

# ILWU RESEARCH DEPARTMENT

[International Longshoremen's and Warehousemen's Union (Ind.)

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### The Velde Committee:

# DANGER TO LABOR

WHEN Harold H. Velde, Chairman of the House Committee on Un-American Activities, recently tried to subpoena Harry Truman, he opened up a new period in the sordid history of that Committee, a period pregnant with great dangers to the labor movement as a whole.

The reason is obvious.

Most unions supported the liberal wing of the Democratic Party. They were and are to the left of Truman.

This political maneuver was an admission that the Republicans are in trouble. They are losing elections. Workers want the repeal of Taft-Hartley, New Deal measures to retard a depression, an end to give-aways to the rich, and take-aways from the poor. Farmers want a way out of the agricultural depression.

But the Republicans can't or won't change their big business policies of protecting the profits and wealth of the few, come what may.

They have deliberately turned instead toward inflation of the so-called "Communist menace," "spy hunts," and "red investigations" as a method of smearing all opposition, of diverting people from the real and pressing issues confronting them, in short, to perpetuate themselves in office.

The natural vehicles for this Republican strategy of rule by fear or ruin by smear is McCarthy's Committee to ferret Communists out of government and Velde's Un-American

Activities Committee. We will deal here with the latter because it is typical.

As Truman aptly put it in his radio speech on November 16, "It is now evident that the present Administration has fully embraced, for political advantage, McCarthyism," whose meaning he defined:

"That meaning is the corruption of truth, the abandonment of our historical devotion to fair play. It is the abandonment of the 'due process' of law. It is the use of the big lie and the unfounded accusation against any citizen in the name of Americanism or security. It is the rise to power of the demagogue who lives on untruth; it is the spread of fear and the destruction of faith in every level of our society."

To workers, it has still another meaning.

McCarthyism means American Fascism and its first victims are American unions. Unions are already being victimized. If McCarthy comes in through the door, unions will go out the window completely.

The main ingredient of McCarthyism is "investigations." The investigations are carefully staged like a big Hollywood show. Television, headlines, publicity are all planned carefully in advance. The object is not only to divert the people by a Roman Circus, but to grab as much publicity as possible, publicity in which men like Velde and McCarthy are pictured as knights in shining armor, protecting the people against sinister and hidden enemies.

These shows have been staged before - but never with the intensity and desperate political purpose as now by the Republicans. And it should be clear that this is fundamentally an anti-labor purpose because this is an anti-labor Committee and an anti-labor Administration, operating on the principle that "what's good for General Motors is good for the country."

After all, the launching of this spy-hunt, red scare strategy followed closely Eisenhower's repudiation of promises to amend the Taft-Hartley law.

There is other evidence that this strategy is basically anti-labor. The danger is that, having pioneered the method on so-called "left-wing" unions, they may now be able to apply it successfully against all sections of labor.

They have perfected a system of entrapment for workers which can only be defeated if it is understood.

## A SYSTEM OF ENTRAPMENT

Let's assume the Velde Committee subpoenas you and asks you:

"Are you now or have you ever been a member of the Communist Party?" When they do, you are in a trap. What can you answer?

Let's say you're like the 99.9 percent of the American people who are not Communists - but you may be subpoenaed.

After all, it doesn't really matter to this Committee whether you're actually a "Communist" or not. At different times, they have labelled "Communist" some 250-odd organizations, almost a million persons, people who have demanded higher wages, lower prices, lower rents, peace - even nurseries for kids.

Anybody who questions what Big Business does is a "Communist" or "Communist-inspired" or a "Communist dupe" to them.

Let's say you're like millions of other workers who lived through the depression. You became a good union man; you attended meetings for many excellent causes; you signed petitions and gave a few bucks to movements which you felt bettered the average American. You fought, in the way Americans should fight, to keep America a land of progress.

When they ask you whether you are a "Communist", you will discover that you can't tell them the simple truth and answer "No."

## YOU CAN'T SAY "NO"

If you say "NO", the Committee has a stable of stoolpigeons like Paul Crouch who make their living testifying that they saw people at "Communist meetings." He testified that Harry Bridges was at a Communist Party Convention in New York when Bridges was actually in Stockton, and Crouch is still testifying even though his perjury was proven in court. If a very smart anti-communist professor like Lattimore was indicted for perjury after answering "No," what chance has an ordinary worker? So, there's trouble waiting if you say, "No."

