

CIVIL RIGHTS CONGRESS

tells the story.....

CONTENTS

Civil Rights Congress	1
Police Brutality	5
Anti-Semitism	12
Lawyers Panel of CRC	14
Extradition	17
The Robert Wesley Wells Case	28
The "Trenton Six"	30
The Willie McGee Case	34
The Scottsboro Case	35
The "Los Angeles 21"	37
"Hollywood Ten"	40
Attack on Education	42
Government Interferes with Labor	45
The Case of Harry Bridges	49
"New York 11"	51
Deportation	57
The McCarran Law	61
Bill of Rights	64

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CIVIL RIGHTS CONGRESS

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FOREWORD

"Jim Crow and Discrimination is a national policy of government enforced by terror at federal, state and local levels."

—WM. PATTERSON, Nat'l Exec. Dir., CRC

The number and scope of cases reviewed in this booklet is an indication of the variety and scope of the attack on civil liberties of the American people.

How far reaction is prepared to go is shown in the passage of the ominous McCarran Act at the last session of Congress and the failure of President Truman, despite his vetoing of the bill, to utilize his full powers to kill it.

The Act would impose fines up to \$10,000, and ten years in prison, for *believing* in political theories that are distasteful to the government.

The passage of the Taft-Hartley law and the McCarran and Smith Acts are signs, not of the

strength of reaction, but of the fear reaction has of the growing consciousness and strength of the people.

The stories in this book tell how the people are learning to stand their ground. They prove again and again and again that the old liberties and new liberties to come are the "meat and bread" of the American life.

The Los Angeles Civil Rights Congress presents this compendium of experiences, in the hope that it will prove useful in moving greater circles of the community to active support in campaigns to halt the invasion of the civil rights of labor, and of minority national and political groups.



The Civil Rights Congress

The Civil Rights Congress is a national organization with 75 chapters in fifteen states. It came into existence in June, 1946, and at the national founding conference in Detroit, launched its first national action, the campaign to oust Bilbo from the U. S. Senate. The Los Angeles Civil Rights Congress chapter was organized shortly thereafter, an outgrowth of the merging of the local National Negro Congress and the Los Angeles Mobilization for Democracy.

The National Board of CRC includes, among other labor and progressive leaders, such figures as singer and artist Paul Robeson, author Dashiell Hammett, screen writer John Howard Lawson (of the famous Hollywood Ten) and Hugh Bryson, national president of the Marine, Cooks and Stewards Union.

The program of CRC is threefold; the defense of the rights of labor, of Negro, Mexican and other national groups and the rights of political minorities. CRC participates in campaigns for the repeal of the Taft-Hartley Law and other labor-repressive measures. CRC fights for the rights of the Mexican and Negro workers to jobs and against discrimination on the job. It conducts educational campaigns in the trade unions on the meaning of Jimcrow and anti-Semitism and their causes. It supports every action leading toward unity of Negro and white, Jew and non-Jew, native and foreign-born in the struggle against fascism and for economic security and peace.

CRC fights for national and local FEPC, against restrictive covenants and for the right of Negro and Mexican people and other national minorities to live where they may wish. CRC fights against police brutality and the use of public office to deprive citizens and the foreign-born of their constitutional rights. CRC defends those who are discriminated against for their political opinions and fights for their right to express and advocate these opinions as guaranteed under the Bill of Rights and the Constitution. CRC joins in the national campaign to repeal the Smith Act and the McCarran Law.

Functioning originally as a delegated body of trade unions, national minority groups and local civil rights committees, the Civil Rights Congress expanded under pressure of need into a membership organization, continuing at the same time to coordinate the work of the affiliated organizations.

From a handful of members in 1949 the CRC locally has grown to a membership of well over a thousand with the support of many additional thousands coming to the aid of police brutality victims and other civil rights cases as the occasion demands. The new membership goal is 2000 by July 4, 1951.

There are eight functioning sub-chapters and committees in the Los Angeles area. They are in fact little CRCs, organized to act on a case in a hurry, move local groups, neighbors and friends of victims in support of their defense and to bring forward city and nation-wide cases to the community. First in Civil Rights Congress importance is the development of a sensitivity to abuse of civil rights of national and political minorities, the first sections to be hit in campaigns of attack on the rights of the people as a whole.

Many cases would never have been brought to light and those that were could not have been won without the New Deal and Fredrick Douglas chapters, without the chapters in Long Beach, San Fernando Valley, without the chapters and committees in San Pedro, the Bay Cities, the Silverlake, City Terrace and Hollywood-Westside areas. Perhaps CRC's most important contribution, and its most distinguishing feature, has been the mobilizing of community support in defense of the victims under attack and the developing of understanding of the issues involved. While utilizing every form of legal redress, the key to the success of fight for civil rights has been the mass pressure of the people.

The Trade Union Division of CRC has the responsibility of getting support of the unions in general campaigns. It also aids them in setting up their own civil rights committees to take care of the needs of its own members particularly where membership includes large numbers of Mexican, Negro and foreign-born workers. Wyndham Mortimer, veteran organizer in auto has headed this committee for the past year.

The Unions played a particularly important role in the extradition cases of Lester Tate, member of Mine, Mill and Smelter No. 700, and Joseph Brocks, of the Int'l Longshoreman's and Warehouseman's Union Local 26.

FOREIGN-BORN

The defense of the foreign-born has been one of the most important divisions of work of CRC. Up to the passage of the McCarran Law this

work was handled through a committee of CRC working in close cooperation with the American Committee for the Protection of the Foreign-born, a national organization in existence for the past fifteen years acting in defense of those threatened with deportation and helping newcomers with their citizenship problems.

With the passage of the McCarran Law new and vastly complicated problems arose which made it necessary to consider the formation of a special committee to take up the many legal and organizational questions involved. CRC therefore joined with others in initiating the calling of a conference at which the work of the past year was reported and at that meeting it was proposed that there be organized in Los Angeles a Committee for the Protection of the Foreign-born, to act as an independent body, receiving the support of CRC and other interested organizations. Mrs. Delphine Smith was elected by the Conference delegates to assume responsibility for its daily activities.

The Committee for the Foreign-born has taken over the responsibility for the defense of the thirty men and women in Los Angeles who, for the past twenty-five years, have been harassed by arbitrary and random demands of the Immigration Service. The passage of the McCarran Law has caused the Justice Department to be even more contemptuous of the rights of the foreign-born, the immediate evidence being the midnight arrest of scores of men and women nationally who were held without bail in so-called detention camps. Public protest has caused the release of all but seven, of whom four still are being held here at Terminal Island in San Pedro at this writing.

The only guarantee that the four, Miriam Stevenson, David Hyun, Frank Carlson and Harry Carlisle will be released will be added public pressure needed to move the Immigration authorities.

BAIL FUND

The Los Angeles Bail Fund Committee, organized in 1948, is responsible for the raising of funds through loans to be used as bail in cases accepted by the CRC and the Committee for the Protection of the Foreign-born.

Fund trustees are Mr. Lee Bachelis, Los Angeles businessman, John Howard Lawson, and Charles Gladstone, needle trades union leader. Administrators of the fund are Mr. Bachelis, Treasurer, and Mr. Max Hittelman, Assistant Treasurer. The Fund Committee has handled more than a quarter million dollars in bail funds since its establishment. The sum, in fifty and hundred dollar amounts in the main, has been loaned by the working men and women of Los Angeles to help fight the hundreds of cases han-

dled by CRC in the past two years.

The first step in winning a case is the placement of bail on a few hours notice, frequently at night, releasing immediately those who might otherwise be unjustly forced to spend days or weeks in jail. Quick bail has also saved many a Negro or Mexican from a jail beating by the police. Such attacks in jail are not uncommon.

LAWYERS' PANEL

Los Angeles has the proud distinction of having the only Lawyers' Panel of the kind in the entire country. Over fifty attorneys give of their time without fee and often of their funds in the defense of those who have been denied their civil rights. Headed by Mr. Fred Steinmetz, chairman of the panel, this group of attorneys has done an outstanding job in the fight for the preservation of the Constitution and the Bill of Rights. The inspiring story of the Lawyers' Panel will be found in another section of this yearbook.

THE STAFF OF CRC

Responsible to the Board of Directors of CRC for the carrying out of policy and daily operations are Mrs. Marguerite Robinson, Executive Director, and Emil Freed, Organizational Secretary.

The administration of the office, keeping track of and processing cases, responsibility for getting the large numbers of volunteer workers daily, not occasionally, necessary to do the many technical jobs required, supplying speakers, details of membership and the tremendously detailed job of keep CRC going is the job of Shifra Meyers and Celia Rodriguez. Miss Meyers, bringing verve and enthusiasm to the work of CRC comes from the youth movement and has made an important contribution to the work of the organization. Mrs. Rodriguez, coming out of the early struggle to organize the cannery and agricultural workers in California, is also a leader in the Mexican-American community and an executive board member of the Mexican American National Association. Her leadership has been a major factor in making CRC known to the Mexican people and the problems of the Mexican people known to the community at large.

Mrs. Rodriguez is temporarily on leave and her post has been filled by Mrs. Irma Zakon, formerly active in the Labor Youth League.

A new and valuable addition to the staff is Mrs. Rose Chernin, for many years active in, and one-time secretary of, the old International Labor Defense which many oldtimers will remember as an honorable predecessor of the present day Civil Rights Congress. Her experience in the early fight for the Scottsboro boys and her intimate knowledge of early Los Angeles civil



Marguerite Robinson, Exec. Dir.



Emil Freed, Org. Secretary



Celia Rodriguez, Fin. Secretary



William Patterson, Nat'l Exec. Dir.



Shifra Meyers, Adm. Secretary



Rose Chernin, Memb. Director



Irma Zakon

CRC
STAFF

rights history has already expressed itself in the development of the new Prisoner's Welfare Committee which she heads and the strengthening of the CRC chapters for which she is responsible.

Emil Freed, long active as a fighter for civil rights both in and outside the ranks of the labor movement, joined the staff of CRC early in 1950. He had been just released from jail after having served a year's sentence resulting from the mass arrests in the Hollywood Studio Strike in 1946. He has brought with him many years of experience and is an able and valued addition to the staff.

Mrs. Robinson, herself, in the short period of two years has become not only a leader of CRC but a recognized leader of the Negro people in this city. Her militancy in the fight for the rights of all minority peoples, her understanding of the relationship of these rights to the fight for the rights of labor has amply qualified her as Executive Director of CRC. Her particular contribution has been in the field of extradition and her work has been materially responsible for the lifting of extradition from the defense of a single individual to the national question of extradition as a positive action against the Jimcrow South and its northern confederates.

It is impossible to chronicle the activities of the office of CRC without telling of the hundreds of volunteer workers who come in during the year, many for days at a time, to do the ten thousand tasks called for in the various campaigns. An emergency mass mailing may require the immediate help of a dozen volunteers. A mass meeting

may mean 30 to 40 volunteers the evening of the meeting, not including the help needed for the many details encountered prior to the assembly. The attorney on the case may need an expert stenographer on two hours' notice to transcribe a brief or some new court decision must be mimeographed and sent to the other members of the Lawyers' Panel or to an additional list of attorneys interested in the case. Without the help of all these skills noted here, and many others, the work of CRC would be extremely limited. We salute the volunteers as invaluable fighters in the ranks of the defenders of the Bill of Rights

The story of CRC is not complete without remembering the contributions made by Anne Shore, former Executive Director of the Los Angeles chapter, who left for Detroit nine months ago to assume leadership there. It was under her guidance that the Lawyers' Panel came into being, that the Bail Fund was organized and it was her understanding for the need of ever seeking new leadership that provided for the growth and strengthening of those who remained to carry on and for CRC to grow in stature and responsibility.

Los Angeles, and especially the victims of police brutality and their families, will long remember her warmth and her persistent efforts in organizing for their defense and her resolute fight to stamp out Jimcrow and anti-Semitism.

CRC will continue to do its part in hastening the day when Americans of all national origin, creed, color and political views can fearlessly and in dignity determine their own destiny.

Police Brutality

"A lynching needs no howling mob, no rope, no faggot. It can be done with a police club."—CIVIL RIGHTS CONGRESS

George Shenvair, Negro night attendant at the garage beneath a large westside apartment house, stood near the doorway as Milton H. Frankenthal drove his car in to be parked. He greeted Frankenthal, then turned as a young man came running down the entrance driveway. The man ran over to Frankenthal's car, dragged the 71 year old man out and attacked him. Shenvair ran to Frankenthal's aid, whereupon the young man turned on Shenvair, knocked him to the floor and started kicking him. Shenvair crawled over to where a tire iron lay and rising from the floor, beat his assailant off. The man ran away. Shenvair turned to Frankenthal with a question. Frankenthal told Shenvair that he had been driving down the street on his way home and, in attempting to pass a car that was blocking his passage, he honked his horn vehemently. The driver of the obstructing vehicle then had followed Frankenthal to the garage and the rest Shenvair knew.

Frankenthal left for his apartment above and Shenvair returned to his work. Shortly thereafter two uniformed officers came to see him and he related the incident to them. The officers, apparently satisfied with the explanation given by Shenvair, left.

Later the same afternoon, Shenvair, while working on one of the cars in his charge noticed three men approach the entrance of the garage. One of them was the young man who had knocked him down. The other two he did not know but he surmised that the man had returned with two friends to finish the beating he had previously started.

Shenvair was not a coward, but neither was he a fool. He ran from the garage. The men ran

after him. They shouted to him to halt.

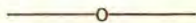
Suddenly shots rang out and Shenvair staggered and fell to the ground. One of the bullets had caught him squarely in the back, passing through and coming out just below the heart. The gravely wounded Shenvair now discovered for the first time that the two men who shot him were detectives. They arrested him while he lay in the ambulance on his way to the General Hospital prison ward. They told him he was going to die. The doctors told him he was going to die too and the detectives then urged him to sign a statement saying they had identified themselves as officers and that he ran away to escape arrest.

He knew he had not done anything to warrant arrest, but he didn't know he wasn't going to die. Shenvair signed but later he told John Lee of the *California Eagle* from his hospital bed, "they didn't identify themselves. I never did know who they were."

Pressure from the *California Eagle* and the Civil Rights Congress finally got Shenvair out of the prison ward, but the detectives who shot to kill didn't even get a reprimand.

George Shenvair is alive and with his family. His experience is a living indictment of unbridled police authority. He bears scars as mute testimony proving that acting within the law in self-defense is no protection from police who hold themselves above the law and who are supported in their brutality by arrogant and prejudiced officials.

Suit against the police department and the city has been initiated by Shenvair with the filing of a claim with the Los Angeles City Council for \$75,000 damages.



Thirteen year old Blair White borrowed a neighbor's car in Hollywood one day without permission and went for a ride. Committing a minor traffic violation, he attracted the attention of prowl car officers who gave chase. Despite the siren warning Blair continued, whereupon one of the officers pulled out his gun, took aim, and killed him. There were tires on this car that, having been deflated by a bullet, would have halted Blair's flight, but this policeman aimed high. There are even ways, short of shooting, to stop a traffic violator. But the officer aimed high and

another victim, a thirteen year old boy, was added to the list of dead at the hands of official gunmen.

The parents of Blair White have resigned themselves to their grief. But the possibility of future random shootings still exist. Police brutality begins with Negroes and Mexicans, but Blair White was neither a Negro nor a Mexican. The insidious disease that has been confined to the minority ghettos for so long has broken out and is spreading.

Telling of these stories made possible through the contribution of

Anna and Nathan Shapiro
Anderson Lark

JPFO Lodge 761
S. F.

EMPLOYER AND POLICE COOPERATE

It was once boasted by the Los Angeles Merchants and Manufacturers Association that this city was the "white spot" of the nation. What they meant was that it was area of low wages and a "fluid labor pool" with a minimum of union organization. Before 1935, pay as low as 15c an hour in agriculture and 25c an hour in industry was not unusual.

Negro and Mexican workers were employed almost entirely in agriculture, railroad and railway maintenance, general construction work and menial services. Most mass industries denied jobs to the Mexican and Negro people.

With the organization in steel, the electrical industry, maritime, agriculture, transport, packing and furniture in the middle thirties, wages advanced and working conditions improved materially, as a result of sharp struggle. With the advance of the rights of labor generally came also the growth of the labor rights of the Negro and Mexican workers.

Recognition was growing among white workers that Jimcrow was the enemy of the working class and must be defeated in its entirety if labor's gains were to be held.

Many thousands of minority workers came into the mass industries in this period. From the start the Merchants and Manufacturers Association fought against this labor unity movement of foreign-born and native, black and white. Management discriminated on the job, created and provoked differences and took advantage of existing prejudices among the white workers.

The police department, under direction of the Chamber of Commerce and Merchants and Manufacturers organizations, has played an important role in harassing minorities, conducting raids on the Negro and Mexican communities, jailing individuals and holding them without bail for extended periods, coercing and intimidating in turn those who are found to be active in their union.

There are few who question the fact and the existence of a widespread attitude of intimidation and the practice of brutality on the part of the police force, both reserve and regular. Some may believe that these practices are simply "episodes," that they are accidental results of vesting some psychopath with authority and a gun. However, even if we allow for the presence of any potentially psychotic individuals on the police force, and they exist in no small number, there is considerable evidence that criminally violent psychoses are nourished in such soil. Many persons with cruel and sadistic impulses unerringly find occupation and welcome which offers socially acceptable opportunities to exercise these impulses.

We intend to show that regardless of the motives of the individual members of the police department, there exists an official policy of organized brutality toward certain sections of the population.

We also hope to make clear that the very existence of such a policy toward any section of the community directly menaces the social and economic welfare as well as the very lives of all sections of the community.

The general picture of an attempt to transform our nation into a fascist state is clear to most progressives. But here in California we have had an historic background and a long continuity of such attacks, even when the national picture has been relatively progressive.

Organized labor knows the role of the police. To mention the tear gas barrage at North American, the tear gas and "baton" attacks at U. S. Motors, the very existence of the Metropolitan Squad with its intimidating displays of force even when they do not use the weapons, is enough.

Los Angeles employers want to return to the "white spot" of yesterday. Taking advantage of the national picture, with the tragic expulsions of progressive unions from the once-progressive CIO, they have induced the red-baiting hysteria which has confused and diverted the energies of many progressives. L. A. police have been carrying on an intensive, planned and coordinated campaign to demoralize the Negro and Mexican sections of the working class and to discredit them in the eyes of their fellow workers. Obviously their intention is to force the minority groups out of any cooperation with the white workers and at the same time paralyze them by intimidation. The consequent weakening of the trade union movement would give the Merchants and Manufacturers its opportunity to get back its dreamed-of open shop conditions and low wages.

Mexican and Negro workers are stopped on the street without cause, searched and arrested on trumped-up charges. When Negro and white of the opposite sex are seen driving in cars they are stopped by police, questioned and searched. Recently an officer "explained" in one such instance that it was against the law for Negro men and white women to ride together in an automobile.

Men coming home late are stopped on the street, and on many occasions it has been thought wise to accompany Negro members home after a late union meeting.

Many arrests of Negroes or Mexicans can be assumed to be civil rights cases. From the time

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A Friend
Korean Independence

of arrest, through the unconstitutional detention for long periods before the trial, through the choosing of the jury (including the Jim Crow method of choosing of a jury panel), through the conduct of the prosecutors and the judges, through the bias of the press and radio, and in the final judgment and jail sentences, the treatment of national minorities differs from that accorded other citizens and residents.

Workers are often arrested on "suspicion," held for days without trial (which is "dead time," not applying on final possible sentence) and then urged to plead guilty with the promise that they will be let off with a small fine or light jail sentence. The public defender in the majority of cases advises his clients to take this course and the jails are full of workers who have, through fear or ignorance or both, taken this advice. Some workers have been held without trial as long as thirty or forty days.

One of the phases of police intimidation that is perhaps less clearly recognized by the public

CURFEW — FOR WHOM?

In San Pedro, one evening, a fight occurred at a private party. Six Mexican-American boys who had left the party, but who were not involved in the fight, were picked up by the police some blocks away. They were lined up, searched, cursed, roughed up, and finally booked at the station for violating curfew. With them was a young Anglo-American girl, also a minor, who was released, without charges, in custody of her parents. The six Mexican-American boys spent several weeks at Juvenile Hall. Their families, distraught, not having been notified by the police,

is the harassment, and on occasion, outright murder of juveniles, as in the Salcido case. When a killing like that of James Henry by the police reservist Christman occurs, we realize that the intimidation of youth extends even beyond minority youth. In fact, there is reason to conclude, from a large number of cases, that the intention of the police department is, first of all, to intimidate teen-agers, and to create a situation where as many as possible have a police record. It is very clear to see that if youngsters can be picked up enough times, and have a record of even being questioned in some "suspicious circumstance," the day will come that these cumulative "records" will weigh heavily against them. It is one thing to protect the community, to work on the genuine social problem of juvenile delinquency, with all its social and economic connotations. It is another thing for the police to exercise their authority at random, sometimes with a gun, to frighten and intimidate our children.

finally found them there. Meanwhile the Civil Rights Congress was contacted and pressure from the boy's families and the community was exerted and, with the aid provided by a Civil Rights Congress attorney, the case was dismissed. Nevertheless, these boys have a "record." It is noteworthy that in this case only boys of Mexican descent were picked up. There were a number of 14 and 15-year-olds of Anglo-Saxon descent at the party who were not molested. Records of such cases, even though dismissed, are never expunged and forever remain the property of the police department.

ADAMS JUNIOR HIGH SCHOOL CASE

One day, while playing in the yard of the Adams Junior High School, a group of Negro and white boys became involved in a fight. None of the boys was injured.

Three days later police officers came to the school and took the Negro boys away with them to Juvenile Hall where they were to be held for a hearing twenty-five days later. The white boys remained free.

The parents were not notified and it was only when the boys failed to arrive home that their arrest was discovered. Neither the police nor the school authorities seemed concerned with the fact that the Negro students would be away from home and their studies for a month or more pending the "hearings." The grandmother of one of the boys, when protesting the arrest to the school principal, was told, ". . . the boys have no right to be in this school, because they are Negro. If this was a place like Sherman Oaks (in the San

Fernando Valley, a restricted community) they wouldn't be in this school."

At the time of the arrest one of the officers was heard to remark, "I've just finished killing a Negro boy and I wouldn't mind killing you."

Community resentment revolved about the two issues: the brutal and discriminatory use of police power in taking the youth from the school yard when the matter was a simple disciplinary school administration question and the second, the attitude and statement of the school principal whose responsibility it was to develop good relations between the Negro and white students and other national groupings in his school.

Delegations visited the Principal of the school and demanded he intercede for the arrested boys and order their release. Among the organizations and individuals participating were Rev. Steven of the Abyssinian Baptist Church, the Civic and Charity Club of 42, Rev. E. A. Anderson, The

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Everybody's Super Market

Nan Blair

Civil Rights Congress, Rev. Mathews of the School of Christ, The Congress of American Women and others.

The delegation protested to Ellis A. Jarvis, representing the Board of Education, that the police had no place in a matter that should have been handled by the school. They also demanded of the Principal an explanation of his remarks

RANDOM ARREST

Another technique of the police is to operate on the basis of "community suspects." Everyone in the neighborhood of the alleged crime may be peremptorily halted as a possible participant. It is a form borrowed from the Nazis in which whole national groups were held suspect on the theory that criminal tendencies are inherent in particular national groupings.

The police simply decide to look in chosen communities for a handy suspect regardless of whether there are grounds connecting the individual with the alleged offense. These practices occur mainly on the east side of Los Angeles and in other Mexican and Negro communities, rarely elsewhere. On traveling down Central Avenue in the early evening one may often see groups of men standing on street corners or against a wall with their hands in the air being searched by officers. This would create a scandal if it happened in any other part of town. The uncontested

establishment of such practices may, however, make the distance between Central Avenue and Fairfax disconcertingly short.

One of the many examples on file of random arrest is the case of Benjamin Landeros, aged 14. The police picked him up one day on the charge that he belonged to a gang of bicycle thieves. They took two bicycles from his home as evidence. His father claimed that they belonged to his son and he was able to get a signed statement from a doctor who had given the bicycles to him. Benjamin was picked up on May 26th. CRC got the case on June 14th, his trial being set for June 17. All this time he was held in Juvenile Hall. CRC attorneys obtained dismissal of the case. Here was a young man who had no sort of record before, who went to school and who worked after school and weekends with his father, who was a gardener. Benjamin Landeros, 14, now has a police record.

