

Jilian Clearman

Wayne Morse and Harry
Bridges: I Hold a Brief
for Truth

*Fourth in a Monograph Series
Celebrating the
Wayne Morse Legacy*

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Preface

The Wayne Morse Legacy: A Monograph Series

“Wayne Morse is our reminder, forever, that one man with unlimited courage can move mountains of apathy and despair.”

—Joseph L. Rauh Jr., attorney, civil rights activist, and former occupant of the Wayne Morse Chair of Law and Politics

The Wayne Morse Legacy series of monographs is intended to honor the life and work of Senator Wayne L. Morse by examining key policy areas in which he was involved and had an impact. The series is a continuing project of the Wayne Morse Historical Park Corporation and the Wayne Morse Center for Law and Politics at the University of Oregon.

The monographs preserve knowledge of Morse’s colleagues and friends as well as present interpretations by a new generation of scholars. They are not academic or technical works. Rather, the monographs are intended to be original and accessible essays for the general public, students, and scholars. This is in keeping with the Wayne Morse Center’s role as a “citizen academy” that celebrates through speakers, conferences, and publications the Morse ideals of intellectual independence and integrity. The Wayne Morse Park Board aims to help people learn and understand the legacy of Senator Morse and how he gave to others even as he served them.

The corporation board and the center believe that Wayne Morse’s contributions illustrate the Webster definition of history that speaks of “acts, ideas, or events that will or can shape the course of the future.” These monographs will examine how

Morse affected education, natural resource policy, foreign affairs, human and civil rights, and labor and industrial relations.

The current monograph is the fourth of the series and examines a telling vignette in the early career of Wayne Morse. In the late 1930s, Morse was appointed as arbitrator for maritime disputes on the Pacific Coast. In this high-profile position, he arbitrated disputes between the longshore workers, headed by Harry Bridges, and the Pacific Maritime Association. As an up-and-coming public figure, Morse had every reason to avoid being associated with Harry Bridges, a radical labor leader and purported Communist. But he testified on Bridges' behalf at two deportation hearings and spoke publicly against what he saw as a hysterical and undemocratic campaign to deport Bridges without adequate evidence. This monograph tells the story of Wayne Morse and Harry Bridges and how it affected the reputation and political career of Wayne Morse.

The title, "Wayne Morse and Harry Bridges: I Hold a Brief for Truth," paraphrases a letter that Morse wrote about why he testified on behalf of Bridges—because he was a stickler for the truth and for following the Constitution. While he was no fan of Bridges and his politics, he was loyal to the Constitution and due process.

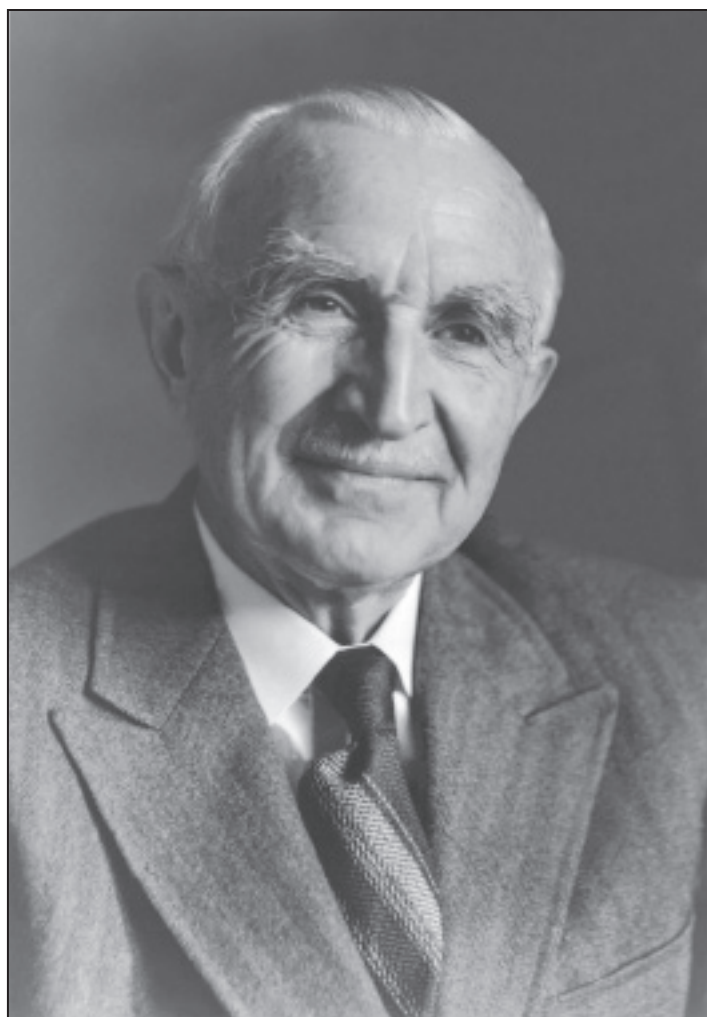
The author is Jilian Clearman, who graduated from the University of Oregon School of Law in 2010. Clearman used archival materials from the University of Oregon Libraries' collection of Morse's papers, as well as secondary documents and books. We are pleased to present another monograph by a young scholar who examines the Morse legacy and its relevance in today's world.

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About Senator Wayne L. Morse

As a law professor and dean of the University of Oregon School of Law, labor arbitrator, and United States senator, Wayne Morse left a deep legacy of commitment to democratic representation, the rule of law, and intellectual independence to the University of Oregon, the State of Oregon, and the nation and its the people.

During Wayne Morse's twenty-four-year tenure in the Senate, from 1944 to 1968, he was a leader in a wide range of issues, including the antiwar movement, education, civil rights, and international law. He is perhaps best remembered for his historic stance as one of two senators who opposed the Gulf of Tonkin Resolution, which initiated U.S. military intervention in Vietnam.

Wayne Morse took his first law professorship at the University of Oregon School of Law and became the dean within nine months. At thirty, he was the youngest dean of any American Bar Association-accredited law school in the country. He resigned from the University of Oregon when his practice as a labor arbitrator consumed his time and energy.

Morse's mission as an arbitrator was to uphold what he saw as the sanctity of the contract, the rule of law in the field of labor relations. Deeply committed to fairness and justice, he was popular both with unions and employers. He later served on the National War Labor Board before being elected to the U.S. Senate.

When President Eisenhower adopted Taft's economic policies favoring big business in the early 1950s, Senator Morse left the Republican Party and became an Independent. His reason was succinct: "Principle above politics." Morse joined the Democratic Party in 1955, but two years later he voted against Senate Majority Leader Lyndon B. Johnson's watered-down Civil Rights Bill, calling it an "unconscionable compromise." And when John F. Kennedy supported the Landrum-Griffin Act, which weakened unions' legal protections in the name of rooting out organized crime, Senator Morse became so outraged that he ran against Kennedy in the 1960 presidential primaries.

Morse held the liberal conviction that the purpose of democratic politics is not to amass wealth, but rather to enable the country's true wealth—its people—to flourish. In Morse's own words: "If you want to understand my political philosophy, here's the basic tenet: I think the job of a U.S. senator is to seek to translate into legislation values that promote the welfare of people. Because . . . the keystone of the Constitution is the general welfare clause, and the wealth of America is its people, not its materialism."