Or, if you say "No," the prosecutor sidles up to you and asks "Who did you know in those days? Who signed petitions with you? Who gave money?" The only way you can prove you are really not a Communist to this Committee is to become the lousiest thing in the human family - a stoolpigeon. You'll find what others have found the bitter way - that the Committee will accept no other proof.

Or, if you say, "No, but I attended this or that meeting because I believed in its purpose," you may face a Smith Act conspiracy rap. Communists may also have attended those meetings and those meetings may have been "Communist-inspired," even though you

you were not aware of it, or didn't care at the time.

If you refuse to testify, there's the contempt charge - unless you invoke the Fifth Amendment. This Amendment says no man may be forced to testify against himself. It's the only way out.

This explains why most witnesses invoke the Fifth Amendment. You probably would invoke it yourself if you were subpoenaed. It's the only way out of the trap.

But it's not an easy way out.

The McCarthys and Veldes, with the help of the Administration, the press, radio, etc. have unfortunately succeeded in convincing many people that only "Communists" invoke the Fifth Amendment.

If you're a government employee, you can be fired for invoking the Fifth Amendment, under Eisenhower's latest Executive Order. McCarthy openly advises employers to do the same - and some have. If you're an alien, you may be jailed or even deported under the Walter-McCarran Act.

Clearly, this is a system of entrapment for workers and for unions. But labor can beat this system if it understands it is a drive aimed at unions. Labor can beat it if it destroys the McCarthy myth - the Big Lie - that silence means guilt.

## A DRIVE AGAINST UNIONS

The men who compose the overwhelming majority of the House Committee on Un-American Activities are by their anti-labor voting record well suited to conduct this drive against unions.

Velde's anti-labor voting record on Taft-Hartley, rent control, housing, social security, minimum wages, unemployment compensation, etc. stamps him as just another die-hard, reactionary employer spokesman. In fact, almost all of the members of this Committee are equally anti-labor.

### ● ● ● BY BLACKLISTING

There is a well understood arrangement between this Committee and the employers, the purpose of which is to blacklist workers who invoke the Fifth Amendment. As early as January 6, 1941, J. Parnell Thomas, a member of the House Committee on Un-American Activities, boasted to Big Business employers in a speech, "There is material of vast value to Management in the files of the Dies Committee. We have the names of thousands of men whom we have reason to suspect because of their connections past and present . . . these files are available to you." (Congressional Record, January 6, 1941)

We have seen it work in dozens of cases. The California Un-American Activities Committee recently demonstrated the technique. It subpoenaed and asked this question of several utility workers, good union men. They all refused to answer, invoking the protection of the Fifth Amendment. They avoided the pitfalls of testifying, but PG&E promptly fired them.

These men are effectively blacklisted in their industry. By allowing this, the Union has been weakened. What good are the seniority provisions of a Union contract if the Company can fire men on such grounds? Will Union men be militant in the future? If they are, this might happen to them. So, the Union becomes weak. This is the real purpose of this blacklisting technique.

As Philip Murray, then president of the CIO, said: "Labor unions and other liberal organizations have been harassed and their legitimate activities interfered with by this Committee with the sole known purpose of aiding the enemies of labor."

The history of labor in this country is a history of fighting blacklists. Labor has fought blacklists for over one hundred years.

The authoritative History of Labor in the U. S. by Commons tells the story. He describes how in 1835 when employers fought union organization "the blacklist was the chief weapon of the employers." [Page 403] From 1873 to 1879, union-busting employers "added a systematic policy of lockouts, of blacklists . . . 'men were blacklisted to an extent hardly ever equalled,' so that it became 'very difficult to find honest and active members who were willing to serve on committees.'" [Page 195]

The second convention of the Knights of Labor called attention to the prevailing system of blacklisting 'all workers in the cause of labor and unionism' and therefore urged 'upon workingmen and working women of the country to organize . . . on a secret basis.' [Page 239]

The blacklist is not only anti-union, it is unconstitutional because it deprives workers of their means of existence. This too violates the Fifth Amendment, which says that "no person . . . shall be deprived of life, liberty or property without due process of law."