"INTERFERING WITH THE LAW"

One morning a young man walked into the office of CRC and asked to talk to someone about a beating he had just received at the hands of the police. His nose and head were bandaged and he moved with a stiffness that spoke of hidden bruises. His name, he said, was David Rodarte and he had heard of the Civil Rights Congress during the Salcido case hearings. He told of being picked up by the police about 10:30 on the night of Sept. 18 as he was returning home from a dance on the east side. They accused him of being part of a gang that had beaten up a police officer because there was a scratch on his nose that he had gotten earlier in the evening when he fell off a bicycle. This was considered evidence that he had been in on the beating. At the station he saw several other young men whom he knew and who had also been picked up on "suspicion," since several of the alleged assailants ("Mexican") were supposed to have escaped. The police beat Rodarte, gave him

a black eye and bruises all over his body. Then they booked him at Lincoln Heights on charges of "interfering with the law." On Monday morning he was released without bail. The young men who had been in on the incident pleaded guilty, even though they said they had participated in no beating. They claimed they had merely tried to stop the officer from pushing one of them around. All said Rodarte had not been with them. When the case came to trial, CRC attorneys were able to get the case against Rodarte dismissed. But the court insisted on the provision that he sign a statement that he would not sue for false arrest. This case has a number of typical elements. The police pushing around young people for no valid reason; the "culprits" pleading guilty although they were not guilty; the police picking up a random suspect with no evidence that he had been anywhere near the scene; and the beating and manhandling of suspects.

"PULL OVER!"

Other aspects of police intimidation of minority groups on a community basis include practices of harassment. Regularly prowl cars tour Aliso Village, flashing their searchlights in the windows and stopping pedestrians and residents

of the Project. Regularly groups of police make the rounds of the area near the Plaza, lining up anyone they find on the street and searching them.

On a Saturday night Mike Ortiz was driving

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Dr. Sarah S. Rifkin

David Hyun

A Group of Seven

to Montebello to visit relatives. A car, whose driver was in civilian clothes, started following him a few blocks east of Atlantic. After several blocks he crowded Ortiz to the curb, shouting, "Pull over, you dirty Mexican!" Ortiz kept going, finally stopped to find out why he was being followed. The man flashed a badge and demanded to know what Ortiz had been drinking. Then he called other police since he was off duty. The other police arrived, and asked in abusive language where the dope was. Ortiz denied having any dope or having had anything to drink. They parked Ortiz' car in a garage,

"IDENTIFIED"

Bartha Watkins, a twenty-one year old Negro, was standing on the City College campus waiting for a friend, one of the students. While he was waiting, a Mr. Anderson, an instructor in the Art Department, came up to him, grabbed his arm, and insisted on taking him to see the Dean of Students. Immediately a group formed, attracted by Anderson's actions. Naturally enough Mr. Watkins became alarmed and breaking away from Anderson, ran off the campus. A passing police car stopped and, at Anderson's behest, Watkins was brought to the Dean's office, where three white girls were waiting. They promptly "identified" Watkins as the man who had molested them on the campus some days before. The girls claimed not to know each other, that it was entirely a coincidence that all

FIFTEEN DOLLARS AND A BEATING

Anderson Lark, a young Negro member of the International Longshoreman's and Warehouseman's Union Local 13, was returning home one morning about 2:00 a.m. He was walking along Compton Ave., passing a parked police car. One of the officers confronted him, saying "ain't you the n - - - r we've been looking for?" They searched him and took his money, about \$15. They took Lark to a house to see if a man there could identify him, but the man said he had never seen him before. Then they took him into the back of the Watts station and called City Hall to see if Lark was "wanted." The answer was no, so they took him into a hall and gave him a terrific beating. Lark was barely able to stand when they dragged him outside and threatened to shoot if he was not gone at the count of three. He dragged himself around the building, and hailed a passing motorist who took him to Georgia St. Receiving Hospital. After he was

FRAME-UP

In a great many of these cases, prompt action by CRC and protest by the community does save these victims of police attack. However, unfortunately, in two many cases the frameups work.

although he protested at the expense, and took him to the station at Ford and Whittier. When he objected to being classified as a Mexican on their records, saying he was an American, they struck him. He was held in the station until the next morning, then taken to the County Jail. Sunday night his wife was able to bail him out. He was charged with drunken and reckless driving.

A CRC attorney won an acquittal for Ortiz, since it was shown that he had come directly from work and his employer testified that he never drank on the job.

three should appear at the same time in the Dean's office, and at the same time that Watkins happened to be on the campus.

Bartha Watkins was arrested. He was charged with battery—although he struck no one. He was charged with loitering—although he had a legitimate appointment with his music teacher in a public place, and with disturbing the peace—presumably because he tried to run away from an obviously threatening situation. As for the accusation of molesting the girls, it was brought out at the trial that at the time of the alleged offense he was at work five miles away from City College. In spite of this obvious frameup, prejudice at his trial was whipped up to such a pitch that he was found guilty. He was denied a new trial and served a six month sentence.

treated there he was taken to City Hall where he made a complete report to the Captain on duty.

Lark was determined to get redress. His union and the Civil Rights Congress joined in his defense. An attorney was assigned his case and a fact sheet was drawn up and sent to unions, churches and other community organizations. The Civil Rights Congress members in his area distributed the fact sheets in the neighborhood and the combined pressure of the organizations and individuals involved succeeded in getting the three officers involved fired off the force. An interesting sidelight is the fact that the police were more concerned with the theft of money from Lark than with the beating he received. The case ended with the officers being fined \$25 on the charge of petty theft while the charge of assault against them was dropped.

Ramon McLin and Charles Woods, two Negro men, were on their way to a jazz concert at the Embassy Auditorium. They were arrested in a parking lot. In the police car, and at the station

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Mr. & Mrs. Bernstein

IWO—American Russian Branch 3151

Morris and Rose Freed

house, they were threatened and beaten. They were booked on suspicion of possession of marijuana. To substantiate this, one of the officers produced two smoked marijuana cigarettes which he claimed to have found on the ground.

THE MARAVILLA CASE

On Saturday night, February 4th, Mrs. Natalia Gonzales was giving her daughter, Mrs. Hortensia Ortega, a baby shower. At 11:30 the party was breaking up, when a deputy sheriff's car stopped before the little house in the Maravilla area of East Los Angeles. Four deputy sheriffs came to the door and told Mrs. Ortega, that the party must break up in three minutes—"or else." Mrs. Ortega protested that there had been no noise, no fighting, nothing to justify such an order. That made no difference to the sheriffs. "Clear out in three minutes or we're coming in," they threatened.

When one of the guests, a young man, standing near the door, ventured to ask if they had a warrant to enter, they called him a wise guy, dragged him out to the car and beat him up. A couple passing by, who had nothing to do with the party, protested the brutality. The sheriffs grabbed them, and twisted the girl's arm till she screamed. The fifty or so people in the house, aroused by such an unwarranted situation, locked the doors and refused to come out.

The sheriffs sent for the riot squad, who surrounded the house and broke in, swinging their clubs. They slugged some of the guests, pretended to search for narcotics, although this was the first mention of narcotics. Later the same cops said that they had been sent for because of complaining neighbors. However, no such complaining neighbors were ever produced.

They told Mrs. Ortega, "We don't want to cause you any trouble, but these murders and killings have got to stop." No connection was ever established between these praiseworthy sentiments and the breaking up of a baby shower. Later, one of the deputies stated, "Wherever there's a crowd of Mexicans you have to watch out for a riot." But the officers did help themselves to the party's sandwiches before dragging the entire group to jail. They not only took every one at the party, but also the expectant father, who drove up with a late guest after having taken some one home. The father had a toy in his hand for the coming baby, at the time of his arrest.

All fifty people were held in jail until Monday morning, when most were released. All, however, were ordered to stand trial on the charge of disturbing the peace.

The Civil Rights Congress and the National Mexican American Association jointly prepared

Despite the vagueness of the evidence, the absence of any record on either youth, and the efforts of CRC attorneys, McLin and Woods were found guilty. They were denied probation and served four months in jail.

the case for trial as the whole neighborhood became aroused to white heat over what some called a "pogrom" against the Mexican people. ANMA (the Mexican American Association) distributed a fact sheet and an invitation to the neighboring Croatian Hall to discuss ways and means of defending the families involved. The meeting drew a crowd and the police retaliated. They visited neighbors and warned them to stay away from the "reds." Some families were threatened with loss of relief. Others were treated with hot dogs and cigarettes! However, the entire Mexican-American community and the neighboring Jewish community were aroused and continued their fight.

The prosecution, fearing the exposures that might result from the trials, advanced proposals in which the net result was the pleading of guilty by three of the defendants who received light fines and suspended sentences. They pleaded guilty, not because they were guilty, but because they were working people, who could not afford long drawn out involvement in court, a matter of at least two weeks' time.

There have been repercussions from the Maravilla case. As a result of delegations visiting Sacramento, Assemblyman Rosenthal brought forward a motion to have the Committee on Crime and Correction, studying reports of police brutality against minority groups in Oakland, investigate the situation in Los Angeles. To ward off this long overdue investigation, big business and the press drummed up a "wolfpack" scare, filling the papers with tales of young desperadoes riding rough-shod over the gentle police, the whole city in a state of siege! Hysterical citizens responded by writing indignant letters, demanding that the police be *permitted* to defend everyone from being murdered in his bed. And when it was apparent that the investigating committee had been headed off, the wolfpacks vanished!

Never before has the Mexican-American community been so aroused in defense of their rights. The community has learned that it can and must protect itself. It has strong allies, not only among members of other minorities, but among working people generally who realize that an injury to one is an injury to all. The state investigation, now dormant, must be revived.

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In memory of Rose Lishner and
Rose Freed — Arthur Lishner

THE ALBERT McPHERSON CASE

In a recent case, what started out as a trumped up drunk charge against a militant Negro trade unionist turned to a redbaiting attack against him by the arresting officer.

One evening in San Pedro, Albert McPherson was driving along with a friend when they were stopped by two police officers. During the course of the questioning McPherson asked to be permitted to get in touch with his attorney. The police asked the name of his lawyer and McPherson named the attorneys of his union.

Oh, so you want your civil rights!" barked the officer, "he must be one of those Communists!"

The police indicated that they recognized him as a member of the Marine Cooks and Stewards Union who had been on several delegations to protest against police attacks made on San Pedro Negro and Mexican workers.

At the trial the testimony turned from the question of drinking to politics.

The prosecutor asked McPherson if he was a Communist. His attorney protested to presiding Judge Byron J. Walters that the question had nothing to do with the charge. The judge, instead of sustaining the objection, asked if the defense attorney wished that the defendant be advised of his rights. On receiving an affirmative answer the judge proceeded to quote from the Fifth

Amendment of the Bill of Rights that a person cannot be compelled to testify against himself!

The judge, long known to workers for his vicious sentences, outdid himself. After a half hour tirade based on McPherson's refusal to answer the question regarding his politics Judge Walters placed McPherson on three years probation providing McPherson spend ten days in jail and pay a fine of fifty dollars, an unheard of sentence. Generally the fine is nominal, the sentence, if any, a few days. The three year probationary period made it possible for the judge to send him to jail for six months and to fine him \$500 within that period if he felt so disposed to do. Being on a union picket line or another delegation to the police department might be enough reason. McPherson had no previous police record of any kind.

Upon given notice of appeal, Judge Walters set bail at \$500, causing even the court clerk to mutter in surprise that in all his experience no judge had ever set such high bail on so simple a charge. In setting bail, Judge Walters remarked that anyone who refused to answer the question as to whether or not he was a Communist could not be trusted to appear for trial.

The case is being appealed to the appellate court.

CONCLUSION

The stories related above are a few among the hundreds in the files of the Civil Rights Congress. On bringing instances of police harassment to the attention of the Department of Internal Affairs of the Police Department the stock answer has been, "We have investigated the action complained of against the officer and find that he has acted within his rights."

It has been noted, however, that when the community has been aroused and has made a concerted protest, there is a slow-down of com-

plaints—the police are more careful.

Conclusion: The greatest victories have come when the community supplements the legal fight with organized, broad campaigns in defense of the victims of police terror.

The CRC Chapters and committees can, by strengthening their organizations, do much toward curbing these illegal activities of the police department and other civic agencies and promote a better understanding of the over-all fight for civil rights.

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Tri-City Chap. Amer. Vet. Comm.

Leon Goldberg

Extradition - Southern Justice

JUDGE CARTER: "Why didn't you tell that Mississippi judge that you were forced to sign a confession?"

EUGENE BACKSTRON: "Judge, you don't understand. I would have been dead after I left the courtroom if I said anything like that."

The Civil Rights Congress has had five extradition cases in the past two years and, in defending the victims of southern "justice," has been confronted with numerous new and difficult problems. Many legal questions and results experienced elsewhere have not as yet even been recorded or have not been made easily available. The lawyers on the CRC panel active in the extradition cases have developed new concepts of law in search for precedent and have, in fact, set new precedent in extradition.

While lack of space limits discussion, a few developments generally on extradition law and the five cases handled by CRC are outlined here. The reader is referred to a mimeographed memoranda on extradition issued by the CRC Lawyers' Panel and available at the CRC Los Angeles office.

Constitutional provision for interstate rendition (herein called extradition) is contained in the fourth article of the United States Constitution:

"A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

Commonly, when the whereabouts of a person thought to be the one sought by another state are made known to the California authorities, the person is arrested on a fugitive complaint warrant. This warrant precedes the extradition request. The person is brought before a magistrate to make bail pending the decision on the issuance of a Governor's warrant for extradition.

CRC makes immediate effort to have a hearing before the Governor where evidence may be produced to show why the extradition request should not be honored. No hearing is normally granted unless positively requested before receipt of the extradition request, or, at any rate before the often speedy signing of the Governor's warrant for extradition.

The CRC prepares, at the same time, material for the broadest circulation, detailing the facts in the case and urging the circulation of petitions directed to the Governor asking him to refuse

extradition. A request is made to the Governor to set a date for hearing, which, on his part, is not mandatory. The interest generated in the case determines whether such hearings are granted. In some instances (though not listed among our experiences) a request that a demanding state withdraw its extradition request has proved effective.

The Supreme Court has held that a state governor may not be legally controlled in his judgment to permit or not to permit extradition. However, subsequent to his action, action may be taken in both state and federal courts.

The Governor generally considers only two matters: (1) the regularity of the extradition papers and (2) whether the person being held is the same as the person wanted. In one of the cases a sheriff from Louisiana (Woodrow Green case) presented phony papers and extradition was denied, although extradition may still be sought by Louisiana state officials.

Sometimes, but not always, other questions may also be raised and considered. They are:

(1) Probability that the person sought will suffer lynching or other violent consequences if he is returned. (Middlebrooks case.)

(2) Pettiness of the crime involved and punishment already endured. (Frank Hollis, Georgia Negro, given four year prison camp term, charged with theft of two candy bars and three cans of tobacco. Connecticut Governor refused to extradite.)

(3) Good character and record of person sought. (Lester Tate case.)

(4) Deprivation of constitutional rights at time of trial or following conviction, such as deprivation of right to counsel, or infliction of cruel and unusual punishment. (Middlebrooks and Backstron cases.)

The Governor does not pass on the guilt or innocence of the defendant. Formal rules of evidence do not apply and letters of recommendation are considered, as well as expressions of interest by individuals and community groups, union, church, neighbors, employer, etc.

Though Governor Warren has often been reluctant or has expressed belief in his lack of power to go into the broader questions, he has nevertheless acceded to taking such issues into account when the demand for it has been suffi-

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Mine, Mill and Smelter Workers
Union, Local 700

The fight against anti-Semitism must be fought on the following fronts:

1. Against job discrimination, restrictive covenants, quotas in schools and restrictions in public places.

2. Against all manifestations of anti-Jewish chauvinism in speech and action.

3. Against the large industrialists and financiers who manipulate these movements behind the scenes.

4. Against the little "Fuehrer" who spread poisonous propaganda throughout the country.

5. Joining with the Negro, Mexican and other minority peoples in developing an understanding of the common cause of anti-Semitism, Jimcrow and discrimination.

6. Repeal of the infamous McCarran Law.

In this fight we must employ all the instruments of education, legislation and administrative action, and mass campaigns by petitions, picketing and mass demonstrations. In this fight we must unite the Jewish people with the trade unions, the Negro people and the other minority groups who are the ultimate victims of organized anti-Semitism.



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American Birobidjan Committee
Southern Calif. Division

Lawyers' Panel for Civil Rights

"... it is the duty of an attorney never to reject, for any consideration personal to himself, the cause of the defenseless and oppressed."

—BUSINESS AND PROFESSIONS CODE OF THE STATE OF CALIFORNIA (Sec. 6068H)

A group of lawyers, recognizing that the volume of cases and instances involving deprivations of civil rights was increasing rapidly, decided to give meaning to the above mentioned requirement set forth in our State law. They recognized that many members of the bar who, like members of most professions, are normally more concerned with the necessity of earning a livelihood, could be drawn into the work of defending civil rights if they were shown the need.

Accordingly, in March of 1949, with the advice and assistance of the staff of the Civil Rights Congress, a meeting was held for the purpose of forming an organization of lawyers who were desirous of making contributions of their time and skill in this field. That meeting was attended by thirty-five lawyers, of whom thirty-two agreed to become members of a "Lawyers Panel for Civil Rights." Since that time the membership of the Panel has expanded to the point where it now comprises fifty-five lawyers. During that period every request for the services of an attorney has been promptly filled. This can be more appreciated when it is realized that all assignments are accepted by Panel members on a non-fee basis, thus making legal services available to many people and organizations who would otherwise not be able to afford them and who, in the nature of things, are most often the subject of attack.

The Panel is governed by an executive committee elected at an annual meeting of all the members. The executive committee itself selects such officers as it deems necessary for the operation of the Panel. As a case is brought to the attention of the Civil Rights Congress, the staff analyzes the facts and makes a preliminary determination as to whether an invasion of civil rights is involved. If so, the secretary of the Panel is requested to assign a lawyer. The secretary then consults with several Panel members, one or more of whom accepts the assignment. Thereafter, the assigned attorney can look forward to advice from other members of the Panel and to assistance from the Civil Rights Congress in the gathering of factual information.

During the first year of the existence of the Panel, approximately a hundred assignments were handled by its members. Nearly every

member was involved in one or more cases. The scope of the work can perhaps best be illustrated by enumerating the types of cases, which included the following: actions for discriminatory refusal to serve in public places; cases involving police malpractices, brutality, discriminatory arrests, etc.; defense against charges of violation of anti-picketing, anti-sound truck and anti-leaflet distribution ordinances; extradition cases; discriminatory deportation proceedings because of political or labor activities or beliefs; cases involving governmental agencies; cases involving discriminatory enforcement of ordinances against minority juveniles; instances of intra-trade union political discrimination; defense against legislative "witch-hunt" committees; discriminatory applications of vagrancy statutes; and assignments involving research and preparation of information for mass distribution on questions involving "thought control" legislation, etc.

Of the cases which have so far been terminated, thirty-three were won as against three lost. Of the cases which have been terminated, fourteen involved Negroes; twenty-five, Mexican-American; twenty-one, members of a political minority; one, Japanese; and three involved no minority persons. There were thirty-nine criminal court proceedings among those reported, and two civil court proceedings. Eight cases involved only consultations and twelve involved appearances before administrative bodies or legislative committees. There were, in addition, 15 other cases which were dropped after initial investigation by the Panel attorney on the ground that they did not predominately involve civil rights. Also, another 15 matters were disposed of without the necessity of specific assignment or any court appearance.

In conclusion, it may be said that the accomplishments of the Panel clearly justify the time and effort expended in its creation. Its lawyer members unanimously report a sense of fulfillment in the work and a feeling that they have learned much about our people and our society. This increased knowledge on their part has manifested itself in a greater willingness to participate in other actions for progress. It is equally clear that the community as a whole has benefited from the activities of the Panel. The increasing attacks upon lawyers here and throughout the nation certainly show an awareness on

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Dr. Monroe Engelberg

Lawrence Sperber

the part of reaction of the important role played by lawyers in the protection and extension of civil rights. For reaction knows that if lawyers can be intimidated into refusing so-called "unpopular" causes and the cause of the oppressed,

the ability of the people to fight back will be seriously retarded.

There is no doubt that a great many more lawyers can be added to the Panel, and all are invited to participate in that task.

. . . EVEN THE LAWYERS

The first premise of fascism is fear. Unless the people in a nation possessed of freedom can be split, paralyzed and disabled from defending themselves, the strength of their united numbers affords its own guarantee against destruction of their liberties.

Thus it is not surprising that in the course of the drive toward fascism certain special and particular blows should fall upon attorneys who appear as counsel for the defense in any of the attacks against individuals. Pace is important in intimidation. The sudden display of seemingly overwhelming power and right to punish the victim is essential. Defense lawyers who take their calling seriously can be disastrous to the object sought. For a lawyer, if true to his profession and his client, is bound in oath to resist the government and all its officers and agents in any infringement of or attack upon, the rights of his client.

Defense representation conceived in any such terms in political, labor, minority or other civil liberty trials is utterly intolerable to those who would use the instrumentalities of law to coerce and intimidate the people into surrender of their liberties.

It was intolerable to Tom Clark who in 1946 while Attorney General, said bluntly:

"I do not think there is anyone any more subject to censure in our profession than the revolutionary who enters our ranks, takes the solemn oath of our calling and then uses every device in the legal category to further the interests of those who would destroy our government by force if necessary.

"I . . . believe that our bar associations, with a strong hand, should take those too brilliant brothers of ours to the legal woodshed for a definite and well deserved admonition."— (32 ABA Journ. 453, 457.)

And he meant what he said. When someone asked him if he meant such words only for "Communist" lawyers he found an appropriate forum and replied:

"I also believe that lawyers who are not provably card-carrying Communists, but who act like Communists and carry out Communist missions and offenses against the dignity of our courts, should be scrutinized by grievance committees of the bar and the courts."— (LOOK, Oct. 30, 1949.)

As many an incident in the past few years bear witness, the words and call of such as Tom

Clark have been heeded. Lawyers "who act like Communists and carry out Communist missions and offenses against the dignity of our courts" have indeed been "scrutinized" by judges, bar committees and other official bodies positioned to inflict reprisals. And many a "too brilliant brother" of lawyer Clark's profession has learned the meaning of "definite and well deserved admonitions." The legal profession as a whole has



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Elmer Carter
Max Silver

JPFO Lodge 660
Ben Lipson

been taught that it is hazardous for counsel in any civil liberty trial to "use every" or, indeed, "any device in the legal category to further the interest" of the accused. In increasing incidents the country over, attorneys representing unpopular clients have been subjected to harassment by courts, committees and bar associations and to this has been recently added the spectacle of client and counsel in civil liberty criminal trials suffering simultaneous convictions and sentences, the one for a supposed offense against law and the other for "contempt" in defending the first.

Thus in the Foley Square trial the eleven defendants were sentenced to five years for advocating Marxism-Leninism; their five attorneys were given one, four and six month sentences for defending them in a manner not to the liking of the trial judge. One among them, Eugene Dennis, who acted as his own counsel, got two sentences—one for being a defendant and another for being his own lawyer.

Similarly, in the Bridges perjury trial attorneys Vincent Hallinan and James MacInnis, for their pains in conscientiously seeking to bring before the jury the sordid facts of perjury and frameup which had marked this trial, as all of the earlier Bridges trials, were sentenced to six and four month jail terms respectively, and Hallinan was disbarred from practice in Federal courts to boot. Federal Judge George B. Harris who dealt out the sentences had heard Tom Clark's call.

Similar treatment was meted out in New Jersey to attorneys O. John Rogge, William Patterson, and Emanuel Block. These lawyers intervened as counsel for the Trenton Six and made the mistake of appealing the conviction there so successfully as to have it reversed. For this they suffered, at the hands of the angered trial judge, immediate forfeiture of all right to appear before New Jersey courts.

The attorneys in the Trenton Case have since been reinstated by the New Jersey Supreme Court after a nationwide protest.

In 1949 in Los Angeles, attorney Ben Margolis, vigorously defending the right of his clients to refuse to disclose to a Federal grand jury their political beliefs and affiliations, was himself ordered to the stand and subjected to like coercion

to answer questions concerning his own affiliations and beliefs. (L. A. Times, June 10, 1949.) And attorney John McTernan, for appearing as counsel for witnesses subpoenaed before the California Tenney Committee in 1948, was in turn summoned by the committee to be himself a witness. (L. A. Herald Express, February 17, 1948.) So, too, with attorney Robert W. Kenny, former California Attorney-General, for appearing as counsel for the Hollywood Ten before the Thomas Committee. So, too, with attorney Maurice Braverman of the Maryland bar for appearing as counsel for other persons summoned by the same committee. (New Yorker Magazine, November 13, 1948, p. 124.)

Attorney John Caughlan of Seattle, was prosecuted for "perjury" in supporting the application of one of his alien clients in a manner indistinguishable from the prosecution of Henry Schmidt and J. R. Robertson in the Bridges trial for "perjuriously" supporting Bridges' citizenship application.

The explanations assigned for such reprisals against attorneys by the judges and others who have participated in administering them are varied. Judge Harold Medina, for example, in partial defense of his sentences of counsel in the Foley Square trial complained that the length and vigor of the defense was fatiguing upon him and was "impairing my health."

Perhaps Judge Medina was right. Perhaps the trial of ideas in New York over which he presided was fatiguing and perhaps the presence of any defense counsel at all could not have helped but add to the strain to be borne. It's hard to put ideas on trial in a nation committed to freedom of speech and thought. It's hard for the judge. And it's hard for the government, through such a trial and the many other phases and instruments of its present cold war on liberty, to struggle to cow and intimidate the people into laying down their democracy. It may well tax the health of all who in any degree participate in the attack. But it is the people, not they, who are aggrieved. It is the impaired health of Constitutional democracy, not that of Judge Medina, for which the nation feels, and well should feel, angry concern.