Author and Acknowledgements

“Life is a scavenger hunt run backward as well as forward, a race to comprehend.”

—*Tad Friend, memoirist*

The author, Jilian Clearman, is completing a master’s degree in conflict and dispute resolution, as well as a law degree, at the University of Oregon. This monograph is the product of her second foray into archival research; as an undergraduate at the University of Iowa, Jilian researched Senator William Fulbright’s opposition to military propaganda during the cold war as well as his unlikely friendship with Walter Lippmann. Jilian would like to thank the Wayne Morse Center for Law and Politics, particularly Margaret Hallock, for commissioning and supporting this project; Professor Stacey Cone, who once took a chance on an undergraduate research assistant; and the archivists, at the University of Oregon and everywhere, who guard the raw materials of history.

Abstract and Timeline

Fourth in the Monograph Series on the legacy of Wayne Morse, published by the Wayne Morse Historical Park Board and the UO Wayne Morse Center for Law and Politics

As an up-and-coming public figure in the late 1930s and early 1940s, Wayne Morse had every reason to avoid being associated with Harry Bridges, a radical labor leader and purported Communist. But Morse testified on Bridges' behalf at two deportation hearings and spoke publicly against what he saw as a hysterical and undemocratic campaign to deport Bridges without adequate evidence.

Morse was criticized as either a secret Communist or a liberal dupe, and Bridges' behavior during World War II eventually caused Morse to change his position and condemn Bridges for his "Communistic tactics." Morse never apologized for standing up for procedural justice, however, and while his connection to Bridges provided ammunition to his critics, the episode also solidified the reputation of Wayne Morse as a wise, courageous statesman who would do what he felt was right despite political pressure.

Timeline of Key Events in Morse/Bridges Story

- 1920 Harry Bridges settles in San Francisco
- 1924 Bridges joins the International Longshoreman's Association (ILA)
- 1929 Wayne Morse joins University of Oregon law faculty
- 1932 Morse becomes dean of the University of Oregon School of Law
- 1934 The West Coast maritime strike (and the San Francisco general strike)
- 1937 Bridges and the San Francisco longshoremen break with the ILA to form the International Longshoremen's and Warehousemen's Union (ILWU)
- 1938 Morse begins arbitrating maritime labor disputes
- 1939 Bridges' first deportation hearing (Dean Landis)
- 1940 (June) Bridges deportation bill passes in the U.S. House of Representatives
- 1940 (July) Morse writes to Senator King condemning the attempt to deport Bridges
- 1941 (March) Bridges' second deportation hearing (Judge Sears)
- 1941 (June) Germany attacks the Soviet Union and Bridges reverses his position, urging aid for the Allies
- 1941 (December) Japan attacks Pearl Harbor, United States enters World War II
- 1942 (January) Morse is appointed to the National War Labor Board
- 1944 Morse is elected to the United States Senate
- 1945 The Supreme Court overturns Judge Sears' deportation order and Bridges becomes a citizen
- 1948 Bridges' perjury trial
- 1950 Morse is elected to a second Senate term
- 1950 CIO expels Bridges' ILWU due to "Communist leadership"
- 1953 The Supreme Court overturns Bridges' perjury conviction

Wayne Morse and Harry Bridges: I Hold a Brief for Truth

By Jillian Clearman, UO School of Law, Class of 2010

INTRODUCTION

On the morning of August 25, 1939, Wayne Morse and Harry Bridges found themselves in the federal building on Angel Island, in San Francisco Bay, for the continuation of a much-anticipated hearing. The two had met at many hearings in the past year, but today their roles would be different. In the past, Morse, then dean of the University of Oregon School of Law and President Franklin Roosevelt's designated arbitrator for maritime labor disputes on the West Coast, had decided cases between shipping corporations and the labor unions representing sailors and dockworkers. Bridges, the radical, charismatic leader of a coalition of dockworkers' unions, had represented the rank and file before Dean Morse many times. But on that morning, Morse was appearing as a character witness in the deportation hearing of Bridges, an Australian and a purported Communist.

Morse had written to Aubrey Grossman, one of Bridges' lawyers, a week prior to the hearing. He was keen to establish the position he would take on the stand; Morse was not a friend of Bridges but a friend of truth, of procedural justice.

"I do not know what you intend to ask me, but I am sure that you appreciate the fact that whatever testimony I can give must necessarily be limited to my work as an arbitrator of longshore cases. I assume that your questions will seek to bring out the fact that Mr. Bridges has appeared before me since July 1938, in approximately thirty arbitration cases. . . . He has appeared both as an advocate trying the cases and as a witness. . . . As an advocate, he has entered into many stipulations with opposing counsel and with the arbitrator. Most of those stipulations have been oral. To the best of

my knowledge, he has always lived up to those stipulations and conducted himself in a proper, professional manner. . . . On many occasions I have not agreed with his testimony as far as his interpretations of the longshore agreement are concerned . . . however, I have always felt that his testimony was honest and reliable. . . . I am not in a position to answer any questions concerning Mr. Bridges over and above his appearances before me in the arbitration hearings. I have never met Mr. Bridges or had any contacts with him whatsoever outside of arbitration hearings.”¹

Morse clearly anticipated the criticism he was bound to endure, even though, as Morse viewed it, he was merely fulfilling his duty to the justice system: “I shall appreciate it very much if you will extend to me the professional courtesy of making clear to the press that my appearance is by order of subpoena,” his letter continues, “and that I am appearing because defense counsel believes that the record of the case should contain the testimony of the arbitrator who has observed the courtroom conduct of Mr. Bridges in a large number of arbitration cases.”²

In 1939, America was weary and on edge from a combination of labor unrest, the lingering Depression, and the new war growing in Europe—and Wayne Morse found himself in the unenviable position of being asked to speak in favor of a man the government was trying to deport as a dangerous subversive. No love was lost between Morse and Bridges, as he takes pains to point out in his letter to the attorney Grossman. Nor had Morse any tolerance for Communists or Communist sympathizers. And as an up-and-coming public figure who would be elected to the United States Senate only five years later, Morse clearly realized that news of his appearance could be distorted to make him seem like a Bridges supporter or a Communist himself. But Wayne Morse, ever the advocate of clean government and procedural fairness, did not shrink from what he viewed as his duty to tell the truth as he saw it. Over the next three years, he would come to Bridges’ defense many more times before ultimately changing his mind and condemning the radical labor leader’s “Communitistic tactics.”³

1 Wayne Morse, *Letter to Aubrey Grossman*, August 18, 1939. Wayne Morse Archives (University of Oregon), Series S, Box 1.

2 *Id.*

3 Wayne Morse, *Letter to Walter Hubbard* 4, April 19, 1950. Wayne Morse Archives (University of Oregon), Series S, Box 1.

