

Bridges Pilloried for His Union Success

By Samuel Adams Darcy

The decision of Judge Sears in the case of Harry Bridges came up for review yesterday before the Immigration Board of Appeals. Judge Sears' recommendation means that Bridges' whole life is to be torn up by the roots, that a great trade union movement be deprived of its leader as a reprisal for its successful trade union activities on behalf of workers' standards of living, and a great political party "outlawed" without being given an opportunity to defend itself—and the entire act concealed behind the fiction that it is an "administrative" and not a "judicial" hearing.

The opinion of the American people has been unmistakably heard they believe that there is no case against Bridges. That opinion was rendered in the verdict of Dean Landis who presided at the first hearing. It was again heard last week when the Congress of Industrial Organizations, representing five million workers, unanimously said so in very clear language. It has been heard in thousands of resolutions of AFL unions, and other citizen's organizations.

THE IMMEDIATE ISSUE

These views are not only the judgment of the people on the legalities of this case. They are also an expression of their desire to unite the entire country for an all out effort against the menace of Hitlerism. Bridges has not only been a pioneer in the struggle against Hitlerism, he is now one of the best workers on the West Coast trying to unite Labor behind the President's foreign policy, for uninterrupted production to give all-out aid to our Allies, Great Britain and the Soviet Union. No one can say as much for all that wilful little band that is pulling every string they have to force his deportation.

The contentions of Bridges' attorneys that he has been denied "due process of law," that he was rushed through a second trial with insufficient time to prepare his defense, that he has been denied equal protection of the law, that the practices of the proceeding were generally unfair, that he has been

Communist Party Dragged In But Never Given Opportunity to Present Its Case

placed in "double jeopardy," and that he is being tried under an ex post facto law (that is, a law made retroactive) were all brushed aside by Judge Sears under the excuse that this was not a trial in which penalties were imposed such as in a "judicial proceeding." He contended it was only an "administrative" proceeding where a privilege might be taken away. If deportation from the United States isn't a penalty of a most serious nature, as should only be imposed for some crime against the American people, then no penalty is penalty—and no amount of legal verbiage can cover that up in the eyes of patriotic citizens.

The arbitrary character of the proceeding throws light on the lack of justice in the conclusions.

In this immigration board hearing, as also of the long trial at which Sears presided, the entire case rests on the allegation that the Communist Party program is unconstitutional, no representative of the Communist Party was ever given an opportunity to appear in defense. That also was explained on the basis that it was and is an "administrative" and not a "judicial" hearing.

A vast amount of prosecution evidence aimed against the Communist Party was introduced. Indeed, the prosecution was allowed such great latitude that Judge Sears was forced to admit in his decision that "the common law rules governing the admissibility of evidence were not strictly applied . . . Heresy was freely admitted."

That is a set-up to make Heinrich Himmler's mouth water.

ASPECTS OF TRIAL

The prosecution is given unusual latitude to introduce evidence that is admittedly only hear-say, but the Communist Party is not given an opportunity to defend itself, and Judge Sears then rendered a decision finding the Communist Party guilty of being an unconstitutional body.

That is made possible by the fact that in immigration cases the same

department appoints the prosecutor in the case, they also appoint the inspector who presides as judge at the hearing, and now, they appoint the Board of Review which examines the justice of the inspector's decision. Is it possible for this Board of Review to act with any more justice than did Judge Sears? Also, such a board is not a proper body to sit on so grave a matter as now comes before it, namely, the constitutionality of certain political beliefs and the right of aliens to hold them.

It is an American principle that a political party may take any position or program its members may choose and only the free electorate has the right to approve or disapprove that program. For any governmental administrative body to presume to pass on it is to deny the electorate's democratic rights. In this instance, not only was this American spirit violated, but a political party was accused, "tried," and condemned without being given an opportunity to defend itself. In reality, therefore, the attack hits at the democratic rights of the entire American people and is a subversion of the Constitution since it sets a precedent whereby an administrative body of government, denies the people its right to pass judgment on the programs of all political parties.

DANGERS IN THE CASE

The prosecutor pleaded in the hearings that they were not challenging the right of citizens to hold "dangerous thoughts," they limited their case to that of aliens, who, holding these beliefs could allegedly not become loyal citizens of the country. The deceit of this argument is apparent. For if the court decides that an alien holding Communist beliefs cannot become a loyal American, then surely a citizen holding the same beliefs is not a loyal American, and momentarily (until the nation's splitters make their next step ready) escapes penalties purely by a legal technicality. We can therefore brush aside that deceit, for it is only designed to

achieve their mischief, a step at a time, rather than all at once. This case will set a precedent, which will determine the legal right of anyone to hold Communist views. They concern native born citizens as well as those naturalized and aliens in a very immediate way.

