

# **Reds, Racial Justice, and Civil Liberties**

**Michigan Communists  
during the Cold War**

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**MEP Publications  
Minneapolis**

**MEP Publications**

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116 Church Street S.E.  
Minneapolis, MN 55455-0112

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Printed in the United States of America

**Library of Congress Cataloging-in-Publication Data**

Pintzuk, Edward C., 1914–

Reds, racial justice, and civil liberties : Michigan Communists during  
the Cold War / Edward C. Pintzuk.

p. cm.

Includes bibliographical references and index.

ISBN 0-930656-70-9 (cloth). — ISBN 0-930656-71-7 (pbk.)

1. Communist Party of the United States of America—History.  
2. Communism—United States—History. 3. Communists—Michigan—  
History. 4. Race discrimination—Michigan—History. 5. Civil  
rights—Michigan—History. I. Title.

JK2391.C52M536 1997

324.273'75'0977409045—dc21

97-34855

CIP

Cover design by Smiling Dog Communications

To Reba, with love

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# Preface

Historians engaged since the midsixties in reexamining the history of the Communist Party of the United States have generally concentrated their work on the years from 1935 to 1945. Most have agreed with Theodore Draper, the influential historian whose position since his *Roots of American Communism* (1957) has been that the CPUSA rapidly declined in influence after the end of the Second World War, became increasingly irrelevant to U.S. politics, and subsequently accomplished little of real significance. None has examined in concrete detail what the U.S. Communist Party actually did in the period immediately following the war.

This book challenges the perspective of the Draper school, arguing that the CPUSA continued after World War II, under very trying conditions, the struggle in which it had been involved for decades. The odds were daunting, but the Party stood almost alone against the Cold War. It fought a rear-guard action to maintain its base in the trade unions; it gave priority to racial justice and the civil rights movement; it carried on a significant struggle to claim and expand constitutional rights and civil liberties. *Reds, Racial Justice, and Civil Liberties* examines this important period.

Chapter 1 shows the telling effects of the Cold War attacks against the CPUSA, and argues further that the Party itself contributed to its isolation and decline by its mistaken perceptions of the political realities of the time. Chapter 2 deals with the

assaults on the Party by the Federal Bureau of Investigation and its special unit, the Counter Intelligence Program, better known as COINTELPRO. Chapter 3 examines the unique relationship between the Party and the Civil Rights Congress (CRC), and details the work on civil rights and racial justice in Michigan (especially Detroit) by the Michigan District of the Communist Party (MDCP) and the Michigan Civil Rights Congress. The campaigns for racial justice and civil rights waged by the Party and the CRC on a national scale are the subject of chapter 4. The theme of chapter 5 is civil liberties in Michigan, including the government's attempts to deport Michigan political radicals, and campaigns against the House Un-American Activities Committee (HUAC) and such repressive legislation as the Callahan Bill. This chapter also reports on the trial of the "Detroit Five" for violation of the Smith Act. Court decisions in these struggles for civil rights and civil liberties resulted in lasting effects on constitutional rights; this legacy is examined in the final chapter.

During the height of the Cold War, in a repressive atmosphere and with few allies, Michigan Communists carried on. In investigating their activities, we are able to see how the CPUSA continued its fight on the issues it had historically judged important. Even when losing ground, it scored points and helped lay the basis for future gains in racial justice and civil liberties. The goal of the present study is to foreground this story, to help remedy a neglect that has contributed to an incomplete understanding of history and a false evaluation of the Communist Party of the United States.

# Acknowledgments

Writing from hindsight should never be easy. To confront the past is to expose oneself to everything that happened, should have happened, and should not have happened. This effort of many years has been both exhilarating and painful because “how great it was” and “what might have been” marched alongside each other.

It was only natural that I should gravitate toward an investigation of some facet of the Communist experience in America. Of most interest to me were the actions of the Party in the post-World War II period.

Fortunately, people who were very much involved in that twelve-year period were available for interviews and consultation. Saul Wellman, who for more than a quarter of a century was a leader of the Communist Party, was of invaluable help. A former union organizer, a veteran of the Abraham Lincoln Brigade and the 101st Airborne Division in the famous Battle of Bastogne, he became after the war the National Auto Director of the CPUSA, acting District Organizer for the Michigan District of the Communist Party, and one of the “Detroit Six” in the Smith Act trials. Saul generously offered his huge FBI file and many other important documents for my study. This work would not have been complete without my frequent interviews and conversations with him, and I cannot thank him enough for his unstinting help.

Carl Winter, Helen Winter, and Tommy Dennis, all longtime local and national leaders of the Communist Party, were very

open and generous in all our discussions. They offered insights that would otherwise not have been available.

Others, too, have been very helpful and shared their experiences and thoughts with me. I want to thank Jack Raskin, former director of the Civil Rights Congress in Michigan, for his insights into that organization. Nathaniel and Jeanette Brooks shared with me their experiences “underground” after World War II. Jules and Ruth Yanover offered much information about the Party during the McCarthy period, during which both of them suffered so much. May Davidson, still living in metropolitan Detroit, was able to supply many “minor details” that never found their way into the archives. And Kae Hallonen, a “red diaper baby,” became a metaphor for the generation of the sixties and seventies.

Harold Norris, professor of law at the Detroit College of Law, was most supportive and particularly helpful with my final chapter. This is true also of former Records Court Judge Justin Ravitz, and present Records Court Judge Vesta Svenson, both of whom expressed warm support for my efforts. Judge Svenson, over and beyond the call of friendship, closely read and commented on the entire opus. Professor Sandra VanBurkleo of Wayne State University was especially helpful in enabling me to understand more completely the ramifications of the effects on the law of civil rights struggles.

I must make very special mention of the enormous help (and patience) of Attorney Ernest Goodman, who was a major participant in much of the activity I describe. He offered his files to me, he gave me office space in which to peruse the files, and on more than one occasion he allowed me to take his personal files to my home, where I could work on them at more leisure. In the course of this research I have come to admire and respect him even more than I had previously. So much of what he did was done quietly and often with little or no remuneration.

My colleagues at Wayne State University, from department chair to the office staff, have been wonderful to me, offering support, encouragement, and humor all along the way. My doctoral committee, of course, deserves my deepest thanks. I had asked Dr. John Bukowczyk to be my advisor because I respected

his work and knew him to be a hard taskmaster. I definitely underestimated him on the latter score. Although I pushed back as much as I could, I now recognize that he was right. Drs. Christopher Johnson and Charles Hyde expressed continuing interest and support all through the years, for which I am very grateful. Dr. Ronald Aronson of the College of Life-Long Learning offered suggestions and displayed enthusiasm that gave me the incentive to keep plugging away.

The staff of the Walter E. Reuther Library of Urban and Metropolitan Affairs, particularly Warner Pflug and Margaret Raucher, were patient and helpful and I deeply thank them. Doris Grieser Marquit, editor at MEP Publications, showed me how invaluable an editor is. She was always patient and constructive, for which I am deeply grateful. I had much help and I think much good advice in this undertaking. The responsibility for whatever defects there are rests on my shoulders alone.

But there are those to whom I owe the most. My two daughters, Carla Anderson and Martha Pintzuk, by their encouragement, support, and thinly disguised pride, made it impossible for me to turn back. And then there is my wife, Reba, to whom I owe the very most and to whom this work is dedicated. The sacrifices she made so that I could have the time and quiet to work, the patience she showed hearing stories for the tenth time, and her persistent fanning the flames are all part of a debt I cannot repay.

# List of Abbreviations

|            |                                                                                                    |
|------------|----------------------------------------------------------------------------------------------------|
| ADA        | Americans for Democratic Action                                                                    |
| AFL        | American Federation of Labor                                                                       |
| CID        | Criminal Investigation Division                                                                    |
| CIO        | Congress of Industrial Organizations                                                               |
| COINTELPRO | Counter-intelligence Program                                                                       |
| CP         | Communist Party                                                                                    |
| CPSU       | Communist Party of the Soviet Union                                                                |
| CPUSA      | Communist Party, U.S.A.                                                                            |
| CRC        | Civil Rights Congress                                                                              |
| FBI        | Federal Bureau of Investigation                                                                    |
| FEPC       | Fair Employment Practices Commission                                                               |
| GM         | General Motors Corporation                                                                         |
| HUAC       | House Committee on Un-American Activities,<br>also known as House Un-American Activities Committee |
| ILD        | International Labor Defense                                                                        |
| INS        | Immigration and Naturalization Service                                                             |
| MCPFB      | Michigan Committee for the Protection of the<br>Foreign Born                                       |
| MDCP       | Michigan District of the Communist Party                                                           |
| NAACP      | National Association for the Advancement of<br>Colored People                                      |
| SAC        | Special Agent in Charge                                                                            |
| SWAT       | Special Weapons and Tactics                                                                        |
| SWP        | Socialist Workers Party                                                                            |
| UAW        | United Auto Workers                                                                                |
| UE         | United Electrical, Radio and Machine Workers<br>of America                                         |
| YCL        | Young Communist League                                                                             |

# 1

## A Different World after the War

Most historians of U.S. Communism describe the decline in strength and influence of the Communist Party of the United States (CPUSA) after 1945 as one continual series of defeats and setbacks. They omit a detailed examination of Party community and organizational activity in that period. As Maurice Isserman puts it, “Historians are naturally attracted to a period in which the movements they study are at the peak of their influence; but there is much to learn by studying those movements at their nadir” (1967, xiii). The rapidity and devastation of Party decline are without question. What is overlooked is that the Party resisted the repressive measures employed against it, and, in the course of its rear-guard struggle, achieved some significant results. Embattled and hoist with its own petard, the Party still worked in meaningful ways for civil rights and civil liberties, union democracy, and peace. I concentrate here on the civil rights and civil liberties aspects of the Party’s struggle, describing these efforts in the context of internal Party changes.

Some observers argue that the loss of Party influence and its isolation in the first two postwar decades were primarily caused by pervasive and relentless anti-Communist attacks at all governmental levels.<sup>1</sup> McCarthyism, and anti-Communist campaigns before and after Joseph McCarthy, were without doubt extremely

damaging factors, and their effect has been extensively studied. One must ask, however, what there was about the Party that made it so vulnerable to the anti-Communist campaigns pursued against it in spite of its small size. Communists and liberals of all shades have endured much more in other countries without their political organizations being reduced in influence to the extent the U.S. Party was. The Spanish Communist Party survived forty years of fascist dictatorship. During that dictatorship it grew, organizing workers' councils that carried out strikes against the government as well as negotiating with that government. After five years of Nazi military occupation, the French Communist Party became the second largest political party in France. The Italian Communist Party, after twenty-six years of fascist rule, had a similar experience. Why was the U.S. Party's experience so different?

As destructive as were the anti-Communist campaigns, at least as important in the Party's decline was political miscalculation by the Party itself. Without minimizing in any way valuable contributions the CPUSA made to protect and advance the interests of ordinary people, I shall argue that some of its actions left a legacy of mistrust the Party could not overcome.

By 1939, even after several years of Party struggle for unemployment relief, social security, trade-union organization, racial justice, and peace, a large majority of people in the United States opposed the presence of the Communist Party. That antagonism abated somewhat during World War II, no doubt reflecting the public's changed perception of the Soviet Union. By 1947, however, anti-Communist sentiment returned to the prewar level. A large part of those opposed to outright banning of the Party were, nevertheless, hostile to or suspicious of it. These attitudes persisted despite the warm feelings and gratitude many people in the United States felt toward the Soviet Union and despite consistent and energetic efforts by U.S. Communists to increase industrial production for the war and to mobilize support for the federal administration. Understanding why the CPUSA had so little support among the population it tried so desperately to help makes the complete story of its decline even more complex than most historians acknowledge.

The major proposition of this chapter is that the CPUSA did not accurately assess the political tenor of the time. This lack of understanding led to political miscalculations and decisions that were not consistent with conditions after the end of the war. The Party inaccurately gauged the mood of the working class and its potential allies and failed to recognize objective changes within the working class and its unions until several years later.

A brief survey of the most important miscalculations is in order. I start with 1939 for several reasons. First, by 1939 the CPUSA had lost its foreign complexion and the Americanization process was well on its way (Ottanelli 1987). Secondly, before the 1930s, the Party had relatively little influence throughout the country so that whatever political positions it took were irrelevant for the vast majority of the population. Finally, I believe that most people in the United States do not carry political grudges for long. Had the general policies of the CPUSA been in tune with the population, most people would not have allowed political mistakes of the far past to influence them.

For more than five years before the Soviet-German non-aggression pact, the CPUSA consistently called for and worked to build a united front against domestic and world reaction. The Party often submerged its own immediate political interests in the hope of creating a broadly based democratic movement that would unite governments and peoples opposed to the spread of fascism. During that effort, the Party gained members and improved relationships with mainstream leaders and organizations.<sup>2</sup>

The Party had profited from the years of union organizing and activity within the New Deal coalition. By 1939, almost one hundred thousand Party and Young Communist League members were involved in a myriad of activities. Local election results were impressive and yet self-deluding because they tended to exaggerate the Party's influence throughout the country.<sup>3</sup> The Party claimed that it represented mainstream thinking about the war since many important leaders, as well as the general public, opposed U.S. involvement in the European war. But Daniel Bell was right when he characterized the Party as being in but not of the mainstream (1973, 18).

As an organization, the Party never gained the trust of most of the nation. But hundreds of individual Party members won the confidence and respect of their coworkers. Thus people supported anti-Communist drives while at the same time they worked with and defended individual Communists. Known Communists in United Auto Workers (UAW) Local 600, for instance, got rank-and-file support when the Reuther administration placed the local in receivership. Another example is the wide support for Nat Ganley in the West Side Local 155 of the UAW, although the membership was basically anti-Communist.

In August 1939, news of the Soviet-German pact stunned the Party. After floundering for several days, it fully supported the pact and soon began attacking institutions and leaders with whom, only a few weeks earlier, it had been attempting to build closer ties. Within only three weeks of the announcement of the pact, Earl Browder, the Party leader, in an hour-long address to a rally in Madison Square Garden hardly criticized the Nazi regime while castigating Great Britain and France. Reaction to the reversal ranged from bewilderment to open hostility. Party members questioned the sudden shift, but despite a minor internal crisis, the Party soon closed ranks and presented a unified front to the public.

Although loss of members was not large, the poorly explained reversal reinforced the general perception that the Party was more interested in supporting the interests of the Soviet Union than those of the United States.<sup>4</sup> That perception was the reality that had to be confronted. In hindsight, the Party did not take proper measure of public opinion and did little to overcome these attitudes.

When Germany invaded the Soviet Union twenty-two months later, the Communist Party made another 180-degree turn and called for complete opposition to Nazi Germany. As welcome as this switch was, it added to the legacy of suspicion and distrust that many already had (Isserman 1982, chap. 6).

After 21 June 1941 and especially after Pearl Harbor, the energetic work of the Party in helping to mobilize support and production for the war effort helped allay some suspicion. Yet

even at the height of public acceptance, a large part of the population felt that the Party should be outlawed.

Some of the Party's war policies added to the existing antagonism. As labor historian Joshua Freeman points out, "The enthusiastic support of the Party, and some labor leaders close to it, of the 'no-strike' pledge, for an end to premium pay, the introduction of incentive plans, national service legislation and a postwar 'no-strike' pledge was politically costly both during the war and in the postwar factional fights" (1978, 582). While it is true that most politically advanced workers supported the no-strike pledge, thousands who opposed it and/or participated in the wildcat work stoppages were in conflict with the Party.<sup>5</sup> The ramifications of the no-strike pledge and the wildcat strikes were so complex and potentially embarrassing that John Williamson, former national organizational secretary of the CPUSA, avoids any mention in his autobiography of either these issues or Communist Party union policy during the war (1969).

The issue of incentive pay, which leaders like Browder sponsored with much more enthusiasm than did Party union leaders, was another sore spot and tended to divide rather than unite workers. In March 1943, the division over the issue was so close in UAW Local 600 that the Party-led opposition to Paul Ste. Marie, the local president who had declared against the proposal, had to "repudiate the incentive pay proposal to ensure their victory" (Isserman 1982, 163). Insensitivity to the opposition to such issues, a determination to push through endorsement of those proposals, and treating union opposition as if it were the main enemy were at the base of tactical miscalculations that ultimately served to isolate the Party. The Party recognized this insensitivity in its later attempt to understand its isolation (Michigan CP 1956, 3).

In the long term, perhaps even more significant than the controversial political decisions on the no-strike pledge and other issues was the beginning of structural changes within the labor movement. During the war, trade unions rapidly expanded from 10,500,000 to 14,700,000 dues-paying members. The United Electrical Workers, for example, rose from 154,000 to more than

600,000 members. The maintenance-of-membership agreement contingent on union leadership enforcing the no-strike pledge resulted from the Little Steel formula and the policies of the War Labor Board (WLB).<sup>6</sup> As Freeman puts it, “The ‘no-strike’ pledge, ‘no-lockout’ agreement, the WLB mechanism for resolving labor-management disputes and the Little Steel formula together formed a new framework for industrial relations” (1978, 573).

Historian Nelson Lichtenstein was among the first to show how those changes contributed to “ambiguous consequences” for the labor movement. He reminds us that the price of union security and growth was the acceleration of bureaucratic tendencies within the CIO. He argues that union leadership began to pay more attention to Washington than to its own membership and that as the WLB insisted on union responsibility under threat of withdrawing dues check-off and maintenance of membership, a “subtle redefinition of the meaning of industrial democracy enabled labor union officials to . . . reshape their organizations in a more conservative and bureaucratic mold” (1977, 235).

The Party was slow to recognize structural changes. Its struggle against the passage and enforcement of the Taft-Hartley Bill indicates its awareness of the political changes caused by the act. Up to 1950, not a single article appeared in *Political Affairs*, the Party’s journal of political theory, that dealt with the structural changes brought about by the Wagner Labor Relations Act, the decisions of the War Labor Board, or the changing nature of the National Labor Relations Board.

This does not mean that the Party neglected the interests of workers, organized or not. While the Party worked for the maximal unity and support of the national administration, it also worked to defend and extend workers’ rights. For example, Nat Ganley, known throughout the UAW as a member of the District Committee of the Michigan Communist Party, worked tirelessly for employment of women at skilled jobs with pay equal to that of their male counterparts.

Trade-union policy was not the only source of problems. Some African Americans believed the Party had soft-pedaled the issue of racism during the war. They felt that the Party, which

had an enviable record in the defense and extension of civil rights, had become less aggressive in the pursuit of those rights. There is some evidence that the Party subordinated a maximum struggle for civil rights to the issue of maximum war production (Meier and Rudwick 1979, 211–12).<sup>7</sup> While the Reuthers made speeches about racial discrimination, Ganley, among the skilled workers, and the Communist Party clubs in the Rouge plant were consistently trying to advance African Americans in union leadership (Ganley, Boxes 6, 7). The 1943 UAW National Convention was the arena for the continuation of that struggle to designate a seat on the Executive Board for a Black unionist.<sup>8</sup>

Despite the claims of the Draper school of CPUSA history, the Party did not abandon the fight for racial equality after 21 June 1941. The fact is that the Party remained an outspoken and forceful organization pushing for Black promotion in the unions. As I show in chapter 3, the Party was often alone defending the right of African Americans to equal treatment under the law. For example, the National Maritime Union, one of the “red” unions, refused to sail without Black seamen.<sup>9</sup>

When the CPUSA dissolved at the urging of its National Committee in 1944, the Communist Political Association was formed. The Communist Political Association attracted more members than had ever belonged to the Communist Party (Shannon 1955, 117). Admiration for the heroic military struggle of the USSR and, to a lesser degree, recognition of the Party’s efforts supporting the war effort accounted for this change in attitude (Isserman 1982, chap. 5).

Nevertheless, by the end of the war more than half of the U.S. public would still agree to a proposal to outlaw the Party. Within two years that percentage rose to the 1939 level of 75 percent. Under the “best” of circumstances, the Party had been functioning in hostile waters.

The Party did not fully realize that no matter how it fine-tuned its political line, the mind-set of people in the United States would determine the effectiveness of that line. The Party’s distorted evaluation of its own importance and effectiveness during World War II in part accounts for its inability to assess

correctly what was happening in the country and how people felt about it in the immediate postwar period.<sup>10</sup>

Some in the Party did sense the changes. When Saul Wellman returned from military service in World War II, he took a combined vacation and political tour for the Party. With his wife and children he traveled across the country by car, camping overnight at various state and national parks. The six-week trip made a profound impression on him. On his return to New York he described his feelings and observations to Party General Secretary Eugene Dennis.

He told Dennis that he sensed an enormous transformation in the “newly changing labor movement.” Vacations with pay were an indication of this. He saw inexpensive campgrounds with modern facilities. He saw the beginning of a highway system, and suburbs growing up outside the industrial cities. He saw what he thought was a new kind of country.

And I came back and I reported on that to Dennis. I said, “I don’t fully understand it.” My big pitch to him was, “You ought to get your ass out of that office and go out into the country and take a look at it. Not just to examine it physically, but to see what ideas are taking place.”

We had trouble dealing with that question. In other words what I am saying is that in the postwar years, there was a major readjustment taking place because there was a new America that had emerged. And I think we had great difficulty dealing with it. We had difficulty adjusting to all kinds of new questions that had to be addressed on our part. And in part, [those questions] were reflected in the Party but they were confused and they were not clear. (Wellman 1988)

The inability to see the “new America” emerging out of the war is at the basis of the political policies that form the matrix within which the Michigan District of the Communist Party functioned. Faced with rapidly changing postwar political conditions, the Party based its decisions on two interrelated factors. The first was its analysis of the domestic political situation,

based on its perception of the needs and desires of the working class and its perception of the nature, goals, and strength of the two major political parties. The second factor was its commitment to maintain maximum unity with and support of the Soviet Union. In both areas, the Party made serious miscalculations that made it even more vulnerable to anti-Communist attack and determined its functioning for the next decade.

Influenced, in part, by the history of the depression that followed World War I, and by the world economic view of the Soviet Union, the CPUSA saw an economic downturn of massive proportions in the making. Relying on this analysis (shared, incidentally, by many of the country's leading business leaders and economists), the Party looked forward to a dramatic upsurge in the class consciousness of working people. To capitalize on this anticipated heightened class consciousness, the Party moved to the left as the Truman administration moved to the right.<sup>11</sup>

The Party characterized a decline in the stock market in September 1946 as "only the beginning." Just three months earlier the *Daily Worker* noted, "In a great economic crisis, with the workers in their *present militant mood* [emphasis added] all over the world, things will turn out very differently than the reactionary capitalists now calculate" (Shannon, 41). Its insistence that a deep depression was coming would continue for another four years. Alexander Bittleman and other Party leaders speculated that tens of millions would be unemployed (1949, 22–32).

There was, indeed, a modest recession in 1948–49. The Party's analysis, however, overlooked Truman's Employment Act of 1946, the GI Bill with its year-long unemployment benefits, together with the economic effect of the Marshall Plan. It did not take these elements of a new economic safety net into account because of its inability or unwillingness to move beyond a rigid and narrow interpretation of the economy.

Another indication of the Party's misreading of the postwar political situation was its insistence that the country was on the verge of fascism and war. That the United States was bent on world hegemony was clear to the Party; that anti-Communism

had reached new heights and reactionary sentiment was stronger than ever led the Party to believe in a doomsday clock that read five minutes before midnight.

Winston Churchill's speech at Fulton, Missouri, dashed the Party's hopes that the Grand Alliance would continue. Just after Churchill proclaimed the descent of the "iron curtain," William Z. Foster, general secretary of the CPUSA, addressed a rally of fifteen thousand people at Union Square in New York City on 7 March 1946:

Winston Churchill's speech yesterday in Fulton, Mo., was a call for a general capitalist war against the Soviet Union. Make no mistake about that being what he was driving at. His proposed Anglo-American military alliance, directed against the U.S.S.R. and the colonial peoples, is an up-to-date version of Hitler's anti-Comintern Axis. His speech was built around the Red bogey and the whole business stank of fascism. It was the voice of Churchill, but the hand of Hitler. Such an anti-Soviet tirade is not to be wondered at, coming from a man who only a few years ago was full of praise for Mussolini and who declared that if he were an Italian he would be a fascist. (*Daily Worker*, 8 March 1946, 12)

That harsh estimate of the implications of Churchill's speech had its roots in the Party's agreement with the concept expressed by P. M. S. Blackett that the dropping of the nuclear bomb was "the first act of the cold diplomatic war with Russia" (1948, 72). Elements within the top leadership of the Party began to argue that the Grand Alliance in fact began to deteriorate even before the end of the war.

The Party never took an unequivocal position that fascism was imminent in the United States. But Party documents from Foster's speech quoted above to leaflets and educational material issued by the Michigan District very frequently refer to political positions, proposed legislation, and executive orders as "fascistic" or "Hitler-like" and so on. Without being officially stated, an undercurrent of belief that fascism and war were imminent and inevitable existed within the Party and affected its

political judgment. For example, Carl Winter stated in his keynote address at the 1948 Michigan Party convention, “The *decisive* struggle of our country and state, *as in the world today*, aligns all forces of peace and democracy against those of *war and fascism*” (1948).<sup>12</sup>

After the Churchill speech at Fulton, Missouri, the Party became increasingly convinced that the United States was assuming the role of the major world leader opposing any progressive change. In its opinion, the Truman administration would broaden the attacks against labor and minorities, particularly African Americans. A major tactic of that strategy would be to stifle opposition by restricting civil liberties, with the African American community and organized labor as immediate targets.

As early as January 1946 Claudia Jones, a member of the National Committee of the CPUSA, wrote that the

political attacks that are being directed against the Negro people by big business have once again placed serious questions before the American working class. These attacks are all the more serious today because the main danger of fascism comes from the most colossal imperialist forces which are concentrated within the United States. (1946, 67)

This attitude was reinforced by Henry Winston, also a National Committee member, in his report to the plenary meeting of the National Committee in February 1946:

The attack on the Negro people is particularly revealed in the monstrous terror exemplified by the fascist lynch-law attack in Columbia, Tenn. and in the drive to teach Negro veterans “their place.” (1946, 349)

The Party always felt that in the defense and extension of civil rights, the special position of the Negro people was of utmost importance.<sup>13</sup> From its creation, the CPUSA had viewed the position of Blacks as a very special issue. Foster emphasized its current significance:

The Negro question remains politically the Achilles heel of U.S. imperialism and the liberation movement of the

Negro people is reaching new heights of consciousness and unity, representing a mighty anti-imperialist force. (1948, 684)

This political analysis, based on the belief that a new depression was imminent, that a war between the Soviet Union and the United States was all but inevitable, and that home-grown fascism was about to take over domestic life and institutions, led the Party to political decisions out of tune with the reality of the United States that made the Party even more vulnerable and isolated. It is instructive to examine the more important of those. In a report to the National Committee of the CPUSA in 1946, Eugene Dennis argued that the next economic crisis would greatly enhance the danger of fascism in the United States. The worst of the monopolists would accelerate the organization of a fascist movement in order to “prepare for and win a reactionary pro-fascist victory in 1948” (1946). That kind of reasoning led to the proposition that in the 1948 election the Republican and Democratic parties were Tweedledum and Tweedledee organizations.

The Party consequently helped form and support the Progressive Party. In doing so, it cast off relationships it had carefully built up in the thirties and early forties. Many CP districts, including California, Michigan, and New York, had strong political bases within the Democratic Party. The Party sacrificed those points of influence because of its new evaluation of the Democratic Party. For example, Senator Stanley Nowak, chair of the Democratic Party delegation in the Michigan state senate, resigned his leadership position to work in the Wallace campaign. Robert Wolpe, Wallace McLay, and Erma Henderson were among many Detroiters who left leadership positions in the Democratic Party for the Progressive Party. The exodus was part of the process of isolation.

Wellman recalled that “the thing that tipped us over and produced the massive isolation . . . was the 1948 Wallace campaign” (1988). The Party tried to mobilize all its members and friends in support of the Progressive Party, he said. Communist trade unionists and other “influentials” were under constant

pressure to try to win union support for the Wallace campaign. This destroyed the already weakening relationship the union left wing had with CIO President Philip Murray and other important union leaders. Coming on the heels of the unsuccessful attempt to persuade the executive board of the CIO to continue to resist the Taft-Hartley Act and particularly its anti-Communist affidavit clause, this action by the Party actually widened the gap between the Left and the center by forcing the Wallace issue.

As labor and its organizations moved to the right, the CPUSA moved to the left. Joseph Starobin sums it up: "The greatest paradox of the 1948 election was the way in which the Party operated on the most fundamental problem of the time—the relationship between Communists and non-Communists" (1972, 172).

Some aspects of the Party's reaction to the widening anti-Communist campaign led to other miscalculations. These came out of the same misreading of the postwar situation that led to the "five minutes to midnight" syndrome. To be sure, under the special circumstances of intensifying anti-Communism and police infiltration, provocation, and disinformation, it was necessary for the Party to protect itself. While trying to do that, the Party went to such extremes that the ultimate result was the opposite of the intention.

Shortly after the 1948 election fiasco, the Party began to reorganize with a view for maximum security. Each district committee quietly removed from membership rolls members who were thought "weak" or unable to stand up under pressure. The reorganization of Party clubs into small units often resulted in confusion and loss of members. The deep concern the Party had for security was based on reality: FBI surveillance was common knowledge and scores of Party members were being accosted by agents of the Bureau asking them to "cooperate." The Party suspected that the FBI had lists of individuals who might be charged with "subversive activities," and as a matter of fact, it did have 21,105 such cases on file (Department of Justice 1950, 85–86).

The attempt to create a "purified" Party was further complicated by the campaign to "wipe out the virus of white chauvinism."<sup>14</sup> Aside from needlessly expelling members, often

without grounds, and creating great tension between white and Black members, the Party lost many hours of precious time debating the political correctness of the use of phrases such as “black as night.”

The skewed analysis of reality by the Party and aggressive anti-Communism, particularly after the 1948 election, were the background and stimulant for discussion of an underground. The concept of an underground was not new. In the 1920s and early 1930s the Party felt it had to function in an extremely cautious manner using many of the techniques of an underground movement—small Party clubs, the use of “Party names” rather than members’ own names, distribution of leaflets either unsigned or using the name of an unidentified ad hoc group.

The Party was always concerned about security, although during the Popular Front period it often implemented that concern unevenly or off-handedly. Even before the arrest and conviction of Party leaders in 1949, the Party had considered organizing depositories for publishing equipment and setting up businesses that could be a source of financial support in “hard times.”<sup>15</sup>

Federal, state, and local legislation was being proposed that would severely restrict the Party’s activities. This prospect compounded the Party’s general political perspective that time was rapidly running out and provided the stimulus for reorganization. In Michigan, for example, the state legislature enacted the Callahan Bill on 6 June 1947. This law decreed the registration of all members of the Communist Party in Michigan, provided that such members were guilty of a felony, and on conviction could be fined five thousand dollars or imprisoned for five years or both. On the national level, another bill essentially outlawing the Communist Party was sponsored by Senator Karl Mundt and Congressman Richard Nixon, with provisions similar to the Michigan law.

Reorganization efforts in Michigan were intensified under the leadership of Phil Schatz, district organizational secretary, particularly after the attempted passage of the Mundt-Nixon Bill and efforts to push the Callahan Bill through the Michigan legislature. During the fall of 1948 Schatz met individually with the executive boards of all Party clubs and urged reorganization on

the basis of small groups of not more than six to eight members. He insisted that groups should consist of members living in the same vicinity and that each group be assigned and responsible to a Party section (Detroit Red Squad, 1948).

The District Committee's primary concern was security, of course, but it also hoped that reducing the size of the clubs would increase efficiency. Reducing club size increased the number of clubs and a Party-wide reorganization followed. For example, the West Side Community Section had six clubs: two community clubs, three industrial shop clubs, and one language club (for members whose primary language was not English). The District Committee transferred the industrial clubs to the newly formed Miscellaneous Trade Union Section and the language club to the newly formed Language Section. It also dissolved one of the community clubs and transferred its members, all of whom spoke a tongue other than English, to the Language Section. One community club with a membership of fifty-six was reduced to ten members. The remaining members transferred to the West Side Language Section or to clubs in their immediate neighborhood.

During the course of the reorganization, Schatz, Wellman, and other Michigan Party leaders urged all clubs to destroy membership lists, to memorize the names and addresses of members in their particular group, and to keep records either by code number or by first name. The leadership frowned upon the use of receipts and mailing of meeting notices.<sup>16</sup>

The security measures at the state conference on 27 March 1949 at the Jericho Temple in Detroit show the conditions under which the Party felt it had to operate. Most of the delegates did not know the location of the conference until a few hours before it started. Once the conference started, Tommy Dennis, then Willow Run and Washtenaw county organizer, gave instructions that no one could make phone calls or leave the hall while the conference was in session.<sup>17</sup>

Party reorganization was a prelude to creating an underground apparatus. Here is another example of the Party's inability to assess the times. According to George Charney, the decision to form an underground apparatus was made in 1951 after the Supreme Court affirmed the Foley Square convictions

of the Party leadership (1968, 208).<sup>18</sup> The public signal came the day the “eleven” were to surrender. Gil Green, Gus Hall, Robert Thompson, and Henry Winston failed to appear and went into hiding, forming an underground leadership. That decision not only intensified repression but further eroded what little public support the accused had.

Two organizations now existed. One would carry out struggles in the arena of civil rights, peace, and trade-union activities. The goal of the other, the “underground,” according to Charney, was to “keep the Party intact through the ordeal of illegality and fascism, in the tradition of the European underground parties” (1968, 209). Carl Winter emphatically disputes that interpretation:

It should be categorically stated that at no time did the Party consider an underground in the classical sense, one which might have been modeled after the Spanish or German underground.

Rather, there was concern for a relatively small group of secondary leaders. Envisioning the incarceration of most of the existing leadership as a reality, the Party wanted to preserve the integrity of the organization by withdrawing a number of activists and holding them in reserve. (1988)

Regardless of which interpretation one chooses, the fact remains that the two-tier system only added to the difficulties under which the Party was already functioning. Open public work became much more difficult. It embarrassed non-Party organizations and individuals who, in the past, were willing to form coalitions with the Party. Just as importantly, Party members, finding it almost impossible to serve two masters, were immobilized.

Saul Wellman, then the National Auto Coordinator of the Party, worked out of Detroit and recalled the atmosphere that developed there when the House Un-American Activities Committee (HUAC) held a hearing in 1949:

Berenice Baldwin [an FBI informer who held a low-level post in the Michigan Party] kicks the shit out of us in '49

and so we reorganize the Party theoretically on the basis of no more than three members [in a club]. And we began a fundamental reorganization.

We had a Ford Party section office on Michigan Avenue and then we moved to Salina Street in Dearborn. By 1950 we abandoned all that. We abandoned it not because we were rejected but because of the attacks against us and the political line that we had. We were preparing for war and fascism and illegalization of the Party. That was the national position. The National Committee was on trial. Carl Winter was already commuting to New York beginning with July 1948. . . . We went into a period of illegality which, in my opinion, laid the basis for the final destruction of the Party.

Now, we still had activity. The activity now goes to a group of full-time people. Because in 1949, in Michigan we had either 17 or 19 people on the Party payroll.

So what is Saul Wellman doing? Saul Wellman leaves home and is holed up in a number of different places in Detroit. I don't do anything. I don't meet people except that I go to a meeting once in a while. I go to a meeting maybe four or five times a week. That's all I can do. And there are five or six other people in the same position. Before that, I operated out of an office. I operated as a normal functionary. Now, I don't have contact. I don't see the Ford people. (1988)

Earlier in that conversation, Wellman had been commenting on an article written by Gil Green that criticized the Party's work in Local 600:

We had not lost the mass of Party membership but we had separated ourselves from the Party membership. . . . *We placed ourselves in an impossible situation where we sought to create a Party and a movement and a functioning structure that would operate illegally in [an] essentially democratic country even though reaction is rampant and anti-Communism had gone berserk [emphasis added].* (1988)

While Wellman was an “unavailable,” Nathaniel and Jeanette Brooks were in the underground itself. The forty years that have passed have not blurred their recollection of their experience. Nathaniel Brooks’s responses illuminate the issue. He had no prior knowledge of the process by which people were selected to go underground and was not involved with any group of people discussing the venture. He surmised that he was asked because he was part of the leadership of the Michigan District and had been a full-time functionary with youth organizations for a period of years. Brooks agreed that the decision was not really made *with* him but was proposed to him after a District Committee discussion.

At the time, Brooks was married with two small children. He knew that accepting the assignment would entail considerable hardship for him and his family but felt it was politically justified. Although there had never been such discussions with the general membership, he believed it was clear that

there was an concerted effort to suppress and destroy the organization. One of the main ways of doing this was to “tail” the leadership. It appeared, also, from my knowledge of international experience that wherever the Party had been placed in such a position, the decision was made to send people underground. It seemed the logical thing to do, even without understanding just where it would all lead. . . . The thought was that just as it had been done with some measure of success in other countries in similar circumstances we would be able to adapt to find ways to continue to sustain a left wing movement in the event that it proved necessary for an underground leadership to do so. (1988)

The Party continued to function as it had with one exception. The leadership that remained “open” tried to operate in such a way that at any given moment the police agencies would not know the whereabouts of the *entire* leadership. If that were successful, it would provide an opportunity for those leaders who were not caught in the dragnet everyone thought inevitable to continue functioning. “Unavailable” meant, in the final analysis,

that on some sort of rotating basis, some individuals within the leadership would, for example, not sleep at home, not go to scheduled meetings, and so on. But on days when they were not in an unavailable status they would function as part of the open leadership. Although there was a bizarre quality to this arrangement, it worked well enough so that several Special Agent in Charge (SAC) reports on Wellman complain of not seeing him for a few days. (Whether this illuminates the effectiveness of the “unavailable” plan or the quality of the FBI’s work is for another researcher to determine.)

The Brookses were completely on their own. They moved to a new home several hundred miles from Detroit and assumed a new identity (easier to do then than now, when computers assist the tracing of fugitives). They received no financial help. Nathaniel Brooks did find work and thus was able to support his family, albeit marginally. Others, like Gil Green and Henry Winston, who obviously could not get employment, were supported by the organization.

The mechanics of going underground were not easy. The Brookses had to assume that they were under constant surveillance. Moving out, especially with two small children (two and a half years and four months old), in such a way that no one would be aware of it, was quite an undertaking. Jeanette Brooks went east with the children, and her husband joined her a few days later. After a short period, they went to Chicago separately, he alone, she with the two children. Someone met her at the railroad station and took her to her “new home.” She said that “somehow or other Nate showed up.” (1988)

They left Detroit with only what they could carry. Furniture, household goods, and many of the children’s toys were simply left behind. They had no idea of how long they would be gone or whether they would be able to retrieve any of their possessions. They were almost completely cut off from all friends and family. They did have a very occasional and secure contact with one family member. Other than that, the family had no idea where they were or how they lived. The Brookses established contact with another underground family with a child in another state and were able to see them on occasion. Someone representing

the Party saw them occasionally and brought Party literature to them.

Nate and Jeanette Brooks have differing views on the experience. Despite many misgivings, particularly about not being consulted about the prospect of going underground, Jeanette went along with it because “I had married a Party organizer, someone who worked full time in the movement, was in the Labor Youth League and so there were many things I was not consulted about.” It was the whole concept with which she did not agree. “It made no sense to me. . . . I didn’t feel that the masses were going to turn to us if there would be fascism in this country. I didn’t see what role we could play” (1988).

Their situation offers an insight into what happens to interpersonal relationships under those conditions. The older child felt quite insecure, but his mother was aware that he might have been so even if they had stayed in Detroit. Nevertheless, she clearly remembers incidents which persuade her that the new situation caused insecurity. Several times, when they went from one place to another, the child asked, “Where’s my bed?” And again, at the Chicago Aquarium, the child, looking at all the fish, asked, “Where’s the mama?”

But all in all, Jeanette Brooks agreed with her husband that the situation did not have much effect on the children because “we were very close. We were there all the time and we spent an awful lot of time with the children. I was not working and Nate was not busy. We were a family together.” Nate observed that because “the children did not have cousins or grandparents or aunts or uncles to relate to during that period, the family was closer. . . . I think we were lucky compared to those individuals who went away and left their families behind” (1988).

It ended as it began, on instruction when the National Committee judged that the political situation changed. (Some would argue later that the whole concept was faulty and was abandoned when time made that obvious.) Nate looked back on the underground experience as “an opportunity to be creative in a survival sense and to be able to make it under difficult conditions.” Politically, it was unnecessary, he said, and may have contributed to the feeling among some that there was a “dirty or

evil conspiracy” represented by the Party. Would the underground apparatus have been helpful if some form of fascism had taken over in the United States? Brooks was not prepared to offer a firm opinion. His wife, however, was quick to say that “to this day I don’t see the point of it . . . it was bad judgment” (1988).

Saul Wellman recalls the discussion of “illegality”:

A decision was made for the Party to go underground and when that decision was made, it was made in a room in which discussion was taking place in which a blackboard was the method of transmission of information and dialogue. Of course, most political discussions were not taking place through a blackboard. But in some meeting where you figure the meeting is being “bugged” by the FBI . . . you don’t talk about intimate things like names, places, dates, times and stuff like that. If there are discussions in which you are dealing with some detailed immediate strategic or tactical questions, that’s when the blackboard comes into being. And there were blackboards in Dennis’s office, in Foster’s office. They were all over the place. Of course, most of the work was conducted through the Party office. There was a discussion at the National Board just before they were to turn themselves in after the Court ruled against the Foley Square people. There was a discussion; . . . there were 15 people in the room and there were differences. And we know who the people were who did not go along. [It was then] that they had to use the blackboard. (1988)

Understanding the decision to go underground is important, if only to comprehend the position of the Party as well as the state of mind of individual members and how that affected their political work. A distorted evaluation of the actual situation led to the conclusion that a U.S. brand of fascism was just offstage, certain to make an entrance soon. Such thinking had an important impact on Party activity. It strengthened the resolve of some members, although often coloring it with varying hues of romanticism. Others reacted by becoming more cautious, more

tentative, and less active. Still others withdrew altogether. Membership in the Party and its allied organizations declined.

The impact of state persecutions (described in chapter 2) had the same effect. Loss of job or the fear of it, the hostility of neighbors or the fear of it, physical abuse or the fear of it—all served to neutralize political activity. For many, the fear was greater than the reality.

In addition, one must remember that during this period the Party was unable to develop a clear, straightforward political line that reflected the national and world political situation. Taken together, these factors made for a marked decline in Party strength, activity, and recruiting. In the first five months of 1960 the FBI reported no recruiting because of the “suspicious attitude of some comrades . . . toward a potential recruit” (Detroit Red Squad 1960).

The clandestine actions of the FBI, its special department COINTELPRO, state and local Red Squads, and the Immigration and Naturalization Service were not known to the general public and primarily affected the target group and its friends. The public’s conversion to militant anti-Communism came about largely as a result of the administration’s efforts, with the media’s enthusiastic support, to justify the Cold War.

Yet, in spite of its many internal difficulties, the Party did continue to advance its program. It remained active and forceful in the local unions and on community issues. For example, the Michigan District was very involved in the 1949 Ford strike, the main issues of which were the establishment of a pension plan and the struggle against speed-up.

Believing a strike to be likely, the Party, at Wellman’s initiative, undertook an intensive campaign of leafleting. For almost six months before the strike, the Party’s branches in the auto plants distributed shop papers and leaflets at the plant gates. Wellman recalled also that Party auto club members and other militants passed out leaflets and other literature, made lunchroom speeches and organized short work stoppages. All of this helped to prepare for the strike and to lay the basis for a most unusual and successful distribution of the *Daily Worker* during the strike.