TWO JOURNEYS TO NOTORIETY

By the time of the deportation hearing, Harry Bridges was a household name and Wayne Morse was well on his way to becoming one. Bridges was on the cover of *Time* magazine in July 1937,⁴ and Morse was gaining notice in academic, government, and labor circles. In 1932, after only three years of teaching at the University of Oregon School of Law, Morse had become its dean, the youngest law dean in the country. By 1939, his services as an arbitrator and labor expert were in such demand that President Roosevelt had to disappoint several congressmen and agency officials by insisting that Morse remain in his post as Pacific Coast maritime arbitrator. Although they took very different trajectories to reach their positions, the public personas cultivated by Morse and Bridges were noticeably similar. They were both brash, fiery crusaders and magnetic leaders, but also stubborn and difficult men. Dogmatic and megalomaniacal to their detractors, principled mavericks to their supporters, Wayne Morse and Harry Bridges were initially able to respect one another despite their differences in outlook and agenda.

After leaving Australia as a teenager and sailing on merchant vessels throughout the Pacific, Bridges settled in San Francisco in 1920 at the age of nineteen, where he sought work as a longshoreman. Bridges' opinions about organized labor had been formed during his years at sea, when he met other sailors who were members of the Industrial Workers of the World, the militant labor organization that advocated "One Big Union" for workers of all industries and rejected any compromising with management. Bridges himself briefly joined the IWW (also called the Wobblies) in 1921, and then in 1924 the more centrist International Longshoremen's Association (ILA), an affiliate of the American Federation of Labor (AFL), when it made an abortive push to organize the San Francisco docks.

This labor consciousness led Bridges to resist joining a sham union set up by the shipping companies on the San Francisco docks. These "blue book" unions, so-called because of the color of the contract and manual issued to each worker, were established in order to keep out the real unions who sought to organize the dockworkers and improve their deplorable working conditions.⁵ Joining the blue book

4 *Time* Magazine, July 19, 1937.

5 Before unionization, longshoremen in San Francisco lined up before dawn on the sidewalk for the shipping managers to choose the fittest (or those who paid the biggest bribes) for whatever work was available that day. Entrenchment of the Blue Book union allowed employers to mandate longer hours and heavier loads, leading to

was a prerequisite for finding steady work as a longshoreman, and Bridges' refusal meant years of scrounging for odd jobs, without even the security of a blue book longshoreman's meager paycheck.

In the early 1930s, the ILA made another organizing push, culminating in a protracted and violent strike in 1934. His leadership during the strike established Bridges as a force to be reckoned with, and it fixed in the minds of many of his opponents the conviction that Bridges was a Communist, or close enough that he could and should be deported.

Wayne Morse had also left his home and made a name for himself on America's West Coast, although his journey was to Oregon from his native Wisconsin. Early on, Morse had demonstrated a sharp mind, a leadership instinct, and a love of debate and controversy. "Wayne seemed the happiest when in the midst of a hot debate," recalled F. O. Lieser, the sponsor of a Christian boys' club that, under the influence of a teenage Wayne Morse, became a debating society.⁶ Morse took the teaching job at the University of Oregon soon after graduating from the University of Minnesota School of Law. One in a long line of maverick progressives to hail from Wisconsin, Morse was not noticeably politically active during his first few years in his new home. He seemed to be taking time to get to know the climate of the Western Republican stronghold that was Oregon in the 1930s, gauging what kind of role a progressive could carve out for himself.

His appointment as the youngest law dean in American history resulted from a combination of poise, talent, and being in the right place at the right time, and Dean Morse initially ran the law school in a conscientious but fairly low-profile manner. Morse first showed himself to be a capable and inspiring leader beyond the halls of the law school when he made a fiery speech that rallied the University of Oregon's professors to oust the chancellor of higher education and the head of the state higher education board, both of whom had openly favored Oregon State University in public comments and in budget allotments.

A. Robert Smith's 1962 book, *The Tiger in the Senate*, the first of two Wayne Morse biographies, described the scene this way: "His oration had a righteous, brass-knuckle brilliance . . . a driving compulsion toward rhetorical combat, and a puritanical hatred of

"an appalling increase in the number of accidents." Bruce Minton, *Men Who Lead Labor*, Modern Age Books (1937).

6 Robert A. Smith, *The Tiger in the Senate: The Biography of Wayne Morse* 34, Doubleday (1962).

oppression.”⁷ These qualities would define much of Morse’s public life, and when U.S. Secretary of Labor Frances Perkins was looking for an arbitrator who could, in Smith’s words, “stand his ground between Harry Bridges’ longshoremen and the steamship lines,”⁸ Morse seemed the ideal candidate. A few years after Bridges’ first deportation hearing, Morse would parlay that passion and charisma into a United States Senate seat, a remarkable accomplishment for a self-described progressive running in solidly Republican, primarily conservative Oregon. His involvement in Bridges’ immigration troubles provided fodder for his political enemies, but it also cemented his image as a courageous and principled man, a statesman who could be trusted to follow his conscience regardless of political pressure.

THE 1930s:
CAPITALISM, COMMUNISM, AND ORGANIZED LABOR

Beyond their personal histories, it is important to understand the charged historic moment in which the paths of Morse and Bridges crossed. In order to grasp the full significance of the Bridges deportation hearings and Wayne Morse’s role in them, the tangled history of liberalism, communism, and organized labor must be at least partially unraveled, and likewise the complex motivations that fueled the reactionary right.

The first decades of the twentieth century were a time of unprecedented changes in the daily lives of many Americans. The nation, indeed the world, was shifting from the farm to the city, from physical to mechanized labor, from parochialism to the widespread dissemination of new ideas. The period from 1902 to 1912 has been called the “Golden Age of American Socialism,”⁹ and it marked the flourishing of a whole range of movements for the reorganization of society and the redistribution of power and capital. These ran the gamut from social democrats, who favored higher taxes on the wealthy and the establishment of a social safety net, to Marxists, who advocated popular control of the means of production, to anarcho-syndicalists, who argued for the complete dissolution of the state in favor of a system of industrial collectives.

7 *Id* at 44.

8 *Id* at 24.

9 Daniel Bell, *Marxian Socialism in the United States* 55 Princeton University Press (1952).

This was a time of possibility and optimism, and these movements were part of the mainstream political discourse in a way that is hard to fathom considering what came later. In 1912, more than two million Americans followed the diverse and lively socialist press. The lectures of anarchist feminist Emma Goldman drew thousands of listeners from the middle as well as the working class. Eugene Debs, the 1912 Socialist Party presidential candidate, garnered nearly a million votes. Socialist congressmen Victor Berger and Meyer London were elected in 1912 and 1914, respectively, and by 1914 more than fifty Socialist mayors were in office in cities such as Milwaukee, Wisconsin, and Berkeley, California. The Communist Party USA (CPUSA) was founded in 1919 as a more radical alternative to the Socialist Party, and within two months it had 60,000 members. CPUSA immediately joined the Third Communist International (Comintern), an organization founded in Moscow that same year by the leaders of the recent Soviet revolution.¹⁰

The horrors of Bolshevism would not be fully understood for decades to come, but the alliance of CPUSA with the Soviet government made the American radicals' revolutionary rhetoric seem chillingly plausible. The Sedition Act had facilitated the silencing of antiwar leftists during World War I (including Goldman, who was deported, Debs, who was imprisoned, and radical publications such as *The Masses*, *Solidarity*, and *The American Socialist*, which were censored). But the stated purpose of the International was to foment anticapitalist revolution, and many in America believed that the International's statement that it intended to fight "by all available means, including armed force, for the overthrow of the international bourgeoisie and for the creation of an international Soviet republic" was tantamount to a declaration of war and justified measures at least as repressive as the Sedition Act. These convictions only grew more widespread as stories of oppression and deprivation began leaking out from the newly formed Soviet Union.