UNUSUAL CIRCUMSTANCES

The four members of the court who sat in review should consider the following unusual circumstances which governed the Sear's hearing:

1. Although the Communist Party was accused it was never offered an opportunity to defend itself. Since Bridges was in fact not a Communist Party member or affiliate and so maintained throughout his hearing, his attorneys had no obligation to and in fact did not defend the Communist Party. Thus the elementary principle that the accused be permitted to confront his accuser in court was thrown into disregard.

2. The evidence against the Communist Party consisted of a number of alleged quotations from what Judge Sears and the prosecution called "approved writings" of the Communist Party, which "approved writings" were "corroborated" by "the oral testimony of various witnesses." These "approved writings" were not official documents of the Communist Party in any sense of the word, but books and pamphlets which were never adopted by the Communist Party as official, some of which authoritative Communist leaders publicly condemned, some of them classics of political science and most of them written from 20 to 100 years ago.

3. All the witnesses who were introduced to testify as "experts" as to the theory and practice of the Communist Party had at one time or other been expelled from Communist ranks for either unreliability or unwholesome conduct, or their failure to understand the Communist program and their consequentially wrong conclusions as to what should be done, or renegades who were

bought off by the enemies of the Communist Party.

Yet, though declared incompetent and unqualified to continue membership for the above reasons, they were "qualified" by Sears as "authorities" on the program and practice of the Communist Party, testifying in the delightful circumstances of not having to submit to any cross-examination. In consequence, among the quotations which Sears cites as showing the practice of the American Communist Party, are some excerpts (the source is unclear) which propose "secret organizations of professional revolutionaries in the era of absolutism; educational, trade union and parliamentary organizations (the fractions in the Duma, etc.) in the era of the Duma. . . ."

Sears cites this to show what the American Communists practice!

An American "Duma"? An American "era of absolutism"!

MEANINGS DISTORTED

In addition to this type of evidence a number of blatant forgeries are introduced into the record, such as the oral fabrication of a quotation attributed to Lenin by one of the witnesses "that truth is a bourgeois quality with which all good Bolsheviks may easily dispense." Sears cites this forgery as being authoritatively taken from Lenin and adds that the Communist Party has adopted a "so-called policy of 'hypocrisy and deceit'!" They quote Dimitrov as advocating a Trojan horse policy against the American trade unions, where even a cursory reading of Dimitrov's speech at the 7th Congress of the Communist International where this paragraph occurs, shows that it is aimed only against the Nazis as Winston Churchill and President Roosevelt today urge the same development against Hitler.

To all of these lies there is a vast array of falsification concerning the relations of the president of the International Longshoremen's and Warehousemen's Union to Communist leaders and the Communist Party. Every sane person knows that the real reason for his drive against Bridges is not his alleged relations with some Communist, but that under his leadership, his union, against tremendous odds, won substantial gains for the workers. In

some instances they misuse the Marxist-Leninist classics, taking scanty excerpts out of their context, and misrepresenting them to mean, in some instances, the exact opposite to what the author intended and what the full language clearly says. In some instances books and pamphlets which have become classics in the literature of political science are used as if each sentence and paragraph constitutes a specifically adopted official decision for action in the United States.

This is untenable.

The teachings of the great Communist theoreticians are opposed to making any dogma of this or that tactic and there is nothing that binds any Communist follower of the teachings of Marx and Lenin to use in 1941 the tactic advocated in 1847 or 1864, or to use in the United States a tactic proposed in old Russia.

The Communists regard the teachings of the great Marxists-Leninists as contributions to the development of the science of historical materialism, that is, the science of the general laws of history and politics. The Communists also study the specific conditions within their country and the needs of the American people and on that basis, work out their program, strategy, etc. They have in fact done that and written it up in the form of the Communist Party Constitution which is the keynote of their position. From time to time they have concretized that general statement of the Communist position in the form of election platforms which apply to the specific period or jurisdiction in which the election occurs. That is a Communist concept of the writings of Marx, Engel, Lenin and Stalin. And every Communist will reject the version supplied by incompetent stool-pigeons which was accepted by the judge.

It is characteristic of the Sear's hearing, that while they went back 100 years to find some pamphlet, they did not introduce into their record, the official documents of the Communist Party. Any estimate of the Communist position without them is valueless.

To serve justice and Americanism, the Immigration Board must properly reject Judge Sears' findings.