Extradition - Southern Justice

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Union, Local 700

ciently broad (the Tate case). Governor Driscoll of New Jersey set precedent on this matter when in 1948, he refused extradition of John Colier to South Carolina following the rule of "... a careful weighing of the demands of justice against the demand of the principle of comity between states."

PROCEEDINGS BEFORE THE COURTS

Should a hearing before the Governor not be obtained, or should he nonetheless grant the extradition request and issue his warrant, then the defendant may be brought before a magistrate and given an opportunity to test the legality of the arrest by being granted a reasonable time within which to apply for a writ of habeas corpus. Issues that may be raised are limited to constitutional questions (the issue of guilt or innocence is again not raisable and the pettiness of the crime is not relevant). Article VI of the United States Constitution is applicable in such appeal:

"This Constitution . . . shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

Remedy of appeal from an adverse superior court decision on habeas corpus appears not to be available. However, successive applications for writs, under certain limitations, to higher state courts may be made. The problem of securing stays to prevent the extraditing state from taking the defendant away while these steps are

JOSEPH BROCKS

One day, late in December, 1948, Joseph Brocks and his wife went Christmas shopping. Preoccupied with discussing what gifts they were going to buy they were suddenly confronted by a police officer who challenged Brocks as a burglary suspect. Brocks went to the police station and was soon cleared of the charge. Following a routine fingerprint checkup he was re-arrested when records revealed he was wanted in Alabama for escape from a chain gang.

It was nearly six years since Brocks, known then as Bernard White, had run away after spending three months of a ten year sentence. As in the time of slavery thousands remain to endure the misery and degradation of life in the South; few escape. Brocks escaped.

In Alabama he had worked for several years for a construction company but in May, 1942, he was laid off. He decided to visit his aunt in Thomasville, a few miles from Mobile. He bought a second-hand bicycle and cycled his way to the small town.

No sooner had he entered the outskirts when, without warning, he was set upon by a mob who

being taken has been one of the most difficult problems. Joe Brocks was spirited away to Alabama while we were trying to solve complex legal problems to keep him here. In the case of Backstron, the Mississippi prison representatives were stopped more than once by hastily gotten writs even while he was being taken out of the county jail and into the waiting Sheriff's car.

In its campaign to halt the inhuman and unconstitutional treatment accorded Negro prisoners in Southern States the Civil Rights Congress directed a statement on its findings to all Northern State Governors urging them to refuse extradition of Negroes to Southern States where un-constitutional judicial and penal practices prevail. "Otherwise," said CRC, "the Governors are aiding and encouraging terror against the Negro people in the South." Ten Governors responded.

A statement was also sent President Truman, and copies forwarded to Southern State Governors, demanding he institute an investigation of the penal methods of all Southern States and that he order the U. S. Justice Department be present at all hearings and trials on extradition, and to argue in behalf of the defendant if un-constitutional judicial and penal practices prevail in the State demanding extradition. Finally the President was urged to issue a statement of policy in regard to these proposals. The President has not answered these requests to date.

The following cases are from the files of the Los Angeles Civil Rights Congress of the past two years.

beat him and blamed him for the theft of a bicycle and for breaking into and entering a private home in the town.

The Sheriff of Thomasville finally got to him and took him to the jail at the County seat, Hill Grove, twenty-five miles away. There he was held for approximately a month, receiving beatings, an dwas finally forced into signing a confession.

He tells of the brutality in a Southern jail: "For five days I was fed bread and water only and beaten every day. I was put in a place they called the hole for five days. One morning about eight o'clock, a few days after I was taken out of the hole, I broke prison. They put bloodhounds on my trail. I ran all day until about six o'clock in the evening. When they started shooting and said they would kill me, I surrendered. After I surrendered they tied my hands, and the trustees beat and kicked me from head to foot. They carried me back to the jail in Grove Hill."

White was brought before the judge, not for a hearing, but for sentencing. When he protested his innocence and insisted on pleading "not

guilty" the judge replied that he had already pleaded guilty through his confession and forthwith sentenced him to ten years. The judge added, "If you run for it, White, I get the ten years back." During the month in jail he was not permitted to see a lawyer nor to communicate with his family.

After the "hearing" and the sentencing White was put in an open truck and taken to Montgomery and from there to a chain gang outside of Birmingham. He served a little over two months and escaped.

He went to Mobile where he found a relative and borrowed a small amount of money. He went on to Tennessee to an aunt's house, borrowed a few more dollars, changed his name from Bernard White to Joseph Brocks and continued on to California.

Brocks got a job with the Friedman Bag Co. and worked there for five years until the time he was arrested. His union brothers knew him as a "solid, dependable worker and a fine union man."

Soon after his arrest the Civil Rights Congress provided the \$1000 bail and the Lawyers' Panel assigned an attorney to his case. The ILWU Local 26, in which Brocks was active, joined in his defense.

Carpenters Local 634, in the name of its 3200 members, called on Governor Warren to refuse to sign the extradition papers, "convinced that if Joseph Brocks is returned to Alabama he will face the same 'lynch justice' he faced before and possibly death."

A group of trade union leaders from the Mine, Mill and Smelter Workers Union Local 700, Furniture Workers Local 576, the Marine Cooks and Stewards Union, the ILWU Local 26 and the International Ladies Garment Workers Union Local 65 asked Governor Warren that he refuse Brocks' extradition and so save him from "southern Ku Klux Klan justice."

The Executive Board of the Screen Publicists Guild urged clemency and from several State Assemblymen came messages urging Governor Warren to refuse extradition. The case of Woodrow Green was also before the Governor and many messages included requests that the Governor not "send these two men to possible death in the South."

Immediately after the arrest of Brocks a letter was sent to Gov. Folsom of Alabama urging him to recall his request for extradition. He did not reply.

A request for a hearing was made to Governor Warren and a date was set for Tuesday morning, January 18 at 10 a.m. Present were Brocks, his attorney, Paul Schlipf of the California CIO Council, Frank Thompson of the Sacramento



Joseph Brocks and wife Edna.

Warehouseman's Union, ILWU Local 1-17, State Director Elinor Kahn of the Independent Progressive Party and Germain Bulcke, ILWU International Vice-President. Later two NAACP representatives appeared.

Governor Warren after hearing the pleas of the delegation said that he would honor Alabama's request. He made reference to two previous escapes from Mississippi and Florida where Brocks had been charged with burglary and "resisting an officer."

That noon five State Assemblymen wired Governor Folsom, asking him to withdraw his request for extradition.

Governor Warren signed the extradition warrant and Joseph Brocks was taken back to Kilby Prison on February 28, 1949, approximately five years and seven months after his escape.

He was placed in the death cell and stayed there for over nine months, being transferred from there to another tank about the end of 1949.

A campaign of letters to the Board of Parole and Pardons of Alabama was started, urging that Brocks be paroled for Christmas 1950. The stock answer was "this subject is not entitled to parole consideration at this time."

Telling of these stories made possible through the contribution of

Dr. Max Sherman

A Group of Friends

Civil Rights Congress corresponds frequently with Joe and the Prisoner's Welfare Committee keep him in funds. A recent letter tells of his receiving a dictionary he had previously requested. "It will be very helpful to me," he wrote. "Since I am here and must be here for a long period of time I must try to improve my-

WOODROW GREEN

One evening in March, 1946, Woodrow Green, World War II veteran, and his cousin walked into Mack Reed's liquor store in St. Francisville, Louisiana, about fifteen miles from his home town of Woodville in Mississippi.

They bought a bottle liquor, and upon being overcharged, an argument ensued. The store owner became angered and, walking out from behind the counter with a baseball bat in hand, said he was going to "knock their brains out."

At this Woodrow backed out of the door and in so doing stumbled over the sill. He had the bottle in his back pocket and made a grab for it to save it from falling out of his loose work clothing. Store owner Reed, apparently thinking Woodrow was reaching for a weapon, ran back of the counter and got his gun.

Green left the store to escape Reed's wrath and ran into the woods. As he fled he heard several shots. Hiding for a while he finally decided to make his way home. As he neared the house he saw several men standing in front talking and decided to go to the rear and get a few things and leave until he felt it would be safe to return.

Green's mother later filled in this part of what happened. Fifteen men came to her yard and questioned her. Woodrow had already left, but they searched the house, taking Woodrow's German Luger pistol out of his bureau drawer. They searched the back yard and the storage room. They thought they heard Woodrow in the storage room and they hollered for him to come out with his hands up. They found he wasn't in there and they left.

Fearing mob violence Green decided to leave Woodville. He came out to California and settled in Los Angeles where he found a job soon after his arrival. Like Lester Tate he joined the Mine, Mill and Smelter Workers Union and became interested in union activities. He married and decided to make his home here.

In the summer of 1938 Woodrow's sister came out to visit him and after a short period returned to her home to attend her mother's funeral. What happened to her is told in her own words in an affidavit describing the terrorist conditions existing in her home town.

"I left Los Angeles on August 2, 1948, to attend my mother's funeral in the town of Wood-

self." Mrs. Brocks is kept informed of all activities in his behalf.

CRC has been attempting for some time to get an Alabama attorney to take the case but the white attorneys there are also intimidated and to date no one has come forward. The case is not closed and will not be closed until Brocks is free.

ville, Mississippi. My brothers met me in New Orleans and we left there to drive to the town of Woodville.

"On our way to Woodville we passed through St. Francisville where Reed's store is located. When we reached the town about eight o'clock, the first car in our party was stopped by a group of about 25 armed men, led by Sheriff Martin of St. Francisville. He was the only officer in the party and acted as the spokesman.

"They searched the first car, making all the men get out, and then after the car I was in pulled up behind it, they stopped our car and searched it. They asked my brother where was Woodrow. He told them he didn't know. They asked my brother if Woodrow was coming to the funeral. My brother said he didn't know because he didn't know where Woodrow was. My brother asked the sheriff how they knew that we were coming and Martin told them that they had received a telegram from Fort Adams, Mississippi, saying that Woodrow was on his way home.

"When the Sheriff (Martin) found out that Woodrow was not in the party he jumped in his car saying he was going to *Centerville, Mississippi* (Martin was from Louisiana) to meet the train to see if Woodrow was on it. The other men were left standing there, so we drove on.

"We drove to Woodville for the wake which was held that same night in a church. At the wake my cousin, whose name I cannot mention (as he still lives in Woodville and I wouldn't want any harm to happen to him), told me that there were three white men from St. Francisville hanging around outside of the church. I was worried when my cousin told me this because I thought they might try to make me tell where Woodrow was. I guess these three men were scared to do anything violent or say anything to me that night because they were breaking a law by coming from another state. When I left the wake they were gone.

"When my brother Woodrow left Woodville approximately three years ago another brother of mine told me that men who were after Woodrow were running up and down the street for two weeks after he left town."

Then came that fateful Thanksgiving day, 1948, nearly three years after he escaped the

St. Francisville mob. Woodrow was walking down a Los Angeles street when a man stopped him at pistol point and robbed him. He reported his loss to the police. Three days later officers came to his home and arrested him saying he was wanted in Louisiana on an old charge. Sheriff Martin had sent a fugitive warrant for Woodrow Green's arrest to Sacramento January 11, some ten months previous, and the police had been waiting for some occasion when they would come across a man by the name of Woodrow Green from Louisiana. They now had their man. Green was taken to the Los Angeles County jail and was so violently handled that a former industrial injury was aggravated and he was confined to a wheel chair.

Sheriff Martin was sent a wire that Green was being held pending instructions from him. He immediately wired back that Woodrow be held, and that an extradition warrant would be forwarded at once.

The Civil Rights Congress took the case and organized Green's defense with the support of his union, the Mine, Mill and Smelter Workers. A fact sheet on the case was sent out to members of CRC and all affiliated organizations. Petitions were drawn up calling upon Governor Warren to prevent Green's return to Louisiana. Letters were sent to the Governor of Louisiana asking that he refuse to sign extradition papers.

But the Sheriff of Feliciana Parish was adamant and wrote CRC attorney McCain in New Orleans that he personally would come to Los Angeles to take Green back to Louisiana. McLain, who was investigating the case wrote that he was unable to determine from the district attorney or any of the state officials why Green was charged with "aggravated batter" as Sheriff Martin had recorded it.

Several times the Louisiana authorities sent word extradition papers were on the way, but no papers came. Then, in the first week of March, 1949, Sheriff Martin arrived in Sacramento with papers. Upon examination the papers were found to be worthless. The Governor had not signed them.

SYLVESTER MIDDLEBROOKS

One morning in 1932, in the town of Macon, Georgia, a boy of 14 named Sylvester Middlebrooks was arrested with two other boys on a charge of having in their possession some stolen jewelry. Sylvester was tried as a juvenile, found guilty and was sentenced to one year in the reformatory.

At the reformatory he was brutally mistreated, often receiving a beating in lieu of the customary bad food. At the end of three months he ran away.

He went home and was caught soon after. In



Woodrow Green greeted by CRC Exec. Dir. Marguerite Robinson during extradition proceedings.

Sheriff Martin returned to Louisiana declaring he would return in a week with the proper papers. On Friday, March 11, Municipal Judge Arthur Guerin said he was "tired" of having the matter continually before him and dismissed the case. He warned Green's attorney that Green "can be arrested again immediately on the fugitive warrant."

Technically, Woodrow Green is free and the police so far have made no attempt to arrest him again. But the Civil Rights Congress warned that he is subject to possible arrest at any time and that only a vigilant and growing organization can guarantee the continued freedom of Woodrow Green and others who may become victims of similar flagrant violations of justice.

jail in Macon, he was held for months without a hearing. During this time his mother was visited by the local sheriff who said that if she paid \$50 her son would be released. The money was paid but her son was not released. Instead he was taken back to the reformatory.

He was there six months and, receiving treatment even worse than before, escaped again and went to his sister in New York. After six weeks there he went to his aunt in Trenton, New Jersey. He lived there until the middle of 1934, working at odd jobs. He became homesick and went back

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Norman D. Wong
Balzer Dept. Store

Ida M. Epstein
Henry Atkinson

to Macon where after eight days he was again apprehended.

He was held in jail from June 1934 until February 8th. On that day the jailer came to him and told him to get ready for trial. Fifteen minutes later he was taken into the courtroom where only two men were present, Judge McClellan and Sheriff Stevenson. As soon as he entered the judge and the sheriff began talking together in low tones.

After they finished the Judge called him to the bench and said, "Don't you know you can't go around breaking the laws of Georgia?"

Middlebrooks answered that he had not broken any laws since he was arrested in 1932. The judge seeming not to hear Middlebrooks continued, "I could give you twenty years on each of the five charges of burglary." Middlebrooks protested that he had already been tried for the same five charges and sentenced to the reformatory.

He asked for an attorney and a jury trial. The judge became very angry, said that he could sentence him to five years hard labor in the Georgia State penitentiary on each count, then proceeded to sentence him to one year on each count, a total of five years.

He was never served with any charges nor were any read to him. He was never asked to nor did he ever enter a plea. He was denied the right to counsel and was denied a jury trial, although he asked for both. At eighteen, he was convicted of offenses for which he had, at fourteen, been convicted, sentenced and served time in a reform school.

In March, 1935, he was taken to the penitentiary and served approximately 26 months. Again subjected to intolerable conditions, beatings and other forms of cruelty and unable to stand the conditions and treatment he escaped again. Sixteen months later he was arrested and taken back to the Walton County chain gang. On July 13, 1939, he escaped again.

Middlebrooks joined the army in April, 1942, where he found the same kind of discrimination. He went AWOL four months later, was picked up, tried and sentenced to fifteen years imprisonment for desertion, and was sent to Santa Barbara detention camp to serve his time. His sentence was commuted to three and a half years and he was released with commendation for his conduct while a prisoner. He said that in the prison camp he was treated like a human being for the first time in his life.

Immediately upon his release Sylvester was arrested on a fugitive warrant at Santa Barbara and was lodged in jail there awaiting extradition to Georgia. Governor Warren, without holding a hearing, signed the extradition warrant.

A stay was granted by Judge James M. Carter of the U. S. District Court pending a hearing on a writ of habeas corpus. The National Association for the Advancement of Colored People joined in the defense through an amicus brief presented at the hearing.

The writ alleged that Middlebrooks was illegally held in custody by the Sheriff of Santa Barbara County for extradition to the State of Georgia because the conviction and sentence was void. Middlebrooks had had no counsel, that he had actually entered no plea before sentence and that his sentence in Georgia had violated the 14th Amendment in that it imposed upon him cruel and unusual punishment. In court the Sheriff replied that since Governor Warren had signed the papers he should be free to take Middlebrooks back with him.

Middlebrooks was then asked to take the stand. He told of his experience on the chain gang in Walton County, Georgia. He was housed there in one room with sixty men without toilet facilities except large leaky garbage cans that were emptied once a day. The prisoners worked from sun-up to sun-down with a half hour off for lunch. The food was filthy, the men were often sick with nausea and dysentery. Prisoners were attended by guards with guns and sticks and they were often beaten. The men were shackled with chains to each ankle about fifteen inches long. "Piots" were used, consisting of long points emanating horizontally from the band around their ankles.

"Stocks" were used. He had been placed in one on six different occasions for approximately one hour each. The prisoner was seated on the narrow edge of a two-by-four, his wrists and ankles placed through holes in the stocks. His body leaned forward at a 45 degree angle. A two-by-four was wired across his knees to keep them pressed down. When a prisoner was removed after an hour detention, he often was unable to walk and had to be dragged to the bull pen.

Sweat boxes were also in use, consisting of a small building three feet wide by six feet long, without light or heat. The prisoner was placed in the box without clothes, given two blankets, bread and water. Middlebrooks spent seven days in a sweat box.

At night a chain would be run through the length of the tier and threaded through shackles the prisoners wore all night. Middlebrooks related various individual acts of violence and brutality, some directed towards him, some towards others.

Horace Conkle, a resident of Santa Barbara County was called as a witness and described his experience on a chain gang in Colquott county,

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Lena Goldberg

A Friend

Dr. Hyman Engelberg

Georgia, in which he served a term for robbery. His testimony of brutal treatment corroborated that of Middlebrook's.

Upon due examination of the history of the case Judge Carter found that Middlebrook's constitutional rights had been violated by the courts of Georgia and the writ of habeas corpus was granted.

In granting Sylvester Middlebrooks his freedom Federal Judge Carter advanced an addi-

tional and novel reason as to the significance of the case.

Wrote Judge Carter: "A vocal and disloyal political group in this country continually seizes upon alleged violations of rights of Negroes, not for the purpose of honestly assisting the Negro, but for the purpose of allowing this group to proclaim itself as the protector of Negro rights. Its object of course is to enlist the Negro in its ranks and its disloyal cause."

LESTER TATE

Lester Tate, an active and respected member of Mine, Mill and Smelter Workers, Local 700, once was wanted by Virginia for escape from a state chain gang. Today he is a free man, after a nation-wide campaign forced California Governor Warren to refuse his extradition to that state.

Eight years ago, Albert Lindsey Gee, now known as Lester Tate, along with a fellow worker named McBooth and three others, was arrested and charged with the attempted robbery of a small grocery store in Princess Anne, Virginia, a town about 32 miles from Norfolk, Virginia. Tate was twenty-four at the time.

The only person to identify him was an 80-year-old white owner of the store who claimed he was robbed by five Negro men. He said he was unable to see the men very clearly at the time of the robbery. The first person to be arrested was the nearest Negro, McBooth, who lived three doors down the street. McBooth said he was in Norfolk at the time of the robbery with some friends. The police ordered McBooth to take them to Norfolk to identify his companions there.

Arriving there, four others were arrested, including Lester Tate, thrown into jail and held for five months without a hearing. During this time they were starved and threatened with being turned over to a mob if they didn't plead guilty. They were then tried without benefit of counsel and sentenced to ten years on the Virginia State chain gang.

When Tate asked for an attorney at the trial, he was told by the judge, "You don't need one." While he was in jail Tate's friends had scraped together \$50 to hire an attorney to defend him. A white attorney named Sharkey accepted the fee but did not appear to defend him nor did he return the money. Tate then wrote a letter to his sister in Norfolk asking her to see the Governor in his behalf. The letter was sent back to him by the jailer undelivered and he was warned not to attempt to contact the Governor except through the jail authorities, which proved fruitless.

After four months of unbearable conditions on the chain gang Tate made his initial attempt at escape. His purpose was to reach Washington,

only 38 miles from Sterling, to appeal to Vice-President Henry Wallace or some other government official for help. He was hunted down with bloodhounds and captured. As punishment he was handcuffed to a board suspended from the ceiling with his toes barely touching the ground. He was forced to hang there, the handcuffs cutting deeply into his wrists, for fourteen hours a day, for five days.

On the sixth day he was sent back to work heavily chained. He was kept in chains day and night for nine months. During this time he saw four men shot by the guards for complaining about the food. At the end of that time he was allowed to go to work without shackles but under armed guard.

In the latter part of 1943 Tate again saw his chance to escape. This time he was successful and he made his way to Los Angeles. Under the name of Lester Tate he got a job at the Century Metalcraft Company, joined and became active in the Mine, Mill and Smelter Workers Union. He met a young woman who lived across the street from his home and, in 1944 they were married. They have five children, the youngest born last March.

On August 8th, Tate was picked up by the Los Angeles police on a minor charge. Checking their files the police discovered he was wanted in Virginia on a fugitive warrant. They dismissed the minor charge and held him for the Virginia authorities.

The Mine, Mill and Smelter Workers Union and the Civil Rights Congress jointly posted five thousand dollars bail. He was released, and an attorney was assigned to the case.

A campaign was then started for his freedom that became national in scope.

Governor Warren was called on to not sign the extradition papers.

Delegations called on Assemblyman Vernon Kilpatrick, Chairman of the California State Interim Committee on Crime and Correction, requesting him to pay particular attention to conditions in Virginia State penal institutions on a trip he was undertaking to study various state prisons. Virginia's Governor Tuck was deluged with messages urging him not to seek Tate's

return. The Greater Los Angeles CIO Council, representing 100,000 members, wired Tuck: "No point would be gained in returning him to prison."

Kilpatrick, after an examination of Virginia's penal methods, issued a statement criticizing the prison system there as "monstrous." He charged that Virginia prisoners were treated "on an animal basis in the mistaken notion that fear will breed obedience." He charged responsibility to the top executive officers and the State's General Assembly. After visiting various state prison camps Kilpatrick reported, "A thousand men lay wrapped nightly in chains in camps about your state (Virginia). Solitary with bare walls and floors with only sheets and a hand towel . . . prisoners may be held 30, 60, 90 days in cells without windows and on diets not justified in a Christian land."

This exposure caused an even greater volume of mail and telgrams to pour onto Governor Tuck's desk.

Kilpatrick said his investigation had led him, ". . . in the light of conditions I find here, and

especially due to the existence of chains, gas guns, and long periods of solitary" to hope that Governor Warren of California "will not honor Governor Tuck's extradition request for the return of Lester Tate."

Governor Tuck responded to this exposure of his state's mediaeval penal system by directing his office to add Kilpatrick's name to a list for investigation by the FBI. (Tuck said the FBI had requested him to furnish the names and addresses of those interceding in behalf of Tate.)

The existence of the brutal system was by now, however, known throughout the country and nothing Governor Tuck or the FBI might do, could stop the wave of anger mounting against Governor Tuck for permitting such atrocities to exist. It resulted in even greater demands that Governor Warren refuse extradition. The NAACP Mine, Mill and Smelter Workers, ANMA and CRC formed a delegation of 25 to visit Governor Warren personally in Sacramento. The pressure mounted so high that Warren announced he would not sign the extradition papers. Southern justice lost another victim.

The great victory banquet that followed cele-



Lester Tate addresses Mine, Mill and Smelter Workers committee meeting.

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24

brating the freedom of Lester Tate drew over six hundred trade union members and leaders and progressives. Steel, auto, rubber, packing house, electrical workers, and shore and ship unions were represented. Workers from offices and from the Mexican and Negro communities, ministers

and political leaders joined in celebrating the victory. No less important was the new level of unity that grew out of the fight to keep Tate in California, so thrillingly expressed at this gathering, and which has enriched the support of subsequent Civil Rights Congress activities.

EUGENE BACKSTRON

In 1929, the year of the big boom, two young men were making their way through Mississippi looking for work. Finding the going tough, they broke into a grocery store and stole some food. They were apprehended by the police and were sent to the state penitentiary to serve a seven year sentence. Sam Mitchell, one of the men, refused to say "sir" and was beaten and sent to the hospital. Nathan Scott, the other, later said he heard that Mitchell had died there as a result of the beating.

The prisoners were frequently beaten for small infractions of the rules. Scott, later to be known as Eugene Backstron, attempted to escape a number of times, but each time was brought back and treated more brutally than before. He was made lead-man in the field and was forced to keep up a killing pace. If he slowed down, or stopped without permission, he was beaten with a strap there in the field and then was forced to get up and continue the work.