The entire project was under Wellman's direction, since he headed the Party's Auto Commission. It was a major undertaking, involving almost three dozen people every day for the duration of the strike. Every working day a Party contingent met hundreds of workers disembarking from trolleys converging at Michigan and Junction. The "sales force" came from the various auto clubs and from community clubs. It was no small undertaking to guarantee that people would be out every day. That alone was almost a full-time job. "Do you know what it takes to mobilize? It's work! We threw the entire Party into it and I think we were right to do that," Wellman explained (1988). According to Wellman, the distribution went well for a variety of reasons. Both the *Daily Worker* and individual Communists were well known at the Rouge. Nelson Davis and Joseph Billups, both African American members of the Communist Party, were leaders in the union movement at the Rouge. In 1949 Davis had secured over two hundred subscriptions to the *Michigan Worker* and won a trip to Cuba as a reward for his efforts. Art McPhaul said that during the war he had sold 450 subscriptions to the *Daily Worker* in the plant and that 450 of 785 workers in his department read the paper regularly (1970). In addition, known Communists were part of the leadership of Local 600, the UAW local at the Rouge. Willie McKie, long known as an outspoken member of the Communist Party, was part of the negotiating team, and John Gallo, another member of the Party, was the secretary of Local 600.

Prior to the strike, *Daily Worker* distribution was much like giving out leaflets—free to anyone who would take one. But in this instance, Wellman was determined to sell them. "I was a cheapskate. I kept insisting that we don't give the papers away but that we sell them. And we sold up to 2,000 papers a day for the duration of the strike. . . . I refused to give them away" (1988).

One reason the papers sold so well was that each issue devoted four pages to the Ford strike, while the Detroit press in general was antagonistic and devoted little space to anything positive about the strike. Those four pages, the Auto Section, had to be written by local people and sent off to New York daily.

Wellman assigned four people to writing, among them Nat Ganley and Billie Allen. The supplement was devoted entirely to the Ford strike and the problems of auto workers. General articles about the strike, up-to-date information and bulletins and summaries and many local and often personal articles made it particularly pertinent. "It was a massive job. Copy had to be in by 2 P.M. every working day and was sent to New York by plane. In turn, they flew the papers out to us the next day. We had seventeen full-time people on this. We had some very good organizers who used to go out to the gates to sell the paper. . . . When we made distribution at the Ford plant we had to cover eleven gates. You had to have 20–30 comrades!" (1988). The effort apparently was well worth it, because in the Ford elections held in March and April of the next year, red-baiting and Communist smearing proved to be unpopular.<sup>19</sup>

The number of papers sold each day varied, Wellman explained, according to the number of Party volunteers who came out to sell the paper. The reception was good because the paper served a real purpose. The commercial press was united in support of the Ford Motor Company and there was little, if any, news in the mainstream press that presented the union side. Even a cursory examination of the Michigan edition of the *Daily Worker* during that period reveals the dense coverage of the strike.

The 1950 election in UAW Local 600 proved that the Party was still an active and viable force in the UAW. It tried to build a Left-Center coalition prior to the election. Wellman recalled that the "struggle for unity on single issues began to change the existing relationship in Local 600 and created closer bonds between Black and white workers, exposed red-baiting as destructive of unity" (1988). Before and after the election, the Party, through the auto branches, campaigned on specific issues, forcing candidates to issue signed statements about their positions on this or that issue. For example, the Party supported Tommy Thompson, a long-time collaborator with the Association of Catholic Trade Unionists, only after he had issued fifty thousand leaflets accepting the Unity program.<sup>20</sup>

These activities around the 1949 Ford strike and the election the following year support the argument that even within the context of generally misguided policies, the Party, in specific instances, carried out constructive and positive work. Later chapters will detail other examples.

Several years before David Shannon's monograph in which he characterized the decline of the Communist Party as "suicide," the Party began to examine the reasons for its growing isolation. These discussions opened with the draft resolution of the National Committee following the 1952 election and reached a high point at the April 1956 National Committee meeting. The Michigan District had its own analysis. In a ten-page, single-spaced document, the Michigan District reviewed policies and activities in "auto, political action, Negro rights" over the period of the previous decade (Michigan Communist Party 1956). It is instructive to summarize its analysis in each area.<sup>21</sup>

In the United Auto Workers, the Left-Center coalition, led by George Addes, R. J. Thomas, and Richard Leonard (and almost uncritically supported by the Communist Party), was allied with the national CIO Left-Center coalition led by Philip Murray. The Right-Center coalition, led by Walter Reuther, opposed it. During the war, the Left-Center concentrated on increasing production, supporting the no-strike pledge, and backing the Roosevelt labor-liberal political alliance. The Party's support of this coalition made it appear to be less militant and less directly concerned with workers' immediate problems. Reuther's team, while working for winning the war, was much more defensive of workers' interests, wanted to rescind the no-strike pledge, strongly opposed piecework and incentive pay, and acted more aggressively to process grievances. Reuther was thus able to build a larger base among UAW workers; together with his association with the first successful UAW postwar strike at General Motors, this base made it possible for him to win the union presidency in 1947.

Rigidly following the lead of the Soviet Union, which saw the world divided into two camps, the Party refused to recognize a third or middle position and applied the "two camp" theory to all situations. In reviewing its work in 1956, the Michigan District

recognized that it had mechanically applied the Soviet thesis to its own work in the UAW. The Party thus assessed Reuther and his associates, rather than the auto manufacturers, as the main enemy.

From 1952 to 1956 the Party's attitude toward Reuther softened and became considerably less sectarian. But the damage already done made it unlikely that a working relationship could be established. By 1957, Party strength in auto was minimal and could contribute little to Reuther's needs.

Concerning political action and the Progressive Party, the Michigan statement went on:

The '48 Wallace campaign did influence Truman to campaign on an advanced New Deal program, largely accounting for his victory. But the great harm it did in splitting the most advanced forces away from the main stream of political action more than offset its positive aspects. In the Progressive Citizens of America and Independent Citizens Committees were to be found such important figures as Phil Murray, A. F. Whitney of the Trainman's Union, Sidney Hillman, James Patton of the Farmers Union, Walter White, Harold Ickes, Henry Wallace, Henry Morgenthau and others. Splitting this independent political action front on the issue of for or against a third Party and ticket retarded rather than advanced political realignment developments. In the Labor movement, it acted as an additional factor in the split in the Left-Center CIO coalition, marking the deepening of the political isolation of the Left.

The District's analysis went on to note that while Michigan "had a high level of struggle and gains for Negro rights," there was a decline of organized influence of the Left on this sphere since 1948.<sup>22</sup> The Party failed to recognize the changes in the African American community since the 1930s. By 1948, the Black community was much better organized than in the earlier decade. The UAW, the NAACP, the Urban League, and a host of social and religious organizations had entered the struggle. Duplicating its sectarian tactics in the UAW, the Party

concentrated on attacking the leadership of the African American organizations, once again subscribing to the “two camps” policy.

For ten years after the end of World War II, the Party fought against one attack after another. Federal and state agencies waged a continual campaign, using a broad arsenal of legal and illegal tactics, to discredit and isolate the Party and its allies. The open anti-Communist campaigns are well known. Less well known is the underground campaign of disruption, disinformation, and intimidation, especially as it was carried out in Michigan. These efforts had their successes and made it more difficult than it otherwise would have been for the Party to develop a less sectarian political line. The next chapter will examine this subterranean battleground.

# 2

## Assaults on the Party

The Communist Party and all of the organizations closely allied with it, including the Civil Rights Congress, were subjected to continual surveillance, infiltration, harassment, misinformation, and intimidation by state and private organizations. The purpose of these activities was to immobilize and ultimately destroy the Party and its support groups. The Party's isolation was intensified as a result, and its perception of political reality became increasingly skewed. Yet in spite of these attacks, the Party and its allies were able to remain active and involved in many arenas. The conditions under which the Party worked in the postwar era can be better understood by considering the covert actions taken against the targeted organizations by state and private agencies to accomplish their objectives.

Robert G. Colodny notes that all three branches of government directed repressive measures at U.S. citizens "attempting to exercise rights guaranteed by the U.S. Constitution" (1990, 77). The executive branch set the tone and encouraged the legislative branch and the courts to set up committees of inquiry and accept perjured evidence. The more important an idea was, the more attention it received, such as: the right of labor to organize, the struggle of racial minorities "seeking redress of ancient grievances," the call for a peaceful solution to world conflict, and

above all, the advocacy of socialism as a viable alternative for “organizing the common life of the American people” (77). All became fair game; political repression was the Cold War applied at home.

The police arms of the federal government were preoccupied with the mission of anti-Communism. All branches of the government recruited spies and informers. The Federal Bureau of Investigation; the Immigration and Naturalization Service; the Central Intelligence Agency; the Division of Tobacco, Alcohol and Firearms of the Treasury Department; the Internal Revenue Service; and the various congressional committees investigating “subversion” were involved to varying degrees with the harassment of Communists, Communist sympathizers, labor unionists, and radicals of all sorts. The Communist Party, organizations cooperating with it, as well as individual Communists and their close allies, were among the main targets.<sup>1</sup>

The federal anti-Communist campaign was replicated on the state and city level. Almost every state had its Communist investigating committees; its “counterintelligence” program of infiltrators, informers, and misinformers; its “Red Squad” or “Industrial Squad.” Out of the network of spies and informers came the blacklist. Alexander Navasky wrote:

Not only was there a Hollywood Blacklist, but there was also a Blacklist in the academic community from elementary school on up to graduate school, in the trade union movement, the scientific community and throughout all branches of government. (1989)

In Michigan, the state police was authorized to organize a Red Squad whose functions were almost identical to similar bodies in the federal government. Local municipalities likewise had their Red Squads. The city of Detroit organized its own Subversive Detail (Red Squad) in 1932. It was deactivated for a short period during World War II but resurfaced in February 1948, a time of intense union and political activity and growing Cold War atmosphere. In a letter to the Miami Police Criminal Information Bureau (reproduced in full in Appendix A), local

authorities in Detroit outlined the history and aims of the unit.

The use of state and private police to infiltrate Communist and radical political organizations and labor unions and to spy on individual activists is well known. George L. Corsetti noted the synergistic relationship between public and private agencies involved in these activities. As far back as 1935, Pinkerton agents infiltrated auto workers' unions. The president of the Chevrolet local in Flint and the vice president of the Fisher Body plant were such agents. The Ford Motor Company's service department, commanded by Harry Bennett, had eight thousand people on its payroll. That department was notorious for its spying activities and its policy of intimidation and physical assault. The Black Legion, an outgrowth of the Ku Klux Klan, murdered union organizers, Communists, and African Americans; it bombed meetings and union halls. The Legion had police, judges, mayors, and many other leading officials in the communities around Detroit as members. The LaFollette Committee of the U.S. Senate reported in 1937 that police had wiretapped phones, interrupted the mails, and harassed, intimidated, and physically abused unionists (Corsetti 1988).

During the war years some aspects of public and private police surveillance abated, but informing and surveillance remained in place. In the military services, Communists, and those suspected of being Communists, were closely watched. The "premature antifascist" was isolated. (Army Intelligence used this term for anyone active in the antifascist struggle before 7 December 1941. This applied particularly to those soldiers who had been volunteers in the International Brigade during the Spanish Civil War.) Some were transferred to noncombatant units; others were incarcerated in what amounted to concentration camps such as the installations at Shenango, Pennsylvania. Police activities expanded after the war's end and accelerated with the beginning of the Cold War (Navasky 1989, xvii).

From the time of its birth, the Communist Party was well aware of organized police surveillance. The level of concern varied with the political atmosphere. Sometimes suspicion reached levels of paranoia. At other times, during World War II, for example, the Party's defense against police activity was indeed

modest. This was particularly true of the Communist Political Association period.

In this chapter, in an examination of the attacks on the Party and its allies by the branches of the federal, state, and local governments, and by private police forces, I shall describe the extent and nature of the covert police activities. Throughout, I shall evaluate the effect of that activity on the organizations and individuals involved. The experience of these individuals as reflected in a series of interviews will help to make that assessment.

Much, perhaps most, of the work of the FBI was investigative. That agency expended a great deal of time and money to identify individuals who were members of the Communist Party, radical organizations, or labor unions, and to determine the details of their activities. It used the resulting dossiers in any of several ways. Sometimes it gave the information to a congressional committee. Sometimes federal agencies such as the Immigration and Naturalization Service (INS) shared the data. Many times the FBI informed an employer of an individual's "record," thus encouraging harassment and/or dismissal. Very often the investigators would read or show the dossier to the individual with a view of intimidating and recruiting that person as another source of information. Intimidation was extremely important because it tended to decrease a person's political activity (Corsetti 1990).

A second aspect of the FBI's work through its so-called Counter Intelligence Program (COINTELPRO) was the deliberate attempt, employing a variety of tactics, to influence the activities of an investigated organization. In some instances the agency tried to create dissension and ill-will within the organization by spreading rumors that a particular member might be an agent of the FBI or that the husband of an active member was having an affair with one of the women in that organization.<sup>2</sup> Many times the FBI sabotaged meetings of the Party or Civil Rights Congress by the use of a third force. In general, the same tactics were employed by state and local authorities.

The FBI file for Saul Wellman, for example, offers an intimate picture of the detail and persistence of surveillance carried out by the agency.<sup>3</sup> Wellman, who is fond of remembering that

he “sucked socialism at his mother’s breast,” joined the Young Communist League in 1930. He quickly became active in both Communist and union work. He volunteered early for the International Brigade during the Spanish Civil War and became a “political commissar” in the Abraham Lincoln Brigade. Inducted into the U. S. Army in October 1943, he joined the 101st Paratroop Division—one of the units which later participated in the famous Battle of Bastogne. He was discharged on 6 June 1945 (Wellman 1988).

As early as August 1942, J. Edgar Hoover wrote to the chief of the Special War Policies Unit, “re: Saul Wellman: It is recommended that this person be considered for custodial detention in view of the existing emergency.” Two months later, Hoover advised the Special Agent in Charge (SAC) in New York that an internal security custodial detention card for Wellman had been prepared. Wellman occupied the attention of the Bureau through most of 1943; the FBI reports include his employment record, his political history, and even his romantic life. The FBI apparently considered Wellman important enough to ask the army to notify the agency “in the event of his discharge from the Service.”

Hoover wrote to Colonel L. R. Forney, Assistant Chief of Staff, G-2, War Department, advising him that Wellman had been inducted.

Wellman, at the time of his induction was serving as Secretary of the Nassau County Communist Party and in July of 1942, it is noted that he advised his local Draft Board that he was the Industrial Secretary of the New York State Young Communist League. Your office has previously been furnished with investigative reports concerning this individual and for your further information, there is attached the report of Special Agent [blank].

The Bureau resumed its close surveillance of Wellman on his discharge. One such report is a seven-page, single-spaced typewritten resume of the subject. Page three of the report illuminates the widespread network of informers used. As the Secretary of the Veterans Affairs Commission of the Party,

Wellman had to travel around the country meeting with various leaders. The Agency knew that on 4 April 1946, at 10:33 P.M., Carl Winter, chairman of the Michigan District of the Communist Party, sent a telegram to Wellman, who was in New York, saying, "My friend will phone you early Saturday morning." On 23 May 1946, an informer reported that Wellman was in Seattle, Washington. On June 11 another anonymous informer advised the Bureau that Wellman,

together with his wife and children visited St. Louis for several days . . . and that on the morning of June 11, 1946, Wellman was present at the headquarters of the Communist Party 1041 N. Grand Boulevard, St. Louis, Missouri and apparently was in conference with Ralph Shaw, State Chairman of the C.P., Missouri and John Rosen, City Secretary of St. Louis.

The remainder of the report is devoted to summaries of Wellman's remarks at various meetings. It contains copies of articles in the *Daily Worker* relating to him and, finally, photographs and copies of his handwriting. This brief review of only one of scores of reports offers some insight into the pervasiveness and thoroughness of FBI surveillance.

The FBI knew of Wellman's appointment as National Auto Coordinator as soon as it was made and was aware that on Sunday, 28 July 1946, at Magnolia Hall in Detroit a conference of all Party clubs dealt with the issue of financing his job. In that document are twenty-six separate reports on meetings Wellman attended, and what he said. A special section of the same report deals with his political analysis of problems within the Veterans of the Abraham Lincoln Brigade and the "struggle against Browderism." The same document also notes that he met with Jack Raskin and Ann Shore, both leaders of the Civil Rights Congress, to discuss the "lack of cooperation of the Jewish [Community] Council, the NAACP and Labor Unions."

As busy as Wellman was, he did have time for consultation with the leadership of the Civil Rights Congress (CRC). One report, fourteen pages long, informs us that just three weeks earlier a board meeting of District 7 of the Michigan Party was

devoted to a discussion of organizational problems of the CRC. During that meeting Wellman argued that the “staff of CRC should consist of four or five comrades, two or three of whom to work in the CRC central office and one or two to work in the various CRC chapters.”

The FBI learned that Wellman was present at a District board meeting held at 1310 Broadway “which was attended by all the main functionaries of District 7.” The major agenda item of that meeting was discussion of the proposed Callahan Bill. Carl Winter, chairman of the District, reported that the “National Board regards the Callahan Bill with the utmost seriousness . . . [and] there is a serious view of this bill in the Center and they think we should be prepared for any eventuality.”

Typical of many over the next several years, this report, following the usual procedure, first summarizes Wellman’s past history. Thirty-six “sub-reports” deal with a wide range of his activities. Details of his attendance at various meetings of the Party sections at the Ford plants; his activity in organizing a “National Auto School;” his speeches in Milwaukee, Wisconsin, where he attended a Party Building Conference; even a casual conversation he had at Party headquarters with Stephanie Allen, wife of Billie Allen, Michigan correspondent for the *Daily Worker*; his presence at a fund-raiser for the Communist Party at the residence of Hope and Harold Smith, both active Party members; or his participation in a special meeting with Carl Winter, Nat Ganley (business agent for Local 155 UAW), Chris Alston (African American Party activist), and Willie McKie (the legendary Party organizer at the Ford Rouge plant) to discuss contract negotiations between Local 600 and the Ford Motor Company. All these matters were of interest to the FBI.

By the late 1940s, the Party was more acutely aware of the FBI’s mission to infiltrate the organizations. By then all Party personnel took for granted that meetings, particularly public meetings, were observed by government agents, and that various agencies had eyes and ears within the Party. Although government surveillance of the Communist Party is constant, the intensity and thoroughness of the surveillance varied according to political conditions. When the Party’s policies are in complete

opposition to the government's, as they certainly were in 1940, surveillance is most intense.

One may recognize this problem in the abstract. On a practical level, however, most people had difficulty relating it to their everyday activities. The FBI surveillance of the Buck Dinner is a good example of this.<sup>4</sup> Everyone attending the Buck Dinner was aware of the two carloads of FBI agents very conspicuously parked in front of the hall. Everyone knew that they were recording the license plate numbers of all the cars in the parking lot of the banquet hall and on adjacent streets. Sometimes people entering the hall would taunt the FBI agents. It is doubtful, however, that many had any idea of the extent of FBI surveillance or the detail to which the Agency went to gather information and to penetrate organizations.

One quality of the informers is impressive: they all seemed to have outstandingly good memories. Very often sections of speeches made by Wellman were reported apparently verbatim. A report in 1949 tells of a meeting of section organizers of the Ford branch at which Wellman spoke. The informer reported that Wellman said:

The imperialist forces of this country with the aid of President Truman are striving to outlaw the Communist Party by legal means. But the fact that must remain clear in our minds is that these forces cannot separate the attack upon Communism from Labor. J. Edgar Hoover and his hatchet men and every active United States Agency have been thrown into this national witch-hunt campaign. This is not the first time our Party has been so attacked. During the period after the first [World War] it was the same and the Party has always met that attack with a militancy that must be renewed at this period with a greater fervor than ever because our enemy today is more cunning and educated in its methods of attack. . . . To meet this crisis we must mobilize our Communist and progressive forces to fight back these attacks through the press, the Herald and every available medium at our command.

The Wellman files consist of well over four hundred pages, probably larger than most. They demonstrate that the surveillance was of long standing, that it was well coordinated nationally and that the network of informants was pervasive. The FBI made no great secret of its surveillance, since it openly monitored public meetings and very frequently went to the homes of neighbors of their targets and to the targets themselves. Given that some eight million dossiers exist, the intimidating effects were indeed great (Caute 1978).

A special function within the Federal Bureau of Investigation was its Counter Intelligence Program, initiated in August 1956. This program aimed to influence the activities of organizations in which it had an interest, to sabotage activities, to create tension and disharmony within targeted organizations and between an organization and any others with which it may have had a relationship.

COINTELPRO attempted to capitalize on the increasingly exacerbated factionalism and tension within the CPUSA following the Khrushchev revelations at the Twentieth Congress of the Communist Party of the Soviet Union. As the designers of the program said, the purpose of the operation was to “increase factionalism, cause disruption and win defections.” This intrusion was justified on the grounds that “whenever the CPUSA can be weakened or disrupted its threat to our internal security will be undermined to that extent” (Hoover 1956).

The Party was undergoing a crisis in the summer of 1956. The Khrushchev disclosures and the situation in Hungary brought to a head a conflict of viewpoints that had been simmering for several years. Recognizing the possibilities of the situation, the Counter Intelligence Program requested an analytical monograph dealing with the state of the CPUSA. The purpose of the monograph would be to serve as a source book or guide in planning disruptive activities against the Communist Party. This theme, “carrying out a program of disruption,” appears over and over again in the reports of COINTELPRO.

Having made its analysis, the Bureau moved quickly. Its first operation was to make “use of current Socialist Workers Party

[SWP] Program to increase disruption in the CPUSA.”<sup>5</sup> The Bureau noted that the SWP, an organization of five hundred members nationally, was trying to recruit leaders and active members of the CPUSA by taking advantage of its confusion. In order to capitalize on the SWP program, the Bureau made suggestions to those FBI offices covering the local branches of the SWP. The chief agent in Detroit was instructed to use its SWP contacts to supply names and addresses of CPUSA members to the SWP branch. Those individuals would supply the SWP with newspaper articles and reports from congressional committees identifying local CPUSA members. Washington encouraged the Detroit FBI office to furnish the location and time of any future CPUSA meeting to the SWP so that the latter could pass out literature. It also directed Detroit to purchase subscriptions to the *Militant* and then mail them to the top Michigan Communist Party leadership. Finally, the Bureau suggested that its SWP contacts emphasize the anti-Semitic crimes in the USSR. The Bureau noted that “the current SWP program is made to order for the Bureau in increasing disruption within the CPUSA.”

Within two weeks, the Detroit FBI reported that the local branch of the SWP was not as successful as the Seattle branch in penetrating the CP. In general, the Detroit Bureau was rather pessimistic about the level of success the local SWP would achieve but nevertheless wanted to pursue the operation, commenting that the Detroit branch of the SWP “will readily and with appreciation, accept the [FBI] information at face value and exploit same. Due to their zeal to pursue this program, it is believed that they will have little concern as to the origin of the information.”

While the effort to recruit into the Socialist Workers Party did not succeed, the interest which the FBI had in exacerbating the SWP-CPUSA relationship continued and led to even deeper suspicions between the two organizations during the civil rights movement and the campaign against the Vietnam War.

Identifying individual CP members, the level of their activity, and the organizations in which they were active was a major objective of the FBI, which was able to use its extensive knowledge of Party internal affairs to propose actions utilizing that information. For example, the Michigan District of the Party

undertook a drive to assure that every member was registered and up to date with dues payments and that all former members were located and reregistered, and that every member was assigned to a Party club and to a mass organization. The Detroit SAC (Special Agent in Charge) proposed an intriguing project. His office would utilize a

pretext CP membership questionnaire attached to an appropriate pretext cover letter setting forth the Party's aims in having this questionnaire executed immediately. [The] purpose of the pretext questionnaire is to ascertain current CP membership; CP background of individuals; Michigan District CP club breakdown; identity of those individuals who desire to be re-registered in the Party; a source of information on potential security informants; infiltration in mass organizations and trade unions; and/or general disruption within the Michigan District CP.

Since the Michigan District was energetically trying to increase the number of dues-paying members and was in the process of rearranging club structure and assignments, the Detroit SAC felt that it would be an opportune time to undertake such an operation.<sup>6</sup>

As we examine COINTELPRO operations in Detroit, we must not lose sight of the broader "counterintelligence" actions taken nationally. The Party was going through an extremely critical period, with important state and national meetings culminating in the National Convention of February 1957. In the course of that entire process, various factions were simultaneously attempting to hammer out a political line and jockeying for power and control.

The interest of the FBI in the various tendencies within the CPUSA increased after the February 1957 convention. Within a month of the convention, the Bureau sent instructions to the twelve offices covering 88 percent of all CP members describing new opportunities for informants. Quoting from the Party's open letter of 7 March, which stated that the new Party constitution provides "the fullest freedom of discussion and participation of the membership in putting an end to bureaucratic forms and

methods of work,” the Bureau wrote that this “clearly gives each informant the fullest freedom of discussion.”

In the same document we learn that Hoover ordered each office to recruit additional informants, specifying that these informants should establish a reputation of being very interested in the Party. An informant should be willing to speak “frankly” and get to be known as one who “calls a spade a spade.” Furthermore, the director continued, a new informant should be able to develop a reputation as a dedicated but independent thinker, one who could offer constructive criticism when warranted. Finally, the new type of informant should be one who would not be out of character speaking out if the Party were to “crack down on controversial discussion.”

The Bureau recommended that special attention be paid to the issues of youth and what was then called the Negro question. Each office was to develop a plan to implement the directives. To help the informants, COINTELPRO recommended that the Central Research Section develop a document setting forth the position of the “left wing” and “right wing” factions on a variety of issues, such as the Hungarian Revolution, criticism of the Soviet Union, democratic centralism, and endorsement of the “Joint Resolution” of the twelve parties of the Communist Information Bureau (Cominform).<sup>7</sup> The Michigan Party differed from the national Communist Party in that there was no attempt to form left or right factions, and endorsement of the twelve-party resolution did not become a matter of intense discussion as it did elsewhere.

Of even greater significance in the report was the section dealing with a COINTELPRO operation directed toward African Americans in the Michigan Party. The aim of this action was to create and exacerbate tensions between Black and white Party members. The Detroit FBI office had the Pittsburgh office mail two articles to fourteen “carefully selected Negro members of the CP in Michigan.” Both articles, one from the 15 March 1958 issue of the Detroit edition of the *Pittsburgh Courier*, the other from the March issue of *Ebony*, dealt with the problem of Jewish-Black relationships. COINTELPRO reported that

in analyzing the State Committee membership of 39 we find that 16 are Jews and 10 are Negroes. Consequently, we have found that the anonymous mailing of literature of a controversial nature regarding Jews and Negroes has had a profound effect as a weapon in carrying out independent thinking on the part of these leaders.

Detroit COINTELPRO was pleased with its accomplishments:

It is the opinion of this office that the anonymous mailing phase of this program has had a far greater effect in disrupting the Michigan CP District than any other activity. Informants operating under this program have increased their prestige as a result of their participation in the program and they will continue to raise controversial issues on an intelligent basis in accordance with Bureau instructions.

Efforts to deepen the tensions continued during the summer and fall of 1958. The following anonymous COINTELPRO letter, the most personal I have seen, arrived at the home of all African American and selected white Communists in Michigan:

Dear Friend,

Communism has made an important contribution to the welfare of the people within our country. Integration of the Negro people was one of the important achievements of American democracy to which we contributed, but that is past and no movement can live in the past.

We Negroes thought of fine prospects of more liberation and equal rights by association in the Party and with many whites in the organization who sincerely felt as we do. We have worked together to make our country a better place in which to live and improve our status.

The wife and I have done much in the organization to help bring about that feeling of unison and purpose. She begged me not to make an issue of this because it would be pushed aside as other Negro problems have been, but I cannot allow this to continue even though I am slowly

losing interest in the organization I worked so hard and for so long.

Why am I bitter? Well, it is because all of our leadership want to be chiefs and there are few Indians left. They haggle among themselves for power and tell the membership to do not as we do but what we tell you to do.

A good case in point I learned of recently is that because a family of my race moved in next door to Phil Schatz, he and Gert sold their house after just a short time there. The reason is obvious. They don't want to live near one of our race. The Crowes and Jacobowitzes, who also live near by, are also moving out for the same reason. The Ganleys have already moved to a white neighborhood because a non-white minister moved next door to them.

You will remember, we all contributed to the Bail Fund to help Schatz and Ganley and this is how we are being repaid.

You may wonder why I do not give my name. It is because I still want to continue to fight for real Socialism and am afraid that friends of the whites would expel me.

How long must we endure this chauvinism?

Comradely,

The FBI seized the situation that had been brought about in the Detroit area by several leading Party functionaries selling their homes to African Americans and moving to another neighborhood. Hoover instructed Detroit to stimulate discussion around the issue until "every Party club in Detroit has learned and discussed the white chauvinist character of [blank] and the other Party leaders." Furthermore, after composing a letter satisfactory to the director, the Detroit office was instructed to contact George S. Schuyler of the *Pittsburgh Courier*, suggesting that he might "want to take the Party to task for its white chauvinism."

The COINTELPRO files available to me are incomplete and I can assume that they represent only a small part of the full range of activities. For that reason, I include several cases that occurred up to 1966. I do this first to give the reader a broader spectrum of

the type of activity COINTELPRO undertook and second to make it clear that these actions continued well beyond the demise of Senator Joseph McCarthy.

The FBI did not limit itself to the task of creating general confusion and disharmony. It also undertook the sabotage of specific events such as fund-raisers, public meetings, and similar activities of the Party or its allies.

For almost as many years as it existed in Detroit, the *Daily Worker* organized a major fund-raiser, the Spring Bazaar. Friends of the paper supported the two-day affair because in addition to the financial and political importance of the event, it offered an opportunity to renew acquaintances and friendships. In 1965, a "Friends of the Daily Worker" committee organized a Spring Bazaar for 20 and 21 March at the Jewish Music Center, 14868 Schaefer Highway, Detroit.

On February 11, the Detroit FBI office notified Hoover of its intention to sabotage the bazaar. Two weeks later, the director replied:

The Bureau believed the leaflet you proposed to expose and *disrupt* [emphasis mine] the 3-20-21-1965 bazaar to benefit the *Daily Worker* will appear more authentic if prepared in mimeograph form on commercially purchased paper rather than if prepared in a more professional style. Also it is not believed this leaflet should be circulated by SAC personnel in the area of the Jewish Music Center.

Authority is granted you to prepare in mimeograph form the leaflet as outlined in reairtel [air telegram]. Thereafter the leaflet should be anonymously mailed to residents, business establishments and other interested parties, including newspapers in the neighborhood of the Jewish Music Center. The usual precautions should be taken to insure this mailing cannot be associated with the FBI.

To insure that a number of these leaflets be in the hands of antiCommunists or groups who may be prone to take action, it is suggested that some of your letters be addressed to local churches, veterans organizations, civic

and fraternal groups, police stations, schools, etc. In these instances the envelopes should be directed to the address only, thus giving the impression of an unintentional misdirection of the mailing. Carefully follow this action to determine if your disruptive objective is achieved.

If deemed pertinent you should consider follow up action to further compound disruption. This additional action should take the form of a second anonymous mailing after your initial action, of letters from "irate citizens," "parents," "concerned Americans" etc., to pertinent newspaper editors, veterans' organizations, civic groups and central police stations, the mayor and other responsible authorities and anticommunist groups complaining about activities at the Jewish Music Center. These letters should be typewritten on a variety of commercially purchased stationery and would be posted in the area of the Jewish Music Center, enclosing a copy of your original leaflet.

Advise the Bureau of any tangible results of your initial action and if the additional suggested action is deemed warranted, submit your request to the Bureau for additional authority by the most expeditious means possible.

The operation met with initial success. At a meeting of the Worker Committee one learns that several neighborhood businessmen received "threats" and had decided not to allow the Bazaar to be held as scheduled. The JMC, which the FBI had previously characterized as a "Communist front," canceled the Bazaar. The Friends of the Daily Worker Committee then transferred it to Nowak Hall. As a result of the change in place and date, the Spring Bazaar was much less successful than in previous years, thus depriving the Party of much-needed revenue. Perhaps more important was the effect the operation had on the people involved and the relationship between the Party and the Jewish Music Center.

May Davidson, a former member of the Jewish Folk Chorus, recalled the acrimonious fight within the JMC over the issue. Her parents, Max and Rose Sabaroff, were active in radical

Jewish politics and generous supporters of both the Jewish Music Center and the Jewish Folk Chorus; they were well aware of the bitter discussions and tensions in the Executive Board (Davidson 1990). That tension is described in a letter from Special Agent F. J. Baumgarden:

[Billy Allen] said he was considering filing law suit against one of the Board members. He blamed [blank], the Communist in charge of the Jewish Music Center, for the cancellation. Allen described [blank] as a "coward." Allen said it was necessary for him to expend funds to place additional advertising, publicity, leaflets and advertisements setting forth the location of the Bazaar at the Jewish Music Center. He said a 900 piece mailing was prepared and ready and these he had to "throw in the garbage."<sup>8</sup>

Compounding the tension resulting from the operation, the Jewish Music Center refused to allow the Jewish Folk Chorus, one of its affiliates, to perform for the Bazaar as scheduled.

In a letter summarizing its work, the special agent in charge of Detroit's "counterintelligence" program reported to the FBI director:

The cancellation of this affair caused great consternation to officials of the MDCP [Michigan District of the Communist Party]; caused a loss of money to the MDCP through issuance of publicity which has to be changed; caused bickering between leaders of the MCDP and officials of the Jewish Music Center even to the extent of a possible law suit and resulted in the rescheduling of the bazaar at a location owned by cooperative sources of the Detroit Office.

An additional result of this counterintelligence action was the fact the members of right wing extremist groups residing in Detroit were accused of disrupting this affair. This placing the blame on right wing extremist groups has been additionally helpful as subsequent counterintelligence actions were also attributed to these groups.

This report, like all COINTELPRO reports, contained a section called "Tangible Results." One must bear in mind that it is likely

that the agent might tend to exaggerate the effectiveness of his work. While it is difficult to measure the results precisely, May Davidson's comments tend to confirm my estimates that their work was, indeed, quite effective (Davidson 1991).

Later that year, the Detroit FBI office told Hoover of the existence of an organization called "Breakthrough," whose purpose was to spread information about the "nature of communism" and the background of certain left-wing groups and organizations in Michigan. On 1 May, Breakthrough sponsored a "Victory over Communism" motorcade in support of the U.S. military presence in Vietnam. In the motorcade were 208 vehicles and five floats with signs such as: "To Our Boys In Vietnam, Thanks" and "Stop Red Aggression in Vietnam." The event culminated in a flag-raising ceremony at the Veterans Memorial Building.

The Detroit FBI office evaluated Breakthrough as being "eager to be active but not experienced in the actual tactics and not knowledgeable concerning the identities of members of the MDCP." Taking their lack of experience and knowledge in consideration, the Detroit office proposed a

counterintelligence technique that efforts be made to take over their activities and use them in such a manner as would be best calculated by this office to completely disrupt and neutralize the MDCP. This action would, of course, be accomplished without Breakthrough becoming aware of the Bureau's interest in its operation.<sup>9</sup>

The Detroit office then proceeded to outline an action "designed to take over and/or guide the activities of Breakthrough in a manner best calculated to disrupt the MDCP." The first step of that plan was to make contact with Breakthrough by sending a letter over the pseudonymous signature of Lester Johnson. It is obvious that the writer was referring to George Crockett.<sup>10</sup> The letter reads:

Dear Sirs:

I read with interest and appreciation your information sheet on [Crockett's name blanked out]. I will add it to my collection of information.

However, as a long-time observer of the activities on the red front in this area, I think there are other items regarding [blank] that should be called to the voters' attention. For instance, he served four months in jail for contempt of court in the Foley Square trial of Carl Winter in 1949.

His record and actions in that trial are well covered in the local newspapers and in the Commies own paper, "The Daily Worker." The January 29, 1950 issue of the paper also quotes Crockett as saying that the Communist Party is the greatest champion of Negro rights and that he was highly honored to be selected as their defense attorney.

His record in that red rag also includes an article by him containing praise for Ben Davis, long one of the leading U.S. Commies, as "one of the most selfless individuals I've ever met."

[Next paragraph blanked.]

The September 7, 1952 issue contains a story about a welcome home Party for [Crockett] after he served his four month term for contempt of court. This Party was sponsored by the Civil Rights Congress and the Michigan Committee for Protection of Foreign Born, two of Detroit's most rabid red organizations in the 50's.

A review of old copies of the "Daily Worker" discloses that [Crockett] served numerous Commies as their [legal counsel] over the years and as the attorney for Commy front organizations.

I am sure if the voters were informed of the man's complete record, which I trust is available to you, they would never elect him as a judge. I hope you can use this information which is all public and that you will continue your efforts to get this man's record before the voters. Keep up the good work.

Lester Johnson

The Washington office of the FBI devised a method of communication with Breakthrough. It suggested either a post-office box under an assumed name or messages in the personal columns of Detroit newspapers, and it fabricated a cover story

for Lester Johnson presenting him as a long-time observer of the activities of the “red front.” Johnson would be elderly, well-to-do, and somehow harmed in the past by Communists.

The second part of the plan dealt with motivating Breakthrough. The office felt that Breakthrough’s deeply felt anti-Communism was sufficient motivation if a strong case for the success of any of the suggested actions were made. Despite that, the local FBI agents did not overlook the possibility of financial rewards offered to Breakthrough and asked their Washington superiors for comment on the “propriety of this proposal.” Detroit foresaw the possibility of a situation arising where Breakthrough could be told that if it were to take a particular action that would incur some expense, Lester Johnson would contribute fifty dollars to help defray some of the costs.

Finally, the plan went on to suggest that Breakthrough picket the homes of selected Communists in the belief that “Communists cannot survive if forced to operate in the spotlight of publicity . . . and the possibility exists that their neighbors don’t even know who they are.” The office would furnish public source information to identify individuals and would urge Breakthrough to approach the picketing as a public service to the community and the nation.

The value of this plan, in the judgment of the Detroit office, would be that given even a moderate degree of success it would then be possible that “every planned action of the MDCP would ultimately have to be considered by them in the light of what action Breakthrough would take. Thus the picketing of bazaars, open meetings and other such functions of the MCDP would become a definite possibility.”

This type of “counterintelligence” action created vehicles through which the FBI was able to engender confusion and sabotage. It also was, at least in the instance of the action against George Crockett, clearly illegal interference by a federal agency in a local election.

At about the same time that the Detroit SAC became interested in Breakthrough, he began to pay particular attention to the Detroit W. E. B. Du Bois Clubs, one of the many successor-organizations to the Young Communist League (YCL). The club had planned a recruiting dance for 31 July. After the agency

notified the Detroit Police Department, three club leaders were arrested for conducting a dance without a permit. Trial was set for 23 August. This type of harassment was typical of the actions of various state agencies which, over the years, have diverted many Communist and other organizations from legitimate activities by embroiling them in legal actions. In this particular incident, the charges were dismissed at the personal recommendation of the Detroit City Police Commissioner.

The Detroit SAC ruefully wrote that he believed that “a neighbor of the Police Commissioner and a political candidate for the Detroit City Council, who is also the attorney for the Detroit Du Bois Club, personally contacted the Police Commissioner and had him drop the charges against the three youths.” This memo laid the grounds for a future guilt-by-association incident.

At the time the club had been trying to establish a chapter on the campus of Wayne State University. They had obtained a sponsor and requested recognition by the dean of student affairs. In the fall of 1965 an operation was set in motion. The Detroit SAC issued a leaflet entitled “Target . . . American Youth!” The thrust of the leaflet was to describe the Du Bois Club as a “subversive Communist front whose mission was to entrap American youth.” The agency arranged to give one of its Wayne State informants information about the club and its personnel “with the understanding that it be brought to the attention of the Board of Governors.” When the Du Bois Club planned a panel discussion to be held on 13 August, the Detroit agency recommended a “counterintelligence” action to be channeled through the *Daily Collegian* (Wayne State’s student newspaper) exposing the “true nature” of the Du Bois Clubs of America (DCA) and the attempt to establish a chapter at the university. The agency’s goal was to expose the background and sponsorship of the Du Bois Clubs in order to make it more difficult to organize a chapter at Wayne and cause the university to refuse to recognize such a chapter.

The Bureau supplied the president of the Young Republican Club on the Wayne campus with leaflets “exposing the true nature of the DCA.” The leaflets were distributed at the meeting

and on the Wayne State campus by members of the Young Republicans. Copies of the leaflet were made available confidentially to a member of Michigan Governor George Romney's personal staff with the expectation that the leaflet would be given to the Board of Governors of the university. Interestingly, F. J. Baumgarden, the author of this memo, dated 6 October 1965, assured W. C. Sullivan, to whom the memo was addressed, that the individuals involved in the transmission of the leaflets "will be instructed not to divulge [the] Bureau's interest in passing on the leaflets."

Hoover's office suggested that the professor who had agreed to sponsor the Du Bois Club, and who is himself the subject of an extensive FBI dossier, might well be included in COINTELPRO action. On 13 October, Hoover authorized the Detroit SAC to proceed with efforts to "expose and discredit the Communist front group."

The FBI contact reported that the Dean of Student Affairs was "extremely fearful" of recognizing the Du Bois Club but was concerned that a lawsuit would ensue if he did not. (This happened previously when the university canceled a speaking engagement of someone with a "subversive" background.) The dean asked for more information about the Du Bois Club. A few days later the director permitted additional information to be given the dean from the FBI files.

When the Du Bois Club invited Northwestern High School students to their club headquarters in Detroit as part of an organizing campaign, the FBI moved ahead with vigor. Again an anonymous letter, this time containing a leaflet in the name of the Catholic War Veterans, was sent to churches, schools, and civic organizations in the area where the Du Bois Clubs were organizing. And again, the director cautioned its Detroit agents to use a manual typewriter and commercially purchased mimeograph paper, and to mail the letter near the high school taking "the usual precaution to insure the mailing cannot be associated with the FBI."

The COINTELPRO files contain much to illuminate the FBI's efforts to neutralize the activities of the Du Bois Clubs. These clubs were not alone. A very partial list of COINTELPRO targets includes the following organizations and publications: the

Progressive Party; the Communist Party; *News and Letters*; the law firm of Sugar, Goodman, Eden, and Robb; the Ecorse branch of the NAACP; and *Glos Ludowy*, a left-wing Polish-language newspaper. The program was also concerned with individuals, including Bolza Baxter; George Crockett; Professor Leon Weaver of Michigan State University; Eugene Shaferman, M.D.; and Michele Winter.

Michele Winter Stone, daughter of Carl and Helen Winter, Communist Party leaders who were indicted and tried under the Smith Act, was a speech therapist in the Warren school system and thus for the FBI a logical candidate for a “counter-intelligence” action. J. Edgar Hoover instructed his Detroit office to “submit counter-intelligence recommendations for alerting appropriate authorities anonymously or confidentially to the continued employment of [blank] by the Van Dyke Public School System, Warren, Michigan, a position where she has an opportunity to plant the seeds of communism in the minds of unsuspecting youth.”

The Detroit FBI responded with a plan that would serve a double purpose. Recalling the “Victory over Communism” motorcade, the SAC obtained from an agency informant a list of the registered owners of the cars in the parade. Eleven were residents of Warren. The following letter was to be sent to six of those eleven individuals:

Dear Sir:

I’ve got a friend who is an anticommunist and who knows what he’s talking about. I am a God-fearing Christian and an anticommunist. I seen your patriotic parade on May 1, 1965, when you had a motorcade and flag-raising ceremony. God bless you and yours.

My friend, what I mentioned before, is an anti-communist who knows something I should tell you. There’s a Communist teaching school in Warren, Michigan. My friend says she’s some sort of a speech teacher with the Van Dyke Public School District. Her name is [blank]. My friend says her father and mother are [blank] and his wife [blank]. Both of these are ones who have been put in jail by the government for being big-shot

Communists. My friend says her father, [blank], is such a big shot that they been sent to their Communist headquarters in New York.

My friend says he knows for sure that this Red teacher goes to all kinds of Communist meetings and even parades in the street and sells their dirty Red newspaper.

If you are the anticommunist that you say you are, how come this woman is a teacher in Warren, Michigan? Instead of getting in parades, why not get rid of Reds in schools where they can poison our kids brains.