### • • • BY CHARGING UNIONS ARE PART OF A CONSPIRACY

More than this, it is in the vital interests of labor that we fight against those who charge workers and unions with being part of some so-called "Communist" conspiracy. To cooperate with such hearings is to help revive the anti-labor law of conspiracy. In 1806, shoemakers in Philadelphia struck for higher wages. The courts convicted them of "unlawful conspiracy to raise their wages."

For most of the 19th century the employers used the law of conspiracy to fight union organization. The prosecutions, in fact, were often financed by the employers themselves. Commons, History of Labor In The United States, p. 1387 Reactionary employers now often charge that labor's legitimate strikes are "political strikes," "communist-inspired," "designed to weaken our National Defense." Let's get wise to this.

Aside from the practical impossibility of defending oneself when charged with being part of a conspiracy, the Velde Committee's efforts to revive the law of conspiracy represents a direct threat to the very existence of unions.

### ◦ ◦ ◦ BY UNDERMINING THE CONSTITUTIONAL BASIS OF UNIONS

The First Amendment to the Constitution says:

"Congress shall make no law . . . abridging the freedom of speech or of the press, or of the right of people peaceably to assemble and to petition the Government for a redress of grievances."

Questions asked by the Velde Committee like: "Did you say this?" violate freedom of speech. "Did you write this?" violates freedom of the press. "Are you a member of this organization?" violates the right of the people peaceably to assemble.

These constitutional rights are most precious to all people - for without them there can be no progress. If people could not freely talk and associate together for improvement in their conditions, we would still have feudalism, slavery and a British king in this country. When we say - this is a free country - this is what makes it free. The very existence of unions depends on these rights.

Unfortunately, you can't refuse to testify on the grounds of the First Amendment. When the Supreme Court upheld the Smith Act, it destroyed the First Amendment, at least temporarily. (The important Emspak Case scheduled to come before the Supreme Court will, we hope, reverse this.)

But, we still have the Fifth Amendment, which says:

"No person . . . shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law."

What were the Founding Fathers thinking about when they wrote this?

They were undoubtedly thinking of inquisitions such as those in New England where people were charged with being heretics, and tortured by the inquisitors to force them to confess their heresy.

They were undoubtedly thinking of the inquisitions in Britain when dissenters from the Church were put on the rack to force them to confess their "crimes." It was in order to escape these inquisitions that these dissenters had come to America.

They were thinking of the dread Spanish inquisition and everything it stood for as a method of repressing all opposition to a reactionary government.

The protection of the Fifth Amendment applies by court ruling, not only to criminal cases, but to civil cases and all hearings of the committees such as the Velde Committee.

Furthermore, when a person invokes the privilege of the Fifth Amendment, he admits no guilt, and no one may draw any inference of guilt. This is because the Fifth Amendment is primarily the refuge of the innocent, and not the guilty.

The explicit purpose of the Fifth Amendment is to prevent inquisitions such as the one the Velde Committee and other McCarthyites are trying to bring into this country today. The General Council of the Presbyterian Church in the United States had great insight when it warned:

"Under the plea that the structure of American society is in imminent peril . . . dangerous developments are taking place today in our national life . . . Some congressional inquiries have revealed a distinct tendency to become inquisitions . . . Treason and dissent are being confused. The shrine of conscience and private judgment . . . is being invaded. Un-American attitudes toward ideas and books are becoming current . . . Our national house . . . could, in the high-sounding name of security, be occupied with ease by fascist tyranny." [The General Council of the Presbyterian Church of the United States, in a statement released on 11/2/53, and sent to 8,000 Presbyterian ministers, the President and Secretary of State.]

The danger is great. The McCarthys and their big business backers are trying to close the only way out of their clever trap. The Butler Bill, the Goldwater-Rhodes Bill, bills by McCarran and now bills sponsored by Brownell, would effectively outlaw use of the Fifth Amendment and compel witnesses to testify against themselves. These bills must be defeated.

The McCarthys have set the trap and are trying to perfect it. This trap is big enough to hold all of us. Inquisitions are their path to power, and they will win power unless we use and protect the Fifth Amendment, and defend those who use it. The workingman who invokes the Fifth Amendment in today's inquisitions is not only defending himself in the only way he can - he's defending his union and fighting McCarthyism for all of us.

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