Although the new economic theories held widespread appeal in the 1920s, the number of leftists and even of card-carrying CPUSA members who took to heart the "by all available means" rhetoric is debatable and in all likelihood quite small. But to the growing conservative backlash, CPUSA members came to be viewed not merely as radicals but as foreign agents, a network of subversives taking orders directly from Moscow who would stop at nothing to undermine "the American way of life," which in the minds of the reactionaries be-

10 See, e.g., Howard Zinn, *A People's History Of the United States* Chapter 13: The Socialist Challenge, Harper Collins (1980).

came more and more identified with capitalism. Noncitizen CPUSA members were being deported as early as 1919, and the party went largely underground in the 1920s. This only increased the paranoia of anticommunist conservatives, and fueled accusations against radical leaders, and even troublesome mainstream liberals, of being secret members of the Communist Party. In the following decades, many Americans of all walks of life found their youthful idealism coming back to haunt them, whether they had actually joined the party or not.

The Great Depression sparked renewed interest in socialistic ideas, which helped Franklin D. Roosevelt win election on a platform of government relief and economic regulation. The nation was deeply divided over the New Deal, however, a division which Wayne Morse was later forced to handle carefully during his campaign for senator. Although Morse supported many of Roosevelt's reforms and was on good terms with Roosevelt personally, he was obliged to downplay this during his first Senate campaign. Conservatives in places like Oregon were soon using "New Dealer" as a slur nearly as derisive as "Commie," viewing the New Deal reforms as the start of a slippery slope toward Soviet-style dictatorship. Many other Americans, however, credited New Deal policies—such as the Agricultural Adjustment Act, which stabilized food prices, and the Public Works Administration, which put the unemployed to work building bridges and dams—with helping them to survive the aftermath of the dust bowl and the stock market crash.

Paradoxically, Roosevelt's programs also divided the radical left, which had long called for such reforms. Some were thrilled to see the American government moving in what they considered the right direction and voiced support for the president. Others believed that Roosevelt's reforms were merely intended to pacify the population while keeping the framework of capitalist repression intact. Bridges himself was ideologically radical but also deeply pragmatic. Roosevelt's support of the Wagner Act of 1935 strengthened unions, and Bridges publicly endorsed the president.

By 1936, the Great Depression abated significantly, due in large part to Roosevelt's New Deal programs. But the economic upswing prompted premature declarations that the Depression had ended, as well as the scaling back of many of the programs that had helped to bring about the recovery. The year 1937 brought another spike in unemployment that would not fully abate until 1941, when the United States entered World War II. Indeed, times were so difficult that even Bridges' powerful Longshoremen's Union had been unable to secure

any increase in wages between 1934 and 1939. As labor economist and Bridges biographer Charles Larrowe put it, “In August 1939, you had to be a Pollyanna or ignorant of what was going on in the world not to have doubts about capitalism.”¹¹

The connection between communism and organized labor is by no means a simple one. At the most basic level, both movements emphasized the rights and dignity of workers. But many who championed workers’ rights still believed in capitalism; the American Federation of Labor (AFL), a coalition of unions that had by the 1930s become relatively established and conservative, was vocally anticommunist. The CPUSA itself was an active supporter of organized labor, however. Many unions counted Communists among their most dedicated members, and the radical Marine Transport Workers Industrial Union was actually created by Comintern. Were Communists and the labor movement working together toward overlapping goals, or were Communists subverting the labor movement into a Bolshevik front? It was a question with no definitive answer, but paranoid speculation ran wild.

The Communist Party was certainly involved in the 1934 West Coast strike, most visibly in providing food and other aid to strikers and their families through its Workers International Relief organization. The small but active Communist factions in many of the shore-side unions were among the most vocal supporters of the longshoremen, urging their unions to show solidarity by joining the general strike that shut down San Francisco for three days. The Communist Party also made its printing press available to Bridges’ ILA board for the printing of fliers and bulletins about the strike. This was enough to convince anticommunist reactionaries that the entire strike was a Soviet plot and every striker a Commie taking orders from Moscow. The anticommunist fervor peaked in the closing weeks of the strike with vigilante raids on suspected Communist meeting places occurring in San Francisco, Sacramento, Stockton, Berkeley, San Jose, Oakland, Alameda, Piedmont, and Carmel.¹²

Though tensions had eased somewhat by the time Wayne Morse came onto the scene, the memory of the 1934 strike was still fresh in the minds of both sides, reawakened again and again by minor work stoppages (more than 350 between January 1937 and August 1938). And in 1937, the San Francisco longshoremen, led by Bridges, broke from the ILA and formed the more radical International Longshore-

11 Charles Larrowe, *Harry Bridges: The Rise and Fall of Radical Socialism in the United States* 180, Lawrence Hill & Co. (1972).

12 *Id.* at 87.

men's and Warehousemen's Union (ILWU), which quickly became affiliated with the Congress of Industrial Organizations (CIO), the AFL's upstart rival. According to biographer Mason Drukman, Morse was the ideal arbitrator for this highly charged environment not only because of the respect he commanded but because "he was not so much neutral as bipartisan. . . . [H]e accepted as fact that the profit motive was the vital engine that drove the economy . . . [b]ut he did not believe that profit-making in any way precluded an equitable return for the working man."¹³

1939: THE FIRST DEPORTATION HEARING

Although Morse downplayed what he had to offer as a witness in his letter to Aubrey Grossman, it was obvious why Bridges' defense team wanted Wayne Morse's testimony. In his first year on the job, Morse had earned widespread respect for the fairness and logic of his decisions, and both sides had willingly obeyed his rulings. Although the nickname irritated him, he became known as the Boss of the Waterfront, "a kind of one-man longshore industry supreme court."¹⁴ Even a lukewarm or provisional statement on Bridges' behalf would carry weight, coming from such a respected figure. Morse's integrity is especially notable when contrasted with many of the government's witnesses against Bridges.