Thus started a prolonged period of harassment of Michele Stone. A year later Ms. Stone, who often sang at a variety of meetings and public affairs, was invited to be part of the entertainment at a bazaar targeted by the local FBI in a COINTELPRO action. The Detroit agency sent copies of the leaflets advertising the bazaar to the Van Dyke Board of Education, the superintendent of the school district, the mayors of both Warren and Center Line, the city council of both cities, the chiefs of police of both cities, a representative number of churches within the school district, and the president of each school PTA within the district. The agency ordered the following message to be attached to the leaflet:

This leaflet was passed out by the Michigan Communist Party to advertise their fund raising bazaar, which was also well advertised in the Communist newspaper, the Worker. [blank] is employed by our school district as a teacher. We strongly protest the continued employment of a known Communist in our schools.

Committee for Clean Schools

Stone's coworkers and political associates were aware of the significance and purpose of the mailings. She had discussed her situation with her superior, who assured her that they were interested only in the quality of her performance. Although Stone was, in fact, never terminated, the pressure on her and her colleagues had its effect. Her political associates became even more acutely aware that their own jobs might well be in jeopardy. For

most that served as a brake on their political activity.

Dr. Eugene Shaferman, too, was the target of COINTELPRO operations. A political radical and a socially concerned physician, he was involved in support of the Spanish Republican government in the late 1930s. Because he performed physical examinations on American recruits for the International Brigade, he was arrested in February 1940, on an indictment charging enlistment for a foreign service. That charge was dismissed.

On his return from a tour of the Soviet Union and the Eastern bloc countries in 1965, his friends arranged a welcome-home event. The Detroit FBI recommended a “counterintelligence” action, beginning with an anonymous letter to his wife. The agency hoped that it would “cause disruption in the leadership of the MDCP and might possibly cost the MDCP an ‘angel.’” The letter, unsigned and in a woman’s handwriting, read:

I have a problem that I have been living with for days which is keeping me awake nights to do what’s right. Some time ago my husband did things which hurt me in the heart. Things that only a fool would do to one who loves him.

Forgive me if what I tell you hurts your heart but I think I should tell you for your own good. Maybe your husband hasn’t deceived you, but I’ve learned from one that knows that your husband is making a fool of himself over a woman who works in his office. I don’t know her and maybe she’s a good woman but why is your husband giving her money to travel to Europe?

I hope I’ve done right in telling you this before it gets worse.

The FBI apparently underestimated Dr. Shaferman’s wife, because the operation had no effect on their relationship; nor did it affect his relationship to the Michigan Party. The agency, however, persisted and found another opportunity to harass Shaferman. Early the next year, the Du Bois Clubs had a national meeting in Washington, D.C. A young Detroit, employed in a small auto parts plant and an active member of the club, decided to attend the meeting. He took several days off from work,

claiming sick leave but without requesting pay for the time absent.

The Washington FBI identified him at the meeting and relayed the information to the Detroit office, which immediately contacted the young man's employer with the intention of getting him discharged. Defending his action at a company hearing, the young man offered a prescription for medication written by Eugene Shaferman, M.D., as proof of his illness. His hearing resulted in a short suspension. At this point the scenario became bizarre.

Detroit forwarded a copy of the prescription to the New York FBI office asking them to "expeditiously review its case file" on Shaferman to determine if samples of his handwriting were available. If New York could locate copies of his handwriting either in their files or elsewhere then that office should compare the samples. If they were not identical, the FBI could deduce that the prescription was fraudulent. If the signatures were identical, the FBI could show that Shaferman wrote a prescription without examining the young man. In that case the Detroit office would confidentially alert the New York State Division of Professional Conduct "with a view of having his license revoked." Nothing came of the FBI's efforts in this instance.

In this particular instance the FBI not only interfered with affairs of a state regulatory agency, but also injected itself into the affairs of a UAW local. On 18 October 1966, Hoover instructed Detroit to ask the company for which the young man worked to try to persuade the union that it "had been infiltrated by a Communist and the company could help the union by discharging [blank]." This would be to the union's benefit, according to Mr. Hoover, especially since the company has a legitimate reason to discharge the employee. That reason, of course, was his unauthorized use of sick leave.

The young man returned to work after his suspension and remained with the firm for eight months before leaving for another job. Dr. Shaferman continued practicing medicine until he retired in the late 1970s. The whole absurd incident illuminates the lengths to which the agency would go to carry out its mission.

Detroit COINTELPRO felt free to intrude into family relationships as well as into unions and public agencies. The FBI considered “sex scandalizing” a valuable tactic, as the case of Tommy and Ellen Dennis illustrates. Tommy Dennis was one of the Detroit Five, and both Tommy and Ellen were active in the Michigan Party, holding a number of important Party posts. In the report of the Detroit SAC to the director, one learns that Ellen Dennis received a letter stating, “Your husband is spending a lot of time with some shapely white [blank] when he is supposed to be at work.” After a suitable interval another agency letter was sent, this time to the woman’s husband: “Your wife seems to have a lot of visits at strange hours from a nigger driving a [blank].”

Evaluating the importance of this operation, the SAC wrote:

It is believed that this technique, if successful, will have the effect of preventing [the woman] from ever becoming a MDCP member because of the objections of her husband and will additionally cause embarrassment to the MDCP. It should cause him [Dennis] additional marital difficulties, decreasing the effectiveness of his work.

A few days later J. Edgar Hoover wrote, “The effort and imagination Detroit is affording the Counterintelligence Program is exemplary.”

One final example of COINTELPRO operations against individuals will demonstrate how an attack on a single individual was used to involve others, a form of “guilt by association.” In May 1954, Bolza Baxter, the local chair of the Labor Youth League, stood up to Congressman Kit F. Clardy, chair of a HUAC subcommittee, and refused to turn over the membership list of the Michigan Labor Youth League. For that he was tried and convicted in federal court, a conviction that was overturned based on a ruling of the Federal Superior Court deciding another but similar case. Baxter was a militant leader in the African American community and thus earned the enmity of Congressman Clardy and others.

Mayor Jerome Cavanaugh appointed Baxter’s brother, Willie, secretary of the Department of Street Railways Commission at a

salary of \$14,162 a year. The 29-year-old appointee had been a member of the Detroit Commission on Community Relations for five years and was the national representative of the Central States Joint Board of the Amalgamated Clothing Workers of America for six years. He was a board member of the NAACP for ten years and had been vice-president of the Trade Union Leadership Council.

The Detroit agency initiated another of its anonymous letter campaigns aimed at revoking the appointment. Toward that end it sent a letter to Mayor Cavanaugh and both Detroit newspapers describing the political activity of the Baxter family and reminding the mayor that Willie Baxter's brother, Bolza, had defied HUAC. The next day, the mailing list was expanded to include Governor George E. Romney, Senator Philip A. Hart, both the Republican and Democratic state committees, the American Legion, the county prosecutors, and city councilmen. The letters linked the question of Willie Baxter's appointment to Bolza's activities.

Mr. Hoover said that Willie Baxter was identified as a Communist Party member but had been "released from Party work to be a Progressive." His work in the field of community relations will give him "ample opportunity to propagate his Communist philosophy."

In the meantime Bolza Baxter was active getting unions and community organizations to endorse the candidacy of George Crockett for Council. "Detroit feels that in view of that [his activity for Crockett] further exposure of his background is necessary and desirable and is considering further counter intelligence action against him."

A memo dated 14 October 1966 reads in part,

[blank] advised this office that it was his personal opinion that the information would be used for embarrassing Mayor Cavanaugh at sometime in the future in the event it became "politically expedient" to do so in view of the fact that Romney is the leading Republican in Michigan and Mayor Cavanaugh holds a leading position in the Democratic Party in Michigan.

Surveillance was indeed pervasive. It involved the private sector as well as the public—so much so that Wellman said:

In 1944, when a man by the name of Pat Toohey was the chairman of the Communist Party of Michigan, John Bugas, who is the ex-FBI agent who became the personnel director at Ford, made a statement that he had the Party so supervised and surveilled that Pat Toohey can't take a shit without him knowing about it.

Although the FBI was careful in its “counterintelligence” operations to make certain that the agency could not be identified, it was anxious to make its presence known to Party members and activists. The Bureau used visits to homes and places of employment ostensibly to gather information, but actually to intimidate. Invariably, two men, neatly dressed, with closely cut hair, never bald, more often than not driving a dark General Motors car, would come to the home. They would politely identify themselves and ask permission to come in and talk about friends and associates or organizations in which the individual had been or was active. Generally, people reacted in one of two ways. Some immediately turned down the request, often heatedly, and were little affected by the incident. For others, it was a deeply traumatic experience, upsetting them emotionally for days.<sup>11</sup>

Many looked back on such experience, three and four decades later, as one of the most upsetting of their lives. For them, it was the beginning of a more or less gradual withdrawal from activity. The effect of this intimidation can be seen in the cases of the Michigan Communist Party and the Civil Rights Congress. Both organizations and their members, particularly the activists, were subjects of constant surveillance and intimidation and suffered because of it. In early 1949, the CRC had ten chapters in Detroit and throughout the state. Three years later, the organization was working essentially as a steering committee with an at-large membership. In 1949, MDCP had seventy-nine Party clubs—shop, industrial, and community. By the early 1960s there were fewer than a dozen (CRC, 6).

The FBI tactic of home visits was compounded by the tactic

of going to the subject's neighbors and asking questions. No matter how "sincerely" the agent may have assured the neighbor that the interrogation was a routine matter, the seeds of distrust and suspicion based on the intensifying anti-Communist hysteria of the time were planted. In the case of Joseph Bernstein, for example, people who had been his friendly neighbors for more than ten years refused to greet him.<sup>12</sup> Perhaps even more upsetting was the tactic of going to a workplace to speak with the manager and asking if the subject seemed to be a patriotic worker or perhaps was a troublemaker.

The alter ego of the covert agencies was the House Un-American Activities Committee (HUAC), which by its star chamber public hearings helped create an atmosphere of intimidation and widespread anti-Communist feeling. The work of the "hidden agencies" could not have been as successful as it was without the general public's antagonism to anything identified as "Communist." The mandate of congressional committee hearings is to recommend legislation, and the many hearings of HUAC came up with no recommendations at all for anti-Communist legislation. They did, however, stimulate an atmosphere of irrational hatred of Communism that made the work of the Communist Party and its cooperating organizations extremely difficult.

Early in 1952, HUAC came to Detroit for the second time, and called over fifty organizations and individuals to "testify." The real purpose, as the sessions clearly demonstrated, was to intimidate and harass all individuals and organizations involved in any kind of left-of-center activity. It soon became clear that labor unions, as well as the Communist Party, were a target.

As HUAC's actions and posture became more and more arrogant, important voices in society began to speak out condemning its activities. The *New York Times*, in an editorial dated 22 March 1953, said,

We cannot indefinitely have these arrogant upstarts [HUAC] prying into matters which are no affair of theirs, including the private opinions of our citizens.

*Business Week* editorialized,

The real cause for anxiety today is not that witnesses are singled out in public, but that they are subject to treatment that smacks of a medieval inquisition. In their zeal to root out subversives, Congressional investigators have indiscriminately harassed Americans merely because they hold unorthodox or unpopular views. This is an alarming trend. (6)

William T. Gossett, vice president and general counsel of Ford Motor Company, wrote on 20 February 1953 in the *Detroit News*,

The practices of investigating committees are without proper standards. Persons are now subpoenaed before such committees and are afforded no right to counsel. Although they often are subjected to the most searching cross-examination themselves, they are denied the right to cross-examine those who testify against them. If they are so-called hostile witnesses, they often are not even accorded the right to make a statement—prepared or otherwise; and if the behavior of the witness is such as not to please the committee or some of its members, he can be summarily punished.

Some committee members seemingly have viewed the committee as a final court of justice sitting in judgment on the conduct of individuals appearing before the committee. Thus, they usurp the judicial function. On the other hand, committee members can and do slander witnesses with impunity, secure in the knowledge that there can be no retaliation.

As always, the central theme of the 1952 Detroit hearings was to contribute to the Cold War consensus. Equally important is the fact that the hearings occurred at a time when the UAW International leadership was attempting to consolidate its victory over the left and progressive forces of that union. The hearings focused largely on Ford Local 600, which HUAC considered to be a “left” bastion in the UAW. It was common knowledge that the local was the most democratic rank-and-file union within the

UAW. Its leadership had for some years been at loggerheads with Walter Reuther over a variety of issues (Halperin 1988, 259–60).

Some of Local 600's best organizers and most dedicated members were members of the Communist Party, and it was well known that the Communist Party had been an important factor in the creation of the local. Leadership was aware of the activity of the Communists and although that leadership was often in sharp disagreement with the Communist Party, it refused to curtail their rights as members. As Ernest Goodman said, "Local 600 was an interesting and democratic union. It was active and militant. It took all kinds of positions. The political positions were different, but the union members worked together. The Communist Party was active in the organization" (Goodman Papers, 5).

Reuther gained control of the International when he and his entire slate of national officers were elected at the 1947 UAW Convention. Within months of that victory he fired all officers who, he thought, were associated with the progressive caucus. He did not, however, gain total control of the local unions with those firings, and for several years he worked to consolidate his power. In the main he was successful, but there were a few locals that resisted. Local 600 was the largest and most important of the holdouts. Its leadership persisted in following a democratic policy and did not restrict the activity of members because of their political affiliation.

HUAC's interest in Local 600 stemmed from the events of 1950 when the International UAW charged five popular leaders of the local's progressive caucus with membership in, or being unduly under the influence of, the Communist Party. Their union trial was the object of much local press coverage intended to heighten anti-Communist feeling in the local. The five leaders were found guilty. They appealed the verdict to the General Council of Local 600. After a review of the charges and evidence the decision was reversed.

Soon after that reversal HUAC announced that it would hold hearings in Detroit early in 1952 in order to "examine communism in the labor movement." Seventeen officers or

former officers of Local 600 were subpoenaed, as well as other unionists. Two witnesses from Local 600, “friendly” to HUAC, identified many members and officers of the local as members of the Communist Party. Among the many whom the witnesses had named were the five men who had been charged and tried, and whose guilty verdict had been overturned. The committee subpoenaed all to testify.

The hearings were dramatic. The committee had great praise for Walter Reuther and the “friendly” witnesses. It condemned all others. The local press was extremely active and aided the committee in creating anti-Communist hysteria in the community.

On the basis of this hysteria Reuther was able to place the local under trusteeship. That meant that the international office took control of the local and was able to weaken the progressive caucus. Some dissident members made peace with the International; others tried to maintain their opposition to Reuther and work for a democratic union. They were, however, isolated and ineffective. From that time on the influence of the Communist Party in Local 600 declined.

Goodman recalled the atmosphere of the hearings:

The hearings started in February, 1952. The atmosphere was that of a federal courtroom; all subpoenaed persons and attorneys were given a certain section of the courtroom. We all felt like prisoners in a box. We had to deal with the ritual of radios, photographers and the publicity. There was a repressive feeling just being there.

The Commission called 40 witnesses altogether. George Crockett and I represented most. I represented Union Local 600; George represented public figures. There were four other lawyers who were Guild members representing three local chapters. As attorneys we felt isolated. Everyone took the 5th amendment; many just wanted to get out. (Goodman Papers)

The press was particularly strident. As long as the committee was in Michigan, the three major Detroit newspapers emphasized the hearings. Almost all of the witnesses had their names,

addresses, and place of employment publicized; many had their pictures printed. The anti-Communist feeling became even more intense. Russell Kitto was physically assaulted in the machine shop where he worked.<sup>13</sup> When Mary Blow's fellow workers learned that her husband was named by the committee, they refused to allow her to work with them (CRC, 35). These two examples are typical.

Government agencies spied on and infiltrated, sabotaged, and provoked the Communist Party and its allies; anti-Communist feeling was exacerbated by HUAC and the hysterical reporting by the press. The resulting atmosphere of suspicion, fear, and uncertainty made it more and more difficult for the Communist Party to function. Nevertheless, the Party continued to achieve some measure of success in the pursuit of its goals.

# 3

## Fighting for Racial Justice in Michigan

The Michigan District of the Communist Party (MDCP) persisted, under the conditions described in the previous chapters, in its pursuit of its basic program. This chapter and the two following concentrate on the civil rights efforts of the Party and its arms. I shall concentrate first on the Party's approach, through the Civil Rights Congress (CRC), to issues of racial injustice—inequality, miscarriage of justice, voting rights, police brutality, extradition, and fair employment practices.

Subsequent chapters will deal with the Michigan CRC in such national campaigns for justice as the McGee case and Martinsville Seven, in the defense and protection of Michiganders under order of deportation, in efforts to protect the rights of individuals harassed by the House Un-American Activities Committee, and in the defense of and campaign for the release of Smith Act victims.

The CPUSA emphasized at its founding the struggle for racial equality and justice.<sup>1</sup> With few exceptions its concern and activity on behalf of these goals were consistent.

One glaring exception was the Party's position on Japanese Americans during World War II. On 8 December 1941, Japanese

American members of the CPUSA dispatched a telegram to President Roosevelt pledging “full cooperation in all endeavors to secure victory for democracies. We are ready to join ranks of fighting forces under your command to defeat the vicious military fascists of Japan.” On the same day, Earl Browder, General Secretary of the CPUSA, ordered, “In the name of national unity, all members of Japanese ancestry and their non-Japanese spouses shall be suspended from the CP for the duration of the war.” When, on 19 February 1942, President Roosevelt issued Executive Order 9066, incarcerating 110,000 Japanese Americans and Japanese aliens without a trial or hearing, the CPUSA did not protest. This failure to live up to its own principles was acknowledged and repudiated by the Party at its Seventeenth Convention in 1959 and again at the Twentieth Convention in 1972 (CPUSA 1972, 28).

From its very beginning, the Party conducted the struggle for civil rights under its own banner and through arms of the Party such as the International Labor Defense (ILD) in the pre-World War II era and the Civil Rights Congress in the postwar period.

It is important to define very clearly the special relationship of the CRC with the CPUSA. Gerald Horne, who may be considered the unofficial historian of the Civil Rights Congress, states categorically that the “CRC was *not* the Communist Party.” Of course, strictly speaking, he is right. But in arguing that the CRC was not a “front” for the Communist Party, he becomes somewhat vague and tends to obfuscate the issue. He asks, “Why not call the Americans for Democratic Action a front for the Democratic Party? Should we not consider the *Wall Street Journal* a front for the G.O.P.?” (1988, 17). Such a response tends to evade the issue rather than confront it frankly.

William Paterson, chair of the Civil Rights Congress, insisted that the

CRC is not partisan; It is controlled by no political party. . . . We are a “front” organization. We front for all that which Jefferson and Lincoln stood for; against the economic royalists Franklin Delano Roosevelt fought; against the Jew baiters, racists and red-baiters who are masters of the Goebbels-Hitler technique. (Horne 1988, 19)

This nonresponse also fails to address the issue. Nor did J. Edgar Hoover do so when he wrote:

Fronts are an integral part of the Communist apparatus. . . . To further the cause of communism, non-Communists are relied upon to do the work that Communists themselves cannot do. . . . Through their fronts, Communists try to enlist the support of and to manipulate a variety of non-Communists. Pains are taken to conceal the Communist character of the front organizations. . . . Communists give fronts innocuous names and seemingly orthodox and meritorious programs. . . . Of all the mass techniques which the Reds are using to influence the minds of Americans, the Communist fronts are the most effective. . . . Through “fronts” the Party is able to exert influence on thousands of non-Communists, collect immense sums of money. (1969, 125)

The term “control” conjures up visions of orders and instructions passing, usually in a clandestine fashion, from some secret headquarters of the Communist Party to its pliable “front.” That kind of control is not necessary when both organizations have largely the same views, as did the Michigan District of the Communist Party (MDCP) and the CRC.

The CRC was never a “front” organization in J. Edgar Hoover’s sense of the word. From its beginning, the leadership of the Michigan CRC was Communist. Its very creation was the result of a decision and help of the Party. The special MDCP/CRC relationship differentiates the CRC from the so-called “front” organizations. Concerning civil rights, it is reasonable to consider the activities of the Michigan CRC as one with the activities of the MDCP. To put it even more forthrightly, I believe that it is correct to consider the CRC as an arm of the CPUSA.

During my discussion with Carl Winter, the former district organizer of the Michigan Communist Party, he immediately responded in the affirmative to the query as to whether the Party created the CRC (1988).

In a 1989 interview, Thomas Dennis, who had also been a

district organizer for the Michigan Communist Party and who was until his death in March 1991 a member of the National Committee of the Party and the editor of the *People's World*, described the relationship as follows:

My recollection is that the Party was the main spark plug for the organization and the building of the CRC. Not only here in Michigan, but I think it was pretty much nationally that way, mainly for the purpose of dealing with minority problems.

When pressed to explain what he meant by the “main spark plug,” he responded:

I meant by that, that there were certain people assigned by the Party to build the organization, in fact to *initiate it* [emphasis added] and build it along with as many—as wide a circle as possible of non-Party people in the legal and labor and you know—general political and economic leaders in the city or in the state.

When queried about the relationship of the Party to the CRC, Dennis said that the Party considered the CRC

one of the main organizations in the fight for democracy and the Party assigned people to work in it. And even in some positions of leadership and they were the motor, the generator, the leaders, really, of the movement and gave it content. . . . They helped it shape its outlook, its approach, its tactics and everything that went into the thing.

There is no evidence of elections for officers during the life of the CRC, and I asked Dennis about that: “Was the decision to replace Raskin with McPhaul primarily a Party decision?” Dennis agreed that in fact it was.

Jack Raskin, who led the Michigan CRC from 1946 to 1950, agreed with the general thrust of Tommy Dennis’s remarks. The following exchange took place during my 1989 interview with Raskin:

**ECP:** Would it be fair for me to say that in order to demonstrate the contributions that the Communist Party made

in the struggle for civil rights in this period we can observe the actions of the Michigan Civil Rights Congress and that would give us a good indication of what the Party did?

**Raskin:** I think that it certainly would be largely right. I think that without the Communist Party we would not have been able to do very much. A lot of the support I talk about came from organizations the CP had influence in. Where they had influence in the trade-union movement we got more support that we would have gotten in a trade union where they did not have any influence. . . . I would say that you are right in that.

The Winter-Dennis-Raskin estimate of the relationship between the CRC and MDCP is in general agreement with the impression one gets reading the Detroit Red Squad report of 3 August 1950, which describes the farewell banquet honoring James and Esther Cooper Jackson. James Jackson had been the educational director of the MDCP for the three previous years. His wife, Esther, was the administrative secretary of the Michigan CRC. Most of the evening was devoted to well-wishes and congratulatory messages to both Jacksons from local and national leaders of the CPUSA. The banquet clearly demonstrated the close relationship between the two organizations and their personnel.<sup>2</sup>

It is understandable that during the period of open assault on the Communist Party its leadership would be unwilling to say that the MDCP/CRC relationship was as described above. The passage of time and the opportunity to reevaluate policy have made it easier to be more objective.

The political decision to create the Civil Rights Congress came out of the Party's political perspectives on the struggle for racial equality. The Party was concerned that the attack on U.S. Blacks would escalate into an attack on labor and the progressive movement. Given that perception, the Party urged the consolidation of those organizations that historically had defended civil rights. The decision to amalgamate such organizations into one formation dedicated to the struggle for social equality seemed eminently logical.

The first such organization, the National Negro Congress, with a membership of between eight and ten thousand, was recognized as an important organization that, unlike the National Association for the Advancement of Colored People, based its program on militant mass action. Formed almost ten years earlier, it had a strong base in the Midwest and West. Gunnar Myrdal observed that the local councils of the NNC “were the most important Negro organizations in some Western cities” (1964; cited in Horne 1988, 29).

The second consolidated organization was the International Labor Defense. Formed in the 1920s, it had a notable record of energetically defending labor and was the legal representative of many beleaguered union locals and labor organizers. Years of struggle had developed highly skilled lawyers such as William Paterson, Herman Rosenfeld, Max Yergan, and Irving Goodman. The legal skill of the ILD attorneys was responsible for some of the very early victories of the Civil Rights Congress.

The third group, the National Federation for Constitutional Liberties (NFCL), was highly regarded for its involvement in civil rights struggles dating from the Scottsboro days. The founding convention call was initiated by twenty-five individuals and sponsored by almost six hundred others. The First Congregational Church of Detroit hosted the opening meeting on 27 April 1946. The delegates, 372 in all and representing twenty-three states, were representative of center-left forces of the day. Twenty national organizations sent delegates, as did 119 local AFL and CIO locals. The South accounted for sixty-seven, the Midwest for 258. Thirty-five came from the East, and the Far West sent seven delegates (2:2–5).<sup>3</sup>

The initiating committee included many prominent individuals. John Garfield, film actor; Raymond Pace Alexander, noted Black attorney; Katherine Dunham, choreographer and dancer; Arthur Schlesinger, historian; and Adam Clayton Powell, minister and congressman, were among the sponsors (2:2–5).

The founding convention dealt with many issues, such as the poll tax, Puerto Rican independence, indemnification for Japanese Americans, and a permanent FEPC. The convention invited the public to an “open hearing” on the House Un-American

Activities Committee at Northern High School. Chairs of special sessions and workshops included Frank Donner, associate counsel for the CIO; Max Yergan, National Negro Congress; and Earl Dickerson, president of the National Bar Association (2:2–5).

It was not difficult for the new organization to get going. Within two weeks, the continuations committee had the framework of a national board in place. Among those who accepted board membership were Carlotta Bass; Elmer Benson, former governor of Minnesota from the Farmer Labor Party; Elizabeth Gurley Flynn, member of the National Committee of the Communist Party; and Carol King, an outstanding immigration lawyer. Among the nationally known Black leaders were Mary McLeod Bethune and Benjamin Mays, president of Morehouse College. The continuations committee demonstrated its solidarity with organized labor, as well as eagerness to solicit its support, by the inclusion of Thomas Scribner, general counsel of United Electrical Workers of America; George Addes, international secretary of the UAW; and Lewis Merrill, president of the United Office and Professional Workers of America (2:2–5).

Very soon after the convention, the House Un-American Activities Committee and the Department of Justice began to attack the new organization, red-baiting many board members and describing others as naive tools of malevolent forces. The anti-Communist attack on the CRC was strong enough to force the resignation in October 1946 of both Benjamin Mays and Mary McLeod Bethune as honorary chairs.

The work of the newly formed CRC centered around three areas of civil rights: racism, trade unions, and the political arena. I shall use two criteria to estimate the effectiveness of the CRC's work on civil rights issues. The first is the organizational and consciousness-raising aspect of the work. Were a significant number of people involved in the campaigns and did those campaigns, even if unsuccessful in terms of their stated objectives, build up a reservoir of experiences that could help continue and advance the struggle? The second is to what extent the work of the CRC affected the legal and judicial systems. Were any significant legal precedents established? Were any changes in the laws of the land or in legal procedures achieved? Answering

these questions will make it possible to judge the effectiveness of the CRC's (and thus the Communist Party's) work.

The Lemas Woods case was the baptism of fire for the Michigan Civil Rights Congress. Although the incident occurred in the Philippines, the victim was a Detroit. Initiated by the Detroit chapter of the Civil Rights Congress with Ernest Goodman, a Detroit attorney, conducting the defense, the case gave the Michigan CRC national prominence.<sup>4</sup>

The facts of the case may be summarized as follows: At a U.S. army post in the Philippines near Manila, 23 March 1946, soldiers of an all-Black combat unit found Pvt. Robert Patterson in his bed, dying of a gunshot wound. Pvt. Lemas Woods, one of the three occupants of the tent, stood by, dazed. The third occupant, Pvt. Leland T. Conchious, fled after hearing the shot.

A noncommissioned officer found a revolver under the blanket on Woods's bed. Woods immediately admitted firing the shot that killed Patterson and explained that the gun fired accidentally while he was cleaning it. The authorities arrested Woods, charged him with murder, and arranged for a court-martial. The prosecution alleged that Woods and Patterson had argued some time before the shooting and that Woods, fearing that Patterson intended to kill him, decided to kill Patterson first. The prosecution argued that Woods went to Patterson's bunk, laid back the mosquito curtain, rolled him over, and then shot him, the bullet going through the upper arm and then into the heart.

Three days after the shooting, Woods signed a confession that John Wells, agent for the Civilian Intelligence Division (CID), said was obtained without coercion after Woods had been confronted with the testimony of several witnesses. Only one witness, Pvt. John Hicks, appeared at the trial. Hicks testified that he was in his bed, two tents away, when he saw Woods get his gun, go to Patterson's bunk, wake him, and then shoot him.

Woods testified that he confessed under duress and that he was beaten by the CID investigator. He explained that the shooting was accidental, that he was cleaning his gun while walking in the tent and was unaware that there was a bullet in the chamber. He did not know that Patterson was hit until he heard him moaning, whereupon he panicked and hid the gun. He testified further

that Patterson and he were close friends. That portion of his testimony was confirmed by Pvt. Conchious, their tentmate. The prosecution insisted that the shooting was deliberate, with “malice aforethought.” After a trial lasting less than four hours, Woods was found guilty and sentenced to die by hanging.

While awaiting execution, Woods wrote to his father, Lemas Woods Sr., “My dear father, Look like I won’t see you again because I was sentenced today and it was to be hung by my neck on something I did not intend to do.” This letter started an investigation and a movement that would expose to the country what Albert Deutch, columnist for the New York daily *PM*, called “an outrageous miscarriage of justice” (CRC Papers, box 65, Lemas Woods folder).

The senior Woods, a member of Local 208 of the UAW, spoke to his shop steward, who referred him to the Michigan Civil Rights Congress. Jack Raskin, executive director of the Michigan CRC, referred him to Ernest Goodman, a leading labor and civil rights attorney who worked closely with the Civil Rights Congress. There is some confusion as to how Woods got to the CRC. Deutch wrote that the senior Woods went first to his union local, which referred him to Ernest Goodman, who then referred him to the CRC. Carl Winter remembered that Woods senior came to him, and then Winter sent him to the CRC.<sup>5</sup>

George Addes requested UAW attorney Ernest Goodman to investigate. Goodman moved quickly and was able to get the record of the court-martial. He then contacted Carlos P. Ramos, executive secretary of the Philippine Lawyers Guild, and asked him to investigate the case and report to him. On 20 September 1946, Goodman argued for a new trial before the War Department Board of Review. He had a copy of a long memorandum written by Lt. Robert Guenzel, the prosecutor in the Woods case. That memorandum, dated 4 June 1946, had been forwarded to the commanding general of the U.S. Army in the western Pacific. Guenzel discounted much of Hicks’s testimony:

In view of the activities in the [camp] area and the distance between the witness and the accused, I feel this statement [of Hicks] is improbable which tends to cast

doubt on the remainder of the testimony of the witness. . . . With regard to the confession, no witnesses were found to any of the three arguments mentioned in the confession. . . . The actions of the accused subsequent to the shooting do not indicate a planned murder.<sup>6</sup>

At that September hearing, Goodman learned that the Army Review Board *never* saw Guenzel's memorandum despite the fact that all court-martial documents were to be forwarded to it. Albert Deutch, in his series of articles in *PM* during October of that year, wondered whether this was negligent or deliberate. According to the confession and Hicks's testimony, Woods pulled aside the mosquito netting, shook the sleeping man, turned him over and shot him. If this were true, there should have been no bullet holes in the mosquito netting. Thus, the netting could prove or disprove the prosecutor's case. But the netting was never introduced into evidence.

The remainder of the investigation had the quality of a movie thriller. On 23 October 1946, the Army Review Board upheld the verdict of the court-martial. Just at that time, the Philippine lawyers found a report signed by Thomas M. Baty, chief of the Criminal Investigation Division laboratory in Manila. The mosquito netting had been analyzed there and three bullet holes were found. Chief Baty said that the three holes could have been caused by one bullet because of the folds in the netting. "It is my opinion that the penetrated holes have been produced by a passage of a .45 caliber bullet." Woods's gun was .45 caliber.

In the meantime, the Michigan CRC had started a campaign for a new trial for Woods. Convinced of his story, the CRC quickly mobilized its allies in the trade-union movement and in the community. The *Michigan Chronicle*, Detroit's only weekly serving the Black community, gave the case much attention. By 16 May, the CRC was able to set up a Lemas Woods Defense Committee that represented a much broader section of the community than did the Congress. Although the Defense Committee shared office space with the CRC, only one or two of its steering committee members were directly affiliated with the CRC. This was typical of the way the CRC would work in the future. As

much as possible, it would try to involve community and trade-union people in the planning and organization of any particular struggle (CRC Papers, Box 62).

The CRC called for reforms of the system of military justice, emphasizing the unfairness of this specific court-martial and courts-martial in general. While their overall proposals for reform were rather vague, they were very specific about the unfair and racist treatment of Pvt. Woods. He had been confined to “the box” and not permitted to go to church on Sunday or to movies as could all other prisoners. According to the provost marshal, Major Joseph Collins, it was forbidden to talk to Woods except in the line of duty; the block guard was to check him every fifteen minutes; he could exercise thirty minutes daily but had to be hand-cuffed to a guard while exercising and at mealtime. The CRC repeatedly protested this treatment (62).

During the campaign in Detroit, the local CRC had issued and distributed over thirty thousand leaflets describing the case and organized dozens of small neighborhood meetings. Meetings and protests were not the exclusive property of the CRC. After having been alerted by the CRC’s activities, organizations of all kinds sponsored protests. The Social Action Committee of Central Methodist Church in Detroit held such meetings and both the Oakdale and Joe York clubs of the Communist Party held a rally at Masonic Temple (62).

By this time there was nationwide interest in the case. Albert Deutch’s articles in *PM* were instrumental in arousing public opinion in support of a new trial. Deutch hoped that one of the results of the investigation and trial would be the “erection of stronger bulwarks” for the protection of the innocent in future Army trials. International UAW secretary George Addes wrote:

The record of the trial shows that little effort was made by the court-martial to get to the truth; that witnesses who were available and should have been called were not called; that the only witness against Woods repudiated his testimony and that testimony which would have proved Woods’ innocence was suppressed. (62)

On 7 November 1946, the army reversed the death penalty

and ordered a new trial. Goodman directed a series of questions to Major General Edward F. Wetsell of the Judge Advocate's office. These questions went to the heart of the unfairness of the court-martial procedure and would lay the basis for future reform of the system:

Why was a person permitted to represent the defendant in a life or death case when he obviously was not qualified to do so? (The defense counsel, Lt. Charles Martinelli, never had any legal experience, became a Coca Cola salesman after his discharge, and had himself bitterly condemned the court-martial experience.)

Why did the CID advise the defence not to introduce the mosquito netting into evidence?

Why did Attorney Goodman find it so difficult to obtain information from the CID?

Why was Guenzel's memorandum suppressed by the Army in the Philippines and not sent to the Army Review Board in Washington?<sup>7</sup>

A few days later, the War Department announced that President Truman had granted a new court-martial. It started early in August 1947 at the Presidio near San Francisco. This time there was testimony supporting Woods's story. Captain Amadeo M. Cabe, a Manila police ballistics expert, said that the shooting could have been an accident. Sgt. Noel C. Smith of Woods's company testified that he had rushed into Woods's tent and saw the mosquito netting with holes in it. John Walls, the CID agent who originally took Woods's confession, admitted that the typed version was a paraphrase rather than the defendant's exact words. Woods himself testified for two days, while in the first trial he had testified for only ten minutes.

The verdict was delivered on 8 August. Woods was found guilty of involuntary manslaughter and sentenced to three years at hard labor, the maximum allowed under the law. The sentence was later reduced to eighteen months.

Some leaders in the Detroit Black community charged that the Michigan Communist Party and the CRC (synonymous in their minds) were insincere in supporting Pvt. Woods and were cynically using the case to exploit African Americans. Lemas

Woods Sr. never felt that way, and his confidence in the support of the CRC never wavered. Early in 1947 he wrote,

I am thankful for what they [the CRC] have done for me with my boy's case in Manila and I do feel satisfied that they will take care of the rest of the case of Pvt. Lemas Woods, 36487197. I will do all I can to help civil wright [sic] defend my boy's case. (62)

Raskin had been in close contact with Albert Deutch during the period of Deutch's interest in the Woods case. The columnist credited the CRC with organizing the struggle and said, "Civilian activity [read CRC] proved the vital factor in saving Woods' life" (Deutch 1946c). No city organized as much support for Woods as did Detroit.

The full impact of the victory was not felt until two years later when the military courts-martial code was revised. Criticism of the military system of justice had been relatively widespread, but the nationwide publicity around the Lemas Woods case served to concentrate that criticism. The code was changed in 1949 in two very important respects. First, in all capital cases the accused would have the full-time services of an officer who was an attorney and, second, from then on, enlisted men would serve on courts-martial of enlisted men.

Police brutality has long been a part of Detroit law enforcement. In the main, such police action was directed against militant trade unionists and minorities, especially African Americans. In *Working Detroit*, Steve Babson describes the police attacks on a demonstration of the unemployed in 1930. Twenty-two men and women demonstrators required hospitalization (1984, 54–55). Other examples of the continuum of police brutality in Detroit are the Miller Road battle, which left four dead and between fifty and sixty wounded; the police violence during the race riots of 1943; and the long and repeated history of police brutality toward union organizers and their supporters, as exemplified in the Square "D" strike of 1954.

In the post-World War II period, police antagonism toward political dissenters and racial minorities, particularly Blacks, steadily increased. The police department, white and racist in the

main, often acted more as an occupying military force than as guardians of the peace.

From its beginning, the Michigan CRC took a strong position on racist violence and police brutality. Its predecessor organizations (National Federation for Constitutional Liberties, the National Negro Congress, and the International Labor Defense), as well as the CPUSA, had demonstrated a deep concern with racial justice. More than any other stratum of the population, African Americans respected the CRC's concern and accepted its activities on behalf of racial equality and justice. The Leon Mosely case is an instructive example.

On the evening of 4 June 1948, Leon Mosely, fifteen years old, stole a car in the area of Chene and Warren in Detroit. In short order the police sighted him driving the car recklessly; several police cars pursued, firing several shots. Soon, Mosely drove the car into a tree and climbed out of the right front door. Most witnesses agree that the police immediately began to beat Mosely, who, after a few minutes, broke loose and ran away. The police fired, striking him in the back and killing him.

The CRC quickly organized a protest movement, demanding the arrest and trial of the two police officers and an end to the increasing wave of police brutality. A Joint Committee for Justice for Leon Mosely, with the Reverend T. S. Boone of King Solomon's Baptist Church as chair and Coleman Young as secretary, organized and set up offices at 806 Hoffman Building, the same office space that the CRC occupied. On the committee were representatives of the CRC, MDCP, the CIO Council, and the UAW (63).

The young man's funeral drew hundreds of Detroit African Americans and was as much a demonstration against police brutality as it was a funeral service. Photographs in the *Detroit Tribune* and the *Michigan Chronicle* showed a large crowd of people, several of whom held professionally produced signs with various demands. Carrying such signs at a funeral was most unusual for that community and it is reasonable to conjecture that the CRC had a hand. A few days later the CRC organized a march of thousands on city hall and, joined by the NAACP, met with the mayor.

The CRC led in demanding the prosecution of the police who had, in the organization's opinion, needlessly murdered the young man. It asked Ernest Goodman to pursue the case. He, in turn, called on the chief prosecutor to issue a warrant charging Patrolmen Louis Melaise and John Boland, the two officers involved, with murder. The prosecutor refused.

The 10 June issue of the *Detroit Tribune* headline read, "CRC asked prosecutor to issue murder warrants. NAACP meets." The article quoted Jack Raskin, executive director of CRC, as saying, "This shooting highlights the increased brutality against the Negro people in recent months."<sup>8</sup>

By this time, Goodman had persuaded George Crockett and Elvis Davenport (both of whom were to become judges of the Recorders Court in Detroit) to act as cocounsel. Their request to the prosecutor having been turned down, they resorted to a rarely used tactic—the convening of a coroner's jury to determine if a crime had been committed and to make recommendations to the prosecutor's office.<sup>9</sup>

The coroner selected a blue-ribbon panel of six to hear the testimony. The CRC, with Goodman and his colleagues, represented the Mosely family. The two policemen were represented by Frank C. Schemanske, an attorney well known for his friendship with the Detroit police who, five years later, was to sit in judgment on Art McPhaul, Ann Shore, and others in the famous "Garden Party" case (Horne 1988, 47). The jury ruled unanimously that the shooting was "unwarranted and unwise" and that the officers were responsible.

The Joint Committee distributed leaflets throughout the community arguing that police brutality was widespread and had to be halted. The committee charged that "in an obvious attempt to stall and whitewash the incident," the prosecutor refused to act until after the coroner's inquest ruled the shooting "unwarranted and unwise" (63). Demonstrations continued, and pressure on the city administration increased, forcing the prosecutor's office to act. The prosecutor admitted a "felonious killing" occurred, but he sought a warrant only for manslaughter for Patrolman Louis Melasie and none for his partner, Patrolman John Boland. Reverend Charles Hill felt, inadequate as these charges were, that

the fact that any type of warrant was issued against a police officer is a direct result of the organized protest and demonstration of an aroused community. I was glad to see that a verdict, though weaker than I had hoped, was given and only regret that only a manslaughter warrant was asked for the Officer. Yet, on the other hand, it is progress for this is the *first time* [emphasis added] that we have been able to get a verdict of any kind. (63)

The Joint Committee broadened to include a dozen churches, civic groups, and community organizations, and was able to exert enough pressure that a warrant was finally issued for the arrest of Melasie on the charge of manslaughter. The Committee met with Police Commissioner Harry S. Toy and demanded that he charge Patrolman Boland with assault and battery. The commissioner refused, nor would he prefer trial board charges against him. He did agree to order Boland to undergo psychiatric examination to determine whether he was mentally fit to hold his job. Toy also said that he would recommend that the police training school lay increased emphasis on teaching tolerance to student patrolmen.<sup>10</sup>

Discussing the case on 6 June 1991, Goodman recalled that in 1948 the procedure for assigning trial cases to judges did not utilize the present method of the “blind draw.” Rather, it was possible for the prosecutor’s office to exert considerable influence in assigning cases to particular judges. Arthur E. Gordon, the judge who was to rule in this case, was, according to Goodman, known to be what today we call a “law and order” judge. His rulings were most often favorable to the police, and he exhibited a high level of bigotry toward African Americans.

The assistant prosecutor assigned to the case was an ordinary staff member, a peculiar choice to prosecute a case that had so aroused the city. Goodman, of course, could not participate in the case and sat in the back of the courtroom for the duration of the trial.

Judge Gordon found for the defendant and in his decision opened the door for Goodman to explain his motivation in

handling cases of this kind. The witnesses who testified that the officers assaulted Mosely were characterized by Gordon as a group

which had been herded into the offices of Ernest Goodman, the brains of Maurice Sugar's law office in the Barlum Tower, by some pink members of the N.A.A.C.P. . . . to be interviewed by the pink devotees of agitation.<sup>11</sup>

Goodman replied to Judge Gordon in a letter dated 27 December 1948:

Your opinion characterized my participation as attorney for the Mosely family in the investigation and prosecution of this case as that of an agitator. I assume that you use this word as a form of epithet. I do not consider it so. In the development of American History, the agitator had performed a necessary, even a decisive role in the development of democracy. From the American revolutionists (many of whom were lawyers) who agitated for freedom from England, to the Abolitionists who agitated for the emancipation from slavery of the American Negroes, to the union organizers of the 1930's who agitated for economic freedom and security for the American workers, the "agitator" has advanced the cause of freedom.

It was our system of justice in its attitude toward the Negro people that was on trial in this case, and not merely two police officers. . . . Another great advance in the continuing struggle for full democracy must be the elimination of discrimination and segregation.

Today, as in the past, there are those who refuse to see that on this issue, too, people are moving ahead and who resist every effort toward change. There are others who participate actively in the effort to resolve this conflict and thus make progress possible. These are called the "agitators." To the extent that an attorney participates in this "agitation" he has vindicated his heritage as an American.<sup>12</sup>

Goodman participated in the Mosely case without fee, as he did in much of his civil rights work. The CRC did its best to raise funds for court costs and out-of-pocket expenses, but Goodman often even had to forego such reimbursement.