One day, Scott and another prisoner escaped. After leaving the penitentiary area they separated, Scott crossing the border into Tennessee. He sought work but could find none and was finally picked up for vagrancy in a small town and was sentenced to six months in jail. In the last month of his sentence the authorities discovered his identity and brought him back to the Mississippi prison.

He was told that the man with whom he had escaped some six months ago had stolen \$8.00 and that he, Scott, would be held as an accessory. Scott said that he and the other prisoner had separated upon escaping and that he had nothing to do with the theft. The sheriff told him that no judge or jury would believe him and that he had better confess and so get off easier.

Armed robbery in Mississippi carries the death penalty. The sheriff said that he would die anyhow if he didn't confess, that he might as well make it easy on himself and the sheriff would see what he could do for him. Still Scott refused to admit guilt.

He was finally so beaten and mauled that he signed a paper, a confession, he was told later, which he had never read. Upon being tried without benefit of counsel and though he denied the "confession," he received a life sentence for the alleged participation in the \$8.00 theft. The entire court proceedings took three hours. He was

later warned by the prison guard that if he tried to escape again "he had better make it good or he would be shot in cold blood when he was caught." He was given quarters in the tubercular ward next to the most seriously ill patients and was told "if the guards won't kill you, T. B. will."

After having served 11 years, Scott escaped and went north to Chicago. There he changed his name to Eugene Backstron and two years later met and married his wife Rebecca. In 1943 he enlisted in the army and served with the infantry in the South Pacific.

Backstron received an honorable discharge in 1946 and returned to Chicago to look for a job. He worked there steadily for 3 years when he and his wife decided to come to California. They arrived here in January of 1949. Six months later he went to work for a contractor, staying with him until work became scarce in early January 1950.

One evening, after a spat with his wife, Eugene Backstron packed his clothing and belongings, which included a screw driver and a gun, and started to leave home. The gun belonged to his father and hadn't been cleaned or used in years. As he stepped off the porch a police car which happened to be passing by stopped and the officers called to Backstron to come to the sidewalk. They asked him why he was out so late at night and questioned him about his valise. They refused to listen to his explanation and took him to the police station.

There they searched his valise and found the screw driver and the gun and lodged a "suspicion of burglary" charge against him. It was then they discovered a Mississippi "hold" on him for escape. The burglary charge was dropped and he was held for extradition. The Civil Rights Congress has received information to the effect that police officers are always on the lookout for possible cases of extradition "holds" since members of the Fugitive Detail allegedly receive bonuses for returning prisoners.

Backstron's former employer, hearing of the Civil Rights Congress, came to the office to see if something couldn't be done to halt the extradition proceedings. An attorney was assigned by the lawyers' panel and a request was made of the Governor for a hearing. Bail had been set for \$5,000 which the attorney sought to be re-

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Two Friends

25

duced. He did succeed in having it lowered to \$2,500, still a prohibitive amount.

Additional attorneys from the American Civil Liberties Union and the National Association for the Advancement of Colored People joined in the defense. The Laborers Union, Local 300, AFL, of which he was a member, came to his support. Others joined in the case including Backstron's minister and other clergymen, the Warehouseman's Union, Local 26, ILWU, the Mine, Mill and Smelter Workers, Local 700, the Los Angeles Latvian Club, Backstron's immediate neighbors who signed petitions addressed to the Governor (a total of 4,000 signatures were sent to Sacramento), the Ministerial Alliance (interdenominational), United Office and Professional Workers Union, the Fur and Leather Workers Union and others. Chapters of the Civil Rights Congress circulated petitions in neighborhoods including outlying communities.

A delegation from Los Angeles joined with a delegation from the north to call upon the Governor in a request that he refuse extradition. Among the delegates were three business agents of Backstron's union, two Los Angeles NAACP attorneys, representatives from Sacramento NAACP, Backstron's employer, Aubrey Grossman, regional director of the Civil Rights Congress, Local 6 of the ILWU, San Francisco, and the San Francisco Civil Rights Congress.

By April 15th the extradition papers signed by Mississippi Governor Fielding Wright were on the desk of Gov. Warren awaiting his signature. CRC sent out further appeals for support: "Through the efforts of yourself and thousands of others like you, Lester Tate was saved from a Virginia chain gang and restored to his family and friends." The appeal continued, "We call upon you now to save Eugene Backstron from death, for who can say that spending a lifetime in a Southern prison is not death."

The delegation had met with Warren on the morning of April 20th. Eight days later Warren signed the papers which virtually condemned Eugene Backstron to death in Mississippi. In a letter to Backstron's attorney, the Governor wrote: "If Backstron's constitutional rights have been violated then the courts could decide it." The Civil Rights Congress asked the question: "What Negro who is a laborer has the money to hire expert legal advice, or to stand the expenses of a long court fight? The burden of having to prove his innocence convicts, by default, almost every Negro fugitive from the South."

CRC called upon organizations and individuals to support the necessary court fight and asked them to come to the courtroom on June 5th when a writ of habeas corpus was to be presented. The writ was turned down. A writ of detainer was then asked for and the date was set for hearing



Backstron joyously greeted on his release by attorney Herbert Simmons and staff members (l. to r.) Marguerite Robinson, Celia Rodriguez and Shifra Meyers.

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Sam Houston Allen

Sam Blue

a week later. Meanwhile organizations were urged to request of Governor Warren that he withdraw his signature to the extradition papers.

During the entire proceedings representatives from Mississippi were standing by ready to take Backstron with them as soon as he was released from the court's jurisdiction. In one instance Backstron was being taken from the County Jail to the waiting car that was to return him to the South when a last minute writ halted the chagrined Mississippi prison officials. At the June 12th hearing the District Court of Appeals turned down the detainer writ.

A final writ of habeas corpus was taken to Judge Carter who had previously heard the Middlebrooks case. He issued a stay and reduced the bail to \$1,000 which was put up by Backstron's landlady, Mrs. Carrie Lee.

Judge Carter, after a two-day hearing, finally declared that there was lack of due process and evidence of cruel and unusual punishment and that the State of California had a responsibility of preventing a person from going back to Mississippi under those conditions. During the proceedings Judge Carter asked Backstron why he didn't tell the Mississippi Judge he had been forced to sign a confession. Backstron turned to the judge and said, "Judge, you don't understand. I would have been dead after I left the courtroom if I said anything like that."

Eugene Backstron is today a free man.

The experience gained by the CRC and the new techniques developed through the cases is making it increasingly hard for any Southern state to bring back from California any fugitive from Southern justice.

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Clara, Nora, Murray & Leo

Dr. Louis Schonfield

Wesley Robert Wells

"You think you're as good as a white man, don't you?" Warden Larkin screamed at him; then he and Ryan took turns beating Wells with soft-ball bats."

By the time this is read, Wesley Robert Wells, Prisoner No. 24155, San Quentin, Calif., may be dead—or he may be a free man.

On January 27, 1950—Wells' 870th day in Death Row—four guards came to escort the 42-year-old Negro to the "green room."

"I had torn up old letters," Wells relates, "given away personal effects and prepared myself to die. I prayed silently, thinking how cruel life really was, and yet how I wanted to live."

At the last moment, Wells was granted a stay of execution by Federal Judge L. Goodman.

"This court must conclude," ruled Judge Goodman, "that the petitioner (Wells) was not accorded due process under the Fourteenth Amendment. . . . By deliberate and designed inactivity, the Adult Authority of California kept the petitioner in an indefinite status for the purpose of making it possible to impose the death penalty upon him. . . . This is not the kind of process that comports with the deepest notions of what is fair and just and right."

Wesley Wells owes the state no life. In fact, he has been convicted outside of prison of only two minor crimes of auto theft. Yet, this man awaits execution—for hitting a prison guard with a cuspidor. Under an obscure California ruling, a life-term prisoner who strikes a guard may be condemned to die; and Wells was serving a sentence of "five years to life" at the time. In conspiracy with the District Attorney, the Adult Authority of California had failed to follow usual procedure and fix a more definite sentence for him—in hopes that Wells could be provoked to fight back against his prison tormentors as he had done in the past. In that event, Wells could be judged a life prisoner and so be sentenced to death.

Why are the authorities so anxious to make an example of this man by murdering him? A look at Wells' record supplies an answer.

He has been in prison since the age of nineteen, with only a few months of freedom on parole in 1941. But inside the walls, 79 separate violations have been charged against him—offenses that resulted from inhuman prison conditions—and for these he has spent a total of over 1700 days in solitary confinement—almost seven years—eating bread and water, seeing no one, lying alone in the darkness.

For Wells was no ordinary inmate. When he

first entered prison he lodged a complaint against a San Quentin guard who called him "n - - - r."

"What are you yelling about?" the captain told him. "You are one, aren't you?" He was given thirty days in solitary that time.

Ever since that incident Wells has made a stand for his rights, insisting on equal treatment and on the dignity of being called by his name instead of his color. For each of his protests



Robert Wells during his first years in San Quentin.

he was sentenced and punished by the same men who insulted him. And thus his protests became a part of the "79 separate violations" which Gov. Warren points to as his "reason" for refusing clemency.

In February, 1933, he was almost beaten to death by Folsom prison Warden Larkin and Head Captain Bill Ryan. They dragged him to Folsom's dreaded "twelve posts" torture room.

"You think you're as good as a white man, don't you?" Larkin screamed at him; then he and Ryan took turns beating Wells with soft-ball bats.

A few days later the Warden swaggered into

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Nathan and Ann Shapiro

Dr. H. G. Tully

Wells' dungeon and stood laughing over him.

"Go ahead," he said to the starved, half-dead man, "start something, black boy."

The incident for which Wells has been condemned to die occurred in 1947. By that time Wells know the strategy of the Adult Authority—to leave his term indefinite so that one more provocation might bring the pretext for the death sentence. But, after two years without word on the limit of his term . . . "I couldn't take the dungeon anymore," Wells writes, "I couldn't hold it in."

When he was brought up for another "infraction" he went wild and attacked a guard with the cuspidor.

The guard was only slightly injured, while Wells was beaten unconscious. But here was the needed evidence for the death ruling; and in spite of the prison doctor's statement that Wells was sick with tension and anxiety, badly in need of medical aid at the time of his outburst, his execution was ordered.

All these facts from Wells' record point at only one conclusion. This man was branded a "trouble-maker" and marked for the death chamber for refusing to be humbled,—because he wouldn't eat prison jimcrow.

But, unlike so many other prison injustices that never come to light, Wells' case has not gone unnoticed. The metropolitan newspapers, with the notable exceptions of the *Daily Peoples World* and the Negro press such as the *California Eagle*, suppressed the story. But the facts still came out. Even Walter Winchell made a public plea in one of his broadcasts for the Death Row inmate.

The Civil Rights Congress has taken the lead in the fight for Wells' life. The case is being carried to the public wherever possible, a lawyer has been supplied Wells, a campaign of letters has been directed at the responsible government officials. Pending now there is a petition to Governor Warren to commute the death sentence.

Still another facet recently has been added to the struggle for Wells' right to live. For even in Death Row he has not been safe from his prison overseers. In November, 1950, he joined with twelve other condemned men in a peaceful sit-down strike in the San Quentin exercise yard. The strike was staged to back up demands for such rights as better food, screens for windows, writing material for preparation of defense briefs for death house prisoners. Though Wells already had some of these needs as a result of

the publicity around his case, he knew the lesson of solidarity and he joined the others.

The prisoners were beaten and carried back to their cells; Wells and two other "ringleaders" were thrown into solitary for the maximum 29-day penalty. This latest incident the large daily papers chose to report only as a Death Row "riot." The Civil Rights Congress now is conducting a campaign of letters and telegrams to Richard McGee, State Director of Corrections, to release the three from solitary and to meet their reasonable demands.



Wells today. Note scar over left eye.

However, most important of all, a drive has been initiated against those penal conditions of which Wells is only a single victim among thousands. The regional branch of the Civil Rights Congress has filed suit against the Adult Authority of California demanding an end to the system of segregation and discrimination now in force at San Quentin and other state prisons.

Wesley Wells, the product of this system, has spent twenty-two years in jail and finally faces legalized murder because of it. It is the goal of the Civil Rights Congress to use every avenue to arouse the people in defense of Wells' right to life and freedom—to insure instead the death of those jimcrow practices which continue to torment the thousands more like Wells in the so-called "correctional" institutions of California.

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Michael Snider

A Friend

Trenton Six

"Southern Justice travels north . . ."—CIVIL RIGHTS CONGRESS

The killing of William Horner, aged second-hand furniture dealer, on January 27, 1948, in Trenton, N. J., followed a series of other unsolved crimes.

Public criticism against the Trenton police department was mounting. By coincidence, the mayor of Trenton was himself under indictment for bribery. The murder had to be "solved," or political changes would result.

"We're forming a special motorized bandit squad to patrol the city, and they will shoot to kill," announced Andrew J. Duch, city director of public safety, as his answer to the general indignation. "Well-meaning people may accuse us of acting like a Gestapo," he added, "but if we can bring in the Horner killers, or save one life, I'm willing to take all their criticism."

The "bandit squads," instead of investigating bandits, levelled their attack at the entire Negro community of Trenton. Police cars, armed with tommy-guns roamed the Negro district after dark, enforcing a curfew and spreading indiscriminate terror. Negroes were arrested, literally at random, shaken down, beaten, jailed for a few hours, and released without charges.

During the second week of "bandit squad" terror, Collis English, 23 year old Navy veteran, was arrested on complaint of his father-in-law that English was using the family car without permission. But when English did not come home after his "lesson," the alarmed family sent McKinley Forrest, his brother-in-law, to the jail to find out what happened. Neither returned. Four days later, police burst into the panic-stricken household at 3 a.m. They demanded "all the men in the house" and led away the last man, John MacKenzie, nephew of Forrest.

Ralph Cooper, James H. Thorpe, and Horace Wilson were arrested on other pretexts that week. Several of the "Six" had never seen each other before, but from the outset they had one thing in common—all six were arrested without warrants, headed for a legal lynching.

Some of the prisoners were held as long as four days and nights before being brought up before a committing magistrate. Trenton police wanted confessions and intended to get them. The "Six" were grilled hour after hour, day and night. The police worked in shifts. Seven days after the first arrest, police announced they had found the Horner killers and they had confessed.

When Mrs. Bessie Mitchell asked her brother,

Collis English, why he signed a confession to a crime he had not committed, he replied, "If anyone beat you like they did me and the others, you'd have done the same thing."

"The detective threatened to hit me on my stump," said James Thorpe, whose right arm had been amputated ten days before. McKinley Forrest's lawyer, Arthur Salvatore, and former Newark Judge Harold Simandel testified that Forrest was drugged into semi-consciousness, the day his "confession" was signed.

"Here is evidence, not only from the mouths of the defendants and their relatives, but from an eminent member of the bar," one of CRC defense counsel commented. "The overwhelming evidence of 'drugged cigarettes,' of 'rubber hoses,' of fists and kicks, is shocking, particularly in the treatment of Collis English, sick Negro Navy veteran."

Under cross-examination, Police Captain Andrew F. Delate, of Trenton's First Police Precinct, arrogantly replied, "I knew the truth and I insisted on Collis English making a confession in line with the truth as I conceived it to be."

The "Six" repudiated the "confessions" in court. These "confessions," plus the testimony of one discredited witness, were the body of the government's case. But all the power of a corrupt administration, with its political fortune at stake, was aimed at getting a conviction of six Negroes, arrested because of their race, victims of a "Northern Scottsboro."

The prosecutor of Mercer County was Mario H. Volpe. While trying the "Six," he was also serving in private capacity as attorney for the owners of Casa Lido, a Trenton night club which was being sued for discrimination by two Negroes. Thus, Volpe was privately defending Jim-Crow, in violation of New Jersey and federal laws, at the same time that he was acting as prosecutor in the "Six" case, where his sworn duty meant defense of the constitutional rights of the Negroes involved.

There were three witnesses. Frank Eldracher reported he saw two light-skinned, teen-age Negroes fleeing from the crime. Asked to identify the Six, he answered, "These are not the men." Another witness, Mrs. Virginia Barclay, flatly told police that Collis English's car, which they wanted her to identify as the murder car, was not the one she had seen.

The third witness was the dead man's com-

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mon-law wife, who was beaten by the men who killed her husband. Before the "Six" were arrested, she had told police that the crime was committed by three men, white or light-skinned Negroes. (Of the "Six," only one, James Thorpe, is light-skinned. Thorpe's right arm was amputated a few days before the crime, yet no witnesses reported a one-armed man at the murder.)

When the "Six" were first brought before Mrs. Horner, she could not identify them. Later at the trial, she said that these six were indeed the killers. But she admitted, under cross-examination, that the prosecutor's office had shown her pictures of the six men she was to identify.

In defense, each of the "Six" was able to prove where he was at the time of the crime. John MacKenzie presented his work-sheet, and two fellow-workers testified he was on his job. James Thorpe was in and around his home that morning. "Everybody on the block saw him," his grandfather said. "If that jury didn't believe the four who swore to it, they wouldn't have believed the thousand who could have." Also, no witnesses reported a one-armed man.

At the time of the murder, McKinley Forrest was sent by his employer to deposit money in the bank. He was gone only twenty minutes, and the murder scene is more than ten minutes drive from Forrest's job. His co-workers testified that "If he wanted to rob someone, as the police say, he had a chance to do it right here. We'd always send him to the bank to make our deposits. Many times he'd have as much as \$1,000 in cash."

Collis English, at the very time the crime was being committed in another part of the city, was in a store near his home, cashing a veteran's disability check, which no one but himself could cash. Neighbors saw him there.

Horace Wilson was at a job ten miles from Trenton, and his firm sent the payroll books into court to prove it. Ralph Cooper signed a receipt for a C.O.D. package which was delivered to his home at the very hour of the crime.

Many other astonishing features marked the trial as a frame-up. The trial judge refused to allow the police files to be brought into the court, and also barred presenting the murder weapon, a bottle, as evidence. The defense was prepared to prove that fingerprints of the accused men were not on the bottle. Since the trial, a policeman has admitted that he wiped fingerprint evidence from the bottle. And the robbery "motive" for the crime, claimed by the state, was obviously phoney. \$1,500 in cash was found in the pockets of the dead man.

But a corrupt press, a prejudiced court, and the power of city government conspired to force a conviction. The record shows that the foreman of the jury said, "We, the jury, find the defendant Ralph Cooper guilty. The defendant Collis English guilty. . . . The defendant . . . guilty . . . guilty . . . guilty . . . and the defendant . . . guilty." The foreman was almost overcome with the tension of the moment. A woman member of the jury fainted, and another juror collapsed and required medical attention.



Charles White

"Trenton Six"

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A Friend
Frank P. Polokoff

Sam and Dorothy Tavis
Dr. and Mrs. Simson Marcus

The judge hurriedly pronounced the death penalty for all six, even though New Jersey law provides death only for murder in the first degree, and the jury had failed to specify any degree. That was in September, 1948. The "Trenton Six" have been in the death house ever since.

From the first, Bessie Mitchell, sister of Collis English, had tried to get help. She is a garment worker, married, employed in New York. It wasn't easy. But, personally, she had conducted an exhaustive investigation, gathering the proof that the men could not have committed the crime.

After the conviction, she went to the N.A.A.C.P. for aid. The Trenton office referred her to the New York office, and the New York office referred her back to the Trenton office, which finally told her, "The N.A.A.C.P. doesn't handle murder cases." To get funds for appealing the case, she went to Negro churches. But the larger churches thought such a case could be dangerous, and most of the smaller churches told her they could not act unless the larger churches moved. Lawyers wanted an average of \$2,500 for handling the appeal, and \$25 was all she had been able to raise. So she returned the \$25 to the small church which had offered it.

On September 18, 1949, Bessie Mitchell came to Los Angeles on a national tour. For three days, meeting after meeting, from San Pedro to Boyle Heights and Central Avenue to Beverly Hills, was shocked to hear at first-hand the dramatic story of the Trenton Six.

The "Six" were arrested the second week of February, 1948. "At that time, I didn't think a person could be arrested for no reason at all," Mrs. Mitchell said. But, in a general pattern of oppression and violence against the Negro people, the "Six" were seized and charged with murder.

"I saw in the newspapers that the United Nations was sending out a protest on Cardinal Mindzenti, so I thought they might be able to help me," Bessie Mitchell told Los Angeles audiences. "So I went to see Mrs. Roosevelt and told her what happened to my brother and the others, and she said we need more education. Cardinal Mindzenti was in Europe, but they wouldn't do anything to help us here."

She sought the aid of Trenton and New York newspapers, but they continued to maintain an iron curtain of silence around the case. In desperation, she even went to the F.B.I. But six months after the arrests, the "Trenton Six" were still facing execution. Then in August, 1948, she found a Civil Rights Congress leaflet on the Trenton sidewalk. That night, she wrote a letter to CRC, asking for help. Two days later, CRC was on the case.



"The case of the Trenton Six is an attempted lynching — Northern style — by men in court robes and police uniforms," CRC charged. "It is the way the law supports Jim Crow. It is the way the law maintains segregation. It is the government's answer to the American Negro's striving for freedom and dignity."

A battery of lawyers, headed by O. John Rogge, fought the case to the New Jersey Supreme Court, which ordered a new trial. The high court agreed that the barred evidence should have been presented, and criticized the judge for improperly charging and influencing the jury. And the Supreme Court strongly implied that it regarded the "confessions" as illegally extorted.

But the trial judge replied by refusing the three CRC lawyers — O. John Rogge; William L. Patterson, CRC executive director, and Emanuel Bloch—permission to continue practicing law in New Jersey. (Attorney O. John Rogge has withdrawn from the "Trenton Six" defense because his recent demand for a large fee could not be met.) The trial judge propounded a new theory that he had the authority to prevent out-of-state attorneys from defending the men. No local lawyers could be found who would or could adequately defend the "Six" in the atmosphere of hysteria created by the press and the court. New Jersey had thus moved into the category of Southern states where Negro defendants cannot find lawyers who dare to represent them.

However, the New Jersey Supreme Court reversed the trial judge in this respect also and

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Dr. Aaron Koran
Leo Feldman

A Friend
Isaac Zola

the "Six" were permitted to choose the lawyers who had previously successfully defended them.

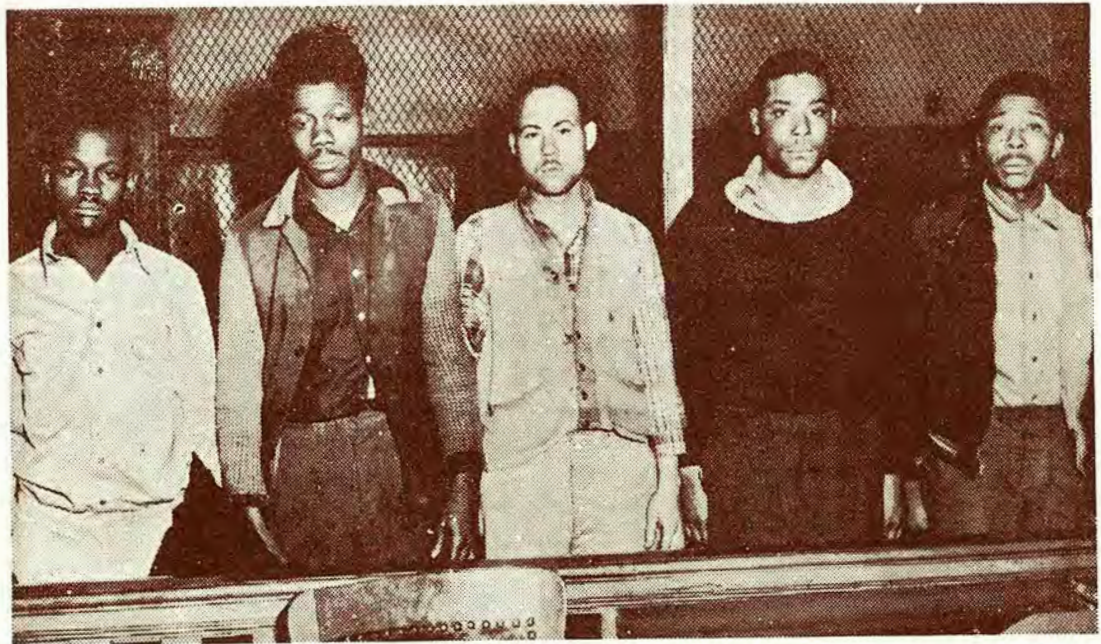
The State Supreme Court's order for a re-trial came in the summer of 1949, but no new trial has, as yet, been held. It is being stalled by the same forces which are out to legally lynch the "Trenton Six."

Europe, as well as this country has been stirred by this new "Northern Scottsboro Case." It was front page news in Paris and in London. A member of parliament, Lester Hutchinson, has organized a British Committee to Save the Trenton Six. The Haldane Society, Britain's progressive lawyer's association, is raising funds to send an observer to the men's appeal. Trade unions in

Europe are protesting the vicious frame-up.