To avoid any perception of bias, the case was heard by James Landis, dean of Harvard Law School. To avoid any protests or "rough stuff" on the part of Bridges' supporters, Ralph Bonham, the lead attorney for the government, arranged for the hearing to take place in the U.S. Immigration Station on Angel Island.¹⁵ The question at issue was more subtle than the now-infamous, "Are you now or have you ever been a member of the Communist Party?" An alien such as Bridges was deportable merely for being "affiliated" with the Communist Party. Affiliation denotes something less than membership, but what, exactly? After much judicious pondering, Dean Landis chose the definition from *Kettunen v. Reimer*, a 1935 Federal Appeals Court deportation case: one is affiliated if he is

[S]hown to have so conducted himself that he has brought

13 Mason Drukman, *Wayne Morse: A Political Biography 89*, Oregon Historical Society Press (1997).

14 Larrowe, *supra*, n. 10 at 205.

15 *Id* at 142.

about a status of mutual recognition that he may be relied up on to cooperate with the Communist Party on a fairly permanent basis. He must be more than merely in sympathy with its aim or even willing to aid it in a casual, intermittent way. Affiliation includes an element of dependability upon which the organization can rely. . . .¹⁶

The government presented thirty-two witnesses intended to demonstrate that Bridges was so affiliated. They were an unimpressive lot: obsessive anticommunists, crooked cops, convicts, and embittered labor movement rivals. Judge Landis, in his concluding report, summed up a few of them as follows: “Milner can best be dismissed as a self-confessed liar, a man who has admittedly tried twice—once unsuccessfully—to make falsehood parade as truth.”¹⁷ “Knowles was neither a candid nor a forthright witness. His memory tended too frequently to become beclouded when answers might have proven to be too revealing.”¹⁸ “[Captain Keegan’s] contradictions are both frequent and with regard to major matters, not in respect to minor uneventful details. . . . He misled the examiner again and again only to be forced by documentary evidence and the testimony of others ultimately to reveal a whole different story. . . .”¹⁹

Putting Bridges himself on the stand turned out to be another misstep for the government. After the parade of shifty witnesses against him, Bridges came across as thoughtful and straightforward, even as he described a political philosophy that was unapologetically radical. When asked whether he believed in the Communist Party’s teachings about the necessity of a workers’ revolution, he replied, “It seems to me that it might be all very well to talk about taking over the means of production, but . . . I am not concerned with that. I believe it will be thirty or forty years hence, and I do not think I will be around. There are plenty of things to be done today, for instance, the matter of getting simple recognition for trade unions and so on.”²⁰ When government attorney Paul Shoemaker read a passage from *Communism* by Earl Browder on the same topic and asked Bridges whether he

16 *Kettunen v Reimer*, 79 F.2d 315 (2nd Circuit) 1935.

17 James M. Landis, *Final Report and Recommendation in the Deportation Hearing of Harry Renton Bridges*, 19. Wayne Morse Archives (University of Oregon) Series S, Box 1.

18 *Id* at 51.

19 *Id* at 61.

20 Larowe, *supra*, n. 10 at 210.

agreed with it, Bridges answered, “I have no opinions on revolutions, except that they have happened in the past and they can conceivably happen in the future. . . . Leave them up to Earl Browder; that is apparently his job. But my job is hours, wages and working conditions, and any political or other activity that will strengthen the union and bring those things about.”²¹

At one point, as Bridges was explaining what he saw as unions’ role in commerce, Dean Landis interrupted with a question of his own and, to the great alarm of the prosecution, Landis and Bridges digressed into a discussion of due process and freedom of speech. Shoemaker redirected as best he could, but the damage done was obvious. Landis’ collegial exchange with Bridges contrasted sharply with his attitude toward the other government witnesses.

Given the prosecution’s extremely poor showing, Wayne Morse’s testimony cannot be considered decisive. But the word of the Boss of the Waterfront (and the country’s youngest law dean) carried undeniable weight with Dean Landis. Morse testified that Bridges had appeared before him in roughly thirty arbitration hearings, and that he had never met Bridges outside of the arbitration setting. He testified that Bridges had always conducted himself at these hearings in a professional manner, and that Bridges’ union had always abided by Morse’s arbitration rulings.

“Have you observed any conduct on the part of Harry Bridges,” Grossman asked him, “as either a witness or as an advocate in any of these arbitration proceedings which would cause you to conclude that he is a member of the Communist Party?”

Landis interrupted before Morse could answer, reminding Grossman that the rules of evidence do not permit witnesses to testify as to such opinions or inferences. “If you want to ask,” Landis said, “whether the witness knows any facts which are relevant to the issue, I have no objection to that.” Grossman protested that many witnesses had already testified about their opinions or inferences that Bridges *was* a Communist, and Morse and Landis fell into a discussion of the byzantine rules and exceptions to the handling of opinion testimony. Twenty-eight-year old attorney Aubrey Grossman, fresh out of law school, surely felt a nerve-wracking sense of *déjà vu* as the two law deans scrutinized the phrasing of his words in light of the most intricate rules of evidence.

Finally Landis said to Grossman, “Now, if you want to ask the witness what knowledge he has upon which he would indulge an in-

21 *Id.* at 204.

ference that he is a member of the Communist Party, or that he is not a member of the Communist Party, what facts he can testify to along that line, I think that is relevant.”

“I will try again, then,” Grossman said. “Is there anything about the position taken by Harry Bridges, either as a witness or as an advocate before you, which could cause you to draw the conclusion that he is a member of the Communist Party?”

Dean Morse turned to Dean Landis. “May I answer that?” he asked.

“Yes, you may answer,” Landis responded.

Morse turned back to Grossman and said simply, “No.”²²

In the three months between the close of the hearing and the publication of Judge Landis’ ruling in favor of Bridges, one of the statements Morse made on the stand would cease to be accurate. For the first time, Bridges refused to obey a Morse decision, specifically that the ILWU’s support of the Union of Ship Clerks’ strike was collusive and must cease. When Bridges announced that his men would not cross the Ship Clerk’s picket line, Morse retorted that if the ILWU would not keep its promise to abide by his decisions, then the union’s word was worthless and there was no point in further arbitration. Morse then resigned his position, and caught the first train home to Eugene, Oregon. The brinksmanship paid off; Bridges realized that Morse was such an asset as an arbitrator that it was worth backing down to keep him on the job. Bridges ordered his longshoremen back to work and Morse returned to work as well. The Boss of the Waterfront seems not to have held a grudge over the matter, though; Bridges’ deportation battles continued and Morse went beyond responding to a subpoena and began to publicly voice his support.

CONGRESS TAKES ACTION WITH A DEPORTATION BILL

Judge Landis’ ruling did not stand unchallenged for long. The effort to deport Bridges had, for some, taken on the characteristics of a crusade. As before, these crusaders included both rabid anticommunists and business owners on the San Francisco docks and elsewhere who resented the changes brought about by Bridges and the ILWU. And for many others who may have had private reservations, assent to the crusaders’ agenda allowed them to avoid being labeled soft on Communism. It was in this atmosphere of fear and paranoia that HR 9766 (Bill to Deport Harry Bridges) was passed by the United States House

22 *Id.*

of Representatives on June 13, 1940. The main text of the bill read: “That notwithstanding any other provision of law the Attorney General be, and is hereby, authorized and directed to take into custody forthwith and deport forthwith to Australia, the country of which he is a citizen or subject, the alien, Harry Renton Bridges, whose presence in this country the Congress deems hurtful.”²³

One did not need to be a labor activist or a constitutional scholar to draw the conclusion that HR 9766 was a bill of attainder²⁴ as well as an aggressive congressional power grab. The bill was immediately attacked, and not only by Bridges’ usual defenders. Congressman Sam Hobbs of Alabama, who had recently authored a bill seeking to establish detention camps for deportable aliens whose home states refused to readmit them, condemned the HR 9766 as “a flagrant attempt to have the legislative branch usurp the judicial prerogative hitherto exercised exclusively by administrative or judicial tribunals.”²⁵

Attorney General Robert H. Jackson (later a Supreme Court Justice) had that same year supported a bill that would have authorized all government agencies to engage in wiretapping whenever a felony was suspected. But of HR 9766 he stated, “As an American, I would not, for the sake of my own liberty, deny the protection of uniform and indiscriminatory laws, and of fair hearings to even the humblest or meanest of men. As an official of the United States I cannot in good conscience do other than recommend strongly against this bill.”²⁶

The editorial pages of many newspapers, including *The New York Times*, *The Washington Post*, and *the San Francisco Chronicle* spoke strongly against the bill. *The New York Times* insisted that “Democracy is not to be defended by imitating the arbitrary legislative devices of despotism.”²⁷

Dean Morse became involved in July 1940, while the Bridges deportation bill was in Senate subcommittee. After receiving a letter from the Harry Bridges Defense Committee imploring him to oppose this “attempt to deport an individual in violation of the Constitution and in spite of the fact that he had been cleared of all charges against

23 HR 9766 (Bill to Deport Harry Bridges) 76th Cong. 3rd Sess. (1940).

24 Article I, Section 9 of the United States Constitution forbids bills of attainder, which Black’s Law Dictionary defines as “legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial.”