Critics of the CRC and the CPUSA often argue that those organizations did not really have the interests of their “clients” at heart, but manipulated them for reasons of their own. As had Lemas Woods Sr. in the case of his son, Leon Mosely’s mother had only praise for the defense committee. She wrote on 12 July:

I want to thank the Committee for all it has done in fighting to see that what happened to my son Leon will not happen again to any other boy. . . . I would like also to thank the Civil Rights Congress for the lawyers who represented me at the inquest. These two organizations have come to my aid in my hour of need and when I return from my rest I intend to give them my full support. I know that the job of stopping police beatings and killings is not finished. (63)

The Gordy case further illuminates the attitude of the Detroit police toward the Black community as well as the reaction of community organizations, including churches, the press, the CRC, and the MDCP. It also offers a case study of the different styles and tactics those organizations employed. It is interesting also because while the Gordy family did not chose the CRC to represent them, the CRC did initiate action and did work closely with the support organization the Gordy family chose.

On Sunday morning, 19 November 1950, two police officers, Daniel R. Morgan and Andreas M. Millert, entered the home of Charles Gordy Sr. on Alger Street in Detroit for the purpose of arresting his son. No criminal complaint had been made and no warrant had been requested or issued for his arrest. “The arrest was just another of the Department’s procedures of doubtful legality, whereby persons presumed to be innocent and especially Negro persons are arrested ‘for investigation’” (CRC Papers, Box 62).

Both Gordys protested the intrusion. In an interview with the *Michigan Chronicle*, the father said,

My son had been having trouble with the police ever since he bought a new 1950 convertible about a year ago. When the officers came to my house Sunday morning I told them to wait outside but one of them came in anyway and followed me into the bedroom where Charles Jr. was sleeping. My boy asked him [Patrolman Millert] if he had a warrant and he said that he did not need one. . . . One of the patrolmen [Morgan] left the house [with Gordy Jr.] and went to the scout car and my son hollered to me to tell me not to let him [back] in. After he [Morgan] came back in anyway he teased me and said, "Even if you did say 'stay out,' I'm in."

He got pretty nasty after that and pulled a gun and poked it into my son's back. When I saw that, I must have lost my head. I got mad and went to the bathroom and got my deer rifle and stood with it in the front room. The younger officer [Morgan] saw me and shot first. Then I shot him from behind the living room window. . . . Yes, I'm sorry now, but I feel I had the right to defend my son and my home. (62)

The police version was that the elder Gordy fired first and killed one policeman, Officer Millert, and that when Millert's partner, Officer Morgan, returned fire, the elder Gordy fired and wounded him.

The incident was important in itself, but what happened afterward was equally important. The police descended in force. Estimates of numbers differ somewhat, but sources generally agree that over one hundred uniformed police and at least one squad of commandos quickly surrounded that house; more than a dozen commandos were committed to action while the rest were held in reserve. (The commandos were a special unit similar to today's SWAT teams, except that the commandoes carried rifles with fixed bayonets.) The police fired tear gas and live ammunition at and into the house and did not allow the other occupants to come out.

The second floor of the two-flat building was occupied by Marie Butler, several children, and boarders. The police were aware that women and children were in the home because it was

Butler who had called police headquarters when the original shooting occurred. The police finally entered the house, apprehended Gordy Sr., who was held on a charge of murder. His son was held as a material witness and on suspicion of armed robbery. Other police went upstairs and found the occupants of the flat (by then filled with tear gas), including several children, lying face down on the floor. The police sawed the lock off a trunk and took the \$900 it contained. Later, when Butler protested, the police denied taking any money, although they finally did return \$510 (*Michigan Chronicle*, 21 Nov. 1950, 1–2).

Both the lower and upper flats of the house were literally torn apart. Newspaper accounts displayed photographs of the damage and a reporter who visited the house wrote:

I found the Butler's roomers, all 16 of them, huddled on the porch, unable to remain in the home which was still reeking of tear gas hurled in six days before. . . . [There was] not a bed left intact, clothing scattered about the floor, windows patched with cardboard in a vain effort to keep out the freezing wind and snow, chairs and other articles of furniture upturned and smashed. (*Michigan Chronicle*, 2 Dec. 1950)

The Ministers Alliance was incensed at the “wanton disregard” for the lives of the sixteen residents and bitterly criticized “certain self-styled leaders” of the Black community who saw fit to issue statements praising the “efficient handling” of the situation by the police department. Although Carl Winter and other Communists were at the scene early on, the Alliance noted that “the community was not aroused by Communists or any other group but were moved because of the gross mistreatment rendered by the police.” Calling for a public investigation, the Alliance went on to make three additional points: first, that the Gordy incident “is a direct outcome of the police brutality against Negroes”; second, that “Negro citizens of Detroit have a smoldering but growing dislike for the Detroit Police Department [that will continue] as long as . . . the kicking, beating and killing of Negroes is permitted to continue with little or nothing said or done about it”; and, finally, had it not been for the

presence of several Black uniformed policemen at the scene, the outcome would have been much worse.

Both the CRC and the Communist Party quickly organized protests and offered help to the Gordys. A two-page Party statement described in some detail the police force around the Gordy home, including the steel helmets, the drawn bayonets, the hand grenades, tear-gas bombs, and submachine guns. It also compared the incident with a "military raid on a Korean village." As was customary, the statement connected the incident with other political and social conditions. The statement connected the Gordy incident with the prevailing police brutality in a much sharper manner than had the Ministers Alliance and called for trade-union involvement and support, something the Alliance did not do (62).

The Civil Rights Congress also moved quickly and undertook considerable practical work. At the 1 December executive board meeting, members carried on an extended discussion about the incident. Lee Cain reported that all of the workers in his shop felt that it was a case of police provocation. Delegates at the FEPC Conference, which had just concluded, had discussed the incident. A Ford Local 600 official at the conference said that he felt that concerted action by all who were fed up with police brutality was needed. Walter Hardin, member of the CRC's executive board, spoke to many of Gordy's neighbors and reported a very bitter sentiment in the community and that although there were no threats of violence from the crowd, the police had arrested six or seven Negroes. Many people told him that this was the worst example of police brutality in the city's history.

Another CRC activist, Harold Davis, said that when the riot squad arrived, the commandoes advanced on the crowd with fixed bayonets. He looked through one of the broken windows and saw the police break open a cedar chest in the Gordy home and smash other furniture. Clarence Bradley said that he saw fifteen bullet holes in the Butler's ceiling and smelled tear gas several days after the attack. (The police had initially denied using tear gas.) Art McPhaul reported that he was there very soon after the shooting started. Later that day he went to see the senior Gordy's brother and offered the CRC's help in any way

needed. In his comments to the Board, he related the incident to the world-wide suppression of people of color in Asia, Africa, and elsewhere and then said that he was told at the FEPC Conference that this was not a case that the NAACP could handle. Both Mr. and Ms. Hardin told the committee that James Jackson, a roomer at the Butlers' house, was released from the hospital but on the next day was picked up by the police and beaten.

The discussion continued the rest of the evening about such matters as who would handle the case since the family had decided that they would retain private lawyers. Ann Shore proposed distributing an additional 15,000 leaflets in the community (35,000 had already been distributed). She urged that an enlarged membership meeting be held the following week and that the CRC organize a city-wide meeting for everyone who was interested. Finally she proposed setting up a steering committee to carry out the plans. Nine people volunteered. She ended her remarks by noting that the CRC had the responsibility to involve more white people (62).

We have detailed minutes of the meeting on 8 December, at which Reverend Charles Hill compared the Gordy case to the Sweet case of three decades earlier.<sup>13</sup> (Reverend Hill, an ardent supporter of the CRC, had a long history of struggle for racial equality.) He reported on the resistance of Gordy's attorney to involving the public, and on the positions being taken by the mayor's committee:

I suggested to the Gordys that they have Goodman and Crockett on the case, Gordy's brother didn't want them as they are "sort of pink." The mayor's Inter-racial Committee is stirred up. They want Gordy to plead second degree murder in order to take the pressure off of the police department. If the police get away with this all of our civil rights are gone. We are not going to be afraid, We must make a fuss. In fact we must raise HELL. Someone should offer their church for meetings. Gordy's attorney wants to "keep it quiet," "don't form a citizens committee." If we don't, he will be in Jackson. The police are scared now. Let our goal be "Gordy must be free."

Art McPhaul then went on to comment on the place of the CRC in the case, saying that “we want to see that this sort of thing does not happen again.” Ann Shore made a series of proposals for actions including leaflet distribution, collection of petitions, a community meeting in the Alger Street area, the formation of “committees to defend Gordy and stop police brutality,” and delegations to Mayor Cobo. Additional proposals came from the floor and included suggestions about involving the white community. Finally, the executive board set up an “Operation Solidarity,” the purpose of which was to form groups to help repair the police damage.

At a meeting of the Committee Against Police Brutality that had been organized by the Ministers Alliance with help from the CRC, Ann Shore, as Executive Director of the Michigan Civil Rights Congress, summed up the organization’s working philosophy in all such cases:

The CRC has always fought hard on these cases. We have not always won our cases, but we have fought. We have to fight and fight hard on this one. We must try to have a meeting take place in homes all over the city. Get together with the trade unions, whites, Negroes and all other people we can and explain what took place on November 19th. Plan an action on the case and tell people what they can do to help. The police are becoming scared. They are trying to intimidate people. The police think or hope that by paying the Butler family off for the damages that the people will drop this case. This case must not be dropped. We must stop the brutalities by the police. When the itemized damages are presented to the [City] Council we must pack the Council chamber with people. (62)

In the middle of December the Detroit branch of the NAACP issued a six-point statement condemning the police action. It insisted that the arrest of Gordy Jr. without a warrant was indefensible; that taking him half dressed and handcuffed behind his back was a “serious act of abuse”; that the safety of the Butler family was unduly jeopardized; that the destruction of their property was reprehensible, as was taking money from the

Butler residence; and finally that the physical abuse of fifteen residents must be condemned. Having said that, it hastened to add that “while our action is a significant gesture of sympathy on the part of the NAACP it clearly does not and must not involve the branch in any of the Committee’s [Committee to Defend Charles Gordy] financial commitments or obligations” (*Michigan Chronicle*, 16 December 1950, 3).

The police department dropped all charges against Gordy Jr., but his father was charged with first-degree murder. His trial in early June 1951 ended with a guilty verdict. On the order of Governor John Swainson, he was released on 4 December 1962.

All over the country and throughout its history, local law-enforcement authorities have used the charge of rape against African Americans proportionately more often than against members of all other groups (Myrdal 1964). There were three factors in the CRC’s involvement in this issue. The first was the question of guilt or innocence. Historically, the charge of rape against a Black man was often baseless. The second, a more complex issue, is related to equal justice. Given the guilt of the accused, was the punishment equal to that meted out to others guilty of the same crime? The third deals with the correction of an unjustified verdict. The James Henderson case is a local example involving all three components. This case also demonstrates the commitment of the CRC and its attorneys, especially Ernest Goodman, to the struggle against racism.

James Henderson worked in Tassie’s Tavern in Mt. Clemens. His employer arranged for him to live at the tavern, and toward the end of July 1942, Henderson planned to move his belongings into his room there. A fellow employee, white and female, offered to drive him home to get his belongings. The next day she claimed that he raped her twice on the way back to the tavern. She then drove him to Detroit because he had threatened to harm her further (62).

Henderson, in the meantime, went from Detroit to Ypsilanti and then to Chicago, returning to Ypsilanti in five days. When he read in the local newspaper that the police were looking for him, he voluntarily turned himself over to the local police. At 7 P.M., the state police picked him up from the Ypsilanti authorities and

brought him to Mt. Clemens, where he was jailed and questioned. On his arrival a warrant was issued for his arrest. By this time it was between 8:30 and 9:00 P.M. The county prosecutor came to the jail to question Henderson and to try to get a signed confession. Henderson was then arraigned before the Justice of the Peace. The police told him that a mob was waiting for him outside the courthouse.

His trial took place almost immediately. A special and unprecedented night court session convened at 10 P.M. Henderson, frightened of possible mob action, had neither a lawyer nor anyone with whom to consult. He confronted a courtroom staffed by police, court officials, and reporters, and closed to the public. He pled guilty and was sentenced to life imprisonment, hurried off to jail in Pontiac, and the next morning transferred to Jackson State Prison.

Soon after his incarceration, the NAACP took up his case without success. Three years later, in 1945, a group of citizens, urged on by local members of the Civil Rights Federation, persuaded Edward Jacobs, the new prosecutor, to investigate. He did and tried unsuccessfully to persuade the trial judge, James E. Spier, to grant a new trial. In 1947, another attempt for a new trial failed.

Efforts to get a new trial started up again in 1951, this time with the official involvement of the CRC. The Mt. Clemens chapter of the CRC, which had not been functioning regularly, became involved at the urging of the Detroit office. A new defense committee retained Ernest Goodman, who was able to get a hearing before Judge Spier in August 1952 (62). Goodman argued for a new trial on the basis of violation of the defendant's constitutional rights. He claimed that Henderson did not get a public trial or access to counsel and that the proceedings were rushed through with such speed as to deny the essentials of fairness:

Regardless of the innocence or guilt of the defendant, regardless of the notion of the crime alleged to have been committed, regardless of all the circumstances, the defendant is entitled . . . to an open trial so that not only the

court . . . but the general public could have access to the proceedings.<sup>14</sup>

When Judge Spier denied the motion for a new trial, Goodman appealed to the Michigan Supreme Court, which affirmed the lower court's decision. He then appealed to the United States Supreme Court. While that appeal was pending, the prosecuting attorney offered to guarantee a new hearing if Goodman would withdraw his appeal.<sup>15</sup>

Again Judge Spier denied the motion for a new trial. Again Goodman carried the case through the Michigan Supreme Court and then the United States Supreme Court, where it was turned down. Goodman then petitioned for a writ of *habeas corpus* under the U.S. Constitution. The writ was denied in federal court. Goodman appealed to the Federal Court of Appeals, which upheld the ruling of the District Court but with one dissenting vote out of three. Again an appeal to the United States Supreme Court was undertaken, where the ruling again was against the plaintiff.

In the narrow sense, these efforts by Goodman and the CRC were to no avail. Yet in that defeat, the basis for a future victory was laid. Potter Stewart, one of the judges on the U.S. Court of Appeals that heard the Henderson case, wrote a minority opinion upholding Goodman's arguments. That opinion helped form the basis of Justice Harlan's concurring opinion in *Gorden v. Wainwright*, which greatly strengthened the application of the Sixth Amendment mandating the right of an accused to the services of an attorney (372 U.S. 335). (According to Goodman, the fact that a decision is made with dissent, especially if the dissent is strong, enhances an attorney's ability to argue an appeal).

James Henderson remained in Jackson prison serving out the original life sentence. But Goodman continued on his behalf and filed application for parole, which was denied. In 1960, Goodman appealed to Governor G. Mennen Williams to rectify the injustice:

During this long appeal procedure, word came to the prisoner that if he dropped his appeal, his parole would be recommended. He asked my advice. I told him the

decision was his alone to make, but if he applied for a parole the appeal would have to be abandoned. It was a difficult decision for him to make, but he felt strongly about his innocence and even more strongly about the denial of fair procedure in his case. He decided to go ahead [with the appeal].

After the appeal was lost, and any hope for redress in the courts was gone, he applied for a parole. I supported his request in writing and appearance before the Chairman of the Parole Board. The request was denied in 1959.<sup>16</sup>

Six years had elapsed from the time the CRC and Goodman entered the case. Multiple trials and appeals in Detroit, Lansing, and Washington, D.C., were time consuming and very expensive. Even without attorneys' fees, the ordinary costs are overwhelming for printing, investigation, and all of the other necessary work. Throughout, Goodman neither asked for or received a fee. The CRC raised funds to help defray expenses of the Henderson campaign, but much had to be absorbed by the firm of Goodman, Crockett, Eden, and Robb.

In 1950, an epilogue to the internationally famous Scottsboro case involved Michigan's CRC. Haywood Patterson, one of the Scottsboro defendants, had been sentenced to death after a long legal battle conducted by one of the predecessors of the CRC. Responding to world pressure, courts revoked the sentences of four of the men and dismissed their cases. The governor commuted Patterson's death sentence to imprisonment for seventy-five years. All of the men, with the exception of Patterson, were released.

After spending seventeen years in the prison camps of Alabama, Haywood Patterson escaped. He spent the next two years in hiding, moving around the country to avoid detection. During that time, collaborating with Earl Conrad, he wrote *Scottsboro Boy* (1950), and in 1950 he came to Detroit to live with his sister. There, for the first time in his thirty-seven years, he found a decent-paying job (62).

On June 27, agents of the Federal Bureau of Investigation arrested him. Following the arrest, the Alabama authorities sent

its agents to Detroit with extradition papers asking for his return to Alabama. *Time* wrote:

Last week, in Detroit, where he was living with a sister and working as a laborer for \$1.80 per hour, he was surrounded by four FBI agents as he stepped off a bus. They had arrested him at Alabama's request. It is a Federal offense for fugitives to cross state lines to avoid imprisonment. (10 July 1950)

The Michigan CRC immediately went into action, appealing to its supporters to come to Patterson's aid. Once more leaflets were widely distributed outlining the details and the politics of the case. The following exemplifies the general outlook of the CRC on the various racial discrimination struggles it conducted, always trying to broaden the issue beyond the individual case:

*THE FIGHT FOR HAYWOOD PATTERSON'S FREEDOM IS A FIGHT FOR THE RIGHTS OF THE NEGRO PEOPLE.* It is a fight to end the war against the colored peoples of the world. It is a fight to unite Negro and white against the "divide and conquer" policies of the Administration. (61)

The CRC was occupied for the next several weeks with the distribution of leaflets; the organization of a petition drive to appeal to Governor Williams to refuse to extradite; the formation of committees involving church groups, block clubs, and other community organizations; organizing letter-writing campaigns; the formation of delegations to visit the governor; and finally raising funds to carry out all the work. On 12 July, Governor Williams did officially refuse to extradite. In this instance the CRC was the first organization to become involved in fighting the extradition request and was certainly the most effective. Patterson's appreciation is expressed in a letter to the CRC (see Appendix B).

All the cases described took place under conditions of aggressive red-baiting and Communist bashing. While the CRC and the MDCP were struggling on the issues of racial equality, local and national efforts to destroy both organizations continued. National

organizations and their local branches defined by Mary McAuliff as “cold war liberal” did nothing to help (1978).

The CRC’s interests went beyond police brutality and rape cases.<sup>17</sup> The Bay City “pickle case” is an example of an attempt by the CRC and MDCP to help a group of Georgians stranded in Michigan. During August 1948, Clyde Thompson, of Bay City, Michigan, contracted with the Georgia State Employment Service to recruit field hands to pick cucumbers in the “thumb” area north of Detroit (so called because lower Michigan is shaped like a mitten). The Georgia state agency distributed a leaflet:

*WANTED 200 FIELD HANDS*

to work in Michigan pulling cucumbers, male or female, 14–55 years of age. Transportation and housing provided. Job will last until September 20th. Each worker will be paid one half the gross value of the pick. Each worker will be paid off at the end of the day. Each worker should make from six to twelve dollars a day. The only thing the workers furnish will be cooking utensils. (61)

According to the director of welfare for Saginaw County, Steve G. Grove, Thompson was paid thirty-five dollars for each man, woman, or child he delivered. After a three-day trip, 228 African Americans arrived at three farm camps in Bay County. The actual living and working conditions differed greatly from those promised. Some workers bedded down in a pigsty separated from the animals by a bundle of straw. The most any worker got was two dollars for a ten-hour day (61).

It is not clear whether the Michigan CRC or the MDCP learned of this situation first. In any case, the first reporter to investigate was Billie Allen of the *Daily Worker*. He located Thompson and sought an interview, but Thompson refused to comment on his commission for bringing up the workers. He did say that he was under contract with the Bayview Food Products Company in Linwood, and that the company supplied the workers to farmers with whom it had contracts for the pickle harvest. He also admitted that the workers could not possibly earn the amount that was advertised in the leaflet.<sup>18</sup>

As usual, the Michigan CRC began to mobilize its friends and supporters, appealing to churches, union locals, and individuals. Hundreds of leaflets publicizing the situation were distributed. Under the leadership of State Senator Stanley Nowak, closely associated with both the CRC and the MDCP, a committee representing church and union elements went to Bay City to investigate the conditions first hand. Nowak then led a delegation including the Reverend Charles Hill, Coleman Young, Jack Raskin of the CRC, and Hodges Mason, president of UAW Local 248, to the governor's office to discuss the entire issue of state and county responsibility for the welfare of migrant workers (CRC, 61).

The work of the Michigan CRC was more than general political action. The organization adopted a group of twenty-eight of the stranded Georgia workers, chartered a Greyhound bus and brought them to Olivet Baptist Church on the east side of Detroit. On 22 August the *Detroit Times* reported:

Importation of the Negroes in Bay County under conditions like *slave labor* already had caused a state wide protest. Dr. J. H. Bruce, Pastor of Olivet Baptist Church, said he had nothing to do with bringing the indigents to Detroit. "I didn't know until last night that the group was coming. A Committee from the Civil Rights Congress called on me and advised me that the people would be here today. As a Christian, I promised the aid of the church in caring for these poor unfortunates until they can be rehabilitated or arrange to return to their home." He said their plight was brought to his attention by Jack Raskin, President of the Civil Rights Congress. Raskin asked to speak at the church. [Raskin] told of visiting these people and of the terrible conditions under which they were living.

The workers remained in the Olivet Baptist Church for almost two weeks, during which time the local CRC contributed food and clothing for their maintenance. A few found lodging and work in Detroit; the remainder finally returned to Georgia.

The CRC even tried to involve the federal government. On 21 August 1948, Saul Grossman wrote to Thomas Thorton, U.S. District Attorney, and informed him that some of the migrant workers had both withholding and Social Security taxes deducted from their pay but that in no instance were those workers asked to give the company their Social Security numbers. He wrote of “Fred Jenkins and a friend who had earned \$5.00 between them for picking 500 pounds of cucumbers. They received \$3.50 and were told that the balance went for taxes.” Neither was asked to produce Social Security cards (CRC, 61).

The St. Aubin/Lauri Brothers incident provides some insights into how neighborhood people organized, how a CRC chapter was formed, and how it functioned. Lauri Brothers’ Market, in the heart of Detroit’s so-called “Black Bottom” on the northwest corner of Chene and Lafayette, was owned by two brothers, Philip Lauri being the elder.<sup>19</sup>

The Lauris, white and of eastern Mediterranean extraction, conducted the business mainly as a family operation. As far as is known, all sales personnel were white and almost all were part of the family. Occasionally, there had been points of tension between the store and the community on the basis of mistreatment of customers.<sup>20</sup>

Before the appearance of shopping malls it was not unusual for neighborhood youth to congregate in front of local supermarkets. Some would try to earn tips carrying out packages; others would “hang out” because there was nothing else to do. Occasionally, they would get rowdy and one or another of the Lauris would come out to disperse them and on occasion tempers presumably would flare, epithets be exchanged, and tensions exacerbated. One can only speculate as to the complexity of the relationship between the store and the young people. Certainly, generational, racial, economic, and cultural factors were involved.

On 7 April 1951, an altercation arose between Philip Lauri and some of the youngsters. In the course of the melee, Lauri assaulted thirteen-year-old John Williams, a local resident. John sustained injuries, and at Receiving Hospital it was determined that he had a fractured hip.

The community reacted very quickly, and a leaflet was distributed in front of the store.<sup>21</sup> A picket line may have already been in place, because the leaflet asks its readers to “urge your neighbors to *join our picket line* in front of the store.” The reference of “our” was not made clear. The leaflet also argued that “this was an act of white supremacy that goes to the very depth of Hitlerism.” From this one may surmise that the organizers had a sense of political connections that was characteristic of the Left. The picketing was successful enough to warrant a three-column front-page headline in the *Detroit Courier*, 7 July 1951: “ANGRY CITIZENS PICKET MARKET.” The picketing continued for about two weeks, at which point the Lauri Brothers reduced prices in an effort to regain their customers.

By this time, the initial organizers formed the Community Committee for Justice in the John Williams Case with Steve Perry, chair, Louise Barnes, vice-chair, and Ann Lewis as corresponding secretary.<sup>22</sup> The committee arranged a public meeting for 30 April at 2203 E. Fort Street.

In the meantime, the Lauri Brothers sought a restraining order to stop the picketing and the Mayor’s Interracial Committee, established by Mayor Cobo, looked into the situation and declared that “allegations that this incident was provoked because of the race of John Williams are completely without foundation” (CRC, 1).

At the 30 April meeting the protesting organization reacted sharply to the committee’s statement and issued a press release the next day condemning the committee. “Mr. George Schermer [spokesperson for the Mayor’s Interracial Committee] carrying out his role as an apologist for the whole system of Jim Crow against the Negro People . . . parades under a liberal cloak . . . and ha[s] given an outright whitewash to Philip Lauri” (CRC, 1).

Lauri Brothers asked the court to postpone the hearing on the restraining order originally set for 11 May. The Court granted a postponement until 1 June and later extended it to 29 June. Picketing had been going on since a day or two after the scuffle and was regular and successful enough to warrant the Lauri expenditure for legal services. It would be interesting to know

how it was organized and sustained for so long. It is reasonable to assume that the CRC participated—unofficially, at least at the start—with the community. Ann Lewis, secretary of the Community Committee, was a CRC activist. The quality of the writing of leaflets and new releases and their professional production are in marked contrast to the very first leaflet.

Herman A. Burt, a Black Midland Steel worker living at 973 Divison and representing the Community Committee for Fair Employment Practices, wrote to Lauri Brothers on 29 June making certain “additional demands.” The word “additional” would suggest that he had been in touch with the market sometime earlier. We do not know what demands were made but it is reasonable to assume that they related to John Williams’s injuries and the issue of employing African Americans (Rose and Hill 1967, 181–83).

Ever since the 1930s, African Americans have demonstrated periodically in front of white-owned retail stores in their communities demanding that the owners employ local Black personnel. From 1950 to 1952, a series of such demonstrations and often confrontations occurred in cities throughout the country on issues of price gouging, mistreatment of customers, and unfair hiring practices. The common slogan was, “DON’T BUY WHERE YOU CAN’T WORK!” In Detroit a small chain of variety stores, Neisner’s, was frequently picketed for those reasons. May Davidson recalled that every Friday she and neighbors picketed Neisner’s on 12th Street for one hour in an effort to persuade them to employ African Americans as sales personnel. The demonstration, arranged by the CRC, went on for three months, at which time Neisner’s did employ some local African Americans (Davidson 1990).

On 11 July Burt wrote again insisting that the Lauri Brothers agree to negotiate with the Committee or else “we will have no alternative but to use the economic strength of the community.” Again, the escalation of demands may well indicate a level of organizing sophistication beyond that of inexperienced community people (CRC, 1).

The CRC clearly had both feet planted in the Lauri Brothers case by this time. In the middle of August it was able to organize

a community chapter, which would not have been possible without a CRC presence or measure of activity in the community. On 17 August 1951, at a meeting chaired by Herman Burt, a chapter was organized. After opening the meeting, Burt introduced Art McPhaul, who explained the purpose of the Civil Rights Congress. The group chose to call itself the St. Aubin/Gratiot chapter of the CRC. The members then went on to elect Burt as chairman, Marjorie Harris as corresponding secretary, and Richard Leonard, treasurer. Once organized, the chapter made some administrative decisions and then heard a detailed report from Burt on the Lauri Brothers case (CRC, 1).

The Lauri Brothers “affair” is typical of many incidents in which the CRC, the MDCP, or other organizations became involved. Some crisis develops; an organization steps in or is invited in; it attempts to mobilize the community on whatever issues it deems appropriate and carries out an action program to one degree or another. In the meantime the crisis may get resolved somehow. In this case under review, Lauri Brothers agreed to pay all medical expenses and indicated that further settlement would be made. Additionally, the court order was issued and picketing stopped. Once the picketing stopped, the Lauri story, in a sense, ended.

The story really does not end there, however. While it is impossible to measure precisely the effect of the organizational activities, it is safe to say that the people involved learned from the experience. Some learned to make picket signs. Some learned how to operate a phone tree and to persuade friends and neighbors to participate. Others gained self-confidence speaking before an audience, and perhaps many had their first experience dealing with the processes of the law. Certainly, while the activity was going on, there was a deeper sense of community.

The demand that the Lauri brothers hire African Americans was not a new idea. Campaigns of all sorts calling on local businesses to hire local Blacks were commonplace in major cities in 1947. According to a Detroit Red Squad memo, the CRC undertook an extensive campaign to eliminate discrimination in hiring and service in two major five-and-ten-cent stores

(Kresge and Neisner) located in the vicinity of 12th Street and Clairmont.

The Twelfth Street Chapter of the CRC, at a meeting held in the Goodwin Hall, 9016 12th Street, in late November 1948, discussed the issue of discrimination by businessmen in the neighborhood.<sup>23</sup> Many of the stores and restaurants refused to serve African Americans and none would hire them. On Thursday afternoon, 2 December, Saul Grossman, then the administrative secretary of the CRC, and Frances Price entered the Cream of Michigan restaurant at 8621 12th Street and requested service. They were refused. The next day they returned with twenty-six Black and white supporters and demanded service. This time they were served and from that point on both races were served in that restaurant.

Those activities of the local chapter of the CRC were matched by similar activities by the Labor Youth League (LYL), the successor to the Young Communist League. In those instances, Phil Schatz, a member of the District Committee of the MDCP, and Erma Henderson, chair of the LYL and later president of the Detroit City Council, entered restaurants as an interracial couple and insisted on service.

On Saturday, 11 December 1948, the CRC established a picket line in front of Neisner's at 8841 Twelfth Street. Frances Price and Saul Grossman headed the line with "13 other unknown colored and white pickets" (CRC, 3). The pickets were protesting discrimination in hiring and advocating civil rights. The picket signs were in the name of the FEPC and CRC.

During the picketing a committee of four headed by Price and Grossman met with Seymour Walker, manager of the store. They urged him to hire Black clerks. He refused on the grounds that he would have to fire some of his present employees in order to hire anyone else. He claimed that this store had thirty-three employees, one of whom was a Black porter and twenty-three who were Jewish. The committee persisted and told the store manager that picketing would continue every Thursday and Saturday until the discrimination ended.

Beyond that, the St. Aubin/Gratiot chapter functioned for several years. It is interesting to see what the chapter did. In January

1952, Herman Burt sent a letter to all of the churches in the area announcing that the chapter would sponsor a community rally on 10 February, during Negro History Week, at Schiller Hall, St. Aubin and Gratiot. The featured speaker, the historian Herbert Aptheker, a nationally known member of the Communist Party, would speak about his work on the “We Charge Genocide” project.<sup>24</sup> Art McPhaul would address local issues.

What is particularly interesting is the leaflet that the chapter used to publicize the rally. It was a widely distributed piece which in addition to organizing a rally was a piece for raising consciousness. It asked:

Why do Negroes live 10 years less than their white brothers?

Why do 3/1000 Negro mothers die in childbirth compared to 1/1000 for white mothers?

Why are Negroes convicted of murder at a rate 7 times that of whites? (CRC, 1)

In the short period of time that the CRC was involved with the Lafayette-Chene community, a definite change in the political consciousness of some people occurred. When one compares the content of the first leaflet distributed in the Lauri situation to the leaflet above, it is clear that a new level of political maturity developed. The use of the phrase “white brothers” in the first question indicates a level of political sophistication at least on the part of the activists in the club that was not there only a few months earlier. Of course, only a small number of people were affected by that political consciousness raising but whatever that number was, it was greater than before.

I have alluded to the conditions under which the MDCP and its arm, the Michigan CRC, labored during the period under study. A minor incident occurred in July 1953 which illuminates the state’s efforts to hamstring the CRC’s activities.

The organization had planned a fund-raiser for 25 July at the home of Art McPhaul at 143 Hazelwood in Detroit. The backyard was decorated with Japanese lanterns; beer, hot dogs, and potato salad were provided for guests who paid an admission charge of one dollar (CRC, 3).

At 10 P.M. Sgt. Krowitz led a squad of six policemen on to the premises and charged that the occupants had violated the Michigan Liquor Control Law. Art McPhaul and Ann Shore, directors of the local CRC, assumed full responsibility and told the officer that they would cooperate.

The police arrested everyone there and, although they had no warrant, went into the home, searched it, and arrested McPhaul's son and six youngsters who were visiting him. The police charged Art McPhaul and Ann Shore with "engaging in an illegal occupation" and the others with "loitering in a place of illegal occupation." All were held overnight except for McPhaul, who remained jailed for three days.

Fund-raising parties of this kind had been held for many years without any concern on the part of the authorities. Since both McPhaul and Shore had assumed responsibility and offered to desist from further dispensing of beer, it would seem that the normal police procedure of issuing a ticket to the offenders would have been appropriate. To fingerprint and photograph all attending and hold them in jail overnight was clearly out of proportion to the offense.

Charles Lockwood, attorney for the Greater Detroit Consumer Council, felt that the police had taken this extraordinary action because it was a CRC event:

The State Bar of Michigan has recently had occasion to strongly criticize police agencies for just such conduct as this. Knowing what happened in other countries, we don't dare remain silent when such shocking and illegal conduct occurs.

Granted that these people were members of the Civil Rights Congress, an unpopular group which has been listed by a congressional committee, that still is no excuse for what happened.<sup>25</sup>

The court record shows that, in many instances, the officers were not able to identify the defendants. This was particularly true of the sergeant's testimony. Judge Frank G. Shemanske, who had previously been the attorney for the Detroit Police-men's Association, was particularly inflammatory and charged

the CRC with being responsible for the death of our troops in Korea.

Judge Schemanske's final comment to the jury is also illuminating. Although this case would be of little significance in ordinary times, the Judge went out of his way to say:

The Court congratulates the jury on returning a just verdict in a difficult case. This case should not have been complicated, but, as is often the case when defendants of this particular stripe find themselves in a court of law, the atmosphere is deliberately filled with commotion and confusion.

The voice and conscience of our nation speaks out to our enemies at home and abroad through the jury verdicts of free men in such cases as this.

This lawsuit, in itself, is not important, but its implications are wide spread. The city, the state—yes, even the nation—in the last few days have been advised of your problem by press, radio and television.

Especially significant is the fact that these people were meeting as an American front of our enemies when our sons were fighting and dying in Korea for a cause these defendants ridiculed.

Each returning ship laden with our wounded gives the lie to Communism through our sons' demonstrated faith in freedom and this court thanks you for your Americanism. (CRC, 3)

Three features of this case shed light on the problems of the CRC in its work. Fund-raising parties were a common practice and it was commonplace to charge a small admission where refreshments, including beer, were offered. Arresting and prosecuting one organization out of the scores that utilized that practice was another example of the discriminatory practices against which the CRC was fighting. Furthermore, it forced the organization to expend time, energy, and financial resources that could have been channeled to better purposes. The partial cost of publicizing the case and defending those arrested was \$1,239.24

as of 3 September 1953. There remained an unspecified amount owed to the attorneys and to repay loans (CRC, 3).

Finally, this case enables us to see another aspect of government surveillance. One of those arrested was Milton Santwire, a paid FBI informer, whose name and actions turn up in the Smith Act trial of the Michigan Communist Party leaders only a few months later. I shall deal with that incident in greater detail in chapter 5.

Throughout its existence, the Civil Rights Congress exposed gross violations of civil rights, especially when perpetrated against African Americans. Its efforts succeeded in drawing attention to the very serious problem of racism in the United States. Organizing under extremely difficult conditions, the CRC and its Communist Party supporters were able to form coalitions with significant sections of the labor movement, Black churches, and that segment of America, Black and white, struggling for racial equality.

One must be impressed with the number and variety of cases the Michigan CRC handled in its relatively short life. The files at the Reuther Library alone contain the records of over forty cases of alleged civil rights abuses. The issues range from the persecution of Charles Hill Jr. because of his relationship to his father, the militant Reverend Charles Hill Sr., through the Detroit Tigers' refusal to hire Black athletes, to the Radulovich case in which a much-decorated veteran of Yugoslav descent was hounded by the House Un-American Activities Committee. Well over half of these cases involved the civil rights of African Americans. The CRC's constant attention to that particular issue explains its reception by Michigan's Black citizens even when some of their leaders red-baited the organization.

Black involvement was characterized not by any specific organizational form but by action undertaken on an *ad hoc* basis. The Black community did not generate any organization analogous to the Civil Rights Congress. Neither the NAACP nor the Urban League developed mass movements. At that historical moment Black individuals and organizations mobilized around individual issues and cases, allying with whatever organization

seemed to best serve their interests. The level of interracial unity in the trade-union movement is impressive. Activity was greatest in those locals with left-wing leadership and a large African American membership. Although the Black-UAW alliance was beginning to show signs of weakening in the decade of the fifties, it was by no means dead (Meier and Rudwick 1979). UAW Local 600 and the west side UAW local of which Nat Ganley, a prominent MDCP member, was business agent, are examples of that unity.

It is interesting that even as late as 1953–54, six years after the defeat of the Left in the UAW and at the height of McCarthyism in Michigan, the CRC had a reasonably good relationship with most of the Michigan labor movement. Certainly, the organization was feeling the effects of the general atmosphere of political repression, but it kept going. Art McPhaul noted the significant role Michigan labor played in the Haywood Patterson extradition case.

Even at the apogee of the attacks against the Communist Left, the Michigan CRC was able to persuade the UAW to support officially the Willie McGee case. McPhaul described how that was achieved. The first step was to organize regular leaflet and newsletter distributions at as many plant gates as possible. The organization published the *Labor Defender*, a four-page monthly tabloid with a circulation of 50,000, distributed at plant gates. The newspaper dealt with a wide variety of issues: job discrimination, labor spies, local and national civil rights cases. Then, wherever possible, the CRC's union supporters would discuss those issues with shop stewards, committee chairs, and the cadre of union activists.

Union activity went beyond the customary routine adoption of resolutions in local unions and executive boards or in the sporadic circulation of petitions. New initiatives were developed and adopted, as in the demonstration-prayer meeting of one thousand Chevrolet workers in Flint that was addressed by both a Black and white preacher, each a plant worker. This was not unique to Michigan. Similar actions occurred throughout the country.<sup>26</sup>

The CRC's activities were not limited to the pursuit of justice

in individual cases. Its campaign for a Michigan Fair Employment Practices Code involved thousands of people and was an important stepping-stone toward its ultimate enactment several years later. The organization's exposure of the House Un-American Activities Committee and similar state committees added weight to the growing opposition to such "investigative" committees.

It is ironic that the organization that fought so hard for racial and social equality did not live to see the full fruits of its labor. The victories to which the Civil Rights Congress contributed were won in the next decade.

The national leadership of the Civil Rights Congress looked upon the Michigan CRC as a model in that it had developed unusually good relationships with both the labor movement and the African American community. One must agree with Gerald Horne, who observes that "it was no accident that the CRC founding conference had been held in Detroit because that city's pre-1946 civil rights activity presented the sort of militancy and organization that the CRC aspired toward" (1988, 289). Of all of the state chapters, Michigan had the best connections with the labor movement. The Wayne County Industrial Union Council was officially affiliated with the Michigan CRC, and the many labor-union contacts Raskin and others had forged were hallmarks of the organization.

The full-time personnel were strong, dedicated, and self-sacrificing. They were not always easy to work with. Raskin, like so many Party members, displayed a mixture of collectivist and individualistic characteristics. Dedicated to the concept of a nonracist America, he sacrificed much of his personal life. His CRC salary was small, often erratic, and his wife had to work to support the family. Having a young child made things even more difficult. Most meetings were at night so that Jack was rarely home to help his wife with domestic chores and the child. Often meetings and conferences would take him away from home at weekends.<sup>27</sup>

It was not unusual for Raskin to work on several issues at once. His style of work, however, could aggravate coworkers

and in some ways make their work more difficult. He kept an enormous amount of information in his head, setting up a situation where everyone in the organization had to go to him for all sorts of information.

He had a talent for making a wide network of contacts and committed to memory long lists of possible allies for a variety of issues and programs. He liked to get things done but more often than not did not report results to the national office. This was one of the sources of periodic tension between Michigan and New York. He was generally not “pushy” or abrasive but on occasion could be very stubborn.

Organization in the Michigan CRC under Jack Raskin was very “amorphous,” according to Ann Shore. In 1952 she complained that everything “seemed to be in Raskin’s head” and that the chapter had disintegrated. “The office is a mess” (Horne 1988, 289). Shore most likely had some justification for her complaints. As far back as 1946, Milton Kaufman, then the National Executive Director, took sharp issue with Raskin:

[Your] seeming inability to write letters becomes more than a matter of personal idiosyncrasy, Jack. It creates political problems. Your failure to report on the development in your FEPC campaign and on CRC is really unforgivable. Jill told me about some horrible things that are going on. I think it only fair to us that we get this business straight from you since what is happening there now will have much to do with our ability to organize in Detroit. (CRC, 4)

Raskin recalled:

We weren’t a mass organization as such. . . . We really didn’t have the finances to maintain good files . . . they were hit and miss. . . . Part of the time . . . we were clipping newspapers and we’d file them and mount them and part of the time we weren’t because we had nobody to do it. Most of the activity was on a volunteer basis. . . . The organization itself had, at the most, three full time people and sometimes it was two and sometimes one because of finances.

One of the interesting things for me when I was active . . . in the CRC is that we were able to accomplish what we did [with] just an office and a mimeograph machine and with contacts all over and that we utilized those contacts to stimulate interest and that we did it with a small functioning group. . . . And some of the things were even sort of miraculous. [Referring to the Lemas Woods case] We were just a couple of people working in an office in Detroit and the whole thing takes place in the Philippines and it was interesting that we could work up interest in issues that were so far away. . . . We weren't a mass organization as such. (Raskin 1970)

Raskin's relationship with William Paterson, who became CRC's National Director and came to personify CRC nationally, was always touchy at best. Paterson's style of work, often authoritarian, could well have aggravated that. Raskin had objected to the process by which Paterson was appointed Executive Secretary and refused to express an official opinion on the selection. "What's the sense in giving an opinion on an accomplished fact?" he queried (Raskin 1970).

Ann Shore assumed the leadership of the Michigan CRC after Raskin resigned. She stayed with the organization until its demise in 1956. Shortly after that she joined the staff of Local 1199 of the Hospital Workers Union as director of the pension fund. She remained on the union staff until her death in 1980.

She was a strong-minded, highly organized, "take charge" person, and quite aware of nuances in personal and political relationships. Her departure from Detroit and her untimely death force us to rely almost entirely on the letters and reports in the CRC collection. Soon after her arrival she noted,

There is a fine potential here . . . but it is so amorphous that it drives me crazy. The hundreds of contacts we have all seem to be in Jack's head. The office is a mess. The bail fund, what there is of it . . . is mostly in Jack's head. . . . There are no chapters. . . . There is no functioning Board. It's even worse than CRC in LA. . . . People are scared here. . . . We are doing nothing about Dennis.

Little about the 11 and little about McGee. . . . We have been doing a minimum on Mundt-Nixon. . . . The middle class here is really frightened. A truly different picture from L.A. (Horne 1988, 291)

All new brooms sweep clean and Shore may have been too harsh on Raskin. A review of the work done under his leadership indicates that despite his personal idiosyncracies, a great deal was accomplished. Shore, as a politically sophisticated woman, was aware of the delicate balance in her relationship with McPhaul, an African American. It is not clear whether the racial or the gender factor was the more important. Quite frequently she admonished Aubrey Grossman, when he was the national Executive Secretary, to be certain to send all communications to McPhaul rather than to her since at that time McPhaul was in charge of the Michigan office. Incidentally, Horne noted that Shore felt that the national office, even under Paterson, did not “accord McPhaul the proper respect . . . [and] in no uncertain terms she told Grossman that this too-often-repeated error smacks of white chauvinism. . . . Pat is guilty, too.”

The Michigan CRC was involved soon after its formation in a host of projects of which the drive for FEPC was the greatest. A special CRC-FEPC Committee was formed. Three thousand petition distributors were involved during the drive for signatures. Community chapters of the Committee were active; meetings with the governor and hearings before the Senate Labor Committee took their energies. In 1949 Raskin wrote,

We have been busy raising money; we had a successful Robeson meeting; we are conducting the defense of twenty deportees; we are at the present time forming a Crockett Defense Committee and fight[ing] against discrimination in housing involving Negroes and Mexicans . . . on the question of membership we have done a very poor job. . . . [We are] concentrating on four fronts: [the] deportation drive . . . we have forty deportation cases and four denaturalization cases; 2) the Mundt-Ferguson bill. . . . 3) police brutality . . . FEPC and housing; 4) major emphasis on the eleven and their attorneys. (CRC, 2)

In the summer of 1951 Art McPhaul became the executive director of the Michigan CRC. It is not clear by what process that happened. As with all leadership appointments in the organization, it simply seemed to happen. Undoubtedly there had been discussion about it formally or informally with MDCP leadership. Raskin felt that McPhaul's appointment was based more on the idea of having a Black head of the organization than on competence (Raskin 1989).