While Los Angeles joins in world-wide protest against the frame-up and the barring of lawyers, final victory in the Trenton case will depend in large measure on the outcome of other fights to defend a democratic spirit in this country. Bessie Mitchell knows this.

"Wherever I go," she told a banquet for the twelve Communists who were tried at Foley Square, "I am trying to tell the people how much the two trials are alike, so we can have understanding and unite. . . . In Trenton, they tried to scare the Negro people by framing six men. In New York, they are trying to scare all American people by framing twelve men."



FIVE NEGRO VICTIMS of the Trenton frameup, whose conviction was reversed yesterday by the New Jersey Supreme Court, are shown at the time of their arrest. Left to right: Collis English, Ralph Cooper, James Thorpe, McKinley Forest and Horace Wilson. The sixth defendant, John McKenzie, was not present when the photo was made.

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Harry Tanner
Two Friends

Friends in Furniture Industry
Sophie Cannon

Willie McGee

" . . . Down in Jackson they make Willie sign that confession. They kept him in the sweatbox fourteen days on bread and water. Willie say that's a place where they put you and sweat you 'bout nearly to death. He say he stayed in that box and stayed in that box and when you stay in that box you sign anything . . ."

—MRS. WILLIE MCGEE

For nearly five years, the Civil Rights Congress has been conducting the defense of Willie McGee, 35-year-old Negro, against the State of Mississippi, which claims that McGee raped a middle-aged white woman, Mrs. Troy Hawkins, and must die for it.

McGee was tried, convicted and sentenced to death three times. The date of his electrocution was four times set. At the last minute U. S. Supreme Court Justice Burton granted a stay of execution pending a review of the case by the U. S. Supreme Court.

On the night that Mrs. Hawkins says she was raped Willie McGee and five other Negroes were arrested and accused of the crime. McGee was beaten so mercilessly that he signed a confession.

McGee was held incommunicado for 33 days, beaten and tortured until, on the day of his first trial, he was unable to speak coherently, could not answer the questions of the lawyer appointed for his defense (who referred to McGee as a "hyena") and failed to recognize his own mother.

He was given a "sanity hearing" with no psychiatrist or other doctor present and on the opinion of white laymen was pronounced sane. The confession which had been beaten out of him was read in court.

At the time of the alleged attack Mrs. Hawkins was in bed with one of her children, her husband and other children were in the next room, yet she made no outcry. Conversation she described between herself and her "assailant" during the "rape" indicated that he was a man with whom she had had intercourse before.

Mrs. Hawkins said her bedroom was so dark she couldn't see who was "raping" her. She was unable to identify McGee. The lawyer who was supposed to be defending McGee did not cross-examine her. He called no witnesses for the defense.

The jury, deliberating two and a half minutes, found McGee guilty. The judge immediately sentenced him to death. The trial lasted less than one day.

It was at this stage of the case that the Civil Rights Congress entered into McGee's defense. His conviction was appealed and the Mississippi State Supreme Court reversed the death verdict on a legal technicality.

McGee immediately was re-indicted, re-tried

and re-convicted. An appeal was granted, just three hours before McGee's execution was scheduled, on the grounds that Negroes had been excluded from the jury.

In March, 1948, McGee again was tried, convicted and sentenced to death. He was again three hours from the electric chair when State Supreme Court Chief Justice Roberts signed a stay of execution, permitting Civil Rights Congress lawyers to carry their appeal to the U. S. Supreme Court.

The Supreme Court at first refused to review and again the execution date was set. Two days before the scheduled execution a Civil Rights Congress delegation of thirty persons from ten states arrived in Jackson to plead with the governor and with the State Assembly to save McGee's life. More than fifteen thousand letters, wires and telephone calls had been received by Mississippi Governor Fielding Wright from every state in the union and from scores of countries abroad.

The refusal of clemency doomed McGee to die two days later. The delegation stood vigil while calling upon the people to add their voices to the plea for McGee's life. It was during this vigil that Aubrey Grossman a national officer of C.R.C. was beaten in his hotel room by ten Jackson policemen following Governor Wright's demand that the delegation leave the state.

Meanwhile from New York a C.R.C. attorney was on her way to Washington in an effort to get a stay of execution through one of the Supreme Court Justices. It was this last minute stay granted by Justice Burton that saved McGee's life for the fourth time.

The atmosphere of terror in which the cases were tried highlighted the heroism of Mrs. Willie McGee and her determination to save the life of her husband. Typical of the response to her plea for help in the early phase of the defense, was, "I got to live here." "Don't say I said it. I don't want to go and get killed."

The children of Willie McGee sent CRC this letter:

" . . . Mamma said the Civil Rights Congress would help her. Please help my daddy. I love my daddy and we need him. We ain't seen him in so long. Don't let him die . . ."

—DELLA, GRACIE, WILLIE, MARY MCGEE

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Two Friends

Dr. Walter Kempler

Ida M. Epstein

The Scottsboro Case

"Eighteen years ago I was sentenced to be hanged for something I never done."

—HEYWOOD PATTERSON

The Scottsboro case is a link between the great American tradition of battles for Negro freedom in the past, and the work of the CRC today, in Los Angeles and across the nation. Also, because the spotlight of world-wide publicity has exposed the origins of this case, the significance of CRC's many fights against extradition of Negroes back into Southern jails, is shown most clearly in its extradition fight for Haywood Patterson, the last "Scottsboro Boy."

In March, 1931, nine youthful Negroes, riding a freight train in search of work, won a fight with some white hoboes. The Negroes were seized from the train by sheriff's officers near Scottsboro, Alabama, and two white girls of dubious character, who had been riding the freight train, charged them with an improbable story of rape. One of the girls later reversed her testimony, and told a court that she and the other girl had fabricated the rape story to protect themselves from prosecution on a morals charge.

But anti-Negro hysteria ran high in Scottsboro. Would-be lynchers stood outside the courtroom awaiting the verdict. From the all-white jury, the "guilty" verdict was a foregone conclusion.

"We demand a stay of execution and opportunity to investigate and prepare for a new trial or appeal," telegraphed the International Labor Defense, predecessor of CRC, on April 9. Appeals, and retrials, and more appeals — three times to the U. S. Supreme Court—continued for six years, while a horrified world looked on. For the first time in two generations, the ancient malpractices of Southern "justice," with its lily white juries, perjured witnesses, and waiting mobs, were presented in the courts of law and the courts of public opinion, as a legal and moral basis for making the South change its ways.

Protests from Europe—from Thomas Mann, and Albert Einstein, and members of the Academy of Science at Leningrad, and from humanitarian and peoples' organizations all over the world poured into Alabama, as well as protests from Americans of all political hues and social levels. By July 7, 1931, there were 1667 individual protests on file in the Alabama capital. By 1936, the figure had passed 15,000. In the process of protesting Scottsboro, people had learned two things—the extent to which misgovernment is possible in a supposedly "democratic" country, and how to fight misgovernment by working together.

Reactionary forces learned from Scottsboro, also. On July 17, 1931, sheriff's officers shot and killed one Negro sharecropper, wounded five others, and arrested 34 more, in the process of "investigating" a sharecroppers' union meeting. The sheriff's justification for breaking unions with a shotgun? In urging freedom for the Scottsboro victims, the unionists had "threatened" Gov. Miller. In publications like "Scottsboro—the Firebrand of Communism," semi-fascist writers screamed that the "Communist Internationale" was using the Scottsboro case to "Sovietize" America. And in the courtroom, the prosecution tried a new approach. "Show them—" County Solicitor Wade Wright shouted, pointing to the I.L.D. lawyers, "Show them that Alabama justice can not be bought and sold with Jew money from New York!" But sane Americans stood together to see a justice more equitable than "Alabama justice" done at Scottsboro.

In July, 1937, the Scottsboro Defense Committee made a "compromise agreement" with Alabama state officials. Charges were dropped against four of the victims, and the Committee ended its legal appeals and publicity work. "This ends the Scottsboro case," the Associated Press quoted a "usually reliable source" as announcing in Decatur, Alabama. But the five remaining victims, whom the state officials had promised to free, remained in prison as the years passed. Powerful forces in Alabama politics had set themselves unalterably against freedom for the five.

In the middle 'forties, four of the five victims still in jail were paroled. Haywood Patterson remained, serving a 75 year sentence. Perhaps the most militant of the nine youths who had been arrested so long before, Patterson faced, with dignity and courage, the worst that the Alabama prison system has to give. To Negroes who stand up with dignity and courage, it is merciless. Falsely charged, illegally tried, and punished for seventeen years with a brutality that the Negro people have for 300 years known as southern justice, Haywood Patterson broke out of jail in July, 1948.

On June 27, 1950, Patterson was arrested in Detroit by — of all people — Harry Truman's F.B.I., who held him under a clause in the Lindbergh's kidnapping law which gives them authority to seize and return escaped prisoners who cross state lines.

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Sojourner Truth Club,
Communist Party

A Friend
Dr. Max Schoen

35

thirty-five

The Detroit Civil Rights Congress, who defended him, denounced use of the statute as "enforcement of a new fugitive slave law by the F.B.I. as agents for the jailers and lynchers of the South."

CRC lawyers fought for and gained reduction of bail from \$10,000 to \$5,000 which was then promptly supplied by the Detroit Civil Rights Bail Fund Committee. William Patterson, national executive secretary of CRC, who had led the International Labor Defense campaign for the Scottsboro boys fifteen years before, called for "national action from every progressive and Negro organization in the country" to save Haywood Patterson from extradition back to Alabama.

Delegations and groups called upon Michigan Governor Mennen Williams with demands that he not sign extradition papers. Wires were sent,

petitions were circulated, funds were raised. Faced with a deluge of demands he could not resist, Governor Williams refused Alabama's request for Haywood Patterson and the last "Scottsboro Boy" was free.

We in Los Angeles are proud of our twofold contribution to the Haywood Patterson victory. First, we joined with the CRC branches in New York, New Orleans, Denver and a dozen other cities to bring pressure on Governor Williams for a favorable action. Second, it was Los Angeles CRC who earlier pioneered the new field of extradition, developing the techniques used in winning this and other extradition cases. The essential contribution was the theory, raised for the first time, that the extraditing governor is as responsible as the state to which the prisoner is removed if due process has been denied or excessive punishments are anticipated.



Haywood Patterson, co-author of best-seller "Scottsboro Boy."

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A Group of Members of CRC

The "Los Angeles 21"

"We move that the witness be committed to jail until such time as he answers the question."—MAX GOLDSCHHEIN, Ass't U. S. Atty. General

On October 25th, 1948, at daybreak, special process servers knocked on the doors of an unknown number of citizens of Los Angeles, armed with subpoenas to appear before the Federal Grand Jury at ten o'clock that same morning. By twelve o'clock that night, Judge Pierson Hall had found ten of these citizens guilty of contempt of court, had sentenced them to an indefinite stay in the County Jail, and eight were actually behind bars.

The government attorneys had several explanations of what the Grand Jury was "investigating." One explanation was that they were investigating certain government employees who were suspected of having falsified a government loyalty oath.

Max Goldscheine, Assistant U. S. Attorney General, sent out from Washington to handle the "investigation," assured each of the ten this was not an investigation of any of them. They were subpoenaed by order of U. S. Attorney James Carter merely as witnesses.

But none of the ten was a government employee.

Each witness was asked a series of questions about the Communist Party. All ten were asked almost identical questions, in the same order and the same way. They were questions which tended to show a possible connection between the witness and the Communist Party, or to show a kind of knowledge of the Communist Party which might be used as evidence of membership in the Party.

All ten refused to answer the questions on grounds of self-incrimination. Twelve leaders of the Communist Party were then under indictment in New York charged by the Federal government with violation of the Smith Act, which attempts to make membership in the Communist Party, or association therewith, a crime. The witnesses were immediately taken before Judge Pierson Hall, where the government attorneys asked for a court order which would compel them to answer.

Attorneys for the ten asked for time to prepare arguments, but were denied. For hours, attorneys Margolis and McTernan endeavored to expose the illegality of these proceedings, as it was later to be exposed by Chief Justice Denman of the U. S. Circuit Court of Appeals. Nevertheless at ten o'clock, Judge Pierson Hall gave the government attorneys the requested order that the

witnesses be compelled to again appear before the Grand Jury and answer the evaded questions.

The ten again refused to answer the questions. By eleven o'clock they were back in Judge Hall's court, and now, for the first time, it became wholly apparent that the government's purpose was to cite these witnesses for contempt and jail them forthwith.

"We move that the witness be committed to jail until such time as he answers the questions," said Goldscheine.

Attorneys Margolis and McTernan protested that they had had no opportunity to prepare the case, research the law, produce evidence that these were totally unprecedented proceedings in the Court and before the Grand Jury.

They moved for a postponement.

"Motion denied," said Judge Hall. He sentenced all ten to stay in jail till they answered the questions.

Ten persons who were charged with no crime, were sentenced to jail for an unlimited term—without bail. A week passed during which the Civil Rights Congress organized protest meetings, formed picket lines that circled the Federal Building, sent letters and wires to Washington, and distributed leaflets that gave Los Angeles the facts.

The question of bail for these people who were illegally imprisoned was presented to Chief Justice Denman of the Circuit Court of Appeals in San Francisco, who promptly ordered the prisoners released, with the appropriate statement that these proceedings smacked more of the Inquisition in 16th century Spain than that of 20th century democratic justice.

Nevertheless Judge Hall held the prisoners in jail another 38 hours. As they finally left the tank, they were again subpoenaed to appear before the Grand Jury. After a new round of questioning, three of the witnesses were charged with criminal contempt and sentenced to jail for a year. They served fifteen days of this sentence before they were again order released on bail.

Other witnesses were subpoenaed in the same way, jailed and ordered released on bail, until the number reached twenty-one.

Who were these 21? Why were they chosen as targets for these illegal shennanigans?

Why, indeed, was Frank Alexander, combat veteran of World War II with distinguished serv-

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Los Angeles Communist Party

ice in the Philippines, New Guinea, and the Solomons, subpoenaed? A carpenter by trade, member of AFL Carpenter Local 634, Frank was the first Negro elected as delegate to the L. A. Building Trades Council. Long before his countrymen had taken up arms against the Axis, Frank had fought fascism on the battlefields of Spain, and was thrice-wounded there.

Why was Phil Bock, Air Corps veteran of fifty missions, holder of the Distinguished Flying Cross, who received the high praise of Brigadier-General Fay R. Upthegate for an expert analysis of bombing techniques, subpoenaed? While a law student at U. S. C., Phil Bock was active in the American Youth for Democracy, and participated in struggles against the Ku Klux Klan.

Why Delphine Murphy Smith, who during the war was the only woman machinist in the shipyards in this area? A leader in the C. I. O. Shipyard Workers' Union, Local 8, Delphine was twice elected to its Executive Board.

Why Lillian Doran, graduate nurse, housewife and mother, and an outstanding participant in community affairs?

Why Frank Spector, house-painter and metal worker, who for over a decade has been a hero to California workers because of his selfless contributions to the labor movement?

Why this cross-section of working men and women whose only crime would seem to be an active participation in the constant struggle for the betterment of community life?

The answer offered is communism—some of these people are communists, therefore it is suitable to use extra-legal measures against them, to persecute them in this manner. **BUT IS IT COMMUNISTS THAT THEY ARE REALLY AFTER???**

The record shows that these citizens have associated with their fellow citizens and have fought for the rights of minority groups, the betterment of labor, for better housing and for rent control. In so doing they may have supported such bills as FEPC and have fought against the Taft-Hartley law; they may have spoken out in the City Council against the lifting of rent controls and have opposed the arbitrary firings of civil servants because they refused to sign "loyalty" oaths. May it not be possible that those who oppose FEPC, rent controls, civil rights, the rights of labor, have found in the bugaboo of communism an effective method to combat those who actively support progressive measures for the community?

The very refusal of the L. A. 21 to answer questions was in itself a courageous fight for



"Los Angeles 21" members join mass picketline protesting New York Foley Square Trials.

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Calif. Labor School
Jack and Clara Fox

Dr. Isidore Ziferstein
J. Allen Frankel

precious Constitutional liberties. Those questions which it was the prerogative of the court to ask were answered forthrightly — but there were questions which inquired into political association and belief, questions which were in direct violation of the “freedom of speech” clause of the first amendment. At the time of this inquiry, the Foley Square trial of the Communist leaders was taking place, a trial which would make the mere advocacy of the ideas of Marxism-Leninism a criminal offense. The witnesses had every right under the law not to answer certain questions on the basis of self-incrimination.

It is no secret that the “red herring” has been waved many times during the last 15 eventful years. The social reforms of the late President Roosevelt were vehemently denounced as “communism, including FEPC, a civil rights program and the repeal of the Taft-Hartley law. Even President Truman’s hypocritical “Fair Deal” program has been red-baited.

Prominent political, cultural, and scientific figures who have engaged in humanitarian endeavors are smeared as traitors and subversives. And while people are being persecuted and hounded because, it is said, they are Communists, FEPC, repeal of Taft-Hartley, rent controls, civil rights legislation remain in the hoppers of Con-

gressional committees still waiting to be enacted, and the great crime of the McCarren bill is perpetrated against the American people.

At this writing all of the L. A. 21 are free. After a number of separate, difficult and expensive legal actions, all of them have been freed by the lower courts.

The Justice Department, persisting in its efforts to imprison the “21,” applied to the U. S. Supreme Court for a writ of certiorari, asking the Court to review all the separate and extensive records.

Meanwhile, however, the case of seven persons in Denver, Colorado, who were subjected to the same harassment, reached the U. S. Supreme Court. The Court ruled that no individual could be required to answer such questions as were put to the “21” by the Grand Jury.

It is the opinion of counsel for the “21” that undoubtedly this ruling will apply to their clients. Therefore it may be considered that this peculiarly virulent attempt at distortion of legal process has failed. It has been a tremendous and costly effort for the “21”, their lawyers and the many thousands who came to their defense. But the issue of right of freedom of opinion and speech was successfully tested.



Three of the “L. A. 21” — Mrs. Lillian Doran, Mrs. Miriam Brooks Sherman and Mrs. Dorothy Forrest.

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A Group of Members of CRC

The Hollywood Ten

"It behooves every man . . . to give no example of concession, betraying the common right of independent opinion, by answering questions of faith, which the laws have left between God and himself."—THOMAS JEFFERSON

In the perspective of the accelerating events of the last few years it can now be seen that the case of the Hollywood Ten was one of the important tests giving the green light to extreme reaction; that it showed how the right mixture of fear, hysteria and intimidation could cow the courts, confuse people, bring a great industry to its knees, override historic principles of Americanism.

The group of writers and film makers now known around the world as the Hollywood Ten were subpoenaed in 1947 by the J. Parnell Thomas House Committee on Un-American Activities. Mr. Thomas was carrying on one of the periodic investigations of Hollywood amidst a flurry of big headlines. But there was something behind the headlines. There was the fact the films were evolving in a way not altogether comfortable for some powerful American interests; the moving pictures which had become talking pictures were now developing into thinking pictures. They dealt with integrity and dramatic power with poverty, race relations, peace, labor rights, democracy as a way of life. They were reaching 85,000,000 Americans a week, and tens of millions of other people abroad. The optic nerve is the shortcut to the brain; the pictures were putting ideas into peoples' heads. It had to be stopped.

So it was stopped. The strings were pulled, the Parnell Thomases and the John E. Rankins went into their act. Among the 45 witnesses brought to Washington from Hollywood, 19 were classified arbitrarily as "unfriendly"—even before they testified. They were the writers, directors, actors and producers who had been the leaders in making honest, vital films.

Ten of these 19 "unfriendly" witnesses were placed on the stand before Chairman Thomas summarily called off the hearing because, as he explained, he had been informed a horde of Communists were marching on Washington from New York. This is only a minor example of the complete hysteria which formed the background of the hearings. The unfriendly ten witnesses became the Hollywood Ten, all cited for contempt of Congress by Mr. Thomas and his colleagues, and all of them later imprisoned. They are John Howard Lawson and Dalton Trumbo, who stood trial in the federal courts; and Alvah Bessie, Herbert Biberman, Lester Cole, Edward Dmytryk, Ring Lardner, Jr., Albert Maltz, Samuel Ornitz and Adrian Scott, who agreed to let

their cases be decided by the Lawson and Trumbo court decisions. These men are among the most important novelists, playwrights, screen writers, historians, and film creators in the world. Many of them have been honored by other governments, and by the American armed forces for their contributions to the winning of World War II.

On the stand before J. Parnell Thomas, two principal questions were asked:

What are your union affiliations?

Are you now or have you ever been a member of the Communist party?

They challenged the right of the Committee to force them to reveal their union membership or political affiliations. They and their attorneys cited constitutional law and precedents set by the Supreme Court guaranteeing to all Americans the right of privacy of opinion. They pointed out there is only a minor difference between forcing a man to reveal what his opinions are and dictating what his opinions shall be.

At the time of the hearing Thurman Arnold, former special assistant to the United States Attorney General, said: "To test the constitutional right of any congressional committee to ask such questions of an American citizen, it was necessary to do three things: First, phrase their answers as they did; second, accept citations for contempt of Congress; and third, stand trial in the federal courts, and if convicted appeal to the Supreme Court of the United States. My opinion is that if the case reaches the Supreme Court, the so-called unfriendly witnesses will be vindicated."

Lawson and Trumbo were convicted by federal juries dominated by government employees at a time when tensions and fears were even more prevalent in Washington than in 1947. In February, 1949, the Washington, D. C. Court of Appeals handed down a decision saying even the most basic rights of American citizens could be abrogated in time of peace as well as war if, in the opinion of the courts or of Congress, there is a threat of "substantive evil to the national welfare."

When the case reached the Supreme Court, there was a denial of review, with Justices Douglas and Black dissenting. The vote was six to two. Unfortunately Mr. Arnold misjudged the susceptibility of the high court to the prevalent pressures of the time.

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"Hollywood 10" Committee
Wilshire-Carthy Pharmacy

40

forty

Early in the summer of 1950, nine members of the Hollywood Ten surrendered to U. S. marshals after the Supreme Court refused a second time to take up the case. The tenth man, Adrian Scott, was ill in a hospital, and his imprisonment was postponed until September. All were fined \$1000. Herbert Biberman and Edward Dmytryk were sentenced to six months; the others, to one year.

At the time of the hearing the responsible press of the nation pointed out forcefully the inherent dangers of persecuting men in an atmosphere more reminiscent of Nuremberg in 1933 than of the capital of the United States. It protested the illegal questions prying into private belief, and the denial to the "unfriendly" witnesses of the right to make statements or cross question their accusers. But the ten men went to prison.

For a very short time the motion picture industry put up a feeble show of resistance to the illegal purposes of the Thomas committee. It said it would never consent to a blacklist. But at a meeting late in 1947, in the Waldorf-Astoria Hotel in New York, the rulers of the industry

reversed the former stand. The blacklist was established; the business of making films in the United States bowed before the standards of film content held forth by J. Parnell Thomas—who shortly afterward was arrested and imprisoned for the rather obvious un-American activity of stealing government money.

As fear increased in Hollywood, the quality of film content decreased; and so did the box office returns.

A proper epilogue to the persecution of the Hollywood Ten and the intimidation of the American film industry is a note in *Daily Variety*, show business trade paper, September 19, 1950:

"Reasoning that 'Hiawatha' might be construed now as Communistic because the title character was noted for his constant striving for peace among the warring New England Indians a couple hundred years ago, Monogram Pictures has shelved its contemplated production of the film. Steve Brody, studio prexy, said: "Because of the tremendous influence exerted by pictures we must be extremely cautious in preventing any Communistic propaganda from reaching the screen."



Part of crowd of three thousand which staged a demonstration at Los Angeles Int'l Airport when members of "Hollywood Ten"—Alvah Bessie, Herbert Biberman, Lester Cole, Edward Dmytryk, Ring Lardner Jr., Albert Maltz and Samuel Ornitz—left for trial and a term in the Federal Penitentiary. Not present were John Howard Lawson and Dalton Trumbo, already in prison, and Adrian Scott, who was ill.

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Council of Arts, Sciences, Professions

Harry Marcus

41

Freedom of Education

"If it is impossible for a man to be a professor unless he holds views that the majority will approve, then American universities will become little more than detention homes for the young."

—ROBERT M. HUTCHINS, Chancellor of the Univ. of Chicago

Today, the imposition of a political test for employment at the eight campuses of the University of California, the world's largest university, has exposed the desperate drive of powerful reactionary forces to impose thought-control on education.

Centrally responsible for the threat to a free educational system are the University Board of Regents which includes Ed Pauley, the oil multimillionaire and John Neylan, attorney for the Hearst newspapers. Its senior member is Edwin Dickson, Regent since 1916, former owner of the L. A. Examiner, investment banker and head of the Federal Savings and Trust Co. Giannini of the Bank of America was on the board until recently.

After a year of unprecedented debate and struggle between the faculty and the Regents of the University of California, during which overwhelming faculty, student and community sentiment was voiced against the loyalty oath, close to 14,000 employees are forced to accept a contract including the following special oath: "I am not a member of the Communist Party or any other organization which advocates the overthrow of the government by force or violence, and that I have no commitments in conflict with my responsibilities with respect to impartial scholarship and free pursuit of truth."