25 86 Cong. Rec. 8201 (1940).

26 Sen. Rep. No. 2031, 76th Cong. 3rd Sess. (1940).

27 Larowe, *supra*, n. 10 at 225.

him by Dean James M. Landis of Harvard Law School after exhaustive hearings,”²⁸ Morse wrote a letter to Senator William King of Utah, chair of the subcommittee of the Senate Immigration Committee considering the bill. Morse made his statement as public as possible, releasing it to the press and repeating its arguments in numerous speeches.

The letter, a full two pages, is worth quoting at length. In the course of those pages, Morse articulates many hallmarks of his public persona—the fiery yet logical tone, the commitment to principle and procedure, and the no-nonsense independence.

He lists three chief objections to the bill. First, Morse writes, “The charges against Mr. Bridges were presented in a thorough and exhaustive hearing in the deportation proceedings last summer.” He takes issue with the implication that Landis’ decision was not being respected as an authoritative end to the matter: “I do not know of a more fair-minded, competent judicial officer than Dean Landis. His decision was clearly based upon the record made before him, and his final conclusions were, in my judgment, absolutely sound.”

“In the second place,” Morse continues, “the movement to deport Mr. Bridges is charged with emotionalism, hysteria, and much misinformation.” Mine is a cooler head, Morse implies. He then establishes his personal distance from Bridges, strengthening his claim to the logical high ground. “Personally,” he continues, “I do not think Mr. Bridges is entitled to the great amount of attention which he is receiving as the result of the attack which is being made upon him. It is only going to make a martyr and mythical character of him and the reverberations will be costly to labor, employers, and the public.” Morse is speaking not as an advocate of Bridges or even of labor but as an independent but well-informed observer, frankly informing Senator King of the trouble he should anticipate if he continues on the present course.

Again he grounds his defense of Bridges in procedure, in abstract rights language, writing that “in light of his long residence in this country, he is entitled to remain here until it can be definitely shown on the record that he is an enemy of our form of government.” Next follows Morse’s strongest endorsement of Bridges: “My impression of him is that he is more sincere in his convictions concerning democratic processes than many of his critics who seek to deport him.”

“In the third place,” the law professor continues, “I believe that the deportation bill sets a dangerous precedent, and I seriously ques-

28 Elanor Fowler, Letter to Wayne Morse, July 18, 1940. Wayne Morse Archives (University of Oregon), Series S, Box 1.

tion its legality on constitutional grounds.” He then openly criticizes the machinations behind the Bridges deportation bill, writing, “[I]t is certainly a sad reflection upon the American economic scene that the opponents of Mr. Bridges’ labor policies feel that they must resort to deportation as a means of weakening the labor program of those maritime unions which he represents. Such unfair strategy,” Morse again portends darkly, “is indeed short-sighted when viewed from the standpoint of all its implications.”

Morse positions himself at arm’s length from Bridges once more before concluding, “I wish to make it very clear that I hold no brief for Mr. Bridges. Many of my decisions, in fact a large majority of them, have been against the longshore union, and therefore, it may seem paradoxical for me to be raising my voice in protest against the deportation bill.” Morse once more announces his principled motivations, writing, “However, I do hold a brief for the basic tenets of our American democratic form of government, and I cannot reconcile this move to deport Mr. Bridges with those basic tenets of constitutional government. . . . [D]ifferences of point of view over labor policies should not be used by the Senate of the United States, or any other group, as a justification for political vengeance.”²⁹

The Bridges deportation bill never made it out of Senator King’s subcommittee; King’s group instead called for Attorney General Jackson to conduct a thorough investigation to determine whether Bridges had ever been affiliated with the Communist Party. Bridges and his supporters viewed this as a victory, in part because of Jackson’s previous public statement condemning the bill. But Bridges’ legal troubles, and Morse’s involvement, were far from over.

THE POLITICAL FALLOUT

Morse had anticipated criticism, first when he responded to the 1939 subpoena and more so when he voluntarily and publicly spoke on Bridges’ behalf. Morse still firmly insisted that he was only standing up for procedural fairness and telling the truth as he saw it, but his letter to King, particularly the lines about Bridges being more sincere and committed to the democratic process than many of his adversaries, would be invoked again and again as proof that Morse was either a Communist or a liberal dupe. In a letter thanking the editor of the *Oregon Statesman* for an editorial defending Morse’s

29 Wayne Morse, Letter to Senator William King, July 22, 1940. Wayne Morse Archives (University of Oregon), Series S, Box 1.

actions on the matter, Morse confides, “I am sure that your reactions would be mixed ones of surprise, disappointment, and amusement if you knew of some of the rather violent reactions of some unthinking persons who have criticized me for even responding to the court’s subpoena.”³⁰ An undated letter to Morse, apparently written in 1940, is a particularly sarcastic example of these criticisms:

Your letter defending that super-American Bridges, which appeared in the *Eugene Register-Guard*, was very interesting. Joe Stalin’s mail from the U.S. containing *Register-Guard* clippings of your letter will make his Christian (?) heart rejoice. If you were a 100% Communist, I believe you couldn’t have said anything that would please him more and ply his 5th column stuff in America. It was great. Be on the lookout for a Christmas present from Joe. He will appreciate your astounding Americanism. —John Doe ³¹

Dean Morse also received many letters from supporters, however. One from Layton Meadows of San Mateo, California, captures the tone of many of them.

“My dear Mr. Morse: – Perhaps it is still safe to write one’s opinion on a controversial issue. Although in certain circles even to breathe the name of Bridges without having the weight of a position such as yours is certainly unsafe. We have read your splendid, fearless, and truly American act, in protesting the un-American and unconstitutional Bill to deport Bridges. . . . We personally happen to know of fabulously financed agencies whose sole aim and purpose was to smear Bridges; discredit him with both his own membership and with the public. To subsequently read of a Bill to deport him was, of course, not surprising. . . . Thank you again for your frank and fearless support of what our Democratic processes should and do rightfully guarantee, and for your protesting their abuse.”³²

Dean Morse took the time to personally respond to many of the letters of support he received, but certain themes and phrases reoccurred often in these letters. In a reply to Eugene A. Cox of Lewiston,

30 Wayne Morse, Letter to Charles Sprague, August 14, 1940. Wayne Morse Archives (University of Oregon), Series S, Box 1.