McPhaul was a militant committeeman in UAW Local 600 and had a history of fighting for hiring Black women during the war. Horne notes that he was fired for making "inflammatory speeches in the dining room of the Rouge plant" (1988, 291). In McPhaul's recollection of Detroit's racial culture, one can see the basis for the need for a CRC:

Blacks had to use freight elevators in office buildings even in the building where Goodman had his office. Couldn't ride the regular passenger elevator in the building. Not only that, it was just out of the question to get a meal etc., no matter . . . any place in the City of Detroit as far as the so-called white restaurants. You just could not do it. I tell you very frankly, Detroit was just as bad as Mississippi or Georgia. Prejudice, hate, discrimination and so forth against Blacks wasn't much better in Detroit than in the South.

The Communists were the only ones that were really fighting against police brutality, really fighting for complete equality of Blacks. They were the only ones, as far as white people were concerned. [It is interesting to contrast his views on the relationship between the Michigan CRC leaders with Raskin's and Shore's.]

Jack was a slow, easy-going kind of person; a good person. He didn't have what I consider a working class background or anything of this kind. He was more or less a middle class intellectual. I couldn't say anything really outstanding about Jack. He was the leader of the CRC. It's just about that. He was a slow, plugging, honest fighter for civil rights and civil liberties. That's the best I could really say about Jack.

People like Jack Raskin, Ann Shore and Elenor Maki and those people were the best white people that have been developed up to that time, but their chauvinism was—white people in general—I don't care how good they are. Not only do they not want to accept leadership from Blacks but they don't even want to recognize it no matter how good they are. I had a running fight with Ann Shore. . . . I want to say that I have a great deal of respect for her but she was full of chauvinism. Just could not accept leadership from a Black person. Of course, this has been traditional with white folk. Everything else is all right but don't try to lead them . . . this has been a problem so I can't say that they were any different from other white folk, even though I consider them some of the best white folk that have ever developed up to this time. (McPhaul 1970)

The relationship between the three is in fact a microcosm of the relationship between Blacks and whites in the Party and is, perhaps, the subject for another study.

In this chapter, I have presented some of the typical activities the Michigan Civil Rights Congress, an arm of the Michigan District of the Communist Party, carried out on a local scale. One must always bear in mind that all that I have described took place when both organizations were under constant attack not only by various government agencies but also by important Cold War liberal organizations. It was a period when internal confusion and uncertainty also weakened the CPUSA. In Michigan, despite internal weaknesses and external battering, the Communist Left continued to carry on an effective struggle against racial discrimination and oppression.

## 4

### Fighting for Racial

# Justice Nationally

The Michigan Civil Rights Congress (CRC) devoted the bulk of its activity to Michigan affairs, but as part of a national organization, it concerned itself also with national issues and campaigns. The Michigan CRC actively struggled against repressive measures enforced through federal legislation. It fought for the repeal of the McCarran Acts and the Smith Act, enacted with the purpose of isolating and eliminating the Communist movement in the United States. Legislation proposed to strengthen these measures, such as the Mundt-Nixon bill, also occupied the energies of the state organization.

The national issues of most concern to the CRC were those relating to equal justice and the elimination of racial discrimination. In this chapter I describe the CRC's activity in three legal cases that drew national attention to racial issues. My emphasis is on the activities of the Michigan Civil Rights Congress and the Michigan District of the Communist Party, although national activity always intersects with local activity.

Dealing with issues of equal justice demands a deep understanding and commitment to the principles of the Bill of Rights. It is one thing to fight for justice for the innocent. It is quite

another to fight for justice for the guilty. The CRC, nationally and locally, fought for equal justice for all.

In the Willie McGee case, the battle was joined on the issues both of his innocence and of unequal justice. Wesley Robert Wells was clearly technically guilty of the charge against him. In that case, the violation of the principle of equal justice was the basis for his defense by the CRC. Both issues were clearly involved in the Martinsville Seven case, although arguably the fight for equal justice prevailed.

In the late summer of 1946 the Civil Rights Congress on the national level undertook the defense of Willie McGee. This was to be one of the most important movements sponsored and organized by the CRC. The alleged rape of a white woman by a Black man evoked deep and often-hidden emotions inherent in racial conflicts. Furthermore, the five-year-long movement took place during a period when the newly developing nations of Africa and the Third World were watching the United States to see if its words of democracy and freedom would apply to its Black citizens (Dudziak 1988).

William McGee was born in Mississippi on 14 November 1915, married twenty years later, and worked in Laurel, Mississippi, as a truck driver. He moonlighted as a gardener and handyman for a white woman named Willet Hawkins, who, McGee said, “showed a willingness to be familiar and let me have intercourse with her in the back room” (CRC, 62).

The relationship started in 1944 and continued until McGee, fearing complications, went to California. He soon returned to Mississippi, claiming that he missed his wife and children. He resumed the affair. During the night of 2 November 1945, McGee went to the Hawkins home, where he and Willet Hawkins were caught “in the act” by her husband.

The woman claimed rape. A sick child was in the same room—according to some reports, in the same bed. Two other children were in the next room, and the husband had been asleep in an adjoining room. At no time did she call out for help before they were discovered.

McGee’s wife, Rosalie, confirmed her husband’s relationship with Hawkins. Willie McGee had known Willet Hawkins long

before the alleged rape, as was confirmed by Reverend G. L. Tucker, the Hawkinses' pastor. In her testimony, Rosalie reported that once when she and her husband were together, Willet came into their home and asked Willie to go with her. That very day McGee confessed the relationship to his wife, who understood that he had little choice but to "accommodate" Hawkins because she would threaten to cry rape. Under the circumstances Rosalie McGee felt compelled to tolerate the situation (CRC, 62).

McGee was arrested on 3 November 1945 and held in solitary confinement before and after his arraignment. During this period he signed a confession which, as he told his mother, "I signed to be living when you got here." His physical condition had deteriorated to such an degree that his attorney filed an affidavit saying that he was "so incapacitated physically, either from disease or because of insanity since the date of his arrest that he was unable to advise with counsel." He was physically carried into the courthouse (CRC, 62).

McGee was held in Jackson, Mississippi, until the indictment and the arraignment were completed in one day, 3 December 1945. On 6 December, the defense demanded a sanity hearing. The all-white jury found the defendant competent to stand trial. The court denied motions for an examination by a physician and for a change of venue.

At the trial, the defense attorney appointed by the court offered literally no defense at all. Given Mississippi customs and white attitudes toward African Americans in 1945, it is highly improbable that any defense attorney could have done much more. After three minutes of deliberation, the all-white jury found McGee guilty. It was not uncommon in the deep South for the criminal justice system to move along with remarkable speed in cases of this kind. The entire trial lasted one day, with no cross-examination of Willet Hawkins, in spite of her most unusual story. The judge sentenced McGee to death.

The trial atmosphere was bizarre. Machine guns and bayonets were evident in the courtroom. Mr. Hawkins openly carried his pistol in the courtroom and threatened to use it if the reputation of his wife were damaged. McGee's defense, because of

incompetence or intimidation or both, was by all accounts totally inadequate (CRC, 62).

This case would have passed as unnoticed as countless similar cases if it had not been for George Marshall, the first board chairman of the CRC. Southern friends of the Civil Rights Congress alerted the organization, according to Jack Raskin (1970). Marshall's investigation led him to support McGee's story. He was particularly struck by the inadequate defense and the fact that the jury deliberated only three minutes. The CRC mobilized its lawyers, who moved to quash the indictment because no Negroes were on the grand jury issuing it. The presiding judge denied their motion.

With the trial lost, the CRC moved into action and appealed to the Mississippi Supreme Court. The CRC demanded a new trial and a change of venue on the grounds that a fair trial was impossible in the first court's county. A new trial was ordered for 4 November 1947. Once more an all-white jury found McGee guilty, and the death penalty was imposed.

CRC attorneys were once again able to save McGee, at least temporarily. On 9 February 1947, the Mississippi Supreme Court ordered a third trial on the *sole* ground that "no Negroes had served on the grand or petit juries in Jones County for a long number of years, if ever." This decision was one of several over the years making it more likely that Blacks could serve on juries.<sup>1</sup>

In November of that year, a new indictment was handed down by a grand jury that included (an advance in itself) three African Americans, and McGee faced another trial in March 1948. Once more the death sentence was pronounced. Once more appeals were filed, but the verdict was upheld by both state and federal courts. In the third trial, the atmosphere was more decorous than in the previous trials. In the second trial, for example, Mr. Hawkins physically assaulted McGee's lawyer and "threatened to kill him if he pressed his wife on cross-examination."

At this point in the story it is worth noting that a peculiar legal pattern had developed. Local attorneys had to handle the local trials, all of which were lost. CRC attorneys undertook the

appeals, winning on points of law. According to Gerald Horne, “few cases generated so many appeals, so many innovative legal arguments and such laborious and determined fighting as McGee’s” (1988, 80). I shall examine the effect of the legal work of the CRC in more detail in chapter 6. At this point it is interesting to note that CRC lawyers developed the argument that the death penalty was used to a much greater extent against Black than against white Americans, and that no white man had ever been executed for rape in the South.

A network of attorneys sympathetic to the causes that the CRC espoused made many suggestions for arguments and tactics. Among them was the tactic of attempting to remove the case from reactionary state courts to federal courts. Thus a strategy was born that would be used some fifteen years later in *Dombrowski v. Phister*, an important case that confirmed in 1966 the right of defendants to transfer a civil rights case from a state court to a federal court if it were unlikely to get a fair trial in the former. This right had not been utilized since the end of Reconstruction.

The work of the attorneys was vital and quite expensive. Some contributed their time for research and consultation. Others, particularly those who were in the battle day in and day out, had to be paid. CRC spent \$19,500 on attorney fees alone in the McGee case up to 8 July 1950. In terms of today’s money, that sum is equivalent to well over \$100,000. Had it not been for the many hours of unpaid work donated by the lawyers, it is quite possible that the organization would not have been able to carry on. As it was, there were many instances when the lawyers could not be paid, or only partial compensation could be made. Added to this was the cost of printing long transcripts and of all the staff work that went into the legal battle.

Despite the difficulty and strain of finding such sums of money, the CRC pursued fund-raising energetically. Financial contributors included some of the country’s outstanding artists, playwrights, and actors. The Michigan CRC was constantly concerned with raising money, and both Jack Raskin and Ann Shore continuously emphasized its importance, a point reflected in

their correspondence with New York and the minutes of innumerable local executive board meetings.

As the Cold War intensified, and as the isolation of the Communist Left deepened, fund-raising became increasingly difficult. The budget that Jack Raskin proposed in 1947 was never really achieved. There were long periods when neither Raskin nor Shore was paid. Ann Shore had inherited some money from her mother, and her husband, Jerry, had a small income as a union organizer, so she was able to continue working without pay for weeks at a time. Raskin's wife had a steady job and was able to support their household when he did not get paid. This level of devotion and commitment was characteristic of CRC leaders.<sup>2</sup>

The CRC skillfully combined mass action with legal maneuvers, demonstrating a continuity with the militant and aggressive tactics of the Communist Left of the late twenties and early thirties (designated the "third period" of post-World War I history by theoreticians of the world Communist movement). The mass rallies, demonstrations, and hard-fought trials that characterized the work of the International Labor Defense were intensified by the CRC during this period and would serve as a model for the movement a generation later.

In the midst of working on the Lemas Woods and Leon Mosely cases, organizing against state and national repressive legislation, and a host of other activities, the Michigan CRC plunged into the campaign to save Willie McGee. Under Raskin's leadership, its members arranged rallies featuring Gale Sondergaard, Paul Robeson, Howard Fast, and other figures in the cultural world. A public meeting at Detroit's Music Hall drew more than a thousand people. Letter- and postcard-writing campaigns resulted in thousands of people expressing their concerns about the McGee trial. Regular petitioning mobilizations in downtown Detroit succeeded (according to Ann Shore) in "sending [to President Truman] approximately 30, 000 signatures to the McGee petition. We have more to be sent" (CRC, 2).

The deluge of letters and telegrams was so great that Harvey McGehee, Chief Justice, Supreme Court of Mississippi, commented, "As Chief Justice of the Supreme Court of Mississippi, I

am being literally bombarded with telegrams, special delivery, airmail and other letters urging a new trial for Willie McGee” (CRC, 62).

Nevertheless, Governor Fielding Wright of Mississippi held fast to the execution date of 27 July 1950. “This man,” the governor was quoted as saying, “has outlived his life” (*New York Sunday Compass*, 18 June 1950, 14). At this point the CRC leadership proposed a bold new tactic—one which was to be a precursor of the freedom riders of the next generation. Only sixteen days before the execution, the CRC began to organize a delegation of white men and women to gather in Jackson, Mississippi, and to meet with the governor. Contingents came from six northern and four southern cities: Detroit, Chicago, Philadelphia, New York, Milwaukee, Los Angeles, New Orleans, St. Louis, Dallas, and Washington, D.C. The call for the delegation noted:

Because of the great responsibility of white America to step forward in this case and for reasons of security, delegates will all be white. . . . Every effort is to be made to secure leading writers, leading ministers, leading trade unionists. But so-called rank and filers are not to be excluded. (CRC, 62)

Displaying extraordinary courage, the delegation gathered in Jackson in a “lynch atmosphere to fight against lynching. [This action] is unprecedented, inspiring and history making.” Aubrey Grossman, the national chairman of the CRC, went to Jackson to direct the delegation. The atmosphere in Jackson was tense. The war in Korea was almost a month old. Superpatriotism and extreme nationalism were spreading. Anti-Communism was reaching a fever pitch and the southern press, particularly in Mississippi, was whipping up all kinds of fears. The *Jackson Daily News* editorialized:

A hint to members of the Communistic Civil Rights Congress . . . while this is the closed season for nearly all varmints in Mississippi, we do have people in our midst who are impetuous and act quickly. Why the hell go to Korea to shoot Communists when the hunting is good

on home grounds? (Horne 1988, 92)

Despite the CRC's precautions, Grossman and others were severely beaten.

William Paterson, Rosalie McGee, and others went to Washington to try to meet with the president; attorneys were dispatched to Atlanta and Washington for possible last-minute appeals to federal judges. All regional offices followed the example of the national office, which devoted almost all of its staff and *all* of its income in this last-ditch effort to save Willie McGee's life. The effort consumed all of the CRC's resources, but it achieved its immediate goal. Justice Hugo Black ordered a stay of execution and the governor granted a clemency hearing. The organization was able to claim at least a temporary victory.

The execution was delayed as a result of the ten-city delegation, and the CRC continued with appeals and organized protests. Despite the tense and often openly hostile atmosphere, particularly in the South, the organization was able to elicit the support of prominent white southerners such as Dorothy Bushnell Cole, a Mayflower descendent, and the world-famous writer William Faulkner.

The CRC organized a most unusual demonstration in the spring of 1951. This time, volunteers for a "white women's delegation" went to Jackson and actually went door to door attempting to persuade people of McGee's innocence. Ann Shore was one of two Michigan women in the small delegation of some twenty women (CRC, 62).

How much immediate effect this delegation had is unclear. It was important, however, in its effort to build connections between ordinary southerners and people from other parts of the country, as was the trek to Virginia, a few months later, of more than five hundred northern men and women in defense of the Martinsville Seven. This tactic foreshadowed the actions of a later decade. Until the very end, the CRC agitated on McGee's behalf; the *Daily Worker* headlined, "Millions in Last-Minute Plea for McGee" (8 May 1951, 1). People, Black and white, from all parts of the country descended on Washington, D.C.,

where one hundred chained themselves to the Lincoln Memorial while others picketed the White House.

Even larger demonstrations developed in Jackson, where Ann Braden recalled the tension prevailing; one planned march was called off as too dangerous. She noted that the CRC pioneered the idea of “whites working in white communities” to combat racism. Huge demonstrations of fur and garment workers in New York demanded a stay. Hundreds of students at City College of New York protested day and night. In every major city, vigils and prayer meetings were organized. The final days were full of drama and activity. Bella Abzug of New York and Ernest Goodman of Detroit made pleas in federal court (heard by Judge F. C. Mize on 7 May) under the Civil Rights Act of 1866 and the Fourteenth Amendment for a temporary stay of execution. Legal observers viewed the Abzug-Goodman action as unprecedented in the long history of similar trials (Horne 1988, 96).

As the date of execution came closer, McGee wrote to his wife:

Dear Rosalie,  
they are planning here to kill me and I dont no if you and the people will be able to save me if I have to die I want you to say good bye to my mother and the children and all the people who no it is wrong to kill a man because of his color.

You no I am innocent tell the people again and again that I never did commit this crime tell them that the real reason they are going to take my life is to keep the Negro down in the South they cant do this if you and the children keep on fighting never forget to tell them why they killed their daddy. I no you wont fail me tell the people to keep on fighting.

Yours truly hus  
Willie McGee. (CRC, 62)

All possibilities for delay having been exhausted, Willie McGee was executed on 8 May 1951.

The execution brought forth cries of anguish throughout the

country. Cities in all parts of the nation held memorial meetings to honor his memory. In Detroit, the Trade Union Committee to Save Willie McGee sponsored a memorial march on 13 May. Under the leadership of William Hood of UAW Local 600, a parade starting at the Civic Center at 114 Erskine marched down John R to Grand Circus Park and then down Woodward to the Sojourner Truth monument opposite the city hall, where a memorial service was held. Reverend Francis Guthrie gave the invocation, following which Ernest Goodman deplored the fact that

despite protest from leaders from all parts of the world, including ministers, trade unionists etc., another victim of Southern “justice” was legally executed . . . and as in many other similar cases, the government failed to intervene. (CRC, 62)

Among the other speakers were Art McPhaul of the Civil Rights Congress, Dorothy Knight of UAW Local 51, and Ewart Guinier of the United Public Workers. The press ignored the memorial, but the city’s Red Squad did not. Their espionage report of the service listed ninety individuals they recognized. We do not know how many others were there.<sup>3</sup>

The CRC and the Communist Party were repeatedly accused of manipulating the McGee case to their advantage. The political Right insisted that the Communist Party’s interest in McGee was only to sow social unrest and to embarrass America. *Time* wrote that the McGee case was “sure fire propaganda, good for whipping up social tensions . . . and giving U.S. justice a black eye abroad” (17 July 1951). The *New York World Telegram* said the CRC was ensnaring and exploiting an “astonishing assortment of prominent persons—bishops, judges, university professors, movie stars, lawyers and Henry Wallaces” (4 Aug. 1951). And *Newsweek* declared that the CRC was one of “the worst frauds and most mischievous fronts the Reds ever palmed off on American politics” (10 July 1951). *Newsweek* failed to mention that the Civil Rights Congress set up a trust fund for the care of Rosalie McGee and her children, a fund to which many domestic and foreign organizations contributed. On more than one occasion,

McGee expressed his gratitude and confidence in the work of the Civil Rights Congress (CRC, 62).

Largely because of the work of the Civil Rights Congress, the McGee campaign had provided continuing education for both whites and Blacks. It had constantly stressed education against racism, and in addition had been a training ground in organization, training that would be reflected in the civil rights movements of a later decade.

In the midst of the drama of the McGee struggle, another case of alleged rape approached center stage to become another internationally known event in U.S. Black history. By the time the ordeal of the Martinsville Seven reached its climax, all kinds of organizations in the United States and throughout the world came to their support. Union locals representing about a third of American auto workers, three hundred thousand electrical workers, and almost half a million other workers gave their financial and vocal support to the seven condemned men.<sup>4</sup> American churches representing between four and five million members; international bodies whose combined membership ran into the tens of millions; members of the parliaments of France and Finland; youth organizations from Great Britain, Tunisia, West Germany, and Poland; the Zionist Democratic Federation of Israel; along with the Bataka Party of Uganda joined with the CRC protesting the sentence and calling for their freedom.<sup>5</sup>

On 8 January 1949, Ruby Floyd, a white 32-year-old resident of Martinsville, Virginia, went to East Martinsville to collect money a Black woman owed her. On the way she stopped at the home of Sam Morton, who reminded her that her destination was quite a distance away and that it was late, and suggested she come back earlier some other day. Floyd, who was well known in the Black community as the “*Watchtower* lady,” for her selling of the Jehovah’s Witness publication as well as used clothing, insisted on proceeding.

On the way home she encountered four young Black men. It is not clear whether the men approached her and jostled her or whether she hailed them. After a short while she called for help to a woman and a girl walking by. The woman spoke to the young men and then offered to walk Floyd to town. Floyd

refused the invitation and began to walk away from town. The harassment continued and by this time, according to Floyd, some thirteen or fourteen men were involved. She went to the home of Mary Wade close by. Wade took her to a store about two hundred yards away. The proprietor of the store then called for an ambulance.

Floyd told the police that she had been gang raped. The next day all Black males in the town over fourteen years of age were questioned. All those who had mud on their shoes were held. Seven of them were arrested and charged. Later, the seven claimed that the police threatened to turn them loose to a mob if they did not sign a confession.

They were arraigned on 12 January and held without bail; attorneys were assigned to them nine days later. The trials were very brief, all six of them (two of the men were tried jointly) occurring in less than a week. The defendants were all found guilty and sentenced to die. CRC attorneys entered an appeal to the Supreme Court of Appeals of Virginia, which granted writs of error. The court later upheld the judgments of the trial court. The CRC then took steps to appeal to the Supreme Court of the United States. Virginia Governor John S. Battle ordered a stay of execution to allow that process.<sup>6</sup>

Again the CRC combined the legal process with arousing and organizing public opinion. The Michigan CRC began to publicize the details of the case and within weeks the case of the Martinsville Seven began to get the attention of the Black and progressive community in Detroit and Michigan. All of this came at a time when other significant civil rights cases were in motion: Willie McGee, Paul Washington, Wesley Wells, and the Trenton Six, as well as the many local projects the Michigan CRC had undertaken.

Encouraged by the success of the delegations in the McGee case, the CRC decided to organize similar demonstrations to support the Martinsville Seven (CRC, 62). Three weeks before the new date of execution, all CRC branches began to promote the delegations. This time they were to be racially mixed and represented twenty-five to thirty states. It was a frequent Communist tactic to relate a particular event to some broader national issue,

and in this case the national CRC office tried to connect the Martinsville Seven case with the McCarran Act. The leaflet was ineffective, however, in making any such connection clear.

Two weeks later the national office stepped up the pressure on Michigan and the other branches. In a memo dated 2 November 1950, Aubrey Grossman insisted that

in addition to what you are doing . . . you should cover the local press. [You must] reach all prominent [state] Negro organizations; insure a strong Southern delegation; guarantee to tie up with all other Negro rights cases by the character of the delegation; bring the delegation into the election campaign [current congressional and state election campaigns]; bring the issue into the churches and synagogues and begin to think about post-delegation action. (CRC, 62)

Grossman urged Ann Shore to “try to duplicate what the Philadelphia CRC had succeeded in doing.” The Progressive Party candidate for senator there had agreed to speak about the delegation in her radio broadcast. She promised to say that she was going on the delegation and she challenged her opponents to do the same. Grossman suggested that Shore approach churches and ministerial and rabbinical associations by letter or personal visits asking for a prayer for the lives of the Seven and the success of the delegation.<sup>7</sup>

Activity to save the Martinsville Seven peaked in the fall of 1950 with intensive organizing efforts to get a large Michigan delegation. The executions of the Martinsville Seven were scheduled for 20 November. The national office called for a racially mixed mass demonstration in Richmond, Virginia, on 15 November. The Michigan CRC began to organize for that by planning a mass meeting at the Music Hall for early November. Howard Fast was to be the main speaker. Together with its affiliate, the Michigan Committee for the Protection of the Foreign Born, the Michigan CRC decided that the central theme must be a dramatic presentation of the attack on the Negro people.<sup>8</sup> Shore wrote to the Joint Committee to Defend the Martinsville Seven, a Virginia grass-roots group, asking for a

Black speaker. Interestingly, she did not ask for a known personality. The Joint Committee agreed to send Josephine Grayson, the wife of a defendant (CRC, 62).

Prior to her arrival, the Michigan CRC issued press releases to all newspapers, including the Negro press, the major dailies, and the nationality press. Shore sent letters to several hundred ministers, both Black and white, explaining why Grayson was coming and asking them to announce the mass meeting. Up to 10,000 leaflets were distributed at Black churches; Shore and McPhaul arranged for the distribution of over 25,000 leaflets at plant gates. In all, 50,000 leaflets were distributed promoting the meeting. The event drew over a thousand people. Grayson spoke about her husband's trial and the fate of the six other defendants. Fast, McPhaul, and other speakers connected the attack on the civil liberties of Communists and others with the struggle for the rights of African Americans. Ann Shore enthusiastically reported to the national board on activities around the event:

Hooray! We did it again. You never saw anything to equal the movement under way here around the Martinsville case. . . . First, our [Howard] Fast meeting was fine . . . and Grayson really took the town by storm. We got the [Baptist] Ministers Conference really going, with a special petition for circulation in all their churches, a collection on the spot and an invitation for Grayson or a speaker from CRC to speak to *all* the Baptist churches this Sunday. . . . At this point we have official delegates to the Virginia demonstration from Fur and Leather, three from Dodge #3; Cadillac was sending a minimum of one. Today, Art [McPhaul] and Grayson are hitting Ford and another small local—tomorrow Packard and etc. . . .

We've been hitting plant gates with a new kind of petition. It's had a fine effect. Guys from the plants have been coming in for more. With such a shortage of time before the executions we felt that sending these small petitions would help. I'm sure it has. Also it has paved the way for our appearance before Executive Boards and membership meetings in the shops. (CRC, 62)

The day following the mass meeting, Josephine Grayson was interviewed by the local Black press, and rather lengthy articles appeared in the Detroit edition of the *Pittsburgh Courier* and in the *Michigan Chronicle*. Again by CRC arrangement, Grayson met with the chair of the Baptist Ministers Conference and got permission to speak at the Conference's regular weekly meeting, where she won its complete cooperation. The Conference made a money contribution, agreed to issue and circulate petitions, and invited Grayson and members of the CRC to appear at all affiliated churches the following Sunday.<sup>9</sup>

During the week CRC staff people called the churches and all but one accepted; on Sunday Grayson and others addressed fifteen churches. Rank-and-file members of the CRC armed with fact sheets and petitions spoke during the church service. According to Ann Shore, the response was "magnificent." Several hundred dollars were collected and much interest generated. Shore felt that in this situation the white speakers were more effective than the Black. She was convinced that "we must really move the white community actively to support the fight for Negro rights by precisely this type of demonstration action" (CRC, 62).

Community work was important too. Groups of individuals going door-to-door in racially mixed neighborhoods with CRC petitions were often effective, soliciting signatures and funds with moderate success. Several congressional district clubs of the Progressive Party took up the issue and organized community meetings.

The sequence of events is instructive. The execution was scheduled for 20 November. The first mass meeting in Michigan (Fast and Grayson) occurred on 3 November. The demonstration of delegates was planned for 15 November, and despite the stay of execution won by the CRC on 12 November, the delegate demonstration went forward. A good part of the CRC's work occurred after the stay. The Michigan CRC accounted for three carloads of people, predominately white and made up mostly of trade unionists.

During the two-month stay of execution ordered by Governor Battle, the CRC kept up the pressure on his state administration.

Once more Paterson and Grossman called for a mass delegation to go to Richmond and demand a full pardon for the Seven or, failing that, a stay of execution. Once more the CRC utilized its network to advantage. Most of the Left-influenced international unions supported its position. Many progressive locals still within the CIO did as well. More than a few conservative locals, particularly those with a large Black membership, passed resolutions favoring the CRC's position.<sup>10</sup>

The result was an even larger "freedom rider" demonstration on 30 January in Richmond. The Michigan CRC kept the drive going by consolidating the contacts it made during the November campaign, again involving Black religious leaders. Many of the church leaders, following the lead of the Baptist Ministers Conference, set Sunday, 28 January, as a day of prayer for the Martinsville Seven. The Methodist Ministers Alliance circulated every church on the issue. Distribution of petitions to be presented to Governor Battle continued along with fund-raising.

Trade unions responded once more. Those local unions that had supported the November drive maintained their position, and other locals added their endorsement: Fleetwood Local 15; DeSoto Local 227; Bohn Aluminum Local 208 and others. Ford Local 600 Executive Board voted a special commendation to the CRC for "the outstanding work it is doing to save the lives of the Martinsville Seven" (CRC, 62). In a press statement Art McPhaul noted that "the deep seriousness with which the labor movement here is responding in this case is appreciated by the CRC, which from the very beginning with the NAACP, exposed the frameup." He pointed out that setting up the Trade Union Committee to Save the Martinsville Seven "set an example for the whole country" (CRC, 63)

In the midst of all this activity, the Michigan CRC was planning other actions. In a letter to Aubrey Grossman dated 19 January 1951, Ann Shore wrote of plans for a "Stop Police Brutality and Discrimination" meeting to be held in early or middle February. She also enclosed a pamphlet just published by the Michigan CRC on the Gordy case (see chapter 3).<sup>11</sup>

The 30 January demonstration was impressive, with 517 people from more than twenty states assembled in Richmond to

demand freedom for the condemned Seven. The delegates stood before the state capitol in the freezing rain insisting that Governor Battle meet with their representatives. By evening, the delegates agreed to leave a committee of forty behind to carry on. The next day, at the suggestion of Reverend L. C. Weddington, they decided that a twenty-four-hour-a-day prayer vigil would be maintained at the capitol.<sup>12</sup>

The vigil began at 6 P.M. on 31 January and continued without a break until the morning of 5 February. Because of the bitter cold, each shift of three to five people changed every hour. Those delegates who were not on vigil spent their time with the families of the doomed men offering support and encouragement. In addition, delegates tried to make as much contact as possible with the community, urging it to pressure Governor Battle for a stay of execution. According to Aubrey Grossman, they distributed several thousand leaflets, made over two thousand phone calls, and personally contacted dozens of prominent individuals.

The next day more than nine hundred Black and white residents joined with the forty delegates who remained in Richmond and marched down the city's main street in mourning for the four who had already been executed. Wearing black arm bands, they laid floral wreaths on the capitol lawn "in mourning of the Martinsville Martyrs." This was the first time since Reconstruction that Black and white residents of Richmond joined in such a public protest.

In Washington, D.C., a similar vigil started on 30 January and continued, with five hundred people participating, for six days, until all seven had been executed. The marchers on that vigil carried signs reading "Nazis freed—Negroes lynched" referring to the benign treatment most Nazis got after the end of World War II.

The case struck at the core of the U.S. justice system. The fundamental issue was equality before the law. Whether the Seven had in fact raped Ruby Floyd was not the basic issue, but rather whether an African American in Virginia in 1948–50 could get a fair trial. The *Christian Century* noted in an editorial that many accounts of the case gloated over the rebuff given to

Communist propaganda “as though no other factors were involved” (11 Feb. 1951, 12). The editorial conceded their guilt and did not doubt the legal correctness in handling the case. “But there was doubt, grave doubt, about the equality which the seven men had before the law.”

Prior to the Civil War, Virginia’s rape laws provided a sentence of ten to twenty years for white men and up to twenty years for Blacks. After the Civil War, the racial distinction was abolished. The defense charged that the postbellum consolidated law was administered in an antebellum fashion. Proof of this is in the record. Since records at the state penitentiary became available in 1908, of 1,081 Blacks convicted of rape 53 were sentenced to death and 52 executed. In the same period 809 white men were convicted of rape and *none* was sentenced to death.

The striking difference in the punishment inflicted on members of the two races would, according to the *Christian Century*,

deepen the belief of American Negroes that they are denied the equality before the law which this nation professes to guarantee them. . . . Throughout the nation, when it comes to inflicting the death penalty, members of the Black race simply are not equal under the law.

In the narrow sense, the CRC’s campaign ended in failure. But in reality it was part of a continuum of struggle and education for the principle of equality before the law. The campaign stressed interracial action and its educational work exposed the nature of American racism to thousands. The integrated march on a cold, wet winter’s day in Richmond could not have been lost on the leadership of such marches a few years later. The intensive activity created a situation in which the complexities of coalition politics and interracial organizing became apparent.

When Ann Shore wrote to the national CRC board in November 1950 of success with petitioning at plant gates, she clearly showed the strength and weakness of the CRC: “Now our problem will be to continue the momentum—and turn it into membership. etc. This is always the big problem. It still is” (CRC, 62). The organization had a good cooperative relationship

with the African American community, the leadership of which generally knew the genesis of the CRC and its promotion by the Party, and also were aware, perhaps viscerally, that the Party had a long history of struggle for Black equality.

Despite the CRC's sensitivity to Black-white relationships, despite the presence of African Americans in the national leadership, despite its leadership in national and local struggles against racism, the CRC remained predominantly a white organization. The Black church and many of that community's leaders looked upon the CRC as a *white* organization that was a friend and ally.

Art McPhaul's blunt comments, reported in the preceding chapter, offer insight into this problem and are worth repeating:

People like Jack Raskin, Ann Shore and Elenor Maki and those people were the best white people that have been developed to that time, but their chauvinism was—white people in general—I don't care how good they are. . . . I think that we have learned that no matter how well intentioned any group of people are, they carry with them the baggage of their heritage. This applies to all groups, particularly Black and white. It is unrealistic to expect that any oppressed group will look upon even its staunchest allies without some reservations. (McPhaul 1970)

The Michigan CRC was able to develop a close working relationship with significant sections of the local labor movement. That relationship was more effective where the Communist Party had a history of activity and influence. For example, Local 600 consistently supported the CRC's civil rights campaigns. The Communist Party had been active in the Ford plants, particularly the Rouge, since the 1920s. A fairly stable network of shop clubs and cadre functioned there, although that network weakened in the 1950s. The Michigan CRC was more effective also in those plants in which a high percentage of African Americans worked; these were often the same plants that had an effective Party organization.

Many locals had set up committees for the defense of McGee, the Martinsville Seven, and other such cases at the initiative of

the CRC and/or individual members of the Communist Party. These *ad hoc* committees were organized around more than racial issues. When the twelve leaders of the CPUSA were indicted in 1948, a national trade-union committee composed of 1,100 leaders of the CIO, AFL, and unaffiliated unions circulated a petition protesting the indictment. In all of the local campaigns the CRC was able, to a greater or lesser degree, to involve the labor movement.

With the exception of Art McPhaul, however, no one in the leadership of the Michigan Civil Rights Congress had direct connections with the labor movement. The general membership, too, was primarily community based rather than union based. I believe there were two major reasons for these facts. First, historically, the Party in Michigan did not succeed in involving shop branches in “community” work. Traditionally, the Party had shop clubs, industrial clubs, and street or community clubs. It was always very difficult to get the shop clubs and industrial clubs to participate regularly in community affairs. In 1949, the MDCP recorded twenty-five shop clubs in metropolitan Detroit.<sup>13</sup> Those clubs concentrated primarily on the Reuther attack on them, and the members had little time or inclination to get involved with the CRC’s civil rights campaigns outside of their union. Second, the Party was defeated in the UAW by 1949 and many of the left-wing unions were expelled from the CIO. Party strength in the unions by the early 1950s had diminished considerably. Yet, even in the anti-Communist hysteria of the Cold War, with a handful of people and very limited funds, the CRC was able to carry out intensive activities involving important sections of labor and the Black community.

The CRC’s work on the campaign raised the issue of its relationship with the NAACP. In June 1949, William L. Paterson, National CRC Executive Secretary, met in Richmond, Virginia, with Martin A. Martin, chairman of the local NAACP, and a group of twenty-five from both organizations. Both parties agreed to “act together in the defense of the lives of these men.” That decision was subject to ratification by the national NAACP office (CRC, 62).

Later, some confusion arose as to which organization would represent F. D. Grayson. His wife, Josephine Grayson, retained the CRC to handle his appeal, and sometime later Grayson himself retained the NAACP. At the insistence of the NAACP, the CRC withdrew from the case, continuing, however, to mobilize mass support. (At that time the NAACP relied exclusively on legal action.) Early in 1950, Paterson appealed again to the NAACP to cooperate in a joint campaign on behalf of the Martinsville Seven. The plea was rejected by Thurgood Marshall, chief counsel for the NAACP and later U.S. Supreme Court associate justice (CRC, 62).

In Detroit, during the intensive actions of November 1950, the CRC tried to convince the local branch of the NAACP to cooperate. The latter acknowledged that they were under some pressure locally to do so and that they had received dozens of inquiries but could do nothing because they had received no instructions from the national office. The Baptist Ministers' Conference bluntly told the NAACP leaders that the CRC had led the fight and should have their support (CRC, 62).

Equal justice before the law was a major theme in the campaign to save the life of Wesley Robert Wells. The conditions under which prisoners of all races live have been a matter of concern to civil libertarians for many years. The special conditions under which prisoners of color live have deservedly attracted the attention of civil libertarians in a special way. The Wells case is an example. Here, an individual was sentenced to die although he did not commit a capital crime. The "crime" for which he was so sentenced arose out of the special prison conditions that many African Americans endure.

African Americans were, as they continue to be, incarcerated in numbers far out of proportion to their representation in the population. At the time of the Wells case, the Federal Bureau of Census reported that Negroes comprised 10 percent of the 1950 U.S. population. Between 1930 and 1952, 50 percent of those executed for capital crimes were Black, and in the seventeen southern states, more than 75 percent of those executed were Black. Fully 90 percent of those executed for rape were African American.

Intense racial discrimination prevailed in penal institutions. The CRC fought for “extra visits from family and friends, special mail privileges, special attention to diet and health . . . and to protect Negro prisoners in the Jim Crow prisons. It fights for paroles and releases” (Horne 1988, 321). The CRC established Prisoners Relief Committees, which issued monthly newsletters, helped prisoners’ families as much as possible, and tried to fill prisoners’ personal needs with such things as shaving kits, sheet music, and books.

The most dramatic example of the CRC’s concern with prisoners was the case of Wesley Robert Wells. Born in 1909, one of three children, he lost his parents at a very early age, went to live with an uncle in Denver, and then on to Los Angeles to live with an aunt. When he was twelve he stole a car and spent two years in reform school. By 1931 he had spent time in San Quentin and Folsom prisons and had developed a reputation for confronting the authorities (CRC, 64).

While he was serving an indeterminate sentence of five years to life in Folsom prison, a prison guard named Noble Brown charged him with misconduct. Appearing before the prison officials for a hearing, Wells became angry and noisy. The warden then ordered him out of the room. Wells sat on the floor in the hall outside of the hearing room. Brown entered the hall from the hearing room and, according to some witnesses, taunted Wells, who then picked up a heavy ceramic cuspidor and hurled it at Brown, injuring him. Wells was bound over for trial, found guilty of assault, and sentenced to death. Under California law a person serving an indeterminate sentence could be sentenced to death for an assault if there had been “malice aforethought.”<sup>14</sup> The case then proceeded through the criminal justice system, bouncing back and forth several times from the California Supreme Court to the United States Supreme Court.

While the lawyers were carrying the case through the system, Wells’s supporters organized a very effective campaign of pressure on Governor Warren. Petition after petition, delegation after delegation, reached the governor. At the height of the campaign, fifty labor union locals, 575 California attorneys, over five hundred ministers, and several hundred physicians endorsed the

drive for a new trial and repeal of the law under which Wells was sentenced. Wells did receive clemency in 1954 but remained in jail (CRC, 64). Once again, it is necessary to recall that all this activity occurred in a period when anti-Communism was most intensive. The legal struggle continued, and Wells was finally released on parole in 1971.

The Wells case is of considerable significance because it addressed the issue of “malice aforethought,” particularly within the framework of California’s indeterminate sentence laws. In chapter 6 I shall discuss the resultant changes in the law.

The defense of Rose Lee Ingram was another major struggle for civil rights the CRC undertook. Perhaps more than any other, this case brought together basic issues of class, race, and gender. On 4 November 1949, Ingram, a recently widowed tenant farmer and mother of fourteen, was involved in a dispute with John Stratford, a white tenant farmer, whose land abutted hers.

Shouting that her hogs and mule were on his property, he struck her and threatened to kill her. As she struggled with him, her two sons Wallace, 15, and Sammie Lee, 13, came to her aid. In an effort to help his mother, Wallace wrested the rifle from Stratford and struck him twice with it. Stratford fell to the ground dead. Ingram and four of her sons, including the two who were involved in the fight, were arrested and charged with murder. The trial began 28 January 1949 in Ellaville, Georgia, and lasted one day.

The jury was all white despite the fact that Blacks outnumber whites in that county by three to two. The three defendants were found guilty and sentenced to die in the electric chair. Bowing to public indignation, authorities commuted their sentences to life imprisonment.

The NAACP took over from the court-appointed attorney. After several motions to the state supreme court were denied, the organization decided not to appeal to the federal supreme court on the grounds that no federal issues were involved. In 1951, Ingram’s daughter, Geneva Ruskin, asked CRC attorney Ralph Powe to take over the case.

From the time of the arrest, the CRC had begun to campaign on behalf of the Ingrams, and was instrumental in forming three

national committees. The National Committee to Free the Ingram Family became the largest, with branches in over twenty cities. It encouraged demonstrations, protest rallies, leaflet distribution, and meetings with political figures. It constantly emphasized the unequal justice that prevails in the South for African Americans. Maude Katz, a CRC functionary, was its administrative secretary. The other two committees (The Women's Committee for Equal Justice and Sojourners for Truth and Justice), while not membership organizations, were equally active.

The case forced the CRC to examine gender issues. Horne describes some of the internal controversy the issue sparked (1988, 208–9). One can read between the lines and sense the difficulty William Paterson, director of the CRC, had in coming to grips with this issue.

Thousands of signatures were sent to the only female member of the Georgia Board of Pardon and Parole. Fund-raising at churches and fraternal organizations was widespread. Because of the gross unfairness of the trial and because it spotlighted the status of Black women, the case attracted wide attention. Resolutions, statements, and funds were soon coming from all parts of the world.

As in the McGee and Martinville Seven cases, the CRC organized delegations of northern women to lobby Georgia's governor and other influential figures. From 1949 to 1954, five such delegations (all biracial) were mounted. Together with the earlier delegations, they formed a pattern that was to carry influence with future leaders of the civil rights movement. These delegations met with the Department of Justice and officials of the White House. Although the federal officials did not respond with any immediate action, momentum continued to build and helped create the atmosphere that led to the release of the three Ingrams.

The cases discussed above are typical of the many cases of racial discrimination that the CRC contested. All of these were national cases involving both the Michigan Civil Rights Congress and all of the other state branches and the national office. All consumed a great deal of time, energy, and financial

resources and all were great opportunities for mass struggle.

It is difficult to explain why a particular case becomes a “national” case. Many intangible factors played a role in making *McGee* a *cause célèbre*, while *Henderson* remained an obscure local issue. Was one injustice more flagrant than another, or did *McGee* simply capture the fancy of the press? The *McGee* case undoubtedly had more immediate impact on mass consciousness, although the *Henderson* case had a greater and longer-lasting effect on the law itself.

Civil rights cases that sought to help an accused individual were also a mechanism to advance the broad cause of racial justice. The eight-hour day, women’s suffrage, and the right of workers to organize became part of the American ethos only after years of struggle and step-by-step advance. In the quest for racial justice, even though most of the cases were lost, each individual campaign was an achievement, teaching and organizing for the next step. The Michigan District of the Communist Party and the Civil Right Congress comprised an honorable force in that continuum.