A courageous struggle was conducted by a large portion of the faculty who recognized the oath not only as a blow to their civil liberties, but as a step in the direction of subordinating education to the big business program of war and the destruction of democracy. In the face of threats of immediate dismissal, the continued resistance of many non-signers inspired the support of leading educators, clergymen, attorneys, students, labor figures and prominent citizens.

The American Association of University Professors in its most recent statement again unanimously reaffirmed its basic position: "We affirm our belief in the principles of academic freedom and tenure as previously applied, and oppose the substitution of any doctrine whereby membership of a college or university teacher in any lawful political party or other organization could become in itself a proper ground of dismissal."

Phi Beta Kappa, the faculties of the University of Chicago, the University of Iowa and many others clearly uphold this position by emphasizing that "competence and moral character,

not political belief, must be the sole criteria for teacher qualification."

It is a severe blow to the academic world and to the nation as a whole that the University of California faculty were compromised and diverted. By the mistaken notion that they could bar Communists from the teaching profession and yet maintain their own liberties the faculty permitted themselves to bargain and maneuver on the basic issues at a time when there were strong sentiments for forthright action such as faculty walk-outs and sit-downs supported by student strikes, mass refusal to sign contracts in support of non-signers, mass resignations, and other constructive proposals from the indignant and resentful faculty and student bodies. The result of these compromising tactics is widespread demoralization, intimidation and silence.

The University of California has lost its place as a leading institution with the refusal of outstanding educators to be on its staff. Robert M. Hutchins, Chancellor of the University of Chicago in June 1950 said: "This is a serious indictment of the Board of Regents. . . . Certainly it questions Dr. Sproul's qualifications to head a great university. This new requirement is worse than an oath of loyalty. It has nothing to do with a man's qualifications to teach. The University of California is a great institution but at this rate it won't be for long."

Submission to the Regents' demands, spearheaded by faculty and administrative demagogues, has brought about the present deplorable situation of dismissals for non-conformity, inquisitorial hearings and investigations, Tenney-inspired accusations and witch-hunts, and an atmosphere of fear and repression which makes a mockery of free education.

The Washington Post editorial on March 11, 1950, commented:

" . . . the real danger in this kind of thing is the precedent it sets for even more repressive inquiries which can permeate to every crossroad and which have no bearing whatsoever on security—witness the insupportable oath and FBI certification which may be required of students even in totally 'non-secret' work under the National Science Foundation. The inviolability of political belief, including unorthodox belief is one of the most basic values in American society."

Dr. Thomas I. Emerson, noted professor of

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Senior & Junior Hollywood
Women's Council

Dr. Morris Horovitz
Nisei Progressives

law at Yale and national president of the Lawyers Guild, said: "It (discharge of faculty members and employees) reflects the hysterical thinking and the adoption of methods of totalitarianism which all good citizens must battle to the utmost. We pledge our full support as lawyers in aid of the fight of those discharged."

The educational system in California has al-

THE WITCH HUNT THAT FAILED

As the 1950 curtain-raiser in the nation's overall program of political repression, character assassination, and "guilt by association," the devious activities of the California State Un-American Activities Committee are worth considerable study.

Senator Jack Tenney, Chairman of the Committee, was forced to retire under fire last year and was replaced by State Senator Hugh M. Burns, a former Fresno undertaker. Re-named the Burns Committee for its new chairman, this group on Jan. 2, 1950, aimed a number of subpoenas almost exclusively at teen-aged school youngsters in the Los Angeles area.

Five young people were ordered to present themselves for questioning on Wednesday, January 4th, at the State Building in Los Angeles. These "witnesses" were:

Lynn Marshall, 16 year old Belmont High School football star.

Bunny Luks, 17 year old Fairfax High School co-ed.

Dorothy Ruth Neff, 17, recent graduate of a Long Beach High School.

John Conley, 23, a trade unionist from Wilmington.

Vicki Landish, director of the teen-age division of the Labor Youth League.

No intimation of the purpose of the hearing was given until the proceedings began. Chairman Burns employed every hackneyed Tenney tactic in his first business of the new year. He issued his subpoenas without advance announcement; assigned a corps of under-cover deputies to "track down" the young witnesses over the New Year week-end; carefully guarded the "secret" of his inquiry; and allowed no opportunity for the witnesses to consult their lawyers at length or to otherwise prepare themselves for this inquisition without announced aims.

Indignation at these tactics resulted in a capacity audience at the hearing. The Civil Rights Congress of Los Angeles organized community protests. A women's committee denounced this interruption of school routines for the benefit of the Burns' "publicity circus." Youth leaders from many Los Angeles schools attended the hearing. The community was summoned to attend the

ready felt the blow to free exchange of ideas in the resignation of twenty-seven full professors from U. C. and the subsequent dropping of over fifty courses for lack of adequate instructors. Less apparent but even more dangerous is a web of fear that is spreading over the educational system covering not only the teaching staffs but the students and curricula as well.

hearing and see for itself how "a discredited committee is seeking notoriety at the expense of the young people."

The community came and packed the hearing room. They saw another typical Tenney witch-hunt degenerate into a dismal fiasco for the committee, confronted by the determined stand of a group of young American citizens intelligently aware of their Constitutional rights. William B. Esterman acted as attorney for the witnesses.

The committee announced its intent to pry into the character and nature of the Labor Youth League, organized at a national convention in Chicago in May, 1949, by examining the young witnesses as to their associates, political beliefs, and personal and professional activities. The five witnesses were all active in the League.

The committee caught a tartar in its first witness on the stand: John Conley, 23, war veteran, former paratrooper, and at present a Harbor district trade unionist. Conley at once clashed with Chief Counsel Nathan F. Coombs when he tried to read a short statement charging that the committee "had no right to pry into people's private lives, to harass and intimidate them."

Chairman Burns examined the statement and snorted: "It's argumentative and presumptuous. You can't read it." Counsel Coombs then asked Conley:

"Have you heard of an organization called the Labor Youth League?"

"You have no right to ask me questions about what I have heard," snapped Conley.

"Do you refuse to answer?" asked Coombs.

"I've given a satisfactory answer," Conley replied.

"It's not satisfactory to me," protested Coombs, getting red-faced. The question was not pressed.

Coombs then asked Conley: "Did you attend a meeting of the Labor Youth League at 4016 South Central Avenue last June?"

"What right have you to ask me such questions?" replied Conley. "I don't think it is any of your business what meetings I attend, nor with whom I associate. You are infringing on my constitutional rights by asking me these questions. You have no right to do so at this hearing, or, better yet, inquisition."

On these constitutional grounds, witness after witness proved adamant. Some typical replies were these:

—"I am sorry you will not let me read my statement, for it explains from the study of civics and the Constitution that it is my duty to defend the rights of free speech and assemblage."—

—"What I do or where I go, so long as I commit no crime, is my business as an American citizen, and you have no right to pry into my mind."—

The witnesses informed the committee they belonged to the Labor Youth League and that its objectives were to aid youth in the fields of education, employment, and discrimination against minorities.

Counsel Coombs had also informed the press the committee had examined an informer on the stand in closed session, prior to the hearing. Attorney Esterman requested the right to cross-examine the informers. "We want to determine whether they are lying or telling the truth," stated Esterman. His request was denied.

Despite dire threats by Chairman Burns that the committee "will not tolerate the refusal, whether by direct action or evasion, of witnesses to answer pertinent questions concerning their affiliations and activities" the committee was obviously stumped and flustered by the united stand of the witnesses in defending their constitutional rights. On adjournment the same afternoon, Burns stated the hearing was "necessarily basic and preliminary to a more detailed investigation." He announced vaguely that "other hearings" would be held. Thus far, a monumental silence has followed this abortive 1950 launching of the Burns committee, a silence due in no small

measure to the organization and community protests rapidly mobilized by the Civil Rights Congress of Los Angeles.

Noteworthy comment on the Burns fiasco is contained in a letter received by the newspaper, Daily Peoples World. The author is the mother of two children and the wife of a wealthy manufacturer, head of a nationally known concern. Her name is on file but cannot be published. This is her letter:

"To the Daily People's World,
307 S. Hill St.,
Los Angeles 13, Calif.

Regarding the subpoenaing by the California un-American Activities Committee of the group of teen-aged high school youngsters:

Will you contact the parents of those youngsters and tell them for me how I envy them as parents of children with a social conscience; children who have been free to attain mental and emotional maturity; children who are capable of discerning the truth in accordance with fact and reality; children who place truth above their own petty personalities; children who are free from prejudice and who have conquered their human conceit and selfishness and are at all times ready and on the alert to accept every and ANY truth; children in whom the 'Christ' spirit is revealed!

Yes, the guides and counselors of Lynn Marshall, Bunny Luks, Dorothy Ruth Neff, John Conley and Vicki Landish, can be mighty proud of these young people and all members of LYL.

Very sincerely,

..... (name withheld)

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Helen Gussner
Stanley Fleishman

Maynard Omerberg
A Friend

Government Interferes With Labor

"Have the courage to resist before this mad hysteria destroys us all."

—HAROLD CHRISTOFFEL

This is the story of a union leader who couldn't be bought or broken. It is also the story of a Congressional Committee that broke a strike.

Harold Christoffel, militant leader of the great Allis-Chalmers strike, was a marked man from the very first day the picket line spread around the great plant. The strike was in its eleventh month when the Allis-Chalmers Co., sensing the growing strength of the workers, called in the Hartley Congressional Committee to investigate "foreign communist influence" in the union.

Christoffel and two other leaders of Local 248 (Allis-Chalmers Workers) United Auto Workers, CIO, asked for an opportunity to appear before the Congressional Committee to reply to a barrage of anti-union, red-baiting attacks made before the Committee by the Company officials.

All of the Company's "testimony" was unsworn. Three days before Christoffel testified, the House passed a resolution authorizing Chairman Hartley to administer oaths. The stage having been set, Christoffel was forced to submit to an abusive "third-degree." The anti-union, pro-fascist Clare Hoffman of Michigan quizzed him from a list of questions prepared by Allis-Chalmers Co. officials saying, "I want to ask you a few questions that may seem unnecessary, but just for the sake of record, and they are very short and you can answer them very quickly."

It was this series of questions that formed the basis of the frame-up which led to the conviction of Christoffel. The Allis-Chalmers Co., working with the Hartley Committee and with prepared stool pigeon witnesses used later to charge Christoffel with perjury, thus set the stage to entrap a labor leader and send him to jail.

When the trial opened the defense discovered that the entire jury panel had previously been investigated by the FBI. The witnesses against Christoffel were a regular rogues gallery of renegades, criminals and fascists previously active in various attempts to destroy the union.

The central point of the prosecution was that Christoffel lied when he said he was not a member of the Communist Party. Yet not one witness could say that Christoffel is or was a Communist. The only "evidence" the prosecution presented was to get Louis Budenz to say that he heard Christoffel use the phrase "as a communist" at

one time in 1938. This was not only false but a deliberate invention. In previous testimony before the Hartley Committee Budenz said nothing about such a statement and it was obvious that the prosecution, having no evidence against Christoffel, brought forth fabrications. Budenz has since been used as a professional witness for the government in a number of actions against other labor and Communist Party leaders. This is the same Budenz whose return to the Church received extensive press notices, but whose refusal to answer questions relating to bigamy and white slavery on grounds that he might incriminate himself passed unnoticed.

Through other witnesses the prosecution proceeded to convict Christoffel by association. Because, while president of Local 248, his union had made donations to other organizations which were called "communist-controlled," Christoffel was charged by the prosecution with being a communist. This was the precedent that later emerged as a key section of the McCarran Law.

While the Judge permitted the prosecution to introduce evidence gathered by the Hartley Committee in the Christoffel hearings, Christoffel himself was denied the same right.

Christoffel was found guilty of perjury and thus became the first victim of the forces that later brought into being the Taft-Hartley Law. His real crime was his court-expressed conviction that ". . . we must destroy the reactionary weapons of red-baiting if we are to save our unions and the progressive movement. We non-Communists must stand together with the Communists, for red-baiting will destroy all that we hold dear."

On March 14, 1950 Christoffel was sentenced to serve from two to six years in federal penitentiary on charges of perjury before the House Labor Committee in 1947. This was his second trial. The verdict of the first trial had been reversed by a higher court on grounds that a quorum was not present at the House Labor Committee hearing.

After Christoffel went to prison his attorney, Herbert J. Fabricant, requested his release on bail, pending appeal. This was denied by Federal Judge S. Dickinson Letts. Later, however, on April 9, 1950, Christoffel was released on \$10,000 bond pending appeal to the U. S. Court

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California Eagle
City Terrace Chapter CRC

Int'l Fur & Leather Workers Union
A Friend

44-45
fantasia

of Appeals, at present awaiting a hearing.

Los Angeles learned to know Christoffel as a fighting trade union leader where, as a result of his visit to the West Coast, workers from auto,

IRMA SAPIRO

One morning early in February of 1949, Miss Irma Sapiro walked into the office of the California State Employment Service, registered for work and filed a claim for insurance benefits which had accrued to her from previous employment.

Although she was a qualified social service worker nothing was available until two months later when she was given a referral to the Bureau of Public Assistance, Department of Charities of Los Angeles County to be interviewed for employment.

She reported and was interviewed by the district supervisor of the Department of Charities relative to her qualifications for the offered job. In the course of the interview she was told she would have to sign a loyalty oath as required by the County of Los Angeles of its employees. She replied that she could not, on principle, sign an oath for a job for which she had met all other requirements. She said she could not sign such a statement because she believed that part of the oath required her to disclose her political beliefs or membership in political organizations which, she emphasized, was no business of the County and was an invasion of her constitutional and personal rights.

Miss Sapiro was then told she could not be hired unless she signed an oath and affidavit and was told to return for the job when she had made up her mind to do so. In the meantime, she was told, she would be cut off from unemployment benefits. Miss Sapiro went to her Union, Local 95, Social Service Employees, and to the Civil Rights Congress and asked for help. An attorney was assigned to her case by CRC and a campaign was started to get her back on the unemployment insurance rolls.

Recognizing the unprecedented procedure of the California State Employment Service as a threat to the trade unions as well as the entire foundation on which CSES operates, the Union quickly came to her assistance. At the first hearing before the State Employment Service Referee nearly a score of workers representing a half dozen unions were present.

The Referee after hearing the facts promptly turned down the appeal and the hearing then came before the State Board of Appeals. The three man board came down to Los Angeles accompanied by a State Attorney representative and, curiously enough, an attorney representing the Water Front Employers Association, acting

steel electrical and a dozen other unions came to his support.

His case ranks in national importance perhaps only second to the persecution of Harry Bridges.

as a "friend" of the state. This is the same employers outfit that teamed up with the Department of Justice in finally securing the frame-up and conviction of Harry Bridges, militant waterfront trade union leader. Now their attorney again appears as a "friend of the state."

The Trade Union Division of the Civil Rights Congress issued a letter to several hundred unions noting that "when the CSES takes upon itself the responsibility of depriving workers of unemployment insurance based upon an employer's definition of job requirements it may not be long before CSES becomes a union busting agency for anti-labor employers."

Wrote the United Auto Workers, Local 230, CIO, "We vigorously protest your denial (CSES) of unemployment insurance to Miss Sapiro . . . we oppose in principle (the signing of the loyalty oath) . . . it should have no bearing on a person's eligibility for unemployment insurance."

The United Shoe Workers and other unions sent in protests and demands that CSES stop their attack on the rights of workers to their political opinions and that Miss Sapiro be given the unemployment insurance due her.

The Appeals Board, despite the able assistance extended them by the Water Front Employers attorney, found the going too rough. Under growing pressure of the workers they finally found refuge in the technicality that there was no evidence to show that a positive offer of work had been made to Miss Sapiro and therefore she could not have refused work when no job had been actually offered her.

In dignified language the Appeals Board wrote "A claimant may not be disqualified for refusing work unless an outright and unequivocal offer of work has been made. The benefits disallowed by the (local) Referee are therefore payable if the claimant is otherwise eligible thereto."

The case was won and Miss Sapiro was paid her back unemployment insurance. It could not have been won without the unity of labor and without community support generated by the members of the Civil Rights Congress.

"I believe," said Miss Sapiro at the conclusion of the case, "that working people need a civil rights committee in their union to take up such cases and others dealing with the civil rights of its members. Every effort should be made to utilize the experiences of the Civil Rights Congress in the fight for their economic and political rights."

Telling of these stories made possible through the contribution of

Dr. Louis Phillips

A Group of
Needle Trade Workers

AGAINST LOYALTY CHECKS

This is the story of the Committee Against Loyalty Checks (formerly known as United Defense Committee Against Loyalty Checks).

In March, 1947, President Truman, with the support of the House Un-American Activities Committee and other reactionary forces, issued Executive Order No. 9835, thus beginning the greatest witch hunt in the history of this nation.

Inspired by the President's order, the Los Angeles Board of Supervisors directed the County Counsel to draft a loyalty check. This ordinance was passed in August, 1947—the first local loyalty check in the United States.

The oath and affidavit required under this ordinance was in four parts.

Part A. A standard oath or affirmation commonly taken by all people in public office or employment.

Part B. In which the employee had to swear that he didn't belong to any organization advocating overthrow of the government by force and violence. This part was so loosely worded that it could include any organization that did not meet the approval of the county administration.

Part C. An inquiry as to an employee's "aliases," if any.

Part D. A list of "subversive" organizations as drawn up by the Tenney Committee—144 trade unions, and cultural, fraternal, and civic organizations. The employee to indicate whether or not he then belonged to any of these proscribed organizations, or had belonged during the previous five years.

More than 100 county employees refused to sign, saying that their belief in the American Constitution prevented them from signing such an unconstitutional document. The first committee to combat the loyalty checks was formed. A lawsuit was filed (Helen Parker et al. v. County of L. A. et al.) seeking to enjoin the County from enforcing the loyalty check.

No one was penalized for almost a year, when suddenly all those who had not signed were called in by their supervisors and ordered to sign immediately or be fired for insubordination. Some seventy persons agreed to sign the first three sections and the Board of Supervisors allowed them to do so, holding the fourth section in abeyance, pending the outcome of the injunction suit. Sixteen persons refused to sign any part of the check and were fired.

Meanwhile Mayor Bowron, after consultation with the army representatives at the Pentagon, introduced in the City Council a "loyalty" check ordinance, which was passed in the fall of 1948 and became effective January, 1949. This re-

quired an oath that the employee did not, or had not, for five years previous, been a member of the Communist Party or Communist Political Association or that he had not, within the past five years, advised, advocated, or taught the overthrow by force, violence or other unlawful means, of the government of the United States of America or of the State of California.

The ordinance also set up an appointive body consisting of three examiners whose function is to interrogate and investigate those employees who would agree to sign the oath and affidavit.

Twenty-one employees refused to sign on the ground that the oath violated constitutional liberties. Two employees signed, but were fired for adding notes of their own: "What is this, Nazi Germany?" and, "Also not a member of the Ku Klux Klan."

Over a year later the twenty-fourth city employee was fired, after returning from sick leave.

To fight these inquisitions the Committee Against Loyalty Checks was set up in May, 1948 by city and county and federal workers in Los Angeles, sponsored by the American Federation of State, County and Municipal Employees, Local 558 (AFL) and the United Public Workers, Local 246.

A lawsuit was filed on behalf of the dismissed city workers (Garner et al. v. City of Los Angeles) to get them re-instated in their jobs on grounds that the city ordinance was unconstitutional and the firings thus illegal. The Garner, or "City" case has just been appealed to the U. S. Supreme Court and Garner et al. are waiting to hear if the Court will rule on it.

The Helen Parker, or "County" case traveled all the way to the U. S. Supreme Court which ruled against the County workers on the technical ground that no employee had been fired at the time the original suit had been filed in lower court.

Therefore, the case of the 16 dismissed county workers had to start all over in the lowest court, at great expense and sacrifice, under the title of Hirschman v. the County of Los Angeles. The Hirschman case is now awaiting a decision of the California State Supreme Court.

While the "City" and "County" cases were being carried on, the Committee against Loyalty Checks fought unremittingly against Truman's Executive Order No. 9835 and succeeded in reinstating several federal employees dismissed under the order.

Governor Warren, a few months ago, damned the loyalty oath as a threat to the freedom of the American people, yet, recently, he signed, with praise, a new state law which requires that all

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employees of the state, county and city governments and governmental agencies sign a new loyalty oath.

The loyalty check is becoming a dominant pattern in American life. The inquisition into political belief and association has spread to universities, radio stations, motion pictures, trade unions, our schools and all phases of employment in private industry.

Under the heading of "Oath for All" a recent Los Angeles Times editorial points out what the future holds for the American people. "Most citizens," it states, "would take such an oath daily, if it were asked for, and without pausing to question the reason." Those who propose such possibilities think the people have forgotten the Nazi program in which "Heil Hitler" was the

daily oath expected of the German people by the Third Reich.

The fear engendered by such police state requirements has already taken its toll. There is a growing dearth of teachers, engineers and others who are refusing to participate in this nazification program. Professional workers are accepting jobs in other fields. Students are changing their courses to seemingly less vulnerable professions.

The Los Angeles Committee Against Loyalty Checks will continue to support and defend those who refuse to sign the oaths and those who are unfairly dismissed under their terms. But the Committee's work can only reach its fullest effectiveness as part of a general campaign conducted by all aroused Americans to repeal all the fascist legislation of our time.

ANNA TREPANIER

Anna Trepanier, an active member of the United Electrical Workers Union Local 1421, worked for six years as a machine operator at the Clary Multiplier Corp. Born 56 years ago in Jamestown, North Dakota, and for the past twenty years a resident of Los Angeles, Miss Trepanier worked a good part of her life in a factory.

During the war to defeat fascism she was seldom missing from her machine, rain or shine, was an air raid warden and, with thousands of patriotic workers like herself, donated blood a number of times to save those who were fighting the war of freedom on other fronts.

One day a few months ago Anna was called into the office. Standing there was an army officer, the plant superintendent, the assistant superintendent and the boss. She was handed a notice written on army stationery stating she could no longer work in that factory because she associated with known Communists and was a member of the International Workers Order, an insurance and fraternal organization, that she was listed as a subversive, that she was a Communist. The boss told her she must leave forthwith on orders of the army.

Amazed, Anna wanted to know why she was fired. She was told that someone had informed the army she was a member of a subversive organization and therefore, because she was employed on restricted work, she was no longer eligible for the job. No trial. Just fired.

The boss had long wanted to get rid of Anna. She has been a shop-steward, a good one, militantly representing her shop-mates on numerous grievances. She was an active union member for years and was a respected worker in her shop. When the boss started a campaign to install a

company union in the plant she fought vigorously against it and though many other workers had been fired for being members of the old bona fide union her popularity with the workers forced the management to retain her. That is, until this incident occurred.

The boss and the army representative were very clever in maneuvering her out of the shop. The plant makes adding machines. They also have some army contracts for some gadgets which are produced in one section of the plant, restrictive work. Anna had been employed for years on the drill press, milling machine and the plating and sanding departments and, during the war on classified work. Suddenly, one day Anna was transferred from her job in the plating department to that little department making parts for the army. There she was put to work burring some pieces. Not long after this transfer she was called into the office and was fired.

Recognizing this as a case of out and out union busting which would jeopardize every active union member the membership of UE vowed full support of the fight to reinstate Miss Trepanier to her job. They contacted the Civil Rights Congress and an attorney was assigned from the Lawyer's panel to her case. An appeal to the National Review Board is now pending. This is an army board set up to hear complaints against itself.

It is clear that if this case is allowed to go by default, the discharge of Miss Trepanier will provide a convenient means of eliminating any union member who dares to speak out for his union and it will be the army that will be the final arbiter of who and who shall not be permitted a job.

It is an issue that will be fought and will be won.

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48

The Persecution of Harry Bridges

"The continued persecution of Harry Bridges will stand forever as a monument of man's intolerance toward man."—SUPREME COURT JUSTICE FRANK MURPHY, 1945

But the persecution of Bridges has continued. At this writing, Bridges is at liberty following the reinstatement of bail at the direction of the Appellate Court of the State of California.

The Federal government had requested of Judge Harris, who presided over Bridges' most recent trial, in which Bridges was convicted of perjury with regard to his alleged membership in the Communist Party at the time he became an American citizen in 1945, that Bridges' bail be revoked and he be again imprisoned, because Bridges was opposed to U. S. intervention in the Korean civil war. Judge Harris gladly complied. Bridges, adjuring his wife to "shed no tears," went back to jail.

The Appellate Court, in a decision remarkable in these times, ordered the immediate release of Bridges. The Court further declared that the imprisonment of a man for expressing his opinions was a far greater danger to the nation than the expression of those opinions. This court added the warning that the country is in grave peril of its judicial processes being misused in order to carry out the Administration's foreign and domestic policies.

The persecution of Bridges follows two lines of attack. Tactically the effort is to deprive a citizen of his civil liberties, to imprison or deport him. Strategically the effort is to destroy the militant elements in the labor movement. Harry Bridges' ancient enemy is the San Francisco Industrial Association. Bridges is the Australian born President of the International Longshoremen and Warehousemen's Union, and one of the country's most competent labor leaders.