31 John Doe, Letter to Wayne Morse (undated). Wayne Morse Archives (University of Oregon) Series S, Box 1.

32 Layton Meadows, *Letter to Wayne Morse*, July 27, 1940. Wayne Morse Archives (University of Oregon) Series S, Box 1.

Idaho, who had written to Morse “to congratulate you on your courage and true patriotism,”³³ Morse responded:

“Thank you very much for your kind letter...regarding my testimony in the Bridges hearing. As you can well imagine, there have been some people who misunderstood completely the basis on which I testified at the hearing and therefore I have been subjected to criticism for the same... I suppose there are few men on the West Coast who have had greater differences of opinion than [Bridges] and I have had... but the fact remains that he has been willing to arbitrate and I know from what many employers have told me that he also has been willing to bargain collectively.”³⁴

In many letters, Morse refers to setting the record straight as to what he testified and why: “My testimony, of course, was limited to Mr. Bridges’ conduct before me in more than forty arbitration cases. He has conducted himself in a highly professional manner both as a witness and as an advocate and, therefore, when subpoenaed to testify as to his conduct before me, honesty compelled me to state in effect that there had been nothing about his conduct before me which would justify my reaching the conclusion that he has demonstrated that he is either a Communist or a subversive labor leader.”³⁵

Another common motif is a detached appraisal of Bridges’ accomplishments: “The fact remains that he has obtained a great many gains for his union and, of course, I feel that the record should speak for itself.”³⁶

Another common motif is a detached appraisal of Bridges’ accomplishments: “The fact remains that he has obtained a great many gains for his union and, of course, I feel that the record should speak for itself.”³⁷ Morse reconfirmed his principled motivation:

“As I fully realized when I wrote the [letter to Senator King], it has brought down on my head a storm of criticism. However this is not the first time that I have been on the unpopular side on a funda-

33 Eugene A. Cox, *Letter to Wayne Morse*, May 21, 1941. Wayne Morse Archives (University of Oregon) Series S, Box 1.

34 Wayne Morse, *Letter to Eugene A. Cox*, May 31, 1941. Wayne Morse Archives (University of Oregon) Series S, Box 1.

35 Wayne Morse, *Letter to Herbert P. Welch*, January 27, 1941. Wayne Morse Archives (University of Oregon) Series S, Box 1.

36 *Id.*

37 Ray D. Shoemaker, *Letter to Wayne Morse*, July 20, 1940. Wayne Morse Archives (University of Oregon) Series S, Box 1

mental issue. One thing I insist on is going to bed each night with my self-respect, and it seems to me that one in my position was duty bound to issue the statement which I did." Morse goes on to state:

"I think I know a little bit about the waterfronts on the Pacific Coast, and on the basis of the record made to date, the bill against Bridges certainly cannot be justified. If and when it can be established in a judicial procedure that Bridges is a subversive element within our midst, then I most certainly will favor getting rid of him.

However, if Democracy is worth fighting for, its guarantees are also worth preserving in times of emergency as well as of peace. I think it is obvious that the attempt to deport Bridges would establish a precedent which would endanger many of our constitutional guarantees...³⁸

When Harry Bridges himself wrote to thank Morse for the King letter, Morse responded: "My letter speaks for itself. It was written by me neither as your friend or foe, but as one American citizen who is very much opposed to the type of legislation which is represented by the pending Congressional bill to deport you."³⁹

This point is underscored by a letter to which Morse apparently made no response. In April 1941, after Attorney General Jackson's investigation produced enough evidence to warrant another deportation hearing, the Citizens Committee for Harry Bridges wrote to Dean Morse inviting him to join. Bridges' legal troubles had by that time become a liberal cause célèbre and the letter, which was signed by music producer John Henry Hammond, Jr., radio and film producer Orson Welles, and Harvard historian F. O. Matthiessen, urged Morse to "join in an attempt to inform public opinion as to the realities behind Mr. Bridges' second trial, which we consider an attack on all organized labor, on the rights of minorities, and a focal point of the entire current attack on civil liberties. We hope you will sign the inclosed [sic] card and return it now."⁴⁰ There were limits to how deeply Wayne Morse was willing to enmesh himself in Bridges' legal

38 Wayne Morse, *Letter to Ray D. Shoemaker*, July 29, 1940. Wayne Morse Archives (University of Oregon) Series S, Box 1.

39 Wayne Morse, *Letter to Harry Bridges*, August 9, 1940. Wayne Morse Archives (University of Oregon) Series S, Box 1.

40 Citizens' Committee for Harry Bridges, *Letter to Wayne Morse*, April 17, 1941. Wayne Morse Archives (University of Oregon) Series S, Box 1.

woes, however, civil liberties or no. The card that accompanied the committee's letter is preserved in the Wayne Morse archives, unsigned.

A SECOND DEPORTATION HEARING

In a time of rising anticommunist sentiment, Wayne Morse had so far managed to walk the fine line of supporting civil liberties without being resoundingly labeled a Communist. This equilibrium would persist through his appearance in Bridges' second deportation hearing, which was held in the spring of 1941, before Charles B. Sears, a retired New York State Court of Appeals judge.⁴¹

The government produced thirty completely new witnesses to testify that Bridges was a Communist or an affiliate. (Dean Landis observed wryly in an oral history that the government's witnesses at his hearing were such a sorry lot that not one of them was ever called to testify at any of the subsequent Bridges trials.) This group's testimony was similarly flawed, but Judge Sears was more forgiving in this area than Dean Landis had been.

As in the hearing before Dean Landis two years prior, Morse's testimony was an evidentiary minefield. When the government lawyer asked, "Dean Morse, have you seen any activity of Harry Bridges which indicated or indicates to you that he was or is a Communist?" the defense objected, provoking a flurry of discussion between judge and lawyers as to the nature of hearsay, inference, and of the Communist Party. Judge Sears ruled: "The only doctrine of the Communist Party which we are particularly interested in here is the theory of the establishment by revolution of the dictatorship of the proletariat with the overthrow of government by force and violence. Of course, secondarily to that there is the policy of the party in distributing literature advocating such principles. Now, without going further into that, I think I will allow the question."

Morse's response was qualified and specific, a lawyerly answer: "Based upon the court's explanation of communism as it is involved in this case, which is also my understanding of it, the answer is that I do not know of any conduct of Mr. Bridges in any of my relationships with him that would indicate to me that he is a Communist."⁴²

41 Rules against double jeopardy (being tried twice for the same crime) apply only to criminal proceedings. An alien may be subjected to as many deportation hearings as the government cares to conduct.