# 5

## Fighting for Civil Liberties in Michigan

After the end of the war in 1945, the government initiated two major assaults on civil liberties. The first was the drive to deport aliens and naturalized citizens thought to have advocated, at any time in their lives, societal change by force and violence. The second was the attempt to create a body of federal, state, and municipal laws that would criminalize advocacy of social change if that advocacy could be regarded as involving force and violence. The Michigan District of the Communist Party (MDCP) was a primary target of both offensives. Almost sixty Michiganders faced political deportation. Michigan faced political repression on the state level through the drive for the Trucks Act and the passage of the Callahan Act. The House Un-American Activities Committee twice held extensive hearings intended to hamstring the MDCP and any other formation the Committee wanted to attack. In this chapter I shall discuss the struggle against both the deportations and the anti-Communist legislation.

The Immigration and Naturalization Service (INS), along with the FBI, was a prominent player in harassing people characterized as “subversive.” Bruce Campbell, in *The Golden Door*,

quotes Congressman Maury Maverick as saying, "Our Immigration Service is the greatest bureaucracy on earth. Stricken by the McCarthy terror of Communism, it looked upon all aliens as wicked people and constantly fights them" (1954, 219). By identifying certain immigrants (and some citizens) as "Communist" or "subversive," the INS took advantage of and added to the rapidly growing domestic xenophobia. So hysterical had the atmosphere of the late forties and early fifties become that in 1954, 20 percent of white Americans refused to disclose their national origin (Caute 1978, 225).

Fear and distrust of foreigners, particularly radical foreigners, hung on. In 1950, almost eleven million U.S. citizens were born elsewhere, and some three million aliens resided in the country. Eastern European, especially Russian-born, citizens and aliens were suspect in the Cold War atmosphere. Attorney General Tom Clark commissioned a study of almost five thousand leading Party members and learned that

78% of the whites were of foreign stock compared to 30% of the general white population. Fifty-six percent were born in Russia or its neighbors or had at least one parent born there or was married to a person of that derivation. Only 9% of the 5,000 were native Americans and married to the same. (Caute 1978, 233)

Such people were suspect in the tensions of the Cold War and Korea. The attorney general declared in 1948, "Those who do not believe in the ideology of the United States shall not be allowed to stay in the United States" (Caute 1978, 233).

Deportation of politically radical aliens was not new. Even under the Roosevelt New Deal, the Immigration Act of 1918 was amended enabling deportation on the basis of past membership in an organization deemed subversive. For that reason, the Communist Party in 1942 excluded all noncitizens from membership. The Internal Security Act of 1950 specifically defined the Communist Party as an organization membership in which would justify the deportation of aliens. The Immigration and Naturalization Act of 1952 broadened the 1950 Act by providing for denaturalization. That law, also known as the Walter-McCarran Act, allowed the INS to arrest aliens without a warrant

and hold them without bail. An alien failing to leave the country could be sentenced to a ten-year jail term. No hearing was necessary if it were claimed that national security was involved. Aliens were deportable if their entry into the United States would have been prohibited had the Walter-McCarran Act been in force at the time of their entry (Caute 1978, chap. 4).

The government assault on aliens and naturalized citizens aroused considerable opposition. Among those deploring the harassment was Averill Harriman, then Director of Mutual Security, who declared that the bill “looks upon immigrants and aliens with suspicion and hostility. It transforms naturalized citizens into an inferior class. . . . The bill is shortsighted, fearful and bigoted” (Harper 1969, 224).

Leaders of the Communist Party who were naturalized citizens were immediately rounded up. Jack Stachel and Alexander Bittleman faced deportation proceedings, although they proved undeportable. (Their country of origin, the Soviet Union, refused to accept unwilling deportees, since no appropriate treaty with the United States existed.) At about the same time Claudia Jones, the Caribbean-born secretary of the CP’s Women’s Commission, was arrested by the INS and forced to leave the country. She was only one of many.

Not only Communists were swept up in this dragnet. Radical labor leaders were targets as well. Charles A. Doyle, international vice president of the United Gas, Coke and Chemical Workers Union, was deported to England in 1953. The Black trade unionist Ferdinand Smith, secretary of the National Maritime Union, was arrested in 1948 and forced to return to the British West Indies in 1951. The list is long and includes such union leaders as Leonard Costs, president of the Amalgamated Clothing Workers; James J. Matles, director of organization of the United Electrical Workers; and James Lustig of the same union (Caute 1978, chap. 4).

In Michigan, fifty-nine people faced deportation: thirteen women and forty-six men. The youngest was forty-two; the oldest seventy-four. Fifty of them had lived in the United States thirty years or more while thirty-six lived here forty years or more. All of the women were married and had children and

grandchildren. Thomas Dutton, age seventy, was ordered deported, leaving behind his seventy-year-old wife, because he allegedly attended CP meetings in the 1930s. Monica Itryna came to America from Poland when she was eleven years old (Nowak 1989, 239–62). She had been active in the Detroit Unemployed Council in the early 1930s. Married with seven children (two of them veterans of World War II) and five grandchildren, she was ordered deported to Poland in 1952. Peggy Wellman and Ann Ganley, wives of Party leaders Saul Wellman and Nat Ganley, were charged with entering the country illegally in 1926 and 1931. Their fight against the deportation proceedings was typical of many such legal battles that drained the radical Left of energy and funds.

Nationally, there were 307 deportation cases up to 1956. Sixty percent of the victims had lived in United States more than forty years; 81 percent more than thirty years. Fifty percent had children who were citizens; 173 tried unsuccessfully to become citizens; seventy-eight had applications pending. Sixty-two could not read or speak the language of the country of their birth.<sup>1</sup>

In Michigan the classic example of government tactics is the case of Stanley Nowak, who came to the United States from Poland in 1913 at the age of ten. During the UAW-CIO's organizing drives, particularly the Ford organizing drive, Nowak was instrumental in winning the support of the Polish community for the union. He spoke weekly over WWJ radio as a local and national leader of the American Slav Congress. A consistent supporter of the Communist Party, he always denied membership (Nowak n.d.).

In 1938 he was elected to the Michigan State Senate despite the total opposition of Detroit's English-language press. He was reelected four times. In 1942, after his election to a third term, he was arrested by the INS, held incommunicado, and indicted under the Immigration Act of 1918 as amended in 1940. This was the first attempt to revoke his citizenship. The charge was dropped at the intervention of Attorney General Francis Biddle.

The Michigan Committee for the Protection of the Foreign Born (MCPFB) was part of the national campaign that had

struggled for the defeat of the Walter-McCarran Act, which was enacted by the Congress in 1952 by overriding President Truman's veto.<sup>2</sup> Just two weeks before the law was to take effect on Christmas Eve, the committee held a two-day conference on that very issue. On the very night that the Walter-McCarran Act went into effect, the INS notified Nowak of deportation proceedings against him.

His trial, starting on 13 July 1953, saw a parade of government informers testifying that Nowak was indeed a member of the Communist Party. The star of the show was Louis Budenz, a former managing editor of the *Daily Worker* and member of the Party's National Committee. He had converted to Catholicism and resigned from the Party. Interestingly, the courtroom was filled with Catholic priests and nuns on the day he testified. On 27 July the trial ended with a verdict that Nowak was guilty of violating the Walter-McCarran Act of 1952. He was sentenced to deportation (Nowak 1989, chap. 20).

Immediately, Ernest Goodman, engaged by the MCPFB, filed an appeal with the United States Court of Appeals which, on 26 November 1956, upheld the lower court. Goodman filed another appeal, this time with the United States Supreme Court. This case apparently was of some significance to the Supreme Court because on 4 April 1956 it agreed to hear the appeal. The Supreme Court had never reviewed such a case since its *Schneiderman* ruling holding that the CPUSA did not advocate the violent overthrow of the government (*Schneiderman v. United States* 1943). On 27 May 1958, the court overruled the lower bodies. One paragraph within the lengthy ruling made future attempts to deport political radicals more difficult:

Where citizenship is at stake the Government carries the heavy burden of proving its case by "clear, unequivocal and convincing" evidence which does not leave the issue in doubt. . . . Especially is this so when the attack is made long after the time when the certificate of citizenship was granted and the citizen has meanwhile met his obligations and has committed no act of lawlessness.

Stanley Nowak was finally enabled to retain his citizenship and prevail against attempts to deport him (Nowak 1989, 239–62).

The cost of the victory was the diversion of inestimable resources, energies, and funds from the main political struggles of the day. David Cauter recounts many instances of families destroyed by the INS deportation drive. One ironic case is that of Lewis Corey, who left the Communist Party in the midtwenties and wrote and spoke vigorously against it. Corey, as bitter an enemy of the Communist Party as the INS, had to fight deportation proceedings until his death in 1953 (Cauter 1978, 243).

The Party and its allies struggled to defend the potential deportees. The American Committee for the Protection of the Foreign Born (ACPFB) continued the work of its predecessor, the National Council for the Protection of the Foreign Born, created during a similar xenophobic period, the Palmer Raids. In 1948 the ACPFB was listed as a Communist front.<sup>3</sup>

The ACPFB told the foreign born of their rights: to have a lawyer present during the interview, to terminate the interview at any time, and to deny INS entry into their home without a warrant. By 1953 the organization was defending 275 aliens and thirty naturalized citizens. The above data suggest that the organization argued almost every deportation case.

Saul Grossman was the executive secretary of the Michigan Committee for the Protection of the Foreign Born, which had a very close relationship with the CRC, often sharing offices and jointly sponsoring meetings and other activities. As did the Michigan CRC, the MCPFB had a close and very supportive relationship with the Communist Party (Grossman 1989). Early in 1952 the House Un-American Activities Committee came to Detroit. The Committee called over fifty trade unionists, ministers, teachers, newspapermen, and Communist activists. Among them was Grossman, who refused to produce membership lists, contributors' names, and accounting books and records of the MCPFB. In June he was cited for contempt of Congress, then indicted and convicted in March 1953. For the next three years the Michigan chapter of ACPFB carried on an intensive, costly, and ultimately successful fight for Grossman's freedom.

Grossman was instrumental in forming the Midwest Committee for the Protection of the Foreign Born, which arranged a large public Bill of Rights conference on 3 and 4 March 1951, at the Hamilton Hotel in Chicago. Forty-two community and labor leaders, church leaders, and professionals were among the sponsors; Harry Bridges was the main speaker. The conference attempted to gather the families of all deportees in Washington for the purpose of lobbying congress, the INS, and the executive branch of government.<sup>4</sup>

While the main thrust of the Michigan committee was to provide for defense of the deportees through the courts, general consciousness raising also was part of its work. Toward that end the ACPFB had elicited statements of opposition to the Walter-McCarran Act from fourteen labor organizations, sixteen religious and four veterans groups, twenty-three national ethnic organizations, and thirteen professional and cultural groups. A broad spectrum of organizations disagreed with the Act, but the practical work was generated by the ACPFB and its very close partners, the CRC and the CPUSA.

The deportation drive was defeated in the courts when, in 1958, the Supreme Court ruled that the application of the law had been unconstitutional. Again, it is interesting to note that the struggle against the very undemocratic immigration laws and their application was spearheaded by Communists. The major liberal organizations such as the Americans for Democratic Action or the American Civil Liberties Union deplored the xenophobia but did nothing to counteract it (McAuliffe 1978, i-ix).

Even before the deportation drive got underway, open and direct attacks against the Communist Party started when the Michigan Legislature enacted the Callahan Act in 1947. This legislation was one of several acts intended to replicate the Smith Act on a state level.

Campaigning for support of his bill, Senator Matthew Callahan addressed the Economic Club of Detroit:

The Communist Party here is operating for the purpose of helping Stalin to conquer. In other words, it is an enemy within our gates. Every Communist in our midst is

pledged to serve Soviet Russia first and last. By that pledge, everyone of them is committed to become an actual or potential traitor to the United States.

I ask: Since when does our constitution guarantee Freedom of Speech, Assembly and Organization [sic] to foreign agents bent on treason?<sup>5</sup>

The Communist Party immediately organized a broadly based campaign to repeal the Callahan Act. Carl Winter, chair of the Michigan District, organized a series of briefing sessions for Party members on the content and meaning of the Act. He characterized the Act as

the establishment of one-man rule in the person of the Attorney General with full powers to dictate the degree to which the citizens of Michigan may exercise their American rights and constitutionally guaranteed freedoms of speech, assembly, press and religion.<sup>6</sup>

That done, a detailed “plan of work” was distributed. Here one sees that the Party kept a very close watch on the activities of the Michigan Civil Rights Congress. In a document addressed to “All Leading Committees of the Communist Party of Michigan; All State, Section and Club Leaders; Communists Active in Trade Union and Mass Organizations,” the Party reported on the work of the Michigan Committee for the Repeal of the Callahan Act. The document described the organization as a

broad coalition of anti-fascist forces committed to repeal the Callahan Act. It is composed of prominent men and women representing all sections of the people, professional, middle class, labor, Negro, business, religious, civic groups and organizations like the Civil Rights Congress, Jewish American Congress [sic], All-Slav Congress and similar groups.<sup>7</sup>

The committee’s work “is being conducted from the Civil Rights Congress”; this reinforces Carl Winter’s earlier description of the origin of the CRC and its relationship to the Party, and confirms the conclusion that a very close relationship existed between the Party and the Michigan CRC.

There can be no question as to the efficiency of the campaign. In short order the committee organized a drive for 200,000 signatures (about 20 percent more than necessary) calling for a referendum to decide the fate of the Act. The committee created a truly broad coalition, with the Wayne County CIO and many local unions committing themselves to the collection of signatures. Political parties and civic groups such as the Young People's Republican Club, the Farmers Union, veterans organizations, and fraternal and language groups were part of the coalition. Within a month after its organization, forty-three organizations (sixteen of them outside the Detroit area) joined the coalition. In addition, almost a hundred individuals agreed to act as sponsors. Within that framework the Communist Party pledged to get fifty thousand signatures, one quarter of the entire total (CRC, 36).

On another front, opponents of the Callahan Act began a campaign to raise twenty thousand dollars and to prepare a battery of lawyers to defend and conduct court proceedings whenever the provisions of the Act would be put into operation against any individual or organization. To that end they arranged a series of fund-raising affairs, and, in addition, the Civil Rights Congress began a drive to create a bail fund of \$250,000.

The Party and the Civil Rights Congress accomplished much between them during this campaign. Together they collected well over 175,000 signatures, registered 15,000 new voters, and distributed 155,000 pamphlets on the issue. They were responsible for mobilizing a delegation of over one thousand for a demonstration in Lansing. During the course of the campaign, the CRC was able to get more than 550 union officials to support the repeal of the Callahan Act (CRC, 36).

Although the Callahan Act remained in effect until its repeal in 1978, I have not been able to find one instance of its enforcement. The vigorous campaign for its defeat apparently served to prevent its actual enforcement.

However time consuming and distracting was the struggle against the Callahan Act and other state anti-Communist laws, attacks on the Party under the Smith Act were more serious. No other form of overt or covert repression was as intense or as

telling. The Party had to divert enormous amounts of energy, time, and resources from its peace program, its efforts in the trade-union movement, and its fight for civil rights and equality.

As I have discussed above, President Harry S. Truman responded to Republican pressure and new commitments in foreign policy by initiating in March 1947 an internal purge of Communists in the federal service. Within weeks he decided to expand the purge. The *New York Times* quoted the president as saying in a speech in Oklahoma City, "We have been concerned not merely with Communists in the Government but with Communists in the United States of America wherever they are. . . . My administration has been steadily and successfully fighting Communism. We have acted instead of just talking about it" (29 Sept. 1948).

Passed in 1940, the Smith (or Alien Registration) Act was an omnibus bill introduced by Representative Howard W. Smith, Democrat from Virginia, purportedly to bolster the nation's war preparedness. It proposed to protect the United States from internal "fifth column" threats aimed at subverting or attempting to overthrow the national government. In the view of the *St. Louis Post-Dispatch*, the Smith Act amended the First Amendment without the formal process of amending the Constitution (11 Oct. 1948, 11). It set a new limitation on freedom of expression. Zechariah Chafee Jr., distinguished Harvard law professor, said that "this statute contains the most drastic restrictions on freedom of speech ever enacted in the United States during peace. The act brings into our federal law the European principle that a man is known by the company he keeps and that guilt is not personal."<sup>8</sup> Both Governor Thomas Dewey and former Attorney General Tom Clark agreed.

The Smith Act went against one of the greatest traditions in all U.S. history. That tradition insisted, the *Post-Dispatch* went on to say, upon the worth of the individual citizen as a person rather than as a minute part of the state. "Punish the Communists for their ideas and we open the way to punish others with less cause or no cause at all."

The point that the *Post-Dispatch* made was confirmed only three months later when Raymond P. Whearty, Acting Assistant

Attorney General, testified before a subcommittee of the House Committee on Appropriations. He requested additional funding to carry through a determination for action on 21,105 pending cases. The official transcript is of interest.

**Mr. Rooney (John J. Rooney, Representative from New York, Chairman of Subcommittee):** With regard to the Internal Security Section, your chart shows there are pending at the end of the first 6 months of this fiscal year 21,105 cases. What sort of matters are these?

**Mr. Whearty:** . . . The bulk of the cases involve subversive activity as applied to individuals or organizations. By that I mean persons who are active members of the Communist Party and similar organizations, or who appear to be acting in concert with Russian interests. Does that answer your question sufficiently?

**Mr. Rooney:** I am still at a loss to understand the large figure, 21,105 cases pending.

**Mr. Whearty:** Let me explain it in this way, sir. The Federal Bureau of Investigation furnishes to this Department and to the Internal Security Section reports on individuals engaged in subversive activities. I would say that these reports come in volumes ranging from 20 to 200 per day. They involved different individuals. Each one had to be read and screened to determine whether there is any action required, criminal or otherwise.

**Mr. Rooney:** . . . The figure 21,105 represents the number of reports. . . .

**Mr. Whearty:** No, sir. They represent the number of subjects covered by the reports whether those subjects be by individuals or organizations. . . . I should also say that with respect to many of these persons engaged in subversive activities, such as the Communist case in New York, in line with our appearance before the committee last year, there is a program of extensive suits to prosecute members of the Communist Party who can be shown to be

sympathetic and appreciative of its views. We prosecute them as individuals under the Smith Act.

I will call your attention to the fact that in New York the defendants in the Communist trials have been directed to file their briefs before the Circuit Court of Appeals by May 1. . . .

I feel that if the case is decided in the lower court, it will be in the Supreme Court of the United States next fall. I cannot conceive of the Supreme Court not taking this case, and we will have an ultimate decision one way or the other. If the Government is sustained in the Supreme Court of the United States, it will be about the fiscal year 1951 when that program will come up. That is the work load we must look forward to as possible, and indeed very probable.

**Mr. Rooney:** Of the 21,105 cases now pending, how many would you say depend upon the outcome of the Communist trial in New York?

**Mr. Whearty:** Roughly 12,000.

**Mr. Rooney:** What about the others?

**Mr. Whearty:** The others are cases in which action may or may not be possible. I would like to elaborate a little bit there. There are a number of cases in the department which are perfectly good trial cases, but can't be proven for the reason that the sole witnesses to the cases are confidential informants and cannot be used as witnesses and those cases have to be canceled out.<sup>9</sup>

On 25 October 1949, the *New York Times* said that the CP was carrying on as usual because it was "counting on the Supreme Court to throw out the Smith Act as unconstitutional." Arthur Garfield Hayes took a dim view of both the Smith Act and the conviction of the eleven Communists, predicting that the convictions would create such fear that

only fanatics and martyrs would dare to stay in the Party. Employers would be encouraged to discharge workers on suspicion of Communist sympathies or affiliations and

people would generally become afraid to voice any unpopular ideas. (11)

Hayes's concept that the Smith Act restricted the First Amendment right of free speech is the basis for the argument that the struggle against Smith Act prosecution of Communists was a struggle for the defense of American democracy. Communists were not alone in describing the prosecutions as an assault against the First Amendment. The Congress of Industrial Organizations, at its national convention in November 1951, unanimously voted a resolution condemning the prosecutions:

Freedom of speech is our most cherished heritage; its exercise down through the years brought progress and happiness to our nation. Yet year after year we have seen a retreat on the civil liberties front. Reactionaries in both political parties must bear the blame for this. During the past year the trend has been accelerated. Today the twin brothers of "fear" and "smear" run rampant in the land. . . . [T]he Supreme Court's decision upholding the conviction of the Communist leaders was a grave blow to America's precious heritage of freedom of speech.<sup>10</sup>

On 22 March 1953, at its 14th Annual Convention, the UAW resolution on civil liberties read in part:

Our democratic way of life is the real object of this attack [referring to the Smith Act, the McCarran Internal Security Act and the Walter-McCarran Immigration Act]. In their lust for power at any price, these men care not what injury they do to the trust and mutual respect which bind a democratic society together and make it strong. Posing as arch enemies of Communism, they aid the Communist cause by throwing a cloud of suspicion around liberal ideas. By their rule of fear and smear they would compel all of us to speak, write and think, only what they think fit. They would make us afraid to join together in voluntary organizations to promote common purposes.

In all of its literature, internal and public, the Party stressed that the defense of the right of Communists to advocate is a

defense of American democracy and specifically, a defense of the First Amendment. There is a considerable body of criticism of that position. Some hold that such an argument was a cover-up of the Party's real intention to advance the interests of the Soviet Union as much as possible. That reasoning was sometimes extended to argue that even if the interests of the Soviet Union were not involved, the purpose of defending the Party leadership was more to embarrass the U.S. government than to defend the Bill of Rights, a body of law which the Communists did not truly embrace.

The contribution of the Theodore Draper school of thought to understanding the dynamic of the Party is limited by its excessive stress on the history of the relationship of the CPUSA leadership with that of the Communist Party of the Soviet Union. To apply characteristics of that relationship mechanically to the bulk of rank-and-file Party members is to distort that dynamic and ultimately not to understand it.

As much as most rank-and-filers admired and idealized the Soviet Union, those feelings were not primary in motivating ordinary Party members. What did motivate them is a highly complex interaction of many factors. Their desire for a better life for themselves and others and their sense of fair play and justice are as much a part of that motivation as are complex psychological needs. Certainly, the idea of the Soviet Union as a role model entered into that equation (Nelson 1981, 23, 46).

Although this interpretation may, of course, be an oversimplification, it is nevertheless true that when all is said and done, much of the Party's work around civil liberties was, objectively, a defense of democracy in America. Whether the CPUSA intended it to be so or not is beside the point. (Was the discovery of penicillin, one might ask rhetorically, any less important for being accidental?) The struggle against the Smith Act extended over many years, and played a role, together with internal contradictions and tensions, in exhausting the Party. In the end, however, the victory of the Party over the unjust application of the Smith Act to it was a victory for democracy in our country.

The Act consisted of three titles; the first was the section that became the law of choice in attacking Communism throughout

the nation. In 1948 the Truman Administration sought and obtained two indictments from a federal grand jury in New York against twelve members of the National Board of the Communist Party. They were charged with “willfully and knowingly conspiring to organize as the Communist Party of the United States, a group teaching and advocating the violent overthrow of the government,” and with “teaching and advocating the duty of violently overthrowing the government.”

All districts of the Communist Party and the Civil Rights Congress immediately came to the defense of the National Board. The first undertaking was the raising of a \$250,000 bail fund. Bail was raised in short order because, as Gerald Horne said, “The Party was fighting for its life and CRC knew that if it [the Party] were to go down, CRC would follow quickly” (1988, 103). For the next decade a major part of the Party’s resources was to be expended on this struggle.

The financial burden alone was staggering. Legal expense for the first year was \$169,772.69. Almost \$150,000 was raised with the Communist Committee to Defend the 12 raising \$115,000. The bulk of the remainder was raised by the Civil Rights Congress. A detailed analysis of the expenses is of interest:

|                                                         |                            |
|---------------------------------------------------------|----------------------------|
| Legal fees, Research and<br>Preparation, Appeal, Travel | \$79,299.07                |
| Payroll, technical staff                                | 18,206.23                  |
| Printing briefs                                         | 8,814.25                   |
| Court Transcripts                                       | 13,320.92                  |
| Office rent, equipment etc.                             | 10,085.90                  |
| Publicity                                               | 5,767.65                   |
| Investigation and travel<br>(witnesses)                 | 10,543.52                  |
| Research for challenge of<br>jury system                | 16,117.38                  |
| Other items [unspecified]                               | 3,470.64                   |
| Misc.                                                   | 2,772.67                   |
| Cash on hand                                            | 1,374.46                   |
| Total                                                   | \$169,772.69 <sup>11</sup> |

According to the research department of a Michigan accounting firm, in 1991 it would have been necessary to raise \$882,910 to pay for the committee's first year's expenses.<sup>12</sup> This may put into perspective the energy and support the committee had in its effort to support the defendants.

That struggle intensified when on 17 September 1952 a federal grand jury in Detroit issued an indictment against six leading Michigan Communists: Saul Wellman, Nat Ganley, Billie Allen, Phil Schatz, Thomas Dennis, and Helen Winter. (At the time, Wellman was "unavailable," but he was served with a warrant just as easily as were the others.) Unable to prove any overt conspiracy by the CPUSA, the government was able to prosecute under the Smith Act's provisions making it a crime to conspire to teach or to conspire to advocate the overthrow of the government by force and violence. The trial was scheduled for 27 October 1953 before Judge Frank Picard.

The MDCP felt that a fair trial was not possible, arguing in a lengthy statement soon after the indictment that the jury-selection process minimized the number of African Americans and white working-class individuals who could serve. This case added to the growing number of cases that argued the unfair system of jury selection. Furthermore, the Party maintained that the jurors were likely to be intimidated by their concern about the possibility of losing their jobs if they decided in favor of the defendants. Other factors cited as making a fair trial impossible were: the use of informers, some paid as much as \$80,800 for their services; the clear bias of the commercial press; the use of contempt citations to hamstring the defense; and the difficulty in getting an unbiased judge.<sup>13</sup>

The conviction of all the defendants in the six previous Smith Act trials gave McCarthyism a powerful weapon. By the winter of 1952, McCarthyism was rampant throughout the nation. It had attacked important segments of the population: labor, the African American people, the foreign born, educators, the clergy. A. Philip Randolph, president of the AFL Sleeping Car Porters, and long identified as an anti-Communist socialist, declared that McCarthyism "would shout down all protests, all criticism, all

dissent, all unpopular ideas, all independent thought, all political differences. McCarthyism is a symptom of Fascism. Its methods and tactics negate democracy.”<sup>14</sup>

The MDCP warned that under the cover of McCarthyism the Department of Justice was preparing to step up its attacks against the organized labor movement. Attorney General Brownell had announced that the FBI would pay particular attention to the affairs of unions. Much antilabor legislation was pending in Congress. The Butler Bill, for example, gave the Subversive Activities Control Board the right to outlaw unions at its discretion and to deprive them of bargaining rights (CRC, 36).

The MDCP statement reminded the Detroit public that in March 1953 at its fourteenth annual convention, the UAW characterized the Smith Act as one which “chops at the roots of our traditional liberties under the guise of safeguarding national security.” It was under that pretense that many outstanding labor leaders were indicted and convicted. Finally, the Party went on to argue that the anti-Communist feeling engendered by the Korean War made it even more difficult for a Communist to anticipate a fair trial.

The first phase of the campaign supporting the Detroit Six was to raise a bail fund. Federal Judge Thomas P. Thorton set bail at \$40,000 for Saul Wellman and \$25,000 for each of the other five. Within a few days a series of hearings on bail reduction took place. On September 19 bail for Helen Winter was reduced to \$5,000. Ernest Goodman, attorney for Winter, Ganley, and Dennis, argued the constitutional issue of the right to reasonable bail, as did attorneys Ben Probe, acting for William Allan, and Chester Smith, acting for Saul Wellman and Phil Schatz. Bail for Dennis was reduced to \$15,000; for Ganley to \$12,000, and for the others, with the exception of Wellman, to \$5,000 (CRC, 37). Wellman’s hearing was postponed to 2 October 1953, when bail was set at \$10,000.

A detailed examination of the activities of CRC-MDCP on this issue informs us of the organizational tactics and effectiveness of those organizations. One must always bear in mind that all of these activities occurred while the Korean War was still raging and McCarthyism was at its zenith.

Ann Shore spearheaded the campaign to raise bail. Margaret Nelson, the wife of Steve Nelson (Pittsburgh Smith Act defendant), was scheduled to speak at a meeting on Thursday, 18 September 1952, the day after the arrests. Shore saw to it that word got out to fill the Nelson meeting as a protest to the new arrests. That same day, CRC and CP activists contacted the various national groups with which they had a good relationship for contributions and loans for the bail fund. They also formed a policy committee consisting of the five defendants' wives, Helen Winter's mother, William Albertson, Art McPhaul, and Ann Shore. Jack Raskin was in charge of coordinating the technical work of the bail fund.

This policy committee then divided and assigned people to special areas of work on the "mass educational" campaign and the bail fund. By the evening of the Nelson meeting, a plan of work for the immediate period, with individual assignments for specific tasks, was ready for presentation. A leaflet had already been prepared for distribution, as were two pledge sheets, one for the bail fund, the other for establishing a Committee of 100 to Defend the Michigan Smith Act Victims. A three-week program for raising a minimum of seventy-five thousand dollars for bail was the beginning. Six people, presumably neither CRC nor CP members, volunteered to visit "special groups of people for money where specified amounts could be asked for." Shore arranged for people to attend all court hearings as witnesses (CRC, 36).

Shore's reputation as a down-to-earth organizer was widespread, and her enthusiasm for the campaign was heightened because of the recent dismissal of charges against Simon Gerson and Isidore Begun at the second Foley Square trial. She wrote to Aubrey Grossman on 7 October 1952:

Our overall campaign envisioned the raising of a minimum of \$75,000 in bail. At the same time we planned for people to attend all court hearings and also for a campaign for the reduction in bail directed to the local U.S. Attorney. Also, and of real importance, was the immediate, extensive participation of the wives both on policy and the

raising of bail. They did a tremendous job. We also sent wives along with other people to see people for bail and had a wonderful response from one trip outside of Detroit where one of the wives went. Our big emphasis in our public campaign was for \$100 loans. We put it this way: everybody can find the way to lend an minimum of \$100. Loans on your car, insurance, from your family etc. And this is finally where we got the most amount of money. We put it that 500 people each lending \$100 would raise \$50,000. This inspired many rank and file people, workers etc. to lend \$100 and to go out and get others to lend \$100.

A few conclusions. The response was tremendous. We raised the required \$42,500 necessary in two weeks and two days. We had hardly got the mechanism working. Hundreds of people were never seen because of the shortness of time. There was as real groundswell of response to the whole fight and the raising of bail was not harmed (that's sarcasm!) by the freeing of the two guys in N.Y. In fact, while we hardly scratched the surface, we know that many new people, auto workers and others came through here who hadn't before. We felt a real tempo of optimism that there was a marked change over 1948 and last year.<sup>15</sup>

Having raised bail for the Detroit Six, the committee set about developing a long-term plan of work, which came to be known as the "Smith Act Fight Back Campaign." Its scope was to "reach millions [with] concentration on auto workers and Negro people" (CRC, 63).

The language of the program strongly suggests the intimate relationship between the CRC and the MDCP. It argued that

[we] must discard traditional concepts of left, center, right, seeking to provide the proper activity or forms and auspices and organizational flexibility to involve those who are anti-Communist, or with whom there are sharp inner union political differences.

It must avoid making demands, and calling for uniform actions, which are far ahead of what individuals, leaders

or rank and file are prepared to go at a given moment.

[We] must seek out the broadest minimum united front approaches on the one hand, while developing activities on more advanced aspects of the Smith Act on the other hand.

Effort must be directed to developing a movement rather than just as throwing out “correct” slogans of action which will not move workers. (CRC, 37)

The committee proposed a thirteen-point educational and a seven-point action program. Two questions are of interest: To what degree did the CRC actually carry out the program and what was its effect? Examining the CRC files for paid printing bills and other expenses related to the program gives us a partial answer. These data give us only a baseline because the financial records are quite incomplete. The testimony of individuals who were involved will help answer both questions.

We do know that the CRC published *Labor Defender*, a four-page tabloid with a claimed circulation of fifty thousand. Assuming a circulation figure inflated by a factor of five, the cost of each issue of ten thousand approximated five to six hundred dollars. The first issue appeared in February 1953 and continued for more than a year.

In November 1953, the CRC began publishing *Spotlight: A Report on the Smith Act Trials*. This, too, was a four-page, 8-by-12-inch brochure intended for distribution by mail. It cost about \$250 in lots of a thousand. Mailed in bulk, each issue was sent to a mailing list of up to three thousand, and would have cost about five hundred dollars. The financial records of the CRC are not very tidy, but the bills were obviously paid, sometimes very late and more often than not by withholding salaries.

In addition to the heavy expenditures for all the political and educational work in support of the Detroit Six, it was necessary to raise money for legal expenses. Even though Goodman’s fees were modest, the dollar amount was considerable. He charged only five hundred dollars for his work on the arraignments and bail hearing. The pretrial work amounted to four thousand dollars and \$750 per week for his work during the trial—modest

indeed, but totaling approximately fifteen thousand dollars. This did not include the expense of the appeal. Nevertheless, although it took three or four years, the CRC paid the bills (CRC, 36).

The struggle on behalf of the Michigan Smith Act defendants by the Michigan Party and Civil Rights Congress had three phases. The first, as we have seen, was the successful bail fund and bail reduction campaign initiated under Raskin's leadership and ultimately administered by Saul Grossman. The second phase was the educational program during the trial itself. Not all thirteen points of the program were achieved, but the CRC and MDCP were impressive. CRC distributed fifty thousand "Here Is Our Side" leaflets at various auto plants, and published and distributed *Spotlight* regularly. CRC spokespersons addressed union meetings. According to Jack Raskin, "two or three dozen union locals opened their meetings to CRC." The organization arranged both house and mass meetings to rally support of the Michigan Six. The Committee of Wives of the Smith Act Defendants was very active, particularly in raising money (Raskin 1989).

It is difficult to separate the work of the Detroit branch of the Wives Committee from the National Committee of Wives. Since Helen Winter was the National Committee's secretary, one can assume that Detroit was very much involved with the National. The committee raised funds for the defense, but it also raised funds and conducted a vigorous campaign for the welfare of the children of Smith Act defendants.

The committee's actions prevented the closing of a cooperative nursery attended by children of Smith Act Defendants. The FBI had pressured the school not to accept those children. The committee mobilized support and enough counterpressure that the school refused to comply with the FBI's wishes.<sup>16</sup> The committee also arranged for scholarships for those Smith Act families who could not afford tuition. Detroit actively participated in the national campaign by helping to raise two thousand dollars for these scholarships through a series of house parties, several of which were held at the Hartford Community Center. A mail appeal resulted in four thousand dollars and a personal

appeal by Howard Fast raised another thousand. Albert E. Kahn, a popular left-wing author (not to be confused with Albert Kahn, the Detroit architect), wrote a twenty-page brochure about the children of the defendants, published by the Michigan CRC in an edition of ten thousand (CRC, 36).

It becomes more and more difficult to separate the work of the Party from that of the CRC in the arena of civil liberties during this period. Since both organizations were under continuous attack, it may have been natural to develop even closer ties for mutual support. MDCP did publish and distribute five thousand copies of a pamphlet, *On Trial, Nat Ganley Speaks to the Jury*. The district also distributed hundreds of copies of *Patriotism Against McCarthyism*, a small pamphlet issued by the National Committee of the Party.

The CRC was particularly effective in publicizing the role of informers and spies during the trial. *Spotlight* gave the community full details on each of the paid witnesses employed by the government in the trial. This was of particular value because of the strong possibility that HUAC intended to hold hearings in Detroit during the trial.

Before and during the trial, the press subjected the city to an ever-escalating anti-Communist barrage. Before the trial began, Goodman compiled a fifteen-page compendium, "Detroit Newspaper Coverage of Communism," listing pertinent headlines for the period 16 August to 16 September 1953. It is obvious from such headlines as "Russian H-bomb Explosion Weakens U.S., Jenner Says" that Goodman's fears were well founded.<sup>17</sup> Anti-Communism became more and more vehement. In 1954, a Gallup poll indicated that 52 percent of all Americans favored imprisoning all Communists, and 80 percent of the same group wanted to strip Communists of U. S. citizenship (Caute, 1978, 215).

The defense in the Detroit trial was able to expose the major role played by spies and informers in all the Smith Act trials, as well as the large sums of money they were paid by both public and private institutions. The Detroit trial was unique in that Goodman was able to show that not only did at least one local corporation, the Ford Motor Car Company, hire and pay spies to

keep the company informed of Communist Party activities, but that these same spies also reported on union activity. This, despite the fact that the Company had agreed in its 1941 union contract to disband the Ford Service Department, the strong-arm department with the mission of preventing unionization.

The following chart discloses the financial arrangements for those informers who testified at the Detroit Smith Act trial.

Informers' Wages

| Name       | Years as a Spy | Paid by Ford | Paid by City/State | Paid by FBI |
|------------|----------------|--------------|--------------------|-------------|
| Lautner    | 11             |              |                    | 19,500      |
| Nowell     | 8              |              |                    | 20,000      |
| Baldwin    | 9              |              |                    | 20,000      |
| Cody       | 9              |              |                    | 8,000       |
| Mikkelson  | 7              |              | 3,090              | 1,700       |
| Churchill  | 7              |              | 4,000              | 500         |
| Schemanske | 15             | 70,000       |                    | 10,800      |
| Santwire   | 14             | 4,800        | 7,090              | 10,260      |

Informers testifying for the government at the Detroit Smith Act trial received a total of \$172,650 for their years of service (CRC, 36).

A bizarre incident relating to informers occurred unexpectedly during the trial. While cross-examining Stephen Schemanske, Ernest Goodman determined that this government witness was on the payroll of the Ford Motor Car Company as a union spy and informer and that he had committed perjury by denying that he knew Milton Santwire, another government witness and paid informer. Goodman finally forced Schemanske to admit not only that he knew Santwire, but that Santwire was actually in Schemanske's employ as a labor spy. The Schemanske incident is summarized in letters to attorney Frank J. Donner from Goodman and to Senator Harley Kilgore from Wellman (see Appendices C and D).

The importance of this exposure was two-fold. First, it exposed a government witness as an informer and perjurer. (Judge Picard sentenced Saul Wellman and Phil Schatz for

contempt because they refused to name names, but he declined to cite Shemanske and Santwire for contempt because he felt that it might prejudice the jury!) Second, it exposed the fact that the Ford Motor Car Company had violated the UAW-Ford contract stipulation that the Ford Service Department was to be disbanded and its activities discontinued. Interestingly, this exposure was reported only in the *Free Press*, on the sixth page (23 December 1953).

Wellman recalled:

The trial proved that the Ford Motor Car Company had violated the 1941 agreement in which it had agreed to dissolve and eliminate the hated Ford Service Department after the strike. But we discovered that the Ford Motor Company had a whole independent apparatus penetrating the Party. We discovered this quite by accident, and that in a sense they had simply changed the name of the Ford Service Department, made it something different but in fact it continued to exist.

So significant was this development that the Local 600 Executive Board, which had been dealing with us at a distance, decided dramatically to come into court and sit in the first three rows of the courtroom because we had succeeded in putting Malcolm Dennis, who was the labor relations expert of the Ford Motor Company, on the stand.

We hit pay dirt. Remember, there was a guy by the name of Schemanske. He was *the* spy for the Ford Motor Company. He had been sent into the YCL [Young Communist League] in 1935, joined the YCL and he really did a very good job because he was one guy we never knew. The other stool pigeons they brought in against us we were prepared for except for him. . . .

Secondly, the UAW was one of a handful of unions which in 1950 publicly opposed the Smith Act. We had a lot of pressure on us from anti-Reuther friends that in the course of our testimony . . . we should try to drag Reuther in as a Communist and stuff like that. . . . We refused to do that. We refused for many reasons, the least of which was that we were trying to forge some kind of strategy by

which to reach the UAW. And almost overnight, a whole new atmosphere began to form. But it was mainly through [Local] 600 that this re-evaluation . . . it was very favorable. (1988)

The Michigan Six initiated an appeal immediately after their conviction and sentencing. This introduced the third phase of activity against the Smith Act. Judge Picard increased the defendants' combined total bail by \$70,000—from \$42,000 to \$112,500. With McCarthyism at its zenith, raising thousands of additional dollars for bail in such a case was a formidable task. Its difficulty was increased by the fact that after more than two years of additional attacks on the Party and other left organizations, the Party had to reach out again to its friends and supporters for more money (Goodman 1991, 5). Loans and contributions brought in enough that the Smith Act defendants could be released. Saul Grossman, who directed the campaign, set up the bail fund records with numbered accounts so that no lender could be identified. After the Supreme Court ruled the Smith Act convictions invalid and the government dropped the indictments against the Detroit Six, Grossman liquidated all of the loans and destroyed the records (CRC, 9).

The cost of retaining legal counsel and underwriting the expense of the appeal was heavy. Appealing to a broad spectrum of possible supporters, Helen Winter wrote:

A minimum of \$2,000.00 is needed now to release pamphlets, leaflets, letters, through which we can place the case before large numbers of citizens and organizations. Yet the burden of debt remaining from our trial and appeal is blocking this necessary work.

The trial ended with a \$10,000.00 deficit in our defense fund for legal work, printing, and materials issued and distributed. Then \$5,000.00 was needed soon after to prepare, file and argue the appeal in the circuit Court. Of this total, \$5,000.00 was contributed leaving us with a deficit of \$10,500.00. (CRC, 37)

By this time, the Party was reeling from the effects of one crisis after another. Yet, in spite of its shrinking base, its growing

isolation and weakness, and the imminent loss of the CRC, it was able to organize enough support to carry on the struggle to its conclusion. It has too often been overlooked, I believe, that while the Party succumbed to external assaults and internal dysfunction, it was still able to conduct a successful major struggle on civil liberties.

The Party would have preferred, of course, to use the energy and resources consumed by the defense of the Detroit Six in a hundred different ways for community and workplace organizing. Many in the Party felt that one of the aims of the Smith Act attacks was to divert the Party from just such organizing. The deportation drive, repressive legislation such as the Callahan Act, and the Smith Act prosecutions forced the Party and its closest allies to respond defensively rather than to initiate its own actions. The anti-Communist campaign was certainly successful in that it diverted the party from advancing its program in the community and the workplace.

If the work of the MDCP in fund-raising and other efforts to get public support for the Smith Act defendants was well organized and efficient, the internal discussions about trial strategy were much less so. After the conviction of the eleven national leaders, a sharp internal debate ensued over the strategy and tactics employed in that trial and in future trials.

Unsigned and often undated memoranda, presumably written by Party leaders and by attorneys, offer some insight into the confusion and differences of opinion on approach and even the Party's objectives in the trial. One such memorandum, dated 1 December 1952, deals with the "courtroom defense of Smith Act cases with particular reference to the Detroit case." The author, after stating that acquittal was the first order of business, does not rule out using the proceedings as a defense of the basic philosophy of the defendants and their organization "to the extent that enhances the possibility of an acquittal—and no further." The courtroom should *not* be the place for a defense based primarily on defending Marxist-Leninist philosophy. A successful defense, he goes on, should lie within the framework of *common-law* rules and procedures. The author emphasizes that the "all too frequent" inclination to pattern defense tactics after those in

European political trials constitutes a “major error.” The rules applicable in Europe differ from American common-law practice and procedure. The memorandum repeatedly stresses that the defense must be prepared to function in accordance with common-law rules (Goodman 1991, 3).

The author then goes into a consideration of the tactics the defense should employ. In this section, the writer points out the many problems and pitfalls that the defense would encounter and emphatically said that “if the jury is going to acquit it will do so not so much because of what transpires in the courtroom but rather because of the sentiment outside the courtroom and vice versa.” He recognizes that the Smith Act defendants had misgivings about conducting their trial strictly along common-law rules, feeling that they would violate some principle if they did not try to go over the court’s head and address the “thirteenth juror.” His overall defense strategy calls for an intensive cross-examination of *prosecution* witnesses and a very brief presentation by an authoritative non-Party scholar concerning Marxism-Leninism on the role of force and violence. Finally, he would call only *one* defense witness.