His troubles with the Immigration Service and the Federal government began following the successful waterfront strike of 1934 in which Bridges was an active leader, and which made great gains for longshoremen and sea-going unions. At this time, the mayor of San Francisco, Roger Lapham, head of the American Hawaii Steamship Company, wired the Secretary of Labor, demanding the immediate deportation of Bridges.

This was not granted.

In 1935 Bridges requested an investigation so that he might become an American citizen. He was stalled by the Immigration Service until 1937 when a special hearing was held before the Department of Labor's Solicitor General in New York at the request of the San Francisco Indus-

trial Association who again wished to have him deported. Bridges was questioned at length with regard to his alleged connection with the Communist Party, and released.

In March 1938, Bridges was arrested by the Department of Labor on grounds that he was affiliated with the Communist Party. Proceedings were dropped, but the ILWU, thoroughly aroused, demanded that this persecution of its leader cease.

Accordingly, in 1939, a hearing was held before Dean James Landis of Harvard Law School. Dean Landis ruled that there was no evidence to show that Bridges was a member of, or affiliated with, the Communist Party. He also said that the witnesses produced by the Immigration Service were pathological liars and some were perjurers.

In 1941, a full dress hearing was held in San Francisco before Judge Charles Sears, who ruled at the outcome, that Bridges was a Communist and ordered his deportation. The case was appealed to the Supreme Court of the United States which in 1945 decided there was no evidence in the transcript of the 1941 trial to show affiliation with the Communist Party. The Court further ruled Bridges was not deportable. It was then that Justice Frank Murphy, in his concurring opinion, stated the continued persecution of Bridges "would stand forever as a monument to man's intolerance to man."

In 1945, Bridges was granted his citizenship by Superior Judge Thomas Foley of San Francisco. This, however, was merely a pause in the continued persecution of Harry Bridges.

The maritime unions, historically, have been among the most progressive. Their members, because of their wide contacts and their travels, have a great fellow feeling for the workers of other lands and they are quick to see the nature of unjust and imperialistic war.

Hence the formulation of Truman's post war policy of cold war, the Marshall Plan and the Atlantic Pact made the maritime unions and their leaders a logical target for the forces of reaction.

Bridges was now leader of the Committee for Maritime Unity which combined seven chief unions and covered all coasts, and which in 1946, without strike action, won the greatest gains for its unionists in the history of the waterfront. The CMU opposed the cold war and was broken up

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49 49

by the betrayal of Joseph Curran of the National Maritime Union.

In 1947 preparations began for a new case against Harry Bridges by Attorney General Tom Clark. The "perjurors and pathological liars" were assembled. In May, 1949, Bridges was indicted on the Immigration Department's allegation that Bridges committed perjury in swearing he was not a communist when he obtained his citizenship in 1945 after having been cleared by the U. S. Supreme Court. It was also charged that Bridges and two ILWU associates, J. R. Robertson and Henry Schmidt, who were his witnesses when he was given his citizenship, had conspired to defraud the government.

The trial lasted four months and was a gross parody of justice during which witnesses against Bridges and the two other men were repeatedly shown to be liars and presiding Federal Judge George B. Harris made no secret of his intent to be prosecutor rather than judge.

The three men were convicted on all counts. Their attorneys, Vincent Hallinan and James Martin McGinnis, were cited for contempt by Judge Harris and sentenced, respectively, to six months and three months imprisonment.

Bridges is free now, on bail, pending appeal. He walked into his union hall the other night and was greeted by a massed standing ovation.

His union is putting up a great fight for Bridges. Whether they can win it remains to be seen. After the passage, over Truman's crocodile tears veto, of the McCarran-Wood-Mundt-Nixon-Ferguson bill, which made Fascism the law of the United States, it remains to be seen whether any union can continue to exist as a union.

If the most recent case against Harry Bridges is reversed by a higher court it will be a mighty victory. If Bridges goes to prison it will be the sign that organized labor must dig deep its heels and prepare for onslaughts aimed at its destruction.



Harry Bridges.

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The Foley Square Trial

"In the struggle for democracy, peace and social progress, the Communist Party carries forward the democratic traditions of Jefferson, Paine, Lincoln and Frederick Douglas—CONSTITUTION OF COMMUNIST PARTY (Quoted in brief to the U. S. Supreme Court)

On July 20, 1948, a Federal Grand Jury, after a sixteen-month investigation of Communist activities in America, indicted twelve members of the National Committee of the Communist Party.¹

Specifically, the indictment charged the twelve defendants with "conspiracy" to subvert the government by:

1. organizing a political party dedicated to to the principles of Marxism-Leninism;
2. arranging to publish and circulate . . . books, articles, magazines, newspapers, advocating the principles of Marxism-Leninism; and
3. establishing schools and classes for the study of the principles of Marxism-Leninism, in which would be taught and advocated the duty and necessity of overthrowing and destroying the Government of the United States by force and violence.

This indictment was drawn up under the provisions of the *Alien Registration Act of 1940* (commonly known as the Smith Act), an omnibus bill retroactively amending numerous existing laws, and containing a series of clauses affecting citizens which authorities on constitutional law described as "the first Federal *peacetime* restrictions on speaking and writing by American citizens since the ill-fated Sedition Act of 1798."

The subsequent trial, which opened on January 17, 1949, in the Federal Court House in Foley Square, New York City, was truly historic: hundreds of armed and uniformed police and plainclothes men infested the courtroom and its approaches, creating an atmosphere of terror—as though insurrection were at hand. The press was quick to seize upon this provocative note and spread hysteria to befuddle the public as to the

¹ *William Z. Foster*, National Chairman (whose case was severed from the others, due to serious illness, when the trial opened); *Eugene Dennis*, National Secretary (already serving one year in prison for "contempt" of a Congressional committee); *Benjamin Davis*, then sole Negro member of the New York City Council; *Henry Winston*, National Organizational Secretary; *Robert Thompson*, Chairman of the New York Communist Party; *John Gates*, Editor of the *DAILY WORKER*; *Irving Potash*; vice-president of the International Fur and Leather Workers Union; *Jack Stachel*, Educational Director; *John Williamson*, Labor Secretary; *Gilbert Green*, Illinois Communist Party Chairman; *Gus Hall*, Ohio Communist Party Chairman; and *Carl Winter*, Michigan Communist Party Chairman.

real nature of the trial. It paralleled, in a specifically "cold-war" American way, the infamous Reichstag Fire Trial staged by Hitler, Goebbels and Goering in Nazi Germany in 1933, as a prelude to suppression of the German Communist Party and opening of the way for the inevitable suppression, persecution and ultimate physical annihilation of millions of non-Communists considered to be the enemies of the Nazi ruling clique.

That the pace of this development is hardly less rapid here than it was in Nazi Germany is evident in the savagery with which the government urged the rescinding of bail and denial of due process because of "national emergency," and, barely a year since the verdict of "guilty" was delivered, passage of the McCarran Bill—the most deadly single piece of legislation in American history! — a complete police-state measure.

The trial itself consumed nine months. It was marked throughout by flagrant bias for the prosecution on the part of the dapper and histrionic Judge Medina. Many distinguished jurists and defenders of civil liberties, calmly appraising the trial proceedings, declared them to be a grave distortion of government function, an unconstitutional attack on free speech *since no overt acts were charged*, and that *this attempt to "establish" the concept that "advocacy" of a body of ideas or a philosophy of social change is a "crime," is in fact making political change "legally" impossible.*

Furthermore, federal judicial procedure sank to a new low, for stool-pigeons with their *agent-provocateur* "evidence" provided the entire basis for the government's case, and they were furthermore publicly honored as "patriots" and "heroes" for their degrading testimony.²

² Among these stool-pigeons were: the infamous renegade from the Communist Party, *Louis Budenz*, who was proven to have defrauded his former employer, the *DAILY WORKER*, of considerable monies; *William O. Nowell*, ex-Communist, former advisor to Gerald K. Smith, fascist, on "race relations," and at present a paid informer for the Immigration Service; *Charles W. Nicodemus*, expelled from the Communist Party, and bribed into testifying for the government by being freed from charges of carrying concealed weapons with felonious intent; and, among others, *William Cummings* and *John Victor Blanc*, labor spies and F.B.I. stool-pigeons, who admitted recruiting even their own relatives into the Communist Party and then denouncing them to the F.B.I.

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Obviously, testimony from such sources repeated all the wild infamies and slanders culled from yellow-press "exposes," "Red Menace" books by professional red-baiters, hysterical diatribes by American Legion spokesmen, flamboyant lies from "Un-American" Committee reports—voiced in all seriousness as "evidence" of the intent of the Communist Party to overthrow the government by force and violence.

The defendants were not allowed to define the principles of Marxism-Leninism, "advocacy" of which constituted their alleged "crime"; but the fake "expert" Budenz was allowed to "interpret" these principles as the prosecution wished.

A representative body of non-partisan lawyers, commenting publicly on the 13,000 page court transcript of the trial, declared the proceedings to be honeycombed with judicial bias, and specified misconduct by Judge Medina on many counts, including:

"Rulings tending to silence and immobilize defense counsel; improper characterization of defense counsel in the presence of the jury; threats to penalize defense counsel for performance of their duty; badgering of defense witnesses and deprecation of their testimony in the presence of the jury, etc."³

³ See: *Due Process in a Political Trial: The Record vs. The Press.*

⁴ George W. Crockett, Detroit; Richard Gladstein,

During the proceedings, several defendants were summarily sentenced to jail for protesting Judge Medina's unfair rulings or for refusal to act as stool-pigeons by naming associates whom they knew would be immediately victimized by loss of their jobs—such being the effect of the hysteria stirred up by the press.

Further, a jurymen who was exposed by the New York COMPASS to be violently prejudiced against the defendants was allowed to continue to serve, despite a well-documented defense motion to disqualify him.

Considering these facts, a "fair trial" was impossible, and the verdict was a foregone conclusion. On October 14, 1949, the jury pronounced the defendants "guilty," and Judge Medina immediately sentenced the six defense lawyers⁴ to jail for terms of thirty days to six months for "contempt" of court; and subsequently sentenced the "eleven" defendants: ten of them to five years imprisonment and \$10,000 fine, and three years and \$10,000 fine for one defendant, Robert Thompson — as an act of "leniency" because Thompson has a valiant war record and wears a Distinguished Service Medal.

Almost without exception the kept press praised the verdict and sentences as a "symbol

San Francisco; Abraham J. Isserman, Washington; Louis F. McCabe, Philadelphia, and Harry Sacher, New York. Eugene Dennis acted as his own attorney.



Eleven of the 12 national Communist leaders as they appeared at the New York Foley Square trials. Seated (from l. to r.) Robert Thompson, Henry Winston, Eugene Dennis, Gus Hall, John Williamson; standing, Jack Stachel, Irving Potash, Carl Winter, Benjamin J. Davis, Jr., John Gates, Gilbert Green. Absent is William Z. Foster, because of illness.

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of American justice." The St. Louis POST DISPATCH, one of the few exceptions, said in a grave editorial:

" . . . convicting them goes against one of the greatest traditions in all American history. . . . Punish the Communists for their ideas and we open the way to punish others for less cause or no cause at all."

Subsequent fruits of this verdict, should it be upheld by the Supreme Court of the United States, are "legal" book-burnings, since it will be a "crime" to read the works of Karl Marx, Frederick Engels, Nicolai Lenin and Joseph Stalin. The works of these giants of history, among them *The Communist Manifesto* (1847), *State and Revolution* (1919), and *Foundations of Leninism* (1925) are accepted by scholars as indispensable to students of history, to say nothing of men and women seeking scientifically to master the processes of history—so the defendants stated in the trial. Nevertheless the government prosecutors presume these historical documents advocate the use of "force and violence" under all conditions and at all times by those seeking to change the social order from capitalism to socialism.

However, in ruling in 1943 on the teaching and aims of the Communist Party of the United States (which has been in existence *legally* as a Marxist-Leninist party for most of the thirty-one years) the Supreme Court of the United States, in the case of William Schneiderman (320 U. S. 118) stated:

" . . . Political writings are often over-exaggerated polemics bearing the imprint of the period and the place in which written. Philosophies cannot generally be studied *in vacuo*. Meaning may be wholly distorted by lifting sentences out of context, instead of construing them as part of an organic whole."

And after considering the Marxist-Leninist classic works referred to above, the Supreme Court opinion continues:

"A tenable conclusion from the foregoing is that the Party in 1927 desired to achieve its purpose by peaceful and democratic means, and as a theoretical matter justified the use of force and violence only as a method of preventing an attempted forcible counter-overthrow once the Party had obtained control in a peaceful manner, or as a method of last resort to enforce the majority will if at some indefinite future time, because of peculiar circumstances, constitutional or peaceful channels were no longer open."⁵

The defendants during the trial maintained that the essence of this famous decision represents the official position of the Communist Party

as re-constituted in 1945, and is stated in its official records of the convention which the government labels as a "conspiracy."

Richard Gladstein, stating the case for the defendants in his summation, furthermore pointed out that the Smith Act, under which the eleven defendants were prosecuted, *does not say that the Communist Party is illegal and does not prohibit the teaching of Communism*; in fact it does not mention Communism by name, and does not prohibit the holding of Marxist views nor forbid the imparting of such views to others and arguing for their acceptance.

Nevertheless, both the "guilty" verdict of "conspiring" to teach and advocate such Marxist-Leninist views, and the "constitutionality" of the Smith Act, were upheld by the U. S. Circuit Court of Appeals in New York, on August 1, 1950, amid mounting hysteria because of the situation in Korea.

The government promptly seized on this ruling to petition the same three judges for revocation of the bail of the ten defendants then at liberty, pleading "national emergency." A similar plea in the Bridges case was rejected by a majority of two-to-one. However, on August 28, 1950, the New York judges of the Circuit Court of Appeals upheld the government by a two-to-one verdict, though with the important qualification that substantial constitutional questions were involved, and the ten defendants were given thirty days of continued bail in which to seek a Supreme Court ruling.

That decision was given by Supreme Court Judge Robert Jackson on September 25, 1950, allowing freedom on bond of the ten defendants pending final appeal action by the Supreme Court. In his decision, he stated:

"The right of every American to equal treatment before the law is wrapped up in the same constitutional bundle with those of these Communists. If in anger or disgust with these defendants we throw out the bundle, we also cast aside protection for the liberties of more worthy critics who may be in opposition to the government of some future day."

History awaits the ultimate decision of the U. S. Supreme Court: whether or not the Smith Act is constitutional?

• • •

In conclusion, a brief review of events centering around the case of the New York "Eleven" is in order.

Barely a decade has passed since the Smith

⁵ Cited by George Marion: *The Communist Trial*, p. 193.

Act, dangerously and almost secretly spiked with "peacetime sedition" clauses, became law. Since then, particularly after the war ended and the "cold war" began, this monstrous bill has been the "justification" for the long and rapid succession of oppressive events, rulings, hearings, and enactment of police-state measures in greater completeness. Loyalty oaths, abuse of Congressional Committee powers, deportation waves, and now *the McCarran Bill*, embracing all the worst features of numerous oppressive bills and

in effect nullifying the Constitution and the Bill of Rights.

Such is the flow of events when the ruling powers decide to "legally" illegalize the Communist Party. Truly the outcome of this famous trial is a supreme test of the struggle between democratic traditions and the drive to fascism and war.

As this goes to press the status of the Smith Act and the fate of the "Foley Sq. 11" are in the hands of the Supreme Court.

THE SMITH ACT

The Smith, or Alien Registration, Act of 1940 re-states and amends several old federal statutes dealing, along with other matters, with treason, misprision of treason, rebellion or insurrection, and seditious conspiracy.

It also sets up a totally new and very dangerous concept of law under the heading of "*Advocating overthrow of government.*"

This section provides that:

"Whoever knowingly or wilfully advocates, abets, advises, or teaches the duty, necessity, desirability or propriety of overthrowing or destroying the government of the United States . . . by force or violence . . . ; or

"Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising or teaching the duty, necessity, desirability or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

"Whoever organizes or helps or attempts to organize any society, group or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes a member of, or affiliates with, any such society, group, or assembly or persons, knowing the purposes thereof—

"Shall be fined not more than \$10,000 or imprisoned not more than ten years."

(U. S. Code, Title 18, Ch. 115, Sec. 2385)

Without examination, this provision because of its employment of the phrase "force or violence" might seem to be an innocent and honest measure designed to protect the security of the United States.

It is not.

The Smith Act is a violation of the Constitution, a usurpation of power by the Congress which enacted it.

The Smith Law (Sec. 2385) has reference to no *act of force or violence*—only to thoughts, expression and assembly. Where it has reference to advocacy, using the words "abets, advises, or teaches," it invades the realm of freedom of speech. The First Amendment allows no excep-

tions. It says "Congress shall make *no law* . . . abridging the freedom of speech . . ."

Where the Smith Act has reference to advocacy, using the words, "prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating advising or teaching . . ." it directly violates the First Amendment. The First Amendment doesn't say that Congress shall make *some* laws abridging the freedom of speech and of the press. It says: "Congress shall make *no law* . . . abridging freedom of the press."

The Smith Act violates the First Amendment's guarantee of the "right of the people peaceably to assemble" by its paragraph making it a crime to "organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of the . . . government by force or violence."

It may be taken as axiomatic that the United States is not singularly proof against having its government, in the person of its law-making body at some time come under the control of improper hands.

The Founding Fathers of our country, who had personal experience of tyranny, clearly foresaw such a situation and provided for it. We quote from the Constitution of New Hampshire, 1784, Art. 10.

"Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right, ought, to reform the old, or establish a new government. The doctrine of non-resistance against arbitrary power, and oppression, is absurd, slavish and destructive of the good and happiness of mankind."

The constitutions of thirty other states contain similar articles.

Thomas Jefferson wrote, in his famous letter to William Stevens Smith: "What country before

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Good Wishes

ever existed a century and a half without a rebellion? . . . The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure."

Abraham Lincoln, in his second inaugural address, said: "This country with its institutions belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they may exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it."

Under the Smith Act's section 2385 concerned with "advocating overthrow of government," the expression, disseminating, teaching, or advocating any of the views quoted above can be translated into a criminal act.

Under the Smith Act, the eleven officials of the Communist Party have been tried and convicted. Their case is now before the Supreme Court. The indictments allege no criminal acts on the part of the defendants. There is no charge that any of them engaged in a single act of force or violence. There is no charge that they have attempted or conspired to commit such acts or indeed that they even intended to bring them about. Instead, they are accused of a crime punishable by 10 years imprisonment, for "conspiring" to "advocate and teach."

"Conspiracy" charges, as an indictment under criminal statutes, have often become involved in legal entanglements because of the difficulty of attempting to prove that the intention constitutes an act. But, under the indictment, the defendants are charged with conspiring, not to commit an act, but to use freedoms constitutionally protected by the First Amendment—speech, press, assembly. Under this indictment, because the administration disapproves of the ideas of Marxism-Leninism, therefore conspiring to speak, write, and assemble for these ideas is a crime. And therefore should the conviction be upheld by the Supreme Court and the defendants punished, it may be possible for any two people meeting in any corner of the United States, discussing any idea which may be frowned upon by those presently entrusted with the reins of government, to be arrested on similar charges of "conspiring" to "teach and advocate."

This indictment relates directly to thought and expression, and to the open choice of political doctrines. It is therefore an issue which must be determined by a free electorate—not by government officials. It is only the American people who are empowered to rule upon the ideas advocated by these defendants.

FOREIGN BORN

"Give me your poor, your huddled masses . . ." is the benevolent inscription on the Statue of Liberty. However this nation has too long been

unaware of the actual treatment accorded foreign-born residents. The Smith Act of 1940 and the McCarran Act of 1950 bring into bold relief a national disgrace.

The Constitution of the United States does not provide protection merely for citizens, but for "persons." There were no naturalization laws in those days, since most persons were either immigrants or the descendants of immigrants.

Justice of the U. S. Supreme Court Frank Murphy, in a famous opinion concerning Harry Bridges said:

" . . . once an alien lawfully enters and resides in this country he becomes invested with the rights guaranteed by the constitution . . . such rights include those protected by the first, fifth and fourteenth amendments . . .

"None of these provisions acknowledge any distinction between citizen and resident alien. They extend their inalienable privileges to all "persons" and guard against any encroachment on those rights by federal or state authority. Indeed this court has previously and expressly recognized . . . that the alien possesses the right of free speech and free press and that the Constitution will defend him in the exercise of that right.

"Any other conclusion would make our constitutional safeguards transitory and discriminatory in nature . . . the alien would be fully clothed with his constitutional rights when defending himself in a court of law but he would be stripped of those rights when deportation officials encircle him. I cannot agree that the framers of the Constitution meant to make such an empty mockery of human freedom."

(Bridges vs. Wixon, 1944)

Nevertheless, since the Immigration Acts of 1917-18, aliens have been subject to being judged "undesirable" and deportable by Immigration officials, on grounds of personal morals, political belief or association. In practice most such deportation efforts have failed when the victim has been able to employ counsel. Immigration Service hearings have been held invalid, the courts holding that the victims were denied due process. (Exception: wholesale deportations of Mexican nationals. See another portion of this book.)

The Smith Act now denies to the citizen the constitutional protections which for twenty-three years have been denied the foreign born. It widened the area of mis-treatment of aliens by declaring a person deportable if at *any time* in his life he should have belonged to an "undesirable" organization, or at any time after entering this country he should join one.

The McCarran Act completes the picture by setting up the machinery whereby any alien, without benefit of hearing his accuser, may be defined as a subversive, imprisoned, fined, subjected to the most unbearable restrictions and penalties.

Justice Murphy stated the majority opinion of

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the U. S. Supreme Court on this question:

"Neither injunction, fine, imprisonment nor deportation can be utilized to restrict or prevent the exercise of intellectual freedom."

(Bridges vs. Wixon, 1944)

The Smith Act has had a malignant effect upon our democratic way of life. Its very continuance on the law books gives a quasi-sanction to all manner of odious and unlawful practices—loyalty oaths, appeals by high government officials for all Americans to spy upon each other, guilt by association, bills of attainder, denial of the right to cross-examine one's accusers, ex post facto punishments, denials and restrictions of the right to bail.

This has finally led to the monstrous McCarran law with its barbarous doctrine that honest and law-abiding American citizens can be jailed—summarily without trial and for indefinite periods—upon the mere suspicion of an appointed official that they are potentially capable of committing crime! We charge that the Smith Act by its very existence has produced the situation in which the presumption of innocence of 150 million Americans has been wiped out, and we, thus, have become a nation of potential "criminals."

The Immigration acts of 1917-18, the Smith Act and the McCarran Act must be repealed.



"N. Y. 11" attorneys investigate N. Y. jury system. From l. to r.—Abraham J. Isserman, George W. Crockett, Richard Gladstein, Harry Sacher and Louis F. McCabe.

Calif. Labor School
Jack and Clara Fox

Dr. Isidore Ziferstein
J. Allen Frankel

Deportation

"It is with heartfelt satisfaction that I can hail you with welcome to our land, tender to you the homage of its respect and esteem . . . and disdain the legitimacy of that libel on legislation (The Alien and Sedition Law)."—THOMAS JEFFERSON

Ever since passage of the Alien and Sedition Laws in 1798, anti-alien legislation and deportation threats have been used by reactionaries to terrorize foreign-born citizens and non-citizens into compliance with undemocratic policies. Each new crisis brings an intensification of this drive and adds new laws and new techniques for grinding non-citizens in the legal mill.

Fundamental to American constitutional rights is the protection provided to citizen and non-citizen alike by the First and Fifth Amendments and the "Due Process" clause of the 14th Amendment: the rights to freedom of speech and assemblage, to petition for the redress of grievances, to freely associate and belong to legally constituted organizations of one's own choosing; the rights to fair hearings, and presumption of innocence until proven guilty of breaking the law; court proceedings granting full and free examination of witnesses, right of refusal to give self-incriminating testimony, and the right to release on reasonable bail pending trial or hearings.

Precisely these rights are being abrogated by the Justice Department and its Immigration Service, which thus far has failed to comply with a ruling by the Supreme Court made last February, requiring "fair hearings" as stipulated in the Administrative Procedures Act. It furthermore issues warrants and institutes deportation proceedings based on the Smith Act of 1940, which invokes penalties for so-called "subversive" acts committed between 1918 and 1940—even though previous Supreme Court decisions held otherwise!

Records of the Civil Rights Congress and the Los Angeles Committee for Protection of the Foreign Born reveal many unfair and discriminatory aspects practiced in local deportation cases. There are, for example, demands for excessive bail, illegal and unfair hearings, the repeated use of long-discredited court-proven "stool-pigeon" witnesses; and requirements for individuals charged with deportable offenses to report to the authorities at 15 day intervals, similar to the parole system of criminal law, inflicting unnecessary hardships through undue anxiety, loss of work-time, and endangering jobs. The Immigration Service of the Justice Department, through these and other practices, is carrying on a violent campaign against the rights and persons of peaceable foreign-born residents,

growing out of the cold-war and police-state policies of the government.

