Maris dissent in a Smith Act conspiracy case. Musmanno, the Pittsburgh version of McCarthy, was stymied and the Pennsylvania Supreme Court reverses Steve Nelson's brutal 20-year sentence for "sedition." The racists were stymied and Wesley Robert Wells is saved from execution.

THE CRUCIAL VICTORY

Not enough, you say? Not deep enough? Not thorough enough? Not widespread enough? Not lasting enough? You get no argument there. Civil liberties are unconditional. Civil liberties are indivisible.

But what do you think would be a crucial victory for the right to think, the right to speak, the right to associate, the right to belong? What do you think would force a break through the political smog that hides the anti-democratic, un-American activities of the clique for whom McCarthy acts rough and Brownell acts slick?

Victories for Lightfoot and Scales on whose backs Brownell hopes to build bigger and more effective repression and intimidation. Victories for Lightfoot and Scales who are fighting for the right to think, to speak, to associate and belong. Constitutional victories for Lightfoot and Scales that would help crack the hoax of Communist "advocacy" of force and violence; that would help destroy the attempt to legalize guilt by association, guilt by parallelism, guilt by heredity; that would lay low the witch-hunts, the hysteria.

Victories for Lightfoot and Scales can be won in the courts. And for that, the best legal defense must be developed.

But the courts alone will not produce the victories. The courts must be bolstered by the conscience, the understanding, the articulateness of the American people. That means YOU.

Many voices spoke up for Lattimore, for Nathan, for Peters, for Lamont, for Nelson, for the others, and these voices were heard in the courts. These many voices must grow into a mighty roar.

You must speak up for Lightfoot and Scales personally and through your union, your church, your local newspaper, your lodge and club and community organization, through letters and wires of protest to Attorney General Herbert Brownell against this outrage against the Bill of Rights. You must help spread the word of this attack on the civil liberties of Americans and of the rising fight-back in defense of the Bill of Rights.

VOICES FOR DEMOCRATIC RIGHTS

"The issue in the Lightfoot case is perhaps of greater importance to civil liberties than the conspiracy issue in previous trials. Until now, no individual has been considered a criminal merely because he belongs to a prescribed party. . . . In the Lightfoot case, advocacy of the violent overthrow of our government was presumed to be implicit in his Communist Party membership. Such a presumption rides roughshod over many of the libertarian beliefs we have hitherto prized. It is a case of such importance that lawyers and laymen alike must hope that an appeal can be presented which will induce the Supreme Court to review the Smith Act in its entirety. If it does so, and then upholds the act, then indeed our concept of individual liberty in the Bill of Rights must be considered to have been changed forever."

Louisville (Ky.) *Courier-Journal*
1/27/55

"The trouble with the kind of law that permits prosecution and conviction of a Claude Lightfoot is that it encourages other legislation to curb dissent and dissenters. As Negroes, we have a special stake in protecting this right to disagree. We must remember that the Abolitionists held very unacceptable beliefs for a long time and that the NAACP principles aren't exactly in favor in Mississippi or Georgia."

California Eagle, 3/55.

"In the realm of religious, political and economic thought and speech, we either are free or we are not free. And it might be added that we cannot be 'half free and half slave.' Either all of us—even including the Communists—must be free to think what we please and say what we think, or none of us can be free."

The Franklin Press and the Highlands Maconian (N.C.)
12/9/54.

ACTION WILL DO IT

To defend the Bill of Rights for all democratic Americans—defend the constitutional rights of Lightfoot and Scales!

- Write to Attorney General Herbert Brownell, protesting the continued prosecutions of Lightfoot and Scales and others under the Smith Act membership clause.
- Write to your local newspaper, expressing your opposition to Brownell's attack on the First Amendment and the Bill of Rights as a whole.
- Get additional copies of this pamphlet to distribute in your shop, your union, your church, your club or lodge, your community. The rate is 5c a piece, 25 for \$1, 100 for \$3.75.
- Get your shop, your union, your church, your club or lodge, to act officially, or the people in them and in your neighborhood to act as individuals, to protest to Attorney General Brownell against his attack on the Bill of Rights.
- Send a generous contribution to Civil Rights Congress to help finance the legal expenses of the Scales appeal and to defend the Bill of Rights.

CIVIL RIGHTS CONGRESS

Room 200, 6 East 17 St., New York 3, N. Y.

- I have written to Attorney General Brownell.
- Please send me _____ copies of "The 'Crimes' of Lightfoot and Scales" for which I enclose \$_____.
- I enclose \$_____ as my contribution to the Scales appeal and to the campaign to defend the Bill of Rights.

NAME _____

ADDRESS _____

CITY _____ ZONE _____ STATE _____

October, 1955

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