In January 1953, Wellman and Ganley made their views available. They called for, first, an “affirmative defense of the Party, its Marxist-Leninist theory, its current struggles for peace. . . . All right-opportunist concepts of soft-pedaling the approach and relying on the legal aspects enhances the possibility of political and legal defeat in this trial.” Their second argument called for a defendant to present Marxism-Leninsim rather than a non-Party authority. In addition, they wanted several defendants as witnesses.<sup>18</sup>

Wellman and Ganley disagree with the earlier memorandum on many points, including the reliance on the attorney’s skill and the screening of defense witnesses so that only native-born witnesses and those with no ties to the Communist International would be called. Although they disavow any intention to “Dimitroffize” the trial,<sup>19</sup> Wellman and Ganley insist that the lawyers function within the context of a single “political-legal line.” They ignore the earlier memorandum’s warning about the widespread acceptance of the government’s argument that

whatever Communists say is said in “Aesopian” language and thus cannot be taken at face value. They argue that the defendants should actively defend the Party’s position and activities on issues such as war and peace; fascism and democracy; Marxist-Leninist theories of social revolution; proletarian internationalism; the nature of the Communist Party; Marxism-Leninism as a “universally valid social science”; and finally the peaceful road to socialism in the United States. Written in early 1953, this response highlights the strange contradiction between political analysis divorced from reality and the ability to carry out good work on a practical level (Ganley 1990, 7).

Wellman and his codefendants met frequently while they were out on bail awaiting trial. All were preparing themselves to conduct their defense as a political trial, although as time passed, they began to have second thoughts about their strategy. “We did have reservations about following the Foley Square strategy, but we were very closely supervised by the National Office which was insisting that that be the line. And Foster was a very important force in the whole approach” (Wellman, 1988).

The trial lasted four months and during that period all of the defendants, to one degree or another, began to reconsider their strategy. Change was difficult. Asked if any of the six articulated a desire to change tactics, Wellman responded,

I don’t think so. No. You don’t have the time. You don’t have the atmosphere. You don’t have the environment. See, it was a failed . . . you could only afterwards when you have the environment or the ability to go into retrospect . . . then you can look back and say that it was a failed strategy. But when you are involved in it, you don’t have the time, you don’t have the attitude, the will. . . . A change in strategy in the middle of the trial would have required a major crisis that would have pinpointed [it]. There was no major crisis in the sense that anything was worse than it was the day before.

Wellman recounted the conflict between the defendants and their attorneys over tactics:

**ECP [Pintzuk]:** Having been forced into court, the Detroit Six did not want to utilize the strategy [of Foley Square] but they were forced to by New York. Is that correct?

**SW [Wellman]:** . . . We went along with it. We were not reluctant handmaidens. We did not oppose New York essentially.

**ECP:** As far as the lawyers are concerned, they opposed the strategy but they were your employees so they had to go along?

**SW:** I don't know what I told you before. . . . If I didn't, I should tell you now that there was a basic difference between us and the lawyers. There was a basic political difference. It was that they refused to accept that fascism was inevitable. They were closer to the truth than we were. And out of that difference [came] different strategies.

**ECP:** How did that difference play itself out? How did that difference affect the conduct of the trial? What did they want to do? What did the lawyers want to do based on their political assessments?

**SW:** They wanted to put an emphasis on the First Amendment.

**ECP:** And what did the Detroit Six want to do?

**SW:** We wanted to make a defense of the Party and its ideology.

**ECP:** As the trial went on, were there discussions between the defendants and their attorneys about the political differences?

**SW:** Every day.

**ECP:** And every day the attorneys were beaten down?

**SW:** Not only were they beaten down but at a certain point before the trial began . . . I don't have enough

details here, but Goodman refreshed my mind about a year ago. As we pressed harder and harder about the inevitability of war, Goodman said he wanted to pull out. (Wellman 1988)<sup>20</sup>

The convicted defendants immediately filed an appeal. They were remanded to the federal penitentiary at Milan, Michigan, where they remained for three months until bail could be arranged for them. The experience in jail was “fascinating and exciting.” It was a generally relaxed environment. The Milan prison authorities were uneasy with a group of Communist prisoners, a situation they had not encountered before. The only Communist ever held in Milan up until then had been Carl Winter. Called as an expert witness for the Detroit defendants, he was remanded to Milan from another prison so that he could consult with the attorneys.

The prison warden gave the Detroit Five (Helen Winter was separated from the trial because of illness) an entire cell block to themselves so that they would not come in contact with the general prison population. The Five undertook a strict regime. They arranged a daily special exercise period and a study and “analysis” period. Since they were in a separate cell block, their individual cell doors were left unlocked during the day so that they had close contact with each other. They woke at 5:30 A.M., cleaned their cells, and went to breakfast; returning to their quarters at 7 A.M., they had the rest of the day for their own use. Their private class would then begin with Nat Ganley as the teacher.

Milan was not a high-security institution and often had in its population “important” federal prisoners. One of these was Frank Costello, an important leader of organized crime. He had met Carl Winter a few months earlier and had come to like and respect him. That, perhaps, explains why, when the Detroit Five entered their cells for the first time, they found a carton of cigarettes and several candy bars on the cots. These represented a statement to the rest of the prison population that these inmates were not to be treated as Robert Thompson or Henry Winston had been. (Right-wing journalist Walter Winchell charged the Bureau of Prisons with coddling Communists.)

Both Thompson and Winston had been attacked in prison; Thompson suffered a cracked skull and Winston endured so severe a head beating that he was blinded. On 7 November 1960 Henry Winston filed suit in federal court in New York against the U.S. government, charging it with negligence and wrong diagnosis of a brain tumor. He had suffered in jail from dizziness and failing vision, but for ten months prison authorities dismissed his case as malingering. In January 1950 he underwent a seven-hour operation that saved his life but left him totally blind and partially paralyzed (Labor Research Association 1961, 111).

Robert Thompson was attacked in October 1953 in prison by a Yugoslav seaman, Alexander Pavlovich, who cracked Thompson's skull with an iron bar. After three operations Thompson was released from jail but died soon afterward. Although Thompson was a hero of World War II, the government refused him burial in Arlington Cemetery (Caute 1978, 210).

The fight against the Smith Act continued as the Party became more and more debilitated. The internal crisis that matured in 1956 was developing and consuming more and more of the Party's energies. The MDCP was less affected by the crisis than other districts, reflecting the fact that the farther away from major CP centers like New York a district was, the less internal squabbling it had. Nevertheless, the Michigan District was reeling. In 1949 more than ninety shop and industrial branches functioned in Michigan; six years later there were only four or five. The Party's ability to fight back was increasingly strained (Wellman, 1988).

Under the most trying conditions, the Party continued to fight for civil liberties, minority political rights, and racial justice. It is a distortion of history to discount this ten-year struggle. Historians of American Communism should remember that if the CPUSA went down, it went down fighting.

# 6

## Extending Constitutional Rights by Court Decisions

Even when their political goals were beyond their reach and notwithstanding concrete courtroom defeats, both the Party and its close ally, the Civil Rights Congress, contributed to the extension of basic constitutional rights through their aggressive litigation. The cases they pursued brought about, in Harold Norris's term, "increments of understanding" in the law (1992). The term *law* is used in this chapter in its broadest sense, covering state and federal statutes, judicial decisions, and civil and military administrative regulations and rulings.<sup>1</sup>

While changes in judicial interpretation of the law are usually slow or slight, occasionally a series of decisions produces a profound and dramatic effect on American jurisprudence. The decisions of the Warren court affecting the rights of the criminally accused constituted such a series. These cases involved such fundamental issues as due process, free speech, self-incrimination, equal justice, and cruel and unusual punishment. These decisions were preceded by hundreds of individual cases decided in various ways in both state and federal courts across the land, until the Warren court eventually ruled and changed law enforcement in ways still followed today.

In his opinion in *Miranda v. Arizona* (1965, 492), Chief Justice Earl Warren made it clear that the disregard of the constitutional rights of the accused was a problem of long standing and could have been resolved as early as 1897 in *Braun v. United States*. Justice Warren was deeply concerned about the problem and determined to correct a situation that seriously affected the Fifth Amendment.

A superficial view of cases supported by the Party and the CRC reveals a record of ultimate legal defeats. A more in-depth review of important cases shows, however, that during the struggle of litigation, appeal, and various legal strategies, victories were won, the law was modified, and individuals who asserted their rights were benefited. Democratic aspects of the law were reinforced.

The Lemas Woods case provided the Michigan CRC with its first victory, and was instrumental in achieving the first postwar change in the military criminal justice system. Military regulations concerning courts-martial came under widespread critical scrutiny, as did the unfair way those regulations were applied. One of the most serious criticisms was that enlisted men were denied a jury of their peers. The Army was slow to modify its procedures, but finally in 1949 did change the Code of Military Justice.<sup>2</sup>

From then on, decisions of guilt or innocence would be decided by a court-martial that included enlisted personnel. That gave enlisted men and women representation on courts-martial and tended to modify the rigid class character of the judging panel. As we saw in chapter 3, Lemas Woods, on trial for his life, had as defense attorney a young officer with no legal training whatsoever, who became a Coca Cola salesman after the war. His case established that, from that time on, anyone accused of a capital offense would have the full-time services of an officer who was an attorney. To this day, those changes are among the most significant ever made in legal procedures affecting military personnel.

The defense of the civil rights of individuals in cases involving race and racism was part of a larger effort to elaborate areas where the Bill of Rights should apply. A brief review of the

history of that defense shows that it also served to remind the justice system that the Bill of Rights applied to all citizens.

During World War I, both federal and state courts adopted a very restrictive view toward civil rights cases, reflecting, in part, their own attitude toward national security. That approach became so general that a small group of legal scholars, especially Zechariah Chafee Jr., became concerned with rulings by federal courts and wrote articles arguing for a broader interpretation of the constitutional right to free speech. They argued against any prior restraint of free speech. Under emergency conditions, the government could restrict free speech if it could demonstrate a connection between the free speech and whatever specific act or damage was done. At this time, most jurists took a very expansive and loose attitude to “proximate cause.” (Proximate cause originally meant the most immediate cause, such as a national emergency as the basis for a temporary restriction of free speech. Over time the term was expanded to events or actions that *might* create a national emergency.) Chafee and his colleagues maintained that to take so broad an interpretation of “proximate cause” would unnecessarily and wrongfully restrict free speech (Hall 1989, 259, 289).

A series of cases culminated in 1919 with *Schenck v. United States*, which upheld the accused’s conviction for having distributed antidraft literature to the U.S. Army. The unanimous decision written by Justice Oliver Wendell Holmes is famous for the statement, “Free speech would not protect a man in falsely shouting ‘Fire’ in a theater and causing a panic.” The decision is important because it spelled out the concept of *clear and present danger*. Holmes wrote:

The question in *each* case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to protect. It is a question of degree and proximity.

Kermit L. Hall writes that Holmes “came under withering criticism from Chafee and others.” This may account for Holmes’s change of attitude in a subsequent case, when he and

Justice Brandeis called for a more “generous interpretation of the clear and present danger test.” This turned out to be the turning point, because from then on the “clear and present danger” test was used more to protect civil liberties than to restrict them (Hall 1989, 263).

The process of nationalization of the Bill of Rights advanced when the Supreme Court, while upholding the conviction of Benjamin Gitlow, did say that “we may assume that freedom of speech and the press are among the fundamental rights and ‘liberties’ protected by the due process clause of the Fourteenth Amendment *from impairment by the states*” (*Gitlow v. United States* 1925, 701).

Private discrimination and intimidation occurring by state action were exempt from provisions of the Fourteenth Amendment until a series of cases extending into the 1950s ended that exclusion. In *Guin v. United States* (1915), the grandfather clause that effectively denied freed slaves the right to vote was invalidated, thus striking a blow for equal treatment under the law in terms of voting rights. In 1917, *Buchanan v. Worley* struck down a law that designated certain parts of a city to be reserved for African Americans. Ten years later, *Nixon v. Herndon* ruled that all-white primaries violated the Fourteenth Amendment. This was one of the early cases in which the NAACP and the International Labor Defense (ILD), a precursor of the CRC, cooperated. Finally, in the Scottsboro case (*Powell v. Alabama* 1932), the successful defense conducted by the ILD resulted in the Supreme Court ruling that “other provisions of the Bill of Rights could be nationalized” (Hall 1989, 265).

This brief review of the changing attitudes of the judiciary toward the Bill of Rights and the Fourteenth Amendment serves to remind us that interpretations of those amendments are not carved in stone and are, indeed, subject to further changes and interpretations.

The relationship between the nature of the Supreme Court under Chief Justice Earl Warren and the social changes the United States was undergoing resulted in a series of decisions that expanded constitutional protection of the individual. The rulings of the Warren court expanding the application of the Bill

of Rights thus were a continuation of a process that had started many decades earlier.

During this decade the Supreme Court reconsidered the scope of the Fourteenth Amendment. Two cases, according to Hall (1989), may be seen as the opening wedge. The first was *Palko v. Connecticut* (1937), in which the Court laid down the principle of selective incorporation of the first ten amendments into the Fourteenth. By giving the Court the prerogative to select which parts of the Bill of Rights should be incorporated, the decision made it clear that those amendments *could* be so incorporated.

The next year saw another acceleration of the process. In *United States v. Carolene Products Company* (1938), the Court ruled that matters concerning civil rights would receive preferred consideration. This was necessary because of “prejudice against discrete and insular minorities, which tends seriously to curtail the operation of those political processes ordinarily to be relied on to protect minorities, and which may call for a correspondingly more searing judicial inquiry” (cited by Hall 1989, 313).

Interpretations of the law were affected by the social changes occurring in the postwar United States. The Cold War; the civil rights, women’s, and peace movements; and the Johnson administration “war against poverty” formed the matrix in which an expansive interpretation of the Bill of Rights occurred. The history of the Bill of Rights in the twentieth century has been a struggle over expansion or contraction of its benefits and influence. Every case involving those ten amendments was part of the overall struggle. No case ever really ended with a court’s decision. Cases, won or lost, became the basis for the next phase of the struggle; the battle was ongoing.

The Willie McGee case highlighted two significant issues. The first trial occurred in Laurel, Mississippi, on 6 December 1945, in a lynch atmosphere. The state militia was posted in and around the courthouse, which was surrounded by a mob threatening to lynch McGee. Indeed, the configuration in which the McGee case was tried resembled the lynch and military atmosphere of the first Scottsboro case. The all-white jury, after conferring for three minutes, found McGee guilty. The defense

appealed the verdict on the ground that it was impossible to hold a fair trial under the conditions then prevailing.

On 10 June 1946, the Mississippi Superior Court ordered a new trial on the ground that there should have been a change of venue from the aroused community in which the trial was held. The principle of change of venue is an important safeguard to assure a defendant of the right to a fair trial not influenced or intimidated by prevailing local conditions.

The second trial started on 4 November 1946 in Hattiesburg, Mississippi, and again the jury found McGee guilty. Once more the sentence was death. The CRC appealed to the Supreme Court of Mississippi on the ground that Negroes had been excluded from the grand and petit juries and that McGee's admission of guilt was involuntary.

Earlier the United States Supreme Court had ruled that as part of the requirement of due process, a fair trial and representative juries in which Blacks were not excluded were mandatory. How it was to be determined whether Blacks had, in fact, been excluded was left unclear. Were no Black potential jurors available, or were Blacks consciously or otherwise barred from serving on juries? Both the county sheriff and the prosecutor stated that Negroes were not available. Furthermore, the Supreme Court decision was neither vigorously nor uniformly enforced. In many parts of the country, it was implemented only at the insistence of individuals and organizations interested in combating racial discrimination.

On 9 February 1947, the Mississippi Supreme Court ruled that it was not enough simply to claim that Blacks were not available (*McGee v. Mississippi*). It was mandatory that the State prove Negroes were not excluded. In ordering a third trial, the court made a point of some significance. In the past, the accused had the burden to prove that African Americans had been excluded from the jury lists. Now the court made it the state's responsibility to demonstrate that Black jurors were *not* excluded. This decision, coming as a result of the CRC's efforts, would (if enforced) make it more difficult to have all-white juries in Mississippi. The McGee case made it possible that future defendants in that state would have a better chance of

obtaining due process under the law. It also added one more state to the growing number with that protection, so that ultimately the protection would become nationwide.<sup>3</sup>

CRC attorneys also repeatedly raised the issue of admissibility of the confession. Before the landmark *Miranda v. Arizona* (1965) decision, courts always held that it was not necessary to tell the accused that anything he said could be used against him. The fact is, however, that as early as 1948, CRC attorneys raised the issue, and opinions expressed by the courts in these trials were referred to in other cases.

The third McGee trial took place on 6 March 1948 in Jones County, Mississippi. One African American physician was among those selected for the petit jury, but his request to be excused was granted. The trial ended with McGee's conviction and, again, the death sentence was imposed. Bella Abzug and Ernest Goodman, who were part of the defense team, made several appeals through the court system on the basis of judicial error. The courts denied those appeals as well as several petitions for review of the case. The date of execution was finally set for 8 May 1951.

The Martinsville Seven case is another example of CRC's impact on the criminal justice system. One of the major arguments CRC attorneys advanced was that race was an important factor determining both guilt and punishment. Justice, they argued, was not evenhanded. After studying the record of rape cases in Virginia since 1908, CRC researchers found that of all Blacks who were found guilty of rape, forty-five were executed, fifty-seven incarcerated for life, and thirty-four sentenced to terms of from twenty-five to ninety-nine years. Of all whites guilty of rape, not one was executed, and over ninety percent were sentenced to less than twenty-five years. The Southern Conference Educational Fund showed that in the thirteen southern states, the death sentence for Blacks was pronounced twelve times more often than for whites.<sup>4</sup> Stressing the issue of unequal justice, CRC attorneys charged that since no white man convicted of rape in Virginia had ever been executed, it was manifestly unfair to execute Blacks convicted of the same offense.

Ernest Goodman's comment, "No case is lost if you make the fight right," is most appropriate in cases like the Martinsville Seven. Making the fight right, in Goodman's view, meant going beyond the legal arena; it was a process of public education, making people aware of the issue and gradually winning them over. The enormous amount of work the Michigan and other CRC branches did in demonstrating the unfair and unequal justice African Americans received was, in his mind, an important contribution to laying the groundwork for the civil rights movement of a decade later (Goodman 1991).

The McGee and Martinsville Seven cases became national and even international causes. Unlike them, the Henderson case was little known, yet it had a more immediate and direct impact on the criminal justice system. The case was ten years old when CRC and Goodman became involved with it, and the defendant, charged with rape, acknowledged that he had sex with the plaintiff. In the United States in the 1940s, interracial sex, even if consensual, was almost as universally condemned by the white population as was interracial rape. To defend the accused in this kind of case demanded deep conviction. Focus had to be kept on the fundamental issue of whether or not the defendant received a fair trial—whatever he may have done.

Before the United States Supreme Court in its October 1955 term, Goodman argued that his client, James Henderson, did not receive a fair trial:

We have found not one case where there is a confluence of so many factors affecting due process as are presented here, namely, lack of counsel, the extraordinary speed of the proceeding, the specially convoked night session of the court, and the resultant complete absence of members of the public, the gravity and racially explosive nature of the offense charged, the subordination of the judicial process to the public fear of mob violence, and the Judge's conscious participation in speeding the defendant to a life term in prison for the avowed purpose of forestalling a retraction by the defendant of his confession and a change of his plea to not guilty.<sup>5</sup>

At issue was the application of the Sixth and Fourteenth Amendments of the Constitution. Did Henderson have the benefit of due process of the law? Should the Sixth Amendment, which insists that individuals charged with a violation of the law have the right of counsel, apply to the state's judicial process?

Justice Potter Stewart, while serving on the United States Court of Appeals, which had heard the Henderson appeal, wrote a strong dissent supporting Goodman's claim that both the Sixth and Fourteenth Amendments had been violated. By the time Henderson's case came to the United States Supreme Court, Justice Stewart had been elevated to that bench and had excused himself from participating on the grounds that he had been previously involved with the case. Since he did not participate in the informal discussions the justices have on each case, it can be assumed that he did not offer his dissenting opinion to the other justices. The Supreme Court ruled against Henderson.

In 1963 another case involving the same issues came before the highest court. In that landmark case, *Gideon v. Wainwright*, the court unanimously extended the Sixth Amendment to apply to the judicial processes of the states. As mentioned earlier, the Scottsboro case (*Powell v. Alabama*) determined that the Sixth Amendment should apply to the states in capital cases. In the *Gideon* decision, the Court extended that rule to all serious criminal charges. Justice John Marshall Harlan, in a concurring opinion wrote, "This evolution, however, appears not to have been fully recognized by many state courts, in this instance charged with the front-line responsibility for the enforcement of constitutional rights."<sup>6</sup> Justice Harlan makes it clear in a footnote to that paragraph that he based his opinion on four similar cases including *Henderson v. Bannon*, in which Goodman represented Henderson. This example demonstrates how a case, even if lost, can still influence the struggle to extend the protection of the Bill of Rights.

Somewhat different from the previous examples, the *People v. Wells* case illustrates the CRC's efforts to improve conditions for prisoners. In 1947 Wesley Roberts Wells, serving an indeterminate term for weapons possession, was charged by prison guard Noble Brown with a violation of discipline. A hearing was

held in the warden's office after which Wells, "angry, insolent and noisy," threw a heavy crockery cuspidor at Brown, slightly injuring him.

California law provided the death penalty for prisoners under a life sentence who committed an assault with "malice aforethought." Wells was tried, found guilty, and sentenced to death. The case went through the court system, reaching the United States Supreme Court twice, in an effort to resolve two issues. Should an indeterminate sentence be considered a life sentence? How should the court determine if "malice aforethought" existed?

The defense had tried to call doctors as witnesses to testify as to Wells's mental state, but the court would not permit it. The California Supreme Court was divided, three of the seven justices feeling that the conviction should have been set aside. On the basis of this strong dissent, the case had been carried forward. The court clarified the malice issue by saying that it is not enough to show that the defendant had the capacity to commit an assault. The prosecution must show that the defendant had the capacity to commit a particular crime and the evidence of possible mental disturbance must be admitted. This, of course, restricted the prison authorities insofar as "malice aforethought" was concerned.

*Wells* has been cited many times in arguing other cases. There are almost six columns of citations in Shepard's *Index of Citations*. Three are of particular interest. The guidelines set up by the California Supreme Court for deciding "malice aforethought" were used frequently enough so that in 1959 the presiding judge *in re Walker* referred to the *Wells-Gorshen Rule* to determine whether malice aforethought existed. In 1978, the California Supreme Court strengthened the rules on admissibility of state-of-mind evidence, thus practically adopting the position of CRC's lawyers. In that decision, Judge William Tobriner of the California Supreme Court referred to the *Wells* case as the "seminal case" on the issue of malice aforethought (*People v. Wetmore* 1978). California Governor Goodwin Knight recommended clemency for Wells in 1954 and he was paroled in 1972.

The record is clear. As Gerald Horne puts it, CRC attorneys and their allies

fought for and established a number of civil rights rulings that expanded the rights of all Americans. In state and federal courts, they argued . . . cases in areas as disparate as extradition, excessive bail, the right to remain silent before a grand jury and many more. (1988, 367)

To that should be added issues of police brutality, unequal justice, and the right to counsel.

The Civil Rights Congress left no stone unturned, as argued in the preceding two chapters, in its efforts to utilize the law fully in defense of clients. In so doing, CRC attorneys helped open the door to a deeper and more profound defense in death-penalty cases. In these cases there was a synergistic relationship between the CRC and Michigan District of the Communist Party. No doubt for tactical reasons the CRC took the leadership in those cases dealing primarily with racial issues, while the Party led the assault against the Smith Act.

The prosecution of the Communist Party leadership for violation of the Smith Act was a major frontal attack on that organization in particular, more broadly on the First Amendment, and on civil liberties in general. If unchecked or unchallenged, the attack had the potential of becoming pervasive. The United States Assistant Attorney General told the House Subcommittee on Appropriations there were 21,105 prosecutions anticipated if the court should affirm the conviction of the CP leadership. Those who feared that the attack would broaden were justified. Thirty years later, Arthur Kinoy wrote:

If the government could win, labor would be devastated. . . . We knew that whatever happened in the Smith Act trial was bound to have a profound effect upon all our work. . . . The immediate consequences of the Smith Act trial were no less than were feared. Within a few months after the guilty verdict came in, the Department of Justice, encouraged by the results of the trial, was moving against people's organizations on a hundred different fronts. . . .

All of our fears that the government's target went far beyond the Smith Act defendants were coming to life. (1983, 73)

In her brilliant dissertation on Cold War liberals, Mary Sperling McAuliffe notes that "they themselves were its [the anti-communist hysteria] chief victims." She goes on to say that the liberals'

fear and hatred of communism diluted their commitment to the defense of civil liberties. Many liberals viewed Communism as so great a threat that they doubted the Bill of Rights was applicable to American Communists. In some instances, this denial of the protections offered by the Bill of Rights extended to "fellow travelers" and "united front" liberals. Inevitably this weakened the moral commitment of American liberalism at a time when a fully committed liberal leadership was essential. (1978, vi-vii)

Individuals from all strata of the population and organizations representing a wide spectrum of political thought expressed opposition to the Smith Act and its enforcement. Zechariah Chafee said, "This statute contains the most dramatic restrictions of freedom of speech ever enacted in the United States during peace." Supreme Court Justice William Douglas wrote:

Once we start down that road [of probing minds for intentions] we enter territory dangerous to the liberties of every citizen. We then start probing men's minds for a motive and a purpose; they become entangled in the law, not for what they did, but for what they thought; they become convicted, not for what they said, but for the purpose for which they said it.

An internationally famous British lawyer, D. L. Pritt, noted that

the dangers, inherent in conspiracy charges, of convictions being reached on inadequate evidence are indeed so well recognized that the rule had been firmly established in most Anglo-Saxon jurisdictions, including that of the Federal Courts of the U.S.A., that "overt acts" demonstrating

the conspiracy should be alleged in the indictment and proved.<sup>7</sup>

President Robert M. Hutchins of the University of Chicago; Dr. Julian P. Boyd, librarian at Princeton University; Dr. Alexander Meikeljohn, dean of Brown University; and Norman Thomas, Socialist Party chairman, were among the many opposing the Smith Act.

The United Auto Workers, the American Civil Liberties Union, and the Americans for Democratic Action passed resolutions calling for the repeal of the Smith Act. The *New York Times*, the *Wall Street Journal*, and the *St. Louis Post-Dispatch* were among many newspapers that editorialized against the act.

It is important to balance the work of major liberal organizations against those of the Party in efforts to block the government's attempts to narrow the application and definition of the Bill of Rights and especially the First Amendment. McAuliffe points out that by concentrating on anti-Communism, the ADA, "by its fears and activities lent support to the forces which bred the Red Scare and McCarthyism" (1978, 115). The ACLU only reluctantly passed resolutions opposing the Smith Act, and refused to get involved with the defense of Smith Act victims until the very end of the appeals process in 1957.

The Communist Party was almost alone in carrying the struggle into the streets and through the courts. While the vocal support of the many organizations and individuals who opposed the Smith Act was helpful, one must remember that they did very little organizationally or financially in that battle for the Bill of Rights.

The struggle was impressive in three areas. First, on the important issue of excessive bail, a significant victory was won. In the California Smith Act case, U.S. District Court Judge William C. Mathes set bail at fifty thousand dollars—clearly excessive for an offense that carried a maximum sentence of only five years. (In terms of today's dollars, that bail would have been \$300,000.) The defense carried the fight for reasonable bail to the Supreme Court and obtained a favorable ruling. This action, along with many other bail fights, served to strengthen the Eighth Amendment.

The second expansion of the Bill of Rights came in the battle for the right to use the Fifth Amendment. Although tarnished in the public's eye, the right to refuse to incriminate oneself is a keystone of the Bill of Rights. *Blau v. United States* (1950) and *Brunner v. United States* (1952) confirmed that the admission that one was an official or a member of the Communist Party could, in fact, tend to incriminate. In 1948, the Justice Department held that witnesses who used the Fifth Amendment should not be cited for contempt. Nevertheless, in 1950, California Judge Ben Harrison sentenced Dr. Eugene Brunner to six months in prison because he claimed this privilege when questioned about his alleged Party membership. A similar situation occurred in Denver when Nancy Wertheimer and Irving Blau sought protection under the First and Fifth Amendments. Both were convicted of contempt and jailed. In 1952, the Supreme Court definitely ruled that since admission of Party membership did in fact tend to incriminate, the use of the Fifth Amendment was the right of every citizen in such cases. Given the tenor of the times, these rulings were significant in broadening the application of the Fifth Amendment.

It is in the third instance that the Party achieved the most important result. The *Yates v. United States* (1957) Supreme Court decision modified the original decision in *Dennis v. United States*. That 1952 decision opened the floodgates of prosecutions against the Communist Party in all parts of the country. The *Yates* decision ruled that under the Smith Act, criminal advocacy had to be of some *future action*. This would put any prosecution in an untenable position. Judge Chambers of the Ninth Circuit Court of Appeals said, when he set aside the Hawaii and Seattle Smith Act convictions, "One may as well recognize that the *Yates* decision leaves the Smith Act, as to any further prosecution under it, a virtual shambles" (Caute 1978, 208).

Harold Norris of the Detroit College of Law has summarized these important legal processes in the following way:

Sooner or later, said de Tocqueville, every political question is presented to a court as a constitutional one. Presenting the issue to a court presents litigation as a form

of social protest in the most acceptable sense. Such resistance that exists in the case is presented in a form of “case or controversy” as envisioned in our fundamental law. Regardless of whether the position of resistance prevails or does not prevail increments of understanding are promoted. In the absorption into common law our rule of reason and precedent is thus shaped, and statute law is subjected to new thinking. The evolving of case law and statute law does not come about by spontaneous combustion. Public attitudes are forged in vigorous contentions urged in law courts and in the courts of public opinion. Hence, every confrontation in our law courts and in the courts of public opinion leaves residues that cumulatively add up to shape and position acceptable change in attitudes and conduct over time.

Our nation’s history and the evolution of civil rights are replete with incidents that validate this process. This was true of cases in our law court and the courts of public opinion when Eugene Victor Debs helped shape law policy and attitudes toward trade unions and minority political parties. This was true of cases in the law courts and the courts of public opinion when Susan B. Anthony helped shape law policy and attitudes toward the right to vote for women and efforts that affected the whole spectrum of what we know as the legal status of women.

This was true of the long comprehensive struggle for civil rights for Blacks and other minorities. The immeasurable contribution to civil liberty and civil rights of the American Civil Liberties Union and the National Association for the Advancement of Colored People has been built on the increments obtained in all cases, those which have been won as those lost. The *Yale Law Journal* has referred to such organizations for their achievements as “private attorneys general.”

Each thrust and counterthrust moves the line of battle, more or less, but inevitably, inexorably. Our nation’s law—case law and statute law—acknowledges such interplay of social forces. Indeed, how the rule of reason and

precedent absorb and express this process is the theme of that great American legal classic *The Common Law* by Oliver Wendell Holmes. Justice Holmes calls this evolution of case law “the genius of the common law.” (1992)

The struggle to extend the guarantees of the Bill of Rights to the state level continues. Even though the fundamental choice seems to have been made in favor of extension, the battle rages on. Conservatives try to restrict, modify, and whittle down the broadening effect of earlier decisions, while liberals urge even wider application of these fundamental civil rights. This continual dynamic is influenced by every decision made and each victory won, however small. Both the CRC and the Party played a role in that contest—a role that has helped define the scope of the Bill of Rights and broaden its protection.

# Conclusion

Whatever its relation to the Soviet Union and the Soviet Party, the Communist Party of the United States was never only a product of that relationship. Its portrayal as such by Theodore Draper and others has been recognized by most historians as distorted or at least one-dimensional. Yet the long acceptance of some version of this portrayal has led to the neglect of study of the Party's role in the immediate post-World War II period. Its actual efforts and deeds during this period have not, consequently, been adequately recognized.

More intensive investigation of the activities of the Party in those years is necessary in order to challenge the prevailing oversimplified interpretation. Choosing the case of the Party in Michigan, an important midwestern industrial state, I have undertaken to do that. Examining the Michigan District of the Communist Party, I have concluded that even in a decade-long retreat—under withering attack and handicapped by its own miscalculations—the Party wrote lasting accomplishments into the historical record.

When World War II ended, the Michigan District of the Communist Party was forced into a period of decline. The Party continued to put forward its program, however, and was able to conduct meaningful struggles in the defense and extension of civil rights. Certainly the Party's activity in that field was a forerunner of the civil rights movement a decade later. Untold hundreds of people experienced consciousness raising and learned the skills of organizing. The first caravan of white

women to Mississippi, followed by a much larger interracial march in support of the Martinsville Seven, strengthened Black-white unity and understanding. The thousands upon thousands of leaflets, newsletters, and other educational materials issued and distributed by the Party and the Civil Rights Congress helped to fill the information gap created by the owners of Detroit's commercial press. Scores of meetings, large and small, helped to mobilize public opinion in support of Fair Employment Practices legislation and in protest against such repressive legislation as the Callahan Bill.

Victories in the courts, sometimes direct, sometimes oblique, resulted from the Party's efforts. The Party and the CRC fought to protect and extend civil liberties in state and federal courts and in military courts-martial. The Lemas Woods case, the Wells case, and the Henderson case all helped to change the interpretation of the law in favor of civil rights.

Finally, the campaign initiated by the Communist Party against the Smith Act convictions of Party leaders ended in a significant modification of that law. The Party worked almost alone for several years before mainstream organizations began to take up the struggle, recognizing belatedly that civil liberties at the most fundamental level were at stake. Ultimately, the Supreme Court modified its previous support of the Smith Act to such an extent that further prosecutions were untenable. Thus the Party's struggle against a law justly characterized as containing "the most dramatic restriction of freedom of speech ever enacted in the United States during peace" ultimately prevailed.

All of these activities occurred under the worst possible conditions. Intense anti-Communist campaigns increased the public's hostility—already at a high level—toward the CPUSA and its members. The Party's own basic miscalculations resulted in its ever-increasing political and organizational isolation.

Yet the Party's dedication to the principle of racial equality and justice remained steadfast—however crippled by the framework in which it operated. Indeed, its organizational skills and accomplishments throw light on a Party making every effort to advance its program on civil rights. In defending itself, it forged defenses for civil liberties for others. It was a Party, not in rout, but in organized retreat, and fighting all the way.

## **Appendix A**

### **DETROIT POLICE DEPARTMENT INTER-OFFICE MEMORANDUM Criminal Information Bureau**

**Date** October 13, 1961

**To:** Commanding officer, Criminal Information Bureau  
**Subject:** Answer to Letter Received from City of Miami, Florida, Police Department. Dated October 4, 1961, Requesting Information Regarding the Functions of the Subversive Detail of the CIB

The Subversive Detail (Red Squad) within the Criminal Information Bureau of the Detroit Police Department was established to maintain the security of the City of Detroit relative to infiltration and activities of subversive elements and to keep these undesirables out of city government.

Records available through this squad consist of subversive information acquired through established confidential contacts and investigations. This information is compiled and utilized in the best interests of the City of Detroit and is also available to local and national City, State and Federal Government enforcement bureaus involved in this field of work.

Current files compiled since the reactivation of this squad in February of 1946, along with prior subversive records acquired through the activities of this squad, formerly known as the "Detroit Red Squad," date back approximately 26 years and represent a comprehensive subversive file which places the Detroit Police Department in a well informed position to cope with all phases of subversive activities in the City of Detroit.

Routine work of the Subversive Detail now operating from within the Criminal Information Bureau consists of:

Daily contact with current activities of subversive and Communist Party front elements; compiling and recording information on same.

This squad also submits reports to supervisory authorities relative to subversive activities within the Metropolitan Detroit area. Reports in general pertain to coverage of mass demonstrations, open and closed meetings, picket lines and over-all activities of the radical element within this area.

Although the main point of concentration is centered on subversive activities within the Metropolitan Detroit area and surrounding environs, on which this squad has a thorough file, records are also available on subversive individuals and organizations on a State and National scale acquired through regular channels in this field of work.

Special investigations of subversive individuals and organizations are also conducted by this squad on the request of the Mayor, Commissioner and Chief of Detectives. Also, miscellaneous complaints of a subversive nature referred regularly to this squad are checked and acted on accordingly.

All Police applicants for the Detroit Police Academy are regularly checked through the files of this squad. In addition, this squad maintains cooperations and renders assistance to representatives of the various investigative agencies on Federal, State and local levels.

Heading the current list of subversive organizations is the U.S. Communist Party whose leaders have recently been convicted and served terms in Federal penitentiaries on conspiracy charges, "Teaching and Advocating the Overthrow of the United States Government by Force and Violence;" also the various Communist Party front organizations, national and local, listed in the subversive category by the United States Attorney General's Office, on whom a close surveillance is maintained by this squad on a local scale.

Another organization active in the Detroit area is the Socialist Workers Party, also known as the "Trotzkyites." The SWP is not a large organization and is affiliated with the National Socialist Workers Party organization which is contained on the U.S. Attorney General's list of subversive organizations.

The SWP follows the teachings of Karl Marx and V. I. Lenin as interpreted by Leon Trotsky, and the basic documents of the Third Communist International from its founding through its first four world congresses.

At this point the Socialist Workers Party breaks with the Communist Party for the alleged reason that the Communist Party under the leadership of Stalin has become “reactionary” and bureaucratic and has lost its “revolutionary” character.

The Socialist Workers Party is a militant revolutionary organization and like the Communists advocates the revolutionary overthrow of Capitalism and the establishment of Socialism. The national publication of the SWP is the Militant, a weekly 4-page newspaper printed in New York City and also the Fourth International, a quarterly booklet in magazine form.

[signed]  
Charles Mayrand, Sergeant  
[signed]  
Stanley Kowalski, Detective

READ AND APPROVED:

Vincent W. Piersante  
Detective Inspector  
Criminal Information Bureau<sup>8</sup>

## Appendix B

CIVIL RIGHTS CONGRESS  
and to the members  
of the Civil Rights Congress

My dear friends and fellow  
workers of the Civil Rights Congress:

Now that it has become my pleasure to try as best I can to express my deepest appreciation and profound gratitude for your helpful and splendid cooperation that you have shown in my behalf all through the years, and now that at last victory has been won. But as yet we have a lot to do to right the wrong and injustice that is done to the poor Negro worker and the poor white worker of the South. Because the way they are being treated by the boss classes it is almost too horrible to describe. Especially in the Southern courts there is no justice for the Negroes once a white person accuse him. He is guilty because of his color.

Now I am not familiar with Willie McGee, but I do feel that he is innocent and not guilty of the rotten frameup rape charge, and we workers must do every possible thing to save this Negro worker whose suffering is something like mine, I know.

But people in the North do not half realize what goes on down South and how Negroes are framed to prison for no crime at all. The white man doesn't want Negroes around who stand up to the white folks and therefore they frame rape charges and other less serious charges against them in order to get them out of the way. Many innocent Negroes have suffered and died for nothing.

And now is the time for us to put a stop to such hardships and injustices that is being placed upon the Negro down South.

Please believe every word I have in my book and on this paper because it is all truth.

Again thanking you all by the millions,  
Respectfully yours.

[signed] Haywood Patterson<sup>9</sup>

uopwa 16/47

## Appendix C

January 7, 1954

Mr. Frank J. Donner  
Attorney at Law  
104 East 40th Street  
New York 16, New York

Dear Frank:

I am sorry I have been unable to give you the information on the Smith Act Trial which you wanted. Even now, I can only give you a brief summary of some of the points. Actually our examination of informers has been unusually productive. Most important we have shown that informers have been on the payroll of the FBI, then sometimes transferred to the State Police in several instances and then transferred to the City Police or Loyalty Commissions where "wages" have been the highest. We have been able to show that the Ford Motor Company has a department which hires persons to act as spies in the Communist Party. There is also very strong inference from the testimony that these spies also report on Union activities in the guise of spying on "subversive activities." In this connection we have shown that William Nowell was employed in the Sociological Department of Ford from 1939-1945 and shortly thereafter, went to work for the Government. While we have been unable to prove any direct connection between Ford and Nowell since 1945, the testimony would support such an inference. We were also able to show that one of the other FBI Agents who testified, Cody, was acquainted with Nowell over a period of many years. Although he denied any other relationship, here too reasonable inference can be drawn that a closer relationship existed between Ford, Nowell and Cody than they would admit.

Finally, Stephen Schemanske, a Government Witness, was disclosed as having been on the Ford payroll since 1934. He was in the Ford Service Department since 1936. He began to engage in surveillance of "subversives" in 1938. He joined the YCL in 1938 and thereafter was a member of the YCL and Communist Party until the present time, submitting reports to Ford Motor Company and later to the FBI. He admitted having consulted with Nowell while Nowell was employed at Ford on "subversives." He denied any connection with Milton Santwire, a previous witness who had testified that he was a Ford Productive employee and a FBI Agent since 1942.

However, by cross-examination we finally uncovered the fact that in 1948 Schemanske had hired Santwire to submit information to him for \$75.00 per month, which information, he turned over to the Ford Motor Company. Santwire admitted that he had perjured himself in denying such a relationship to Schemanske. While Schemanske did not admit perjury, the transcript of testimony shows that he too perjured himself.

Schemanske denied that either the FBI or Ford Motor Company knew of his arrangement with Santwire, although this is most unlikely since he admitted that Ford had paid him the \$75.00 per month which he paid to Santwire. Santwire denied that the FBI knew of his relationship to Schemanske, although this too, is unlikely.

A reasonable inference can be drawn from all of this testimony that Schemanske hired Santwire to spy primarily on union matters and not on the Communist Party since any knowledge on the Communist Party which Santwire could possibly have, he, Schemanske would have been able to obtain himself. On the other hand, Santwire was active in Local 600 and was in a position to give information to Ford as to the political activities in the local union. This, I believe, was the reason this relationship was concealed from the jury. Considering the evidence, together it discloses a conspiracy between Ford and the FBI as the primary factor behind this particular indictment. It is also clear that Ford has engaged in extensive espionage activities, similar to, but more subtle than the old Service Department which must have extensive ramifications within the entire UAW.

Unfortunately, I cannot prevail upon the defendants to take advantage of these disclosures and make this the primary issue in the case. They are more concerned with proving what they cannot prove, a conspiracy by the Government to use this case to get this country into war and to establish fascism.

There are many other aspects of informer's testimony which were brought out but which I haven't the time to go into. I will mention one however. Berenice Baldwin testified that she thought the defendants were nice people and that she liked most of them; that she made the wedding arrangements for one member of the Communist Party and his bride. At the wedding she kissed the bride and then turned her name in to the FBI with knowledge, as she later found out, that this might cause loss of her job. However, she asserted that she sincerely meant it when she kissed the bride and she saw nothing inconsistent in her action. I believe she meant this and it dramatizes the dual morality which has now been established as acceptable.

I am enclosing a summary of the wages paid to witnesses for spying on the Communist Party. This excludes their earnings at their regular jobs.

Sincerely,

ERNEST GOODMAN<sup>10</sup>

## Appendix D

2419 Grand River, Rm. 1  
Detroit 1, Michigan

February 25, 1955

Senate Judiciary Committee  
Sen. Harley Kilgore, Chairman  
Washington, D.C.

Gentlemen:

In view of recent disclosures of paid government informers recanting their testimony in political cases involving the issue of Communism, and asserting under oath that their prior testimony was not only false, but induced by government prosecuting agencies, I want to call to your attention the following facts:

In the course of the Smith Act trial in Detroit last year, and which is now on appeal, a most dramatic and revealing episode in the trial was the disclosure of a deliberate and premeditated attempt on the part of two (2) government witnesses to conceal information from the Court and the Jury by committing perjury. The incident is referred to in the Trial Court's charge (Tr. 9266).

The witness—Milton Santwire, a Ford Motor Company employee—had testified he joined the Young Communist League in 1939, was hired by the FBI as an informer in 1942, and subsequently joined and remained in the Communist Party until he was called to testify as a witness in the case. During all this fourteen (14) year period, he submitted regular reports to, and received from the FBI, a monthly salary, in addition to his salary as a Ford employee. On cross examination, he denied that his activities as an FBI informer were known to the Ford Motor Company; or that he was being paid as an informer by sources other than the FBI (Tr. 5363-5; 5372-3). Later, the compulsory production of the Ford Motor Company records revealed

confidential memoranda, in which Santwire was referred to as one “who has been retained as a confidential informant by the Investigation Section.” (Tr. 8768)

The next, and final, government witness—Steve Schemanske—testified that he joined the Young Communist League and later the Communist Party, as an informer for the Ford Motor Company, in whose Investigation Department he has been employed since 1936.