42 Larowe, *supra*, n. 10, at 229.

Morse was also asked numerous questions about his understanding of communism and his opinion of Communists, giving him an opportunity to highlight his own anticommunist sentiments: “. . . [T]he true Communist is a person who will use subversive tactics in order to undermine, and hypocrisy and deceit . . . or untruthfulness . . . to accomplish his vicious ends.” When asked whether he believed that a Communist would testify falsely under oath in order to forward the interests of the party, Morse replied, “I am satisfied a Communist would. But if I caught him at it, he wouldn’t do it a second time.”⁴³

Morse received the same types of criticisms and accolades following this hearing as he had at the time of the first hearing and of the deportation bill. For Bridges, however, the consequences were quite different. Judge Sears found in favor of the government and ordered Bridges deported, and a series of appeals and reversals ensued, culminating five years later in Sears’ decision being overturned by the United States Supreme Court. Bridges became a citizen quickly afterward, before Judge Thomas C. Foley, who actually apologized to Bridges for the necessity of asking, “Despite everything you’ve just been through, are you now or have you ever been a Communist?”

Bridges answered simply, “No, your honor.”⁴⁴

In early 1942, President Franklin Roosevelt appointed Wayne Morse to the National War Labor Board, a job that brought into Morse’s purview the setting of rations, price and wage ceilings, and the resolution of all labor disputes that had the potential to disrupt the United States’ recent entry into the Second World War. Now that he was based in Washington, D.C., and only rarely called upon to arbitrate West Coast maritime disputes, Morse may have thought himself far enough removed from Bridges for their controversial connection to fade into the past. But Bridges’ actions during the war, as well as the intensification of anticommunist sentiment, meant that this connection would continue to haunt Morse for years to come.

HARRY BRIDGES AND WORLD WAR II

As early as October 1939, at the same time as his first deportation hearing, Harry Bridges vocally opposed American involvement in the growing war in Europe. While the United States would not become officially engaged in the war until December 1941, President Roos-

43 *Id* at 230.

44 *Id.* at 248

evelt was openly aiding the Allies with shipments of weapons and other materials. As Morse later described it in a letter to campaign staffer Walter Hubbard, “Bridges proceeded to demonstrate publicly that his position on labor policies shifted as Russia shifted her position in international affairs. Thus, for example, when Russia and Hitler entered into a mutual defense treaty [August 1939], Bridges followed a course of action of causing a lot of trouble over the shipment of goods, and particularly war material from American docks to England and the other countries at war with Germany and Italy.”⁴⁵ This had not been enough to convince Morse that Bridges was in league with the Communists, or his testimony at the two hearings would have been very different.

However, in June 1941, only a month after the close of Bridges’ second hearing, Germany attacked the Soviet Union and Bridges abruptly reversed his position on the war. Bridges began approaching government and industry leaders with proposals to improve efficiency at the docks in order to aid the war effort. In September 1941, Bridges went public with a plan to form a wartime labor board composed of labor, management, and citizen representatives, to govern shipping on the West Coast—despite the effect it might have on Judge Sears, who was still pondering the decision of whether or not Bridges was deportable. This board, much like the National War Labor Board that Morse would join months later, would set wages and hours, settle disputes without work stoppages, and ensure maximum efficiency of shipping. His idea was met with suspicion, due completely to its source. (Labor lawyer Sam Kagel, who supported Bridges’ plan, begged him not to go to Washington himself to present it, promising, “Look, Harry, I’ll go back and see what I can do about it. But for godsakes, you stay here. If you show up in Washington, you’ll queer the whole thing.”⁴⁶) But the Japanese attack on Pearl Harbor three months later made Bridges’ motivations irrelevant; the United States was now fully involved in the war, and a good idea was a good idea. Morse actually served briefly on the Pacific Coast Maritime Industry Board, set up almost exactly as Bridges had proposed, but soon his duties on the National War Labor Board required his full-time attention.

Despite his willingness to serve on the Pacific Coast Maritime Industry Board, Morse later cited Bridges’ wartime flip-flop as the event that convinced him that the labor leader was following the Com-

45 Letter to Hubbard, *supra*, n. 3 at 6.

46 Larowe, *supra*, n. 10 at 253.

unist Party line. Bridges biographer Larowe describes this shift as a matter of conscience and philosophy: “Until then, Bridges had considered the war in Europe a struggle between rival imperialisms, one the U.S. should stay out of. The attack on Russia changed that; it became a people’s war now and America should enlist to help defeat the Nazis.”⁴⁷ However, for Morse and many others, Bridges’ change of attitude was conclusive proof that he was taking orders from Moscow, or at least putting the interests of the Soviet Union ahead of the interests of the United States or of his longshoremen. The longshoremen did indeed work longer hours and lift heavier loads during the war, but there was little dissention in the ranks. Once the nation became committed to the war effort, the longshoremen took great pride in the backbreaking work they did to get shipments of war supplies out as quickly as possible, and they credited Bridges with rallying them to maximum efficiency while still looking out for their rights. But outside the union, the tide of public sentiment had turned against the longshoremen’s leader.

In his letter to Walter Hubbard, Morse reveals that “I said then [summer of 1941] to many people that I had become completely satisfied that there was no doubt about his following the Communist Party line. My views were so well known that undoubtedly they became known to Bridges. Thus, when I ran for the United States Senate in 1944, Bridges openly opposed my election.”⁴⁸ An endorsement from Bridges would hardly have helped Morse’s chances, however. His defense of Bridges, particularly the line from the King letter praising Bridges’ commitment to the democratic process, was held against him repeatedly during his election run against conservative incumbent Rufus Holman.

THE McCARTHY ERA

Harry Bridges was put on trial yet again in 1948. Again the accusation was that he was a Communist, but because Bridges was now a citizen this was not a deportation hearing. Bridges and the two witnesses who had vouched for him at his citizenship ceremony were brought up on federal perjury charges, alleging that they had all lied when they swore that Bridges was not a Communist. Other than that, this trial would be much like the last one: a string of questionable

47 *Id.* at 251.

48 Letter to Hubbard, *supra*, n. 3 at 9.

government witnesses whose deficiencies were overlooked by the judge, a guilty verdict, and five years of appeals and reversals before the Supreme Court again exonerated Bridges.

One major difference, however, was the absence of Wayne Morse from this final Bridges trial. The enmity that had developed between Bridges and Morse during the war years did not stop Bridges' attorneys from announcing that they would once again subpoena Morse as a character witness. News reached Morse of the defense team's announcement minutes before he stepped onstage to give a speech to the Eugene Rotary Club. A reporter from the *Eugene Register-Guard* handed Morse the wire service ticker tape containing the information, and duly wrote up the story of Morse taking the stage and sharing the news with the crowd. He repeated his position that while he didn't know as a matter of fact whether or not Bridges was a Communist, he was satisfied that for the past several years Bridges had been following the Communist Party line. Morse wondered aloud what Bridges' defense team could hope to gain by subpoenaing him, "as I know of nothing that I could say which could be of any help to Bridges on the Communist issue."⁴⁹ This had exactly the effect Morse intended, as he confided in his 1950 letter to Walter Hubbard. "I said what I did before the Eugene Rotary Club because I knew as a lawyer how to lay the foundation for some questions that the government's attorney would be able to ask me, bringing out the fact that I believe Bridges has been following the Communist line."⁵⁰ Bridges' attorneys realized this as well and opted not to subpoena Morse after all.

Twice during his first term, Morse made statements on the Senate floor announcing his disgust with Harry Bridges' political philosophy. But their relationship was still cordial enough for Bridges to respond to one of these, a statement that Morse made on January 10, 1949, condemning both the ILWU and