Most recently the Justice Department has initiated a campaign of terror through midnight arrests of foreign-born, holding them without bail pending hearings. In the words of Herman Landon, Los Angeles district immigration head, "We will hold them without bail until the hearings are concluded. If they are not subject to deportation they will be freed." Frank Carlson, David Hyun and Harry Carlisle were whisked away from their wives and families on Saturday night at midnight, and taken to Terminal Island detention center.

Shortly afterward Mrs. Miriam Stevenson was arrested and held at Terminal Island without bail.

There are more than twenty cases current in Los Angeles, according to the files of the Civil Rights Congress and the local Committee for Protection of the Foreign-Born. They involve trade union leaders, members of fraternal and national minority organizations, Communist Party organizers, and professional workers. Many of these cases are based on questions of political belief and activity and/or membership in organizations arbitrarily defined as "subversive" in the Attorney General's list; and even the cases based on "technical" violations are thinly disguised official persecution for progressive, pro-labor, peace-seeking activities. In no case is an *act* of violence charged; the victims are being harassed solely for their opinions. Almost all have applied for and been denied citizenship; most have been residents for decades.

DAVID HYUN, an architectural draftsman, born in Korea some 35 years ago, is subject to deportation proceedings as a "dangerous alien" because of his devotion to the interests of workers and professionals and his struggle against force and violence directed against trade unions. His family has a long history of struggle against Japanese imperialistic conquest and exploitation of Korea. He was first active as a Methodist student, with the Korean refugee group in Hawaii. During the last war he was with the U. S. Engineers, fighting to defeat the imperialistic rulers of his homeland.

After the war he earned the enmity of American exploiters and their Hawaiian political stooges for organizing white collar workers into

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Los Angeles Committee for the
Protection of the Foreign-born

the UOPWA, and rallying support for the striking sugar workers in 1946.

In 1947 he brought his wife and two children to Los Angeles, and settled here. He was active in his union, and campaigned for defense funds for the Heinecks, victims of the witch-hunt started in Hawaii by Governor Stainbeck at the behest of the sugar barons.

In July, 1949, Hyun was arrested on charges reminiscent of the "dangerous thoughts" laws passed by Japanese feudal-militarists in the thirties, in preparation for imperialist war adventures. His case is still pending, and fight for new hearings will be made. Earlier hearings (dating back to 1947) were declared illegal by the Supreme Court last February on grounds that the Immigration Service during those years had systematically violated its own "fair hearings" rule.

The case of ESTHER SAZER is typical of an entire category. This housewife, a mother and grandmother of American citizens, has lived here since 1905, having been brought to this country as a child. She applied for but was denied derivative citizenship because she was married to a non-citizen. In 1946 she was arrested for deportation as an openly acknowledged member of the Communist Party. Being non-deportable because of her birth in old Russia, she is subject

to the "concentration camp, life imprisonment" provisions of the McCarran Law, along with Frank Spector, Paul Cline, Aaron Grosberg, Frank Carlson and others involved in local deportation proceedings.

Other local victims of the deportation drive have had many hearings since 1947. Rehearings, which will be fought for, have not yet a basis in practice. Some of those affected are: LUISA MORENO BEMIS, former organizer for the cannery and agricultural workers; JOSEPH BOROS, an active worker in cooperative organizations; FRANCISCO CORONA, here since 1928, a small businessman devoted to recruiting members for the International Workers Order; VICTOR ARMANDO DAVILLA, organizer for the furniture workers, with a long record of struggle for labor's rights during his forty years of residence here; J. RASLAW DMYTRYK, steel worker and active trade unionist, who was born to American parents during a trip to Austria, and is therefore "foreign-born" and subject to persecution and deportation for his beliefs; and JOSEPH LUBY, a Yugoslav-American who despite his several decades of residence here has been ordered deported because of militant activity for civil rights since the days of the Great Depression, which produced its own "deportation" hysteria and "criminal syndicalism" persecutions.



David Hyun, one of the four non-citizens held at Terminal Island detention camp. Shown with him are David Jr., and Freeland and his wife Mary.

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Emma Lazarus Division, JPFO

Still other local victims are: JOSEPH MOLDATTI, a staunch anti-fascist Italian-American who has lived here for thirty years; and MIRIAM STEVENSON, an active Independent Progressive Party worker, who came here from England when fourteen years of age, is married to an American citizen, but nevertheless is subject to deportation. There are several cases in various stages of revival, such as that of EDITH CHRISTIANA, who faces a bail problem, and FRED FIRESTONE, a long standing case now being reactivated.

There are several new cases. In mid-June, 1950, HARRY CARLISLE, novelist, journalist, teacher and lecturer, resident here for thirty years, was arrested on the charge of violation of the 1918 Deportation Act and its 1940 (Smith Act) Amendment. Carlisle has been active as journalist and speaker since the days of the depression. He edited the *Western Worker* in the mid-thirties. He helped to organize the League of American Writers in 1937, was a member of its executive board and a teacher in its school for writers. During the late 1930's he was editor of *The News*, national organ of the UOPWA; and during the war years was on the editorial staffs of the Conference of Studio Unions *Bulletin* and the organ of the Hollywood Film Technicians, *Flashes*. He has conducted literary seminars and lectures at the California Labor School. He edited the Mike Quin Memorial vol-

ume *On the Drumhead*. Most recently he has been active in the literature division of the Arts, Sciences and Professions Council; and was giving a series of lectures on dramatic literature for the Actors' Laboratory theatre at the time of his arrest.

Shortly after Carlisle's arrest, DIAMOND KIM, Korean-born English editor of the *Korean Independent* in Los Angeles, was arrested on a warrant dated 1942, a warrant not then served because KIM was engaged in important war work as a metallurgical chemist. The warrant was reactivated and served a few days before the Korean civil war broke out.

Most recently, VIOLET KASONOWITZ, wife of Harry Daniels of the Los Angeles "21," was arrested on a charge involving technical violation of the Immigration Law.

These new cases have not yet been heard. They are likely to be testing grounds for new procedure.

In summary: the accumulation of old and new cases bring with them increasingly complex and difficult problems of posting bail, arranging defense at hearings and re-hearings. They demand increasing support for the Civil Rights Congress and the Los Angeles Committee for Protection of the Foreign Born, now conducting their defense.

MEXICAN DEPORTATION

There are approximately two million people of Mexican origin in the United States. Of these, some one and one-half million are American citizens who live principally in the West and Southwest. The other half million are non-citizens. These are also concentrated in the Southwest and the West, with the exception of centers like Chicago, Kansas City, St. Paul, Detroit and New York City.

With the raising of the American flag over the Southwest in 1848, the Mexican people were reduced to an inferior status. Not only did the Mexican population lose political control, but it also lost control of the economy which it had begun to build. From agricultural workers on land they owned, the Mexican people became peons on land taken from them by early American settlers.

Seventy-five years later, in the 1920's, the Mexican immigrants who poured across the border in response to thousands of handbills and posters distributed by railroad companies, mining, lumbering and agricultural interests, found their lot quite different from the rosy picture of high wages and resplendent opportunities painted by the leaflets. The demand for low-paid labor was so great in the Imperial Valley of California, the

cotton-raising regions of Arizona, and the sugar beet fields of Colorado, that the railroads offered free transportation into the country, until freight and broken-down passenger trains loaded with hundreds of Mexicans from Central Mexico became a familiar sight in all the rail centers of the Southwest.

In 1930, when the economic crisis of the United States created an over-abundant supply of labor, Mexican workers were among the vast army of unemployed; the same big interests which once encouraged immigration, now loudly demanded deportation. From 1929 to 1933, 160,000 Mexicans from California either were deported or were "repatriated"—legal kidnapping by immigration authorities. During the depression, Mexican families on relief had no choice; either they agreed to repatriation, or were cut off from the relief rolls.

The purpose of the deportations and "repatriations" was not only to fit the labor supply to the number of jobs, but to further intimidate, oppress and force the Mexican workers who were not deportable, to accept an even lower standard of living, and to be used in a competitive sense against the other workers in the area.

But why are conditions especially severe for

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Southern Calif. Slavic Council

the Mexican people in the United States? Perhaps if we delve into the historic background of the millions of Spanish-speaking people living in the Southwest, we can find the answer. This huge group of people is not just another minority in the same sense that the Italians or Irish or Jews constitute a minority group in this country. They are a conquered people, and it is this peculiar historic background, shared only by the Indians, and to some degree, by the Louisiana French, that makes the difference. Their background, history, culture and economic contributions are part and parcel of that of the states of the Southwest.

The demand for importation of Mexican labor is based on the theory that the native American worker will not accept the wages and conditions of the Mexicans. In this way, the Mexican worker is highly exploited, but equally important, the standard of living of the native worker is dragged down.

"Wages of Mexican-Americans have been forced down to \$5, \$8 and \$9 a week in the Brawley area by the influx of Mexican nationals and those here illegally, beyond the control of the Immigration Department," stated the Labor Leader in an article on February 24, 1950.

Entire families of pecan shellers have averaged 75 to 90 cents per day per family. In California in the late 30's, migratory Mexican workers earned an average of \$254 per year.

The threat of deportation has served as a very effective weapon to keep the Mexican people as a whole in bondage, because, as soon as a leader arises among them, deportation proceedings are used to remove him from such leadership. Examples in point are the current deportation proceedings against Louisa Moreno Bemis (Guatemala) and Refugio Martinez (Mexico), active in organizing agriculture and packing house workers. Threats of mass deportation have been used against workers attempting to organize in the agricultural industries. This weapon is used against the native Mexican-American as well. He is stopped and questioned wherever he goes. There is always the danger that he, too, may be deported.

In 1949, one hundred and forty thousand Mexicans were deported to Mexico. This year the number will exceed 200,000, according to Immigration authorities. In one night in Bakersfield 400 people were rounded up at midnight and taken in trucks to Terminal Island, 120 miles away, to be dumped over the border the next day. No trials, no hearings, no questions.

The deportation of Mexicans must be recognized as related to the attacks upon the foreign-born progressives all over the United States, as an attempt to divide the people and to weaken the trade union and progressive movement.



Mexican workers, encouraged to cross border illegally by California growers, leave truck after day's work. Immigration makes little effort to stop them. Truck is unloading block from border patrol depot.

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The McCarran Act

"The accused shall enjoy the right . . . to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. . . ."—(BILL OF RIGHTS, ART. VI)

At the second session of the 81st Congress, Public Law No. 831 was passed. It purports to ". . . protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes." The law, titled "Internal Security Act of 1950," is more familiarly known as the McCarran Act.

President Truman, in his veto message said:

" . . . the language of the bill is so broad and vague that it might well result in penalizing the legitimate activities of people who are not Communists at all . . ."

The McCarran Act opens as follows:

"Nothing in this Act shall be construed to authorize, require, or establish military or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated hereunder having that effect."

However, the shameless and immoral nature of the McCarran Act is displayed in its following fifty pages of fine print which proceed to do the exact opposite of what the Act claims.. It imposes military and civilian censorship. It limits and infringes upon freedom of the press and speech so severely that it may altogether abolish these rights. The Act, in effect, destroys the Bill of Rights.

Space does not permit an extended analysis of the Act.¹

It is possible here only to summarize a few of the provisions of the Act which immediately affect labor, minority national and political groups, the foreign-born and all who are against war.

The Act is based upon two legislative assumptions, nowhere established as fact, that there exists: (1) ". . . a world Communist movement which is a world-wide revolutionary movement whose purpose it is to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a world-wide Communist organization," and (2) ". . . that the Communist movement in the United States awaits and seeks to advance a moment when the overthrow of the Government of the United States may seem possible of achievement." (McCarran Act, p. 3.)

Basing itself upon these two assumptions the Act creates a set of imaginary future possibilities

such as (McCarran Act, p. 3) ". . . a moment when the United States may be so far extended by foreign engagements, so far divided in counsel, or so far in industrial or financial straits, that overthrow of the Government of the United States by force and violence may seem possible of achievement."

These imaginary and future possibilities are held by the Act "to present a clear and present danger to the security of the United States and to the existence of free American institutions."

President Truman, who denounced the Act, although he hastened to put it in execution, said in his veto message that the Act itself presents "a clear and present danger to our institutions."

DEFINITIONS

The Act is designed to regulate organizations characterized as "Communist-action organizations" and "Communist-front organizations."

Under the Act "organization" is defined as ". . . a group of two or more persons . . . permanently or temporarily associated together for joint action on any subject or subjects."

Thus any two or more persons jointly writing the President on any subject, foreign policy for instance, could, under the terms of this definition, be called an "organization."

The term "advocates" means ". . . advises, recommends, furthers by overt act, and admits belief in; and the giving, loaning, or promising of support or of money or of anything of value to be used for advocating any doctrine shall be deemed to constitute the advocating of such a doctrine." Thus simply "believing" something becomes illegal under the McCarran Act.

Further, an organization is considered to be a "Communist-front organization" if "positions taken or advanced by it from time to time on matters of policy do not deviate from those of any Communist-action organization . . ."

LABOR

If members of a union decide to demand, and if necessary strike for, higher wages, and if the opinion of the Communist Party "does not

¹ For further information write to Gov't Printing Office, Washington, D. C., for Public Law 831—81st Congress Chapter 1024 - 2nd Session)—H. R. 9490—15c.

Also Civil Liberties Reporter — Rm. 753, 55 West 42nd St., New York, N. Y.

Also Union Research, 5851 Avalon Blvd., Los Angeles, Calif.

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61

deviate" from that of the union in this respect, then that union may be termed, under the Act, a Communist-front organization; leaders of such union are subject to registration; its non-citizen members may be declared deportable forthwith; all its funds must be accountable to the Attorney General and all its outgoing mail must bear the stamp "Disseminated by a Communist organization." Failing in any of these provisions, the union and union leaders may be fined not more than \$10,000 for each offense and not more than five years in prison or both.

A Union or any other organization, despite protestation, could never prove that it was not "under the domination of a foreign power." The Act takes care of this neatly by legislating that an organization is Communist dominated to "... the extent to which it conceals its foreign domination or control by (a) failing to disclose information about its members; (b) its members refusing to acknowledge membership; (c) failing to disclose its records; (d) having secret meetings." All but company-dominated unions fall in this category and so come under the Act. In its attempt to destroy labor organizations the McCarran Act starts where the Taft-Hartley Law left off.

NEGROES AND OTHER MINORITIES AFFECTED

Under three years of Truman's Loyalty Order we find that two of the questions repeatedly asked are: "Do you associate with Negroes?" and "Are there any Jews in your family?"

Seth Richardson, former head of the Truman Loyalty Board, responsible for carrying out the Loyalty Order, has just been appointed by the President as Chairman of the McCarran Act Board, charged with administering the Act.

Prof. Walter Gellhorn (*Security, Loyalty and Science*, Cornell University Press) quotes the following statement by a chairman of one of Seth Richardson's local loyalty boards: "Of course the fact that a person believes in racial equality doesn't *prove* that he's a Communist, but it certainly makes you look twice, doesn't it? You can't get away from the fact that racial equality is part of the Communist line."

Because the Communist Party advocates an FEPC, advocates non-segregation and campaigns for rights for the Negro people and for all minorities, the National Association for the Advancement of Colored People, which also promotes these aims, may be designated a "Communist-front organization" under the McCarran Act.

Included also could be B'nai Brith, the American Jewish Committee, trade unions, and all other organizations devoted to securing minority rights.

PEACE

Among the criteria established by the Act to determine what is a Communist front is: "... the extent to which the positions taken or advanced by it do not deviate from those of any ... Communist foreign government ..."

Thus criminal penalties are provided for any group (*two or more*) who advocate peace with China or the Soviet Union, as long as world peace is the avowed aim of the governments of these nations. Such groups are required to label their literature "Disseminated by a Communist organization" and must likewise identify their broadcasts and public utterances. They must also register as agents of a foreign power.

FOREIGN-BORN

The section on immigration, deportation and naturalization affects three million non-citizens and their families. Under it *any* non-citizen is deportable at the discretion of the Attorney General. It is only necessary for such foreign-born persons to be charged with membership in an organization on the Attorney General's list (now numbering over two hundred). They may never confront their accusers nor cross-examine them.

Non-citizens may be arrested and held for six months. They must submit to medical and psychiatric (shades of Hitler!) examination, give information, under oath, as to the habits, associations and activities of any of their friends and must conform to any restrictions set forth by the Immigration Service. If, upon being released, *they do not deport themselves* within six months, they may again be arrested and held for ten years in a detention camp.

REGISTRATION

"Communist-action" organizations, "Communist-front" organizations, and individuals are required to register with the Department of Justice and to file certain reports. Registered organizations and individuals are required to do certain things and are forbidden to do others. Registered individuals may not apply for a passport, may not seek or accept non-elective office in the government or employment in a defense facility. No organization or individual has registered to date.

While litigation may tie up the application of this section for several years there exists the immediate danger of possible contempt charges and the tying up of the funds of countless organizations.

The broadest powers to arrest and detain individuals are in the hands of the Attorney General and the McCarran Act board. Anyone may be held for an indefinite period if there is "*reasonable grounds to believe* that such a person will *probably* engage in or *probably* will conspire with others to engage in an act of espionage or

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62

sabotage." What a person *will probably do*, as conceived in the imagination of the Attorney General, now becomes a crime.

This section of the Act becomes effective if the U. S. or its possessions is invaded; if Congress declares war; or if insurrection occurs within the U. S. in aid of a foreign enemy. The recent railroad strike was deemed by some authorities to be insurrection. Every railroad worker participating could, under such characterization of a strike, be charged with violation of the McCarran Act. Since Congress has not yet declared World War II at an end, sections of the Act that are operative during a state of war may now be enforceable.

Persons under arrest are given an opportunity to consult counsel. However, the Attorney General is not obliged to divulge the name of the accuser nor is the defendant permitted to cross-examine the informant. The Attorney General is not required to furnish information *"the revelation of which would disclose the identity or evidence of government agents or officers which he believes it would be dangerous to U. S. safety and security to divulge."*

Under this section, known as the Kilgore or "concentration camp" section, anyone is at the mercy of the Attorney General, who is empowered to arrest and imprison him for life, without his ever knowing the full nature of the charges or evidence against him. He may hire a lawyer, he may appeal his case, but he can never win it for the evidence against him will remain secret, he will never be able to cross-examine the government's witnesses, he may never know who they are.

President Truman in his veto message condemned the McCarran Act as "unworkable and unconstitutional," and as "suppressing opinion and belief." He further stated "... the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions."

The President then proceeded to open the Pandora box by moving to enforce the Act, despite no date being set in the Act for its operation, and the fact that a federal suit was filed in the District of Columbia seeking to enjoin the Department of Justice from enforcing the law until it could be tested in the Supreme Court.

In conclusion it becomes apparent that the Act is designed to set up a legal apparatus for thought control and the exercise of governmental tyranny in order to (1) permit the government to proceed untrammled along the road to World

War III by outlawing the participation of the American people in peace movements, and (2) to remove restrictions on still greater profits to be derived from the war economy by destroying the effectiveness of organized labor, and (3) to create a cheap labor pool by repression of the foreign-born, the Negro and Mexican people, and other national groups.

Models for this piece of legislation may be found in the body of law of Nazi Germany and fascist Italy, where the process of "legalizing" first repression and later mass murder and genocide was watched by most Americans as an incredible, brutal and merciless program of corrupt and utterly depraved governments. The McCarran Act will permit the enemies of the American people to start along this road by destroying the Bill of Rights, and thus remove the "curb and restriction laid upon the government by the people."

TWO DANGERS

Two dangers exist in the fight against the Act:

(1) One is the "development of defeatist and pessimistic moods" . . . that all is lost . . . that fascism has already triumphed in America . . . that nothing more can be done. The sharpest warning must be given against this kind of thinking. On the contrary the fight to defend the Bill of Rights has reached new levels. It will go on and it will be won. The Alien and Sedition Act of 1798 was brought on by the Federalists. They went out of existence three years later. The Fugitive Slave Law of 1850 was nullified by a determined people, black and white. The McCarran Act of 1950 will meet the same fate.

(2) The second great danger is complacency. There are those who say . . . nothing has really happened with the passage of the McCarran Law . . . that nothing will really happen for two to four years . . . that the law is unworkable. This kind of thinking disarms and paralyzes the fight to repeal the Act.

Both are dangerous; pessimism and complacency are twin enemies. Victory for the American people depends on consistent and determined organization to bring the full meaning of the Act to the people and to join forces with every section of the people, every section of the country willing to bring about its repeal. Knowing that the McCarran Act cannot long remain on the law books in a dominantly democratic nation the Civil Rights Congress calls upon the people of Los Angeles to join in a nation-wide campaign for its repeal.

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63

The Bill of Rights

ARTICLE I — FREEDOM OF RELIGION, SPEECH, PRESS, ASSEMBLY AND PETITION. Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of the speech or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

ARTICLE II — RIGHT TO KEEP AND BEAR ARMS . . . shall not be infringed.

ARTICLE III — NO SOLDIER TO BE QUARTERED IN ANY HOUSE in time of peace, without consent of owner; nor in time of war, but in a manner prescribed by law.

ARTICLE IV — FREEDOM FROM UNWARRANTED SEARCH AND SEIZURE. The people shall be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures; and no warrant shall issue but on probable cause supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

ARTICLE V — GRAND JURY, NO DOUBLE JEOPARDY, DUE PROCESS OF LAW. No person shall be held to answer for a capital or other infamous crime except on indictment of a Grand Jury, except in the armed forces in time of war or public danger. No person shall be twice put in jeopardy of life or limb for the same offense; nor be compelled to be a witness against himself in any criminal case; nor be deprived of life, liberty, or property, without due process of law. Private property shall not be taken for public use without just compensation.

ARTICLE VI — TRIAL BY JURY, RIGHT TO SUBPOENA WITNESSES AND OF COUNSEL. In all criminal prosecutions, the accused shall enjoy the right to speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed . . . and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII — PROCEDURE IN CIVIL TRIALS where value exceeds twenty dollars, trial shall be by jury and the verdict subject to re-examination only by court of the United States according to the rules of common law.

ARTICLE VIII — NO EXCESSIVE BAIL OR FINES. NO CRUEL PUNISHMENTS. Excessive bail shall not be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted. . . .

ARTICLE IX — PRESERVATION OF OTHER RIGHTS. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others that are retained by the people.

ARTICLE X — STATES' RIGHTS. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, and to the people.

KNOW YOUR RIGHTS

Mexicans, Negro and working people have long been the victims of numerous and extensive violations of their rights under the constitution and laws of this country and state. To a great extent the police department has been used to maintain these violations. As a public service the CIVIL RIGHTS CONGRESS has issued this summary of one's rights when questioned or arrested by police.

REMEMBER THESE POINTS

1. If a police officer tries to arrest you, he should have a warrant. A police officer can only arrest without a warrant if a misdemeanor (minor violation) or a felony (serious offense) has been committed in his presence, or he has reasonable grounds to believe that the person being arrested is the one responsible.
2. If he has no warrant, ask what the basis of arrest is. If it is not explained in No. 1 above, you should go along but under protest. However, don't resist arrest physically. (Don't fight, jerk away, etc.)
3. **GIVE NO INFORMATION.** You may, but do not have to, give your correct name and address. Do NOT talk to any policeman.
4. If an officer insists on taking you to jail, ask when you are "booked" (registered) what the charges are.
5. Insist on using a telephone to contact your lawyer or family.
6. **DON'T SIGN ANYTHING.** Be sure and take numbers of arresting officers.
7. You have a right to be released on bail for most offenses. Contact your attorney and have him make the arrangements. Otherwise you can ask for a bail bond broker. For a fee, he will post (deposit with the police) amount needed for your release.
8. Under **NO CIRCUMSTANCES** have the police a right

to manhandle, beat or terrorize you. Report all such incidents to the CIVIL RIGHTS CONGRESS or your Union immediately.

9. A policeman has no right to enter your house without a search warrant. If he has none, it is your constitutional right to prevent him from entering.

10. If you do not have an attorney by the time you are required to plead guilty or not guilty, remember this:

- a. You are entitled to a copy of the charges made against you.
- b. You are entitled to have a lawyer. If you do not have a lawyer, contact or have someone contact the CIVIL RIGHTS CONGRESS. Ask for a postponement until you get a lawyer.

11. Plead **NOT GUILTY.**

12. Ask for a trial by jury, unless your lawyer advises otherwise.

13. You are not required to testify against yourself in any trial or preliminary hearing.

14. If you are questioned by a member of the FBI (Federal Bureau of Investigation) you are not required to answer. You should immediately consult an attorney so that your rights may be adequately protected. Immediately report any such attempt to question you to the Civil Rights Congress.

REMEMBER THIS

Sections 51 and 52 of the State Code of California prohibits discrimination because of race or color in **ALL PLACES OF PUBLIC ACCOMMODATION OR AMUSEMENT.**

You can bring suit for at least \$100.00 damages against the owners of any place of public accommodation who violate Sec. 51 and 52. Report all such violations to the CIVIL RIGHTS CONGRESS, or your Union or organization.