On cross examination, all efforts to prove a relationship between Schemanske and Santwire, other than as members of the Communist Party—in order to establish a relationship between Santwire and the Ford Motor Company—proved futile. (Tr. 6531-3; 5627-8; 5633)

It was at this point that the defendants obtained a copy of one of Santwire’s three (3) marriage certificates, which showed that at the time of his marriage, his address was the same as that of Schemanske’s parents (Deft. Ex. 117). Confronted with this document, and after considerable additional cross examination, Santwire finally admitted that he had given false evidence to the Jury (Tr. 5731; 5750-2). He admitted that he not only had been a paid informer for the FBI at \$90 per month, but since 1948 had received from the Ford Motor Company, via Schemanske, the additional sum of \$75 per month. He also admitted that his relationship with Schemanske was known to the prosecution; and that he had discussed his relationship with Schemanske with the District Attorney’s office in preparation for the trial. (Tr. 5740-2).

The foregoing disclosed perjury committed by paid informers in the presence of the Judge and Jury. It also proves that some person in the District Attorney’s office, whose identity has not yet been disclosed, knew of this perjury.

The trial judge instructed Fred W. Kaess, U.S. Attorney, to consider taking action against both perjured witnesses. Reporters later asked Kaess what he intended to do. “Nothing,” he replied, “there were extenuating circumstances.” (Detroit News, Dec. 22, 1953)

With such an attitude on his part, it was not surprising that later a Federal grand jury declined to indict either Schemanske or Santwire.

It is obvious that the District Attorney was not the person who could make a fair and unbiased investigation of the whole ugly conspiracy to perjure testimony against defendants in a criminal case, since such revelation, according to one of the witnesses, would have revealed the extent to which the United States Attorney's office itself was involved.

In view of the recent disclosures by Matusow and others, it appears that the practice of preparing government informers for their testimony in cases involving Communism, is so enmeshed with the manufacture of evidence, that only an outside independent agency, such as the Senate Judiciary Committee, can make a proper and thorough investigation.

This proposal is not a new one. I refer to the letter sent on Feb. 16, 1954, to Senator Langer, then Chairman of the Senate Judiciary Committee, by seventeen (17) prominent Protestant and Jewish clergymen, who stated: "It is also our considered judgement that the character of some of the people whose testimony is being used in political trials, and before Congressional Committees, would be a fruitful subject for investigation . . ." and more recently, there are the comments of the syndicated columnists—the Alsop brothers—who said: "This legal lying . . . which has been tolerated by all three branches of American government, had done irreparable harm to the individual American citizen. But it has also done irreparable harm to the whole American political process." (Detroit Free Press 1-29-55)

Unless such an investigation is made, and made quickly, not only will innocent people be sent to prison, but the present doubt that millions of Americans must have about the role of the government in obtaining convictions in Smith Act and similar prosecutions, will lead to a lack of confidence in the whole system of Federal criminal justice.

In any event, the liberty of (6) Detroit Smith Act defendants is at stake in this case, and we are entitled to an investigation by an independent agency. That would determine the extent to which perjured testimony infected our trial, and resulted in our conviction.

Respectfully yours,  
Saul L. Wellman<sup>11</sup>

# Notes

## Introduction

1. The term *Popular Front* refers to a policy of broad Left-liberal alliances to achieve unity in opposing fascism. As a strategy of the world Communist movement, including the CPUSA, it dates from the Seventh Congress of the Communist International in Moscow in 1935 and lasted until the beginning of World War II in 1939. See Buhle et al. 1990, 591–95.

2. In Detroit, some 30 percent of the 500,000 mainly male factory workers went into military service. Over 400,000 new recruits to labor organizations took their places, half from outside the Detroit metropolitan area. One-third were women or youth entering the labor force for the first time. New plants like the B-24 assembly plant at Willow Run or the Chrysler Tank Assembly Plant in Centerville drew thousands of new factory recruits who had little union consciousness.

## Chapter 1

1. I use the term *anti-Communism* to describe the use of people's antagonism to Communism for the purpose of creating a consensus in support of the general strategies of the governing class and to isolate and/or discredit individuals or organizations critical of those strategies.

2. By 1939 the Party's membership was about eighty-five thousand. The estimate that each Party member influenced about ten people is reasonable. The Party, therefore, had a base of approximately one million.

3. In California, Anita Whitney got over 100,000 votes in her campaign for state comptroller. Israel Amter, in his race for congressman-at-large in New York, got over 100,000 votes. Peter Cacchione received more than 30,000 first-place votes running as the Communist candidate for city council (Isserman 1987, chap. 1). The Party controlled or strongly influenced important CIO unions, among which were the United Electrical, Radio and Machine Workers Union; International Longshoremen's and Warehousemen's Union; National

Maritime Union; Transport Workers Union; American Newspaper Guild; International Woodworkers of America; Mine, Mill and Smelter Workers Union; Fur and Leather Workers Union. In addition, the Communist Party members had considerable influence in the United Automobile Workers and the American Federation of Teachers.

4. Both Isserman (1967, 32) and Shannon (1959, 296) place the membership loss at about seven thousand.

5. In 1944 more than 50 percent of UAW members were involved in work stoppages. The UAW Rank and File Caucus, a Trotskyist formation, was opposed to the no-strike pledge and in a show of strength at the 1944 national convention of the UAW forced a referendum on the issue. Although the supporters of the pledge won, work stoppages continued. See Freeman (1978, 582–83) and Isserman (1982, 203).

6. In July 1942 the War Labor Board, in an effort to control inflation, agreed to raise wages to the January 1941 level to include the rise in the cost of living. As a concession to union leadership, the WLB approved maintenance-of-membership clauses in union contracts.

7. In a lengthy footnote Meier and Rudwick write,

All the leaders of the UAW's major factions believed in the soundness of interracial trade unionism and would have liked to have seen the elimination of racial discrimination from the automobile industry, but all were also faced with the deep-seated prejudices and discriminatory acts of rank-and-file white workers. Neither Walter Reuther, who headed the GM Division, nor George Addes, who was allied with the Communists and had close ties to the Packard local, felt able to take effective steps against racial discrimination in the very locals in which they had the greatest influence. Thus the Communists and their allies, like the leaders in the other factions, operated with a heavy dose of pragmatism. (1979, 211–12)

8. This proposal was first made in 1939, when it was defeated. In 1942 the issue arose again and there was prolonged debate at the convention before it, too, was defeated. The initiative came from the Left, spearheaded by union members of the National Negro Congress, an organization in which the Party had considerable influence. Nat Ganley energetically championed the cause. In 1943, the proposal fell victim to complex maneuvering by both the pro-Addes and pro-Reuther forces (Meier and Rudwick 1979, 208–10).

9. The case of Captain Mulzac is illustrative. An African American, Captain Mulzac received his master's license in 1918 but never got command of a vessel. He worked, instead, as a steward. As a result of efforts by the National Maritime Union, he finally got command of the liberty ship *Booker T. Washington* (Labor Research Association 1957, 134).

10. Isserman gives a detailed discussion of the Party's evaluation of its influence (1982, chaps. 7–9).

11. By October and November of 1945, the Party called for demonstrations in New York opposing United States military assistance to the Nationalist government of China, which was fighting the Chinese Red Army. The National

Maritime Union added its voice to the public demand to bring our troops home (Mass Rally: Bring the Troops Home! *Daily Worker*, 4 September 1945, 7; 10 November 1945, 7). *U.S. News and World Report*, 26 May 1950, 32, wrote, "Government planners figure they have found the magic formula for almost endless good times. They are beginning to wonder if there may not be something to perpetual motion after all . . . [the] Cold War is the catalyst."

12. The document does not indicate who gave the speech, but Carl Winter assured me that he did (1988).

13. Some historians maintain that the CPUSA supported racial equality and civil rights for cynical and opportunistic reasons. Actually, the Party often supported those goals even under conditions that threatened the life of Party members. The work of Robin Kelley (1990), Mark Naison (1983), and Nell Painter (1979) bears this out.

14. For a more detailed description, see Scales 1987, 208–13; Shannon 1959, 242–47, 262–63; Starobin 1972, 195–205.

15. Ben Weiss, treasurer of the Eastern Pennsylvania District, CPUSA, approached me in 1948 with the suggestion of setting up a business to assure financial stability for the District.

16. This information about reorganization and preparations for going underground was found in a secret memo of the Detroit Red Squad (1948). I showed a copy of the document to Saul Wellman on 18 December 1991 and he agreed that, in general, the information was correct. Wellman felt that the informant must have been a member of the District Committee of the Michigan Communist Party. Current regulations regarding the release of Detroit Red Squad files are primarily aimed at allowing an individual to obtain his or her own file, not at allowing a researcher access to the complete holdings. In the course of my research for this work, various individuals gave me access to their own personal files. Out of consideration for the privacy of these sources, I must decline to give further specific identification of these documents beyond what appears in this and following notes.

17. The source for this information is a memo of the Detroit Red Squad dated 18 April 1949. The five-page memo offers considerable detail on the State Conference called by the Michigan Communist Party and held on 27 March 1949 at 2705 Joy Road in the Jericho Temple. In addition to describing the security measures taken at the conference, the informant summarized the remarks made by seventeen speakers. Wellman also confirms the accuracy of this information.

18. Foley Square was the site of the federal court building in New York in which the trial in 1949 of eleven members of the National Board of the CPUSA, indicted under Section 2 of the Smith Act, took place. The case of a twelfth member, William Z. Foster, who had also been indicted, was severed because ill health. The principal charge against the "Foley Square Twelve," under Section 2 (Section 10, Title 18 United States Code) of the Alien Registration Act of 1940, usually referred to as the the Smith Act, was "to conspire with each other, and with divers other persons to the Grand Jury unknown, to organize as the Communist Party of the United States of America a society, group, and assembly of persons who teach and advocate the overthrow and destruction

of the Government of the United States by force and violence” (Marion 1950, 189).

19. Elections at UAW Local 600 were characterized by much Communist smearing, particularly when the Reuther forces and the Stellato forces collided. According to Tommy Thompson, president of Local 600, red-baiting and Communist smearing were largely absent in the 1950 election (1950, 1).

20. Carl Stellato, backed by Reuther and the Association of Catholic Trade Unionists, won the election by only six hundred votes. Thompson campaigned on a platform that contradicted Reuther. Except for the defeat of Thompson, the election resulted in a complete victory for the Unity Slate.

21. This unsigned and undated document was distributed at the District Committee meeting for discussion. I showed this document to Saul Wellman, who is certain that it was written either by Nat Ganley or Phil Schatz. A copy is in the personal files of the author.

22. The Michigan Civil Rights Congress and the Party were involved in achieving a Fair Employment Practices Commission on a state level as well as in several jurisdictions, and the election of Michigan’s first African American congressman and Circuit Court judge and the first African American member of the Detroit Board of Education.

## Chapter 2

1. For an excellent summary of political surveillance see Center for Research on Criminal Justice 1973; see also Donner 1954.

2. William Albertson was expelled from the Communist Party as a paid informer for the FBI. It was later shown that the FBI had “manufactured” the evidence in an effort to create confusion and suspicion.

3. This file is in the private holdings of Saul Wellman, Seabrook, Maryland, and unless another source is cited is the source of all the following quotations and information about FBI activities.

4. The Buck Dinner is an annual event to raise funds for a broad range of civil rights groups and other nonpartisan liberal organizations. This evaluation is based on the personal experience of the author and the shared comments of many who regularly attend.

5. FBI memorandum, 10 October 1956, A. H. Belmont to L. V. Boardman, Subject: CPUSA, Counter Intelligence Program, Internal Security (Use of current Socialist Workers Party to increase disruption in CPUSA). A copy is in the private holdings of the author.

6. I do not know if this plan was ever implemented. The Detroit Red Squad did maintain liaison with the FBI and presumably other investigative bodies such as HUAC. The Red Squad had a copy of the 1949 MDCP registration list, which undoubtedly passed from there to the FBI to COINTELPRO.

7. Letter to SAC W. C. Sullivan 8 April 1965. In private holdings of Saul Wellman.

8. In 1957 the twelve Communist Parties constituting the Cominform issued a statement alluding to the possibility of a parliamentary (peaceful)

transition from capitalism to socialism. In 1960 another such statement elaborated the concept of peaceful transition.

9. FBI letter, 14 April 1965, Special Agent in Charge, Detroit to Director, FBI, Saul Wellman FBI files.

10. George Crockett was counsel for Carl Winter during the first Smith Act trial of Communist Party leaders. His reputation as a brilliant civil rights lawyer was widely recognized. He later served as Records Court judge and then as U.S. congressman.

11. This description is based on my personal experience and the reports of many of my colleagues.

12. Private conversation with Joseph Bernstein, a personal friend with whom I shared the trials of the McCarthy period. In 1962 he retired to Mexico, where he died in 1977.

13. Russell Kitto, a neighbor, related this incident to me. Kitto moved from Michigan in the early 1970s.

### Chapter 3

1. See Kelley 1990, Naison 1983, and Painter 1979.

2. Memo, 3 August 1950, Detroit Red Squad. A copy is in the private holdings of the author.

3. Information on the Civil Rights Congress is taken from the Civil Rights Congress Collection, Walter Reuther Library, Wayne State University. Archive box (or volume and page) numbers are listed parenthetically in the text.

4. National Civil Rights Congress Papers, Schomberg Library, 81–82.

5. Albert Deutch, *PM* Series on Lemas Woods, October 1946, CRC Record Group, Box 81 and 82, microfilm, Schomberg Library; Carl Winter interview, 7 October 1989.

6. Letter to Robert Patterson, Secretary of War, 25 September 1946. See Lemas Woods case record, private holdings of Ernest Goodman.

7. Ernest Goodman to Jack Raskin, 9 September 1946, private holdings of Ernest Goodman.

8. "Police on Spot in Mosely Case," *Michigan Chronicle*, 12 June 1948, 1; *Detroit Tribune*, 10 June 1948, 1.

9. This sequence is based on a personal conversation with Ernest Goodman, 6 June 1991.

10. "Toy Refuses Plea for Trial," *Detroit News*, 14 July 1948, 14.

11. Arthur E. Gordon, Judge of Records Court, Detroit, Michigan, remarks on sentencing Leon Mosely. Copy in private holding of author.

12. Ernest Goodman. Draft of letter, 27 December 1948. Goodman to Judge Arthur E. Gordon. Original in Leon Mosely file in the private holdings of Ernest Goodman; a copy is in private holdings of author.

13. In 1925, Ossian Sweet, a Black physician, moved into a white neighborhood in Detroit's east side. Some four hundred angry white residents of that neighborhood stoned his home. The police maintained a benign presence. In the melee, Dr. Sweet's brother shot into the crowd, killing one man. See Babson 1984, 45.

14. Proceeding before Judge James E. Spier, Circuit Court of Macomb County, August, 1952, 8–9. Private holdings of Ernest Goodman.

15. Private conversation with Ernest Goodman, 13 June 1991.

16. A copy of this letter from Goodman to Governor Williams (31 March 1960) is in the private holdings of Ernest Goodman; copy in the private holdings of the author.

17. The CRC Papers had documentation of over thirty court cases in which the primary issue was racism. This does not include cases relating to political discrimination, or alleged illegal actions taken in relation to trade unions. The cases involving African Americans as the primary target dealt with such issues as police brutality, restrictive covenants, employment discrimination on the basis of race, police killing of Black citizens, police harassment, false arrest, and unusual punishment.

18. “Bayview Food Company Cheats Negro Workers,” *Daily Worker*, 22 August 1948, 1.

19. The Lauri Brothers supermarket served census tracts 520 and 521. In 1950, according to the U.S. Census, fewer than a dozen of the more than ten thousand residents in both tracts were white.

20. Leaflets distributed in the neighborhood charged the Lauri brothers with having thrown an epileptic child out of the store, of locking another in an icebox, of cursing at women, and mistreating old men. CRC Papers, Box 1, Folder, St. Aubin—Gratiot Chapter. Leaflet, “They Kick Our Children,” was signed Community Committee for Justice on the John Williams Case.

21. The first leaflet, informing the community of the incident and urging a boycott of the store, was issued without any organizational identification, so only an educated guess is possible as to who initiated this first action. Copy of the leaflet in CRC Papers, Box 1, Folder, St. Aubin.

22. More than likely, Ann Lewis was either a CRC member or very sympathetic because her name appeared often in the files.

23. Memo, Detroit Red Squad, 13 December 1948. A copy is in the private holdings of the author.

24. This project, undertaken by the national office of CRC, was the preparation of a documented study of the effects of American racism on the Negro community. The final report was to be delivered to the United Nations. See Paterson 1951.

25. *Eastside Shopper*, 6 Aug. 1953. CRC Papers, Box 3, Garden Party folder.

26. Report: Art McPhaul to CRC, undated. A copy is in the private holdings of the author.

27. These observations are based on the interviews with Raskin and on his correspondence, memos, and speeches in the CRC Papers.

#### Chapter 4

1. “Fact Sheet: Willie McGee,” 22 May 1950, CRC Papers, Box 62. Attorney Arthur Kinoy explained, in a telephone conversation on 6 March 1990, that

every time a case is successfully tried based on an earlier groundbreaking decision, it strengthens the original decision and adds to its impact.

2. The proposed monthly budget for the Michigan CRC in 1947 was:

|                                                 |          |
|-------------------------------------------------|----------|
| Rent                                            | \$65.00  |
| Light                                           | \$4.00   |
| Phone                                           | \$75.00  |
| Postage                                         | \$45.00  |
| Printing                                        | \$50.00  |
| Miscellaneous                                   | \$15.00  |
| Salaries                                        | \$675.00 |
| (three at \$35 per week plus \$15 for expenses) |          |
| Payment on old bills                            | \$40.00  |
| Total monthly expense                           | \$969.00 |
| (CRC Papers, Box 2, Folder, Office Matters)     |          |

3. Detroit Red Squad memo, 15 July 1951. A copy is in the private holdings of the author.

4. CRC Papers, Box 62, Folder, Martinsville Seven. "Save the Martinsville Seven" committees functioned in many union locals. Based on correspondence and endorsements found in the CRC Papers, the most active were the International Fur and Leather Workers Union, the Steel Workers Organizing Committee locals, the International Mine, Mill and Smelter Workers, and the United Packinghouse Workers. Several Detroit based UAW locals were very active. The most notable were Locals 3, 157, and 600.

5. CRC Papers, Box 62, Folder, News Releases 1950–51. MDCP Collection, Global Book Store.

6. The above sequence of events is based on data in the statement of Virginia Governor John S. Battle in denying a petition for commutation of sentence for the Martinsville Seven. The statement is dated 24 July 1950. CRC Papers, Box 62, Folder, Martinsville Seven, 1950–51.

7. Grossman emphasized that Shore should not use the term "delegation" but rather "crusade."

8. By late 1948 and extending throughout the early fifties, the Department of Justice and the Immigration and Naturalization Service brought charges against many foreign-born radicals. Those departments claimed that the individuals lied to the immigration officers when they denied that they were members of the Communist Party. On that basis, several Detroiters were deported. In an effort to combat these deportations, the CRC set up the Michigan Committee for the Protection of the Foreign Born with Saul Grossman as its chairperson.

9. *Pittsburgh Courier*, Detroit Edition, 11 November 1950, 1; 18 November 1950, 1; *Michigan Chronicle*, 11 November 1950; CRC Papers, Box 62, Folder, Martinsville Seven.

10. Ann Shore to Aubrey Grossman, 30 June 1950, CRC Papers, Box 62, Folder, Martinsville Seven.

11. Shore tried several times to get the national office to become involved in the Gordy case. Ann Shore to Aubrey Grossman, 19 January 1951, CRC, 62.

12. A copy of the MDCP 1949 registration was in the files of the Detroit Red Squad. A copy of this document is in the private holdings of the author.

13. The details of the mass actions from 31 January 1951 to 5 February 1951 are taken from two lengthy documents: Ann Shore to Marguerite Robinson, Executive Director, CRC, Los Angeles, California, 13 February 1951; *Report of the Virginia Crusade to Save the Martinsville Seven* (1951).

14. *People v. Wells*, 33 Cal., 2d 330; 202 P2d 53. The Wells case history is taken from these legal proceedings. Michigan did not fully participate in the nationwide campaign for reasons that I have not been able to ascertain.

## Chapter 5

1. All statistical data come from publications of the Michigan Committee for the Protection of the Foreign Born, copies of which are located in the Michigan Center for Social Studies, Detroit, Michigan.

2. The specific details of the origin of the MCPFB are obscure. Like the CRC, it was a spin-off from the National Council for the Protection of the Foreign Born into the American Committee for the Protection of the Foreign Born. Saul Wellman and others were vague about its formation. What is clear is that it appeared “out of the blue” and shared offices in Michigan with the CRC. The organizations worked closely together and the leadership shared a common perspective. In my judgment, the MCPFB had the same relationship to the Communist Party as did the CRC.

3. Files of MCPFB. Private holdings of Global Book Store, Highland Park, Michigan.

4. Communist Party of America Collection, File #UF 1019, Michigan State University, East Lansing, Michigan.

5. “Should the C.P. be Barred from the Ballot in Michigan?” CRC Papers, Box 36, Folder Callahan Act, Walter E. Reuther Library. (Cited hereafter parenthetically in the text as CRC papers.)

6. “The People Will Not Yield to Tyranny,” press release issued by Michigan State Committee, CPUSA, 24 June 1947, 1. A copy is in the private holdings of the author.

7. Memo to “All Leading Committees of the Communist Parties of Michigan,” undated, Michigan District Communist Party Collection, Callahan Folder, Private holdings of Global Book Store, Highland Park, Michigan, 1. (Cited hereafter parenthetically in the text as the MDCP Papers.)

8. Quoted in “Fact Sheet #1 on the Smith Act,” undated, CRC Papers, Box 36, Folder Smith Act Campaigns, 1953–54, 4.

9. Department of Justice Hearings, 12 January 1950, Raymond P. Whearty, Acting Assistant Attorney General testifying before the subcommittee of the Committee on Appropriations, House of Representatives, 81st Congress, Second Session, 85–86.

10. Resolution on Civil Liberties, CIO, November 1951, 3.

11. Communist Committee to Defend the Twelve, MDCP Papers, Box 36, Folder, Smith Act, 1953–54.

12. Shearson Lehman Brothers, Southfield, Michigan.

13. CRC Papers, Box 36, Folder, Smith Act Campaign 1953–54. Fact Sheet on Smith Act, 2.

14. Quoted in Fact Sheet #1, 11.

15. CRC Papers, Box 37, Folder, Smith Act–Michigan 1951, 1–3.

16. Reva Bernstein, a teacher in the co-op nursery, mentioned in numerous private conversations with the author that she believed the FBI repeatedly pressured the school not to admit these children.

17. Affidavit of Ernest Goodman, *United States of America v. Saul Wellman et al. defendants*, CR no. 33295, Goodman Collection, Box 1, Folder 1:27, 2, 3, 7.

18. A series of statements, all unsigned, passed among the Detroit Smith Act defendants, their lawyers and others. Wellman was able to identify the origin of some. Those quoted are from the statement, “On General Objects of Case,” Ganley Papers, Box 7, Folder, Smith Act Case, Walter E. Reuther Library; Wellman interview, 18 September 1988.

19. George Dimitroff’s sensational denunciation of the prosecution in his trial for the *Reichstag* fire led to the use of term *to Dimitroffize* for the tactic of turning accusations against the accusers in political trials.

20. By the time of the Philadelphia Smith Act trial, the strategy changed.

## Chapter 6

1. I am indebted for this concept of the law to Ernest Goodman, nationally known civil rights attorney; Justice Justin Ravitz, former judge in Detroit Records Court and a practicing trial lawyer; and Harold Norris, professor of constitutional and criminal law at the Detroit College of Law.

2. CRC Papers, Microfilm Reel #42, Schomberg Library, New York.

3. While the decisions of a state court are not binding either on other states or on the federal courts, according to Vesta Svenson, judge of the 36th District Court in Detroit, the more states that concur on a point of law, the more likely it is that federal courts, including the U.S. Supreme Court, will concur.

4. CRC Papers, Box 62, McGee folder, Walter E. Reuther Library.

5. James Henderson Case Record, private holding of Ernest Goodman. See chapter 4 for details of the Henderson case.

6. The “evolution” Justice Harlan referred to was the concept that the “mere existence of a serious criminal charge constitutes in itself special circumstances requiring the services of counsel at trial.”

7. These three quotations are taken from “Fact Sheet on Smith Act,” CRC Papers Box 36, Smith Act Folder.

## Appendices

1. Copy is in private holdings of the author.

2. Ca. 1947. Collections of the Archives of Labor and Urban Affairs. Walter E. Reuther Library, Wayne State University, Detroit.

3. Goodman, 5.

4. Copy is in private holdings of the author.

# Reference List

CRC in parenthetical text citations refers to the Civil Rights Congress Collection. See ARCHIVAL COLLECTIONS at end of Reference List. Archive box (or volume and page) numbers are included in the parenthetical citation.

- Andrew, William D. 1976. Factionalism and Anti-Communism: Ford Local 600. *Labor History* 17 (spring): 192–217.
- Aronowitz, Stanley. 1974. *False promises: The shaping of American working-class consciousness*. New York: McGraw-Hill.
- Babson, Steve. 1984. *Working Detroit*. New York: Adama Books.
- Barbash, Jack. 1956. *The practice of unionism*. New York: Harper.
- Barrett, James R., and Rob Ruck. 1985. Letter. *New York Review of Books*, 15 August, 47.
- Bell, Daniel. 1960. *The end of ideology: On the exhaustion of political ideas in the fifties*. Glencoe, Ill.: Free Press.
- . 1973. *Marxian socialism in the United States*. 3d ed. Princeton: Princeton Univ. Press.
- Bernstein, Irving. 1960. *The lean years*. Boston: Houghton Mifflin.
- . 1970. *The turbulent years*. Boston: Houghton Mifflin.
- Bernstein, Joseph. n.d. Private conversation with author.
- Bittleman, Alexander. 1949. The beginning of the economic crisis in the U.S. *Political Affairs* 27 (July): 22–32.
- Blackett, Patrick M. S. 1948. *Military and political consequences of atomic energy*. London: Turnstile Press.
- Brooks, Jeanette. 1988. Interview by author. Tape recording. Detroit, 9 September.
- Brooks, Nathaniel. 1988. Written response to questions from author, 9 September.
- Buhle, Mari Jo, Paul Buhle, and Dan Georgakas, eds. 1990. *Encyclopedia of the American Left*. New York: Garland Publishing.
- Campbell, Bruce. 1954. *The golden door*. New York: Random House.
- Cantor, Milton. 1978. *The divided Left: American radicalism, 1900–1970*. New York: Hill and Wang.
- Caute, David. 1978. *The great fear*. New York: Simon and Schuster.

- Center for Research on Criminal Justice. 1973. *The iron fist and the velvet glove: An analysis of the U. S. police*. Berkeley: Center for Research on Criminal Justice.
- Charney, George. 1968. *A long journey*. Chicago: Quadrangle.
- Cochran, Bert. 1977. *Labor and Communism: The conflict that shaped American unions*. Princeton: Princeton Univ. Press.
- Colodny, Robert G. 1990. An American dark age: Echoes and memories. *Pittsburgh History* 73, no. 2:75–86.
- Corsetti, George L. 1988. Spying for profit: The private sector and the political police. Unpublished paper, Wayne State University. Private holdings of the author.
- . 1990. Conversation with author, 13 September.
- CPUSA. 1972. Resolution on Asians in the USA (correction). *Party Affairs* 6 (September): 27–28.
- Cruse, Harold. 1937. *The crisis of the Negro intellectual*. New York: William Morrow.
- Davidson, May. 1990. Conversation with author. Detroit, 3 September.
- . 1991. Conversations with author. Detroit, 17 August.
- Davis, Benjamin J. 1969. *Communist councilman from Harlem*. New York: International Publishers.
- Dennis, Eugene. 1946. *Report to the National Committee*. New York: International Publishers.
- Dennis, Peggy. 1977. *The autobiography of an American Communist: A personal view of a political life, 1925–1975*. Berkeley: Creative Arts.
- Dennis, Thomas. 1989. Interview by author. Tape recording. Detroit, 2 November.
- Department of Justice. 1950. Hearings 12 January. Testimony of Assistant Attorney General Raymond P. Wheatley before subcommittee of House Committee on Appropriations, 81st Congress, 2d session.
- Detroit Red Squad. 1948. Memo. Michigan Communist Party reorganization and under ground preparations. 20 September. Private holdings of the author.
- . 1949. Memo. 18 April. Private holdings of the author.
- . 1960. Detroit SAC (special agent in charge) to Director, FBI, 9 July. Private holdings of the author.
- Deutch, Albert. 1946a. Reveal vital evidence suppressed in army trial of doomed Negro GI. *PM*, 3 October, 24.
- . 1946b. Death penalty against Negro assailed by prosecutor in case. *PM*, 17 October, 22.
- . 1946c. Fight for Pvt. Lemas Woods wins new trial for doomed Negro GI. *PM*, 31 October. Microfiche.
- Donner, Frank J. 1954. The informer. *Nation* 179, no. 15:258–62.
- Dood, Bella V. 1954. *School of darkness*. New York: P. J. Kennedy.
- Draper, Theodore. 1957. *The roots of American Communism*. New York: Viking.
- . 1960. *American Communism and Soviet Russia: The formative period*. New York: Octagon Books.

- 
- . 1985a. American Communism re-visited. *New York Review of Books*, 9 May, 32–37.
- . 1985b. The popular front re-visited. *New York Review of Books*, 30 May, 44–50.
- Dudziak, Mary L. 1988. Desegregation and the cold war imperative. *Stanford Law Review* 41, no. 61 (November): 80–93.
- Foster, William Z. 1948. Report to the National Committee. *Political Affairs* 48:681–93.
- . 1952. *History of the Communist Party of the United States*. New York: International Publishers.
- Freeman, Joshua. 1978. Delivering the goods. *Labor History* 19:571–89.
- Galenson, Walter. 1974. Communists and trade union democracy. *Industrial Relations* 13:232–39.
- Ganley, Nat. 1990. Interview by Jack W. Skeels. Transcript. 16 April. Automobile Workers Oral History, compiled by the Research Staff of the Institute of Labor and Industrial Relations, University of Michigan/Wayne State University, Walter E. Reuther Library, Detroit.
- Gates, John. 1958. *The story of an American Communist*. New York: Thomas Nelson.
- Gerstle, Gary. 1985. Letter. *New York Review of Books*, 15 August 1985, 48–49.
- Ginger, Ann, and David Christiano. 1987. *The cold war against labor*. 2 vols. Berkeley: Meiklejohn Civil Liberties Institute.
- Goldfield, Michael. 1985. Recent historiography of the Communist Party, U.S.A. In *The year Left: An American socialist year book 1985*, 315–55. New York: Schocken Books.
- Glazer, Nathan. 1961. *The social basis of American Communism*. New York: Harcourt, Brace.
- Goodman, Ernest. 1991. Conversation with author. Detroit, 19 June.
- Gornick, Vivian. 1977. *The romance of American Communism*. New York: Basic Books.
- Gossett, William T. 1946. Liberty. Guest editorial. *Detroit News*, 20 February, 38.
- Grossman, Saul. 1989. Telephone interview by author. Tape recording. Clearwater, Fla./Detroit, April.
- Guenter, Lewy. 1986. *The cause that failed: Communism in American political life*. Oxford: Oxford Univ. Press.
- Hall, Kermit L. 1989. *The magic mirror: Law in American history*. New York: Oxford Univ. Press.
- Hallonen, Kae. 1991. Interview by author. Tape recording. Detroit, 12 December.
- Halperin, Martin. 1988. *UAW politics in the Cold War era*. Albany: State Univ. of New York Press.
- Harper, Alan D. 1969. *The politics of loyalty: The White House and the Communist issue*. Westport, Conn.: Greenwood Press.
- Haywood, Harry. 1978. *Black Bolshevik: Autobiography of an Afro-American Communist*. Chicago: Liberator Press.

- Hill, Herbert, and Arthur M. Rose, eds. 1967. *Employment, race and poverty*. New York: Harcourt, Brace.
- Honey, Michael. 1985. The popular front in the American South: The view from Memphis. *International and Working Class History* 30 (fall): 256–87.
- Hoover, John Edgar. 1956. *Current weaknesses of the Communist Party USA*. Washington, D.C.: FBI.
- . 1969. *John Edgar Hoover on Communism*. New York: Random House.
- Horne, Gerald. 1988. *Communist front? The Civil Rights Congress*. Cranberry, N.J.: Associated Univ. Presses.
- Howe, Irving, and Lewis Coser. 1962. *The American Communist Party: A critical history*. New York: Praeger.
- Howe, Irving, and B. J. Widick. 1949. *The UAW and Walter Reuther*. New York: Random House.
- Isserman, Maurice. 1967. *If I had a hammer: The death of the old Left and the birth of the new*. New York: Basic Books.
- . 1980. The 1956 generation: An alternative approach to the history of American Communism. *Radical America* 14 (March-April): 68–91.
- . 1982. *Which side were you on? The American Communist Party during the Second World War*. Middletown, Conn.: Wesleyan Univ. Press.
- Jaffe, Phillip. 1975. *The rise and fall of American Communism*. New York: Horizon Press.
- Johnson, Christopher. 1988. *Maurice Sugar: Law, labor and the Left in Detroit, 1912–1950*. Detroit: Wayne State Univ. Press.
- Jones, Claudia. 1946. On the right to self-determination for the Negro people in the Black Belt. *Political Affairs* 24 (January): 58–72.
- Kampelman, Max M. 1975. *The Communist Party vs. the C.I.O.: A study in power politics*. New York: Praeger.
- Keeran, Roger. 1980. *The Communist Party and the Auto Workers Union*. Bloomington: Indiana Univ. Press.
- Kelly, Alfred H. 1991. *The American constitution: Its origins and development*. 6th ed. New York: Norton.
- Kelley, Robin D. G. 1990. *Hammer and hoe: Alabama Communists during the Great Depression*. Chapel Hill: Univ. of North Carolina Press.
- Kinoy, Arthur. 1983. *Rights on trial*. Cambridge: Harvard Univ. Press.
- Klehr, Harvey E. 1984. *The heyday of American Communism: The Depression decade*. New York: Basic Books.
- Korstad, Robert. 1987. Daybreak of freedom: Tobacco workers and the CIO, Winston-Salem, North Carolina, 1943–1950. Ph.D. diss., University of North Carolina.
- Labor Research Association. 1957. *Labor fact book 13*. New York: International Publishers.
- . 1961. *Labor fact book 15*. New York: International Publishers.
- Landis, Arthur. 1967. *The Abraham Lincoln Brigade*. New York: Citadel Press.
- Lichtenstein, Nelson. 1982. *Labor's war at home: The CIO in World War II*. Cambridge: Cambridge Univ. Press.
- . 1977. Ambiguous legacy. *Labor History* 18, no. 2 (spring): 214–38.

- . 1980. The Communist experience in American trade unions (including responses from Robert H. Zieger and Roger Keeran). *Industrial Relations* 19, no. 2:119–39.
- Lockwood. 1953. Want exists amid stuffed warehouses (column: Lockwood's views). *[Detroit] Eastside Shopper*, 6 August, 6.
- Lyons, Paul. 1982. *Philadelphia Communists: 1936–1956*. Philadelphia: Temple Univ. Press.
- McAuliffe, Mary Sperling. 1978. *Crisis on the Left: Cold War politics and American liberals, 1947–1954*. Amherst: Univ. of Massachusetts Press.
- Marion, George. *The Communist trial: An American crossroads*. New York: Fairplay Publishers.
- Matles, James J., and James Higgins. 1974. *Them and us: Struggles of a rank and file union*. Englewood Cliffs, N.J.: Prentice Hall.
- McPhaul, Art. 1970. Interview by Norman McRea, 5 April. Transcript. Automobile Workers Oral History, compiled by the Research Staff of the Institute of Labor and Industrial Relations, University of Michigan/Wayne State University, Walter E. Reuther Library, Detroit.
- Meier, August, and Elliot Rudnick. 1979. *Black Detroit and the rise of the UAW*. Oxford: Oxford Univ. Press.
- Michigan Communist Party, State Committee. 1956. *Review of the work of the Party in Michigan*. Private holdings of the author.
- Myrdal, Gunnar. 1964. *An American dilemma: The Negro in America*. New York: Harper & Row.
- Naison, Mark. 1983. *Communists in Harlem during the Depression*. Urbana: Univ. of Illinois Press.
- . 1985. Re-visiting American Communism: An exchange. *New York Review of Books*, 15 August, 40–44.
- Navasky, Victor. 1989. Foreword to *It did happen here: Recollections of political repression in America*, edited by Bud Schultz and Ruth Schultz, xv–xx. Berkeley: Univ. of California Press.
- Nelson, Steve, James R. Barrett, and Rob Ruck. 1981. *Steve Nelson, American radical*. Pittsburgh: Univ. of Pittsburgh Press.
- Norris, Harold. 1992. Private conversation with author. West Bloomfield, Michigan, 18 February.
- Nowak, Margaret Collingwood. 1989. *Two who were there*. Detroit: Wayne State Univ. Press.
- . n.d. *The Stanley Nowak Story*. Detroit: Michigan Committee for the Protection of the Foreign Born.
- Ottanelli, Michele Fraser. 1987. The Americanization of the Communist Party of the United States, 1930–1945. Ph.D. diss., Syracuse University.
- Painter, Nell. 1979. *The narrative of Hosea Hudson: His life as a Negro Communist in the South*. Cambridge, Mass.: Harvard Univ. Press.
- Paterson, William L. 1951. *We charge genocide*. New York: International Publishers.
- Patterson, Haywood, and Earl Conrad. 1950. *Scottsboro Boy*. Garden City, N.Y.: Doubleday.

- Prickett, James. 1975. Communists and the Communist issue in the American labor movement, 1920–1950. Ph.D. diss., Univ. of California.
- . 1980. Some aspects of the Communist controversy in the CIO. *Science and Society* 44 (spring): 299–319.
- . 1985. *New York Review of Books*, 15 August, 41.
- Raskin, Jack. 1970. Interview by Norman McRea, 5 April. Automobile Workers Oral History, compiled by the Research Staff of the Institute of Labor and Industrial Relations, University of Michigan/Wayne State University, Walter E. Reuther Library, Detroit.
- . 1989. Interview by author. Tape recording. Oak Park, Michigan, 4 September.
- Record, William. 1951. *The Negro and the Communist Party*. Chapel Hill: Univ. of North Carolina Press.
- Red fraud. 1951. *Newsweek*, 10 July, 33.
- Reds use McGee case to give U.S. black eye. 1951. *Time*, 17 July.
- Richmond, Al. 1972. *A long view from the Left: Memoirs of an American revolutionary*. Boston: Houghton Mifflin.
- . 1985. Letter. *New York Review of Books*, 21 June, 41–42.
- Rose, Arthur M., and Herbert Hill, eds. 1967. *Employment, race and poverty*. New York: Harcourt, Brace and World.
- Rosenzweig, Roy. 1983. Oral-history and the old Left. *International Labor and Working-Class History*, no. 24 (fall): 32–33.
- Scales, Junius. 1987. *Cause at heart: A former Communist remembers*. Athens, Georgia: Univ. of Georgia Press.
- Schatz, Ronald. 1977. American electrical workers: Work, struggles, aspirations, 1938–1950. Ph.D. diss., Univ. of Pittsburgh.
- . 1983. *The electrical workers: A history of labor at General Electric and Westinghouse, 1923–1960*. Urbana: University of Illinois.
- Scottsboro boy caught. 1950. *Time*, 10 June, 97.
- Shannon, David A. 1955. *The Socialist Party of America: A history*. New York: Macmillan.
- . 1959. *The decline of American Communism*. New York: Harcourt, Brace.
- Starobin, Joseph R. 1972. *American Communism in crisis, 1943–1957*. Cambridge, Mass.: Harvard Univ. Press.
- Stolberg, Benjamin. 1938. *The story of the CIO*. New York: Viking Press.
- Terkel, Studs. 1970. *Hard times*. New York: Pantheon Books.
- Thompson, Tommy. 1950. President's column. *Ford Facts*, 22 April, 14 and 16.
- Virginia Crusade to Save the Martinsville Seven, Report*. 1951. February. CRC Papers, Box 62, Folder, Martinsville Seven.
- Waltzer, Kenneth. 1980. The Party and the polling place: American Communism and an American labor party in the 1930s. *Radical History Review*, spring: 104–29.
- . 1983. The new history of American Communism. *Reviews in American History* 11 (June): 259–67.

- Weinstein, James. 1969. *The decline of socialism in America, 1912–1925*. New York: Vintage.
- . 1975. *Ambiguous legacy: The Left in American politics*. New York: New Viewpoints.
- Wellman, Saul. 1988. Interviews by author. Tape recording. Seabrook, Maryland, 18 September, 12 and 13 November.
- . 1992. Telephone interview by author. Tape recording. West Bloomfield, Michigan, 4 April.
- Wilentz, Sean. 1985. Red herrings revisited: Theodore Draper blows his cool. *Village Voice Literary Supplement*, 15 July, 3–5.
- Williamson, John. 1969. *Dangerous Scot: The life and work of an American “undesirable.”* New York: International Publishers.
- Winston, Henry. 1946. Party tasks among the Negro people. *Political Affairs* 24 (April): 347–61.
- Winter, Carl. 1948. Keynote address to the 1948 State Convention, Michigan District of the Communist Party USA. Private holdings of the author.
- . 1988. Interviews by author. Tape recording. Detroit, 5 and 7 October.
- Yanover, Jules. 1990. Interview by author. Tape recording. West Bloomfield, Michigan, 15 July.
- Yanover, Ruth. 1990. Interview by author. Tape recording. West Bloomfield, Michigan, 15 July.

## LEGAL MATERIALS

- Braun v. United States*, 168 U.S. 532 (1897).
- Brunner v. United States*, 72 SCT 674 (1952).
- Buchanan v. Worley*, 364 SE 2nd. 897 (1988).
- Dennis v. United States*, 341 U.S. 494 (1951).
- Dombrowski v. Phister*, 380 U.S. 479; 85 Ct 1116, 14L Ed 2nd. 22 (1965).
- Gideon v. Wainwright*, 83 SC 793 (1963).
- Gitlow v. United States*, 208 U.S. 652 (1925).
- Guin v. United States*, 238 U.S. 347 (1915).
- Henderson v. Bannon*, 256 f2d 363 (1958).
- In re Walker*, 868 So. 2nd. 843; 40 S. 2nd. 100 (1959).
- McGee v. Mississippi*, 33 So.2d 843; 40 So. 2nd 100.
- Miranda v. Arizona*, 384 US 436 (1965).
- Nixon v. Herndon*, 273 U.S. 536 (1927).
- Palko v. Connecticut*, 302 U.S. 319 (1937).
- People v. Wells*, 33 Cal. 2d 330; 202 P.2d 53 (1949).
- People v. Wetmore*, 583 P 2d 1308; 149 Cal. Rptr. 265 (1978).
- Powell v. Alabama*, 2287 U.S. 45 (1932).
- Schenck v. United States*, 249 U.S. 47 (1919).
- Schneiderman v. United States*, 320 U.S. 118 (1943).
- United States v. Carolene Products Co.*, 304 U.S. 153 n.4 (1938).
- Wells-Gorshen Rule*, based upon 33 Cal 2nd. 330, section 19.
- Yates v. United States*, 355 U.S. 66 (1957).

ARCHIVAL COLLECTIONS

Civil Rights Congress Collection (CRC). Walter E. Reuther Library, Wayne State University, Detroit.

FBI Files of Saul Wellman, private holdings of Saul Wellman, Seabrook, Maryland.

Ganley, Nat. Papers. Walter E. Reuther Library, Wayne State University, Detroit.

Goodman, Ernest. Papers. Walter E. Reuther Library, Wayne State University, Detroit.

Michigan District Communist Party Papers. Global Book Store, Highland Park, Michigan.

National Civil Rights Congress Papers. Schomberg Library, New York Public Library, New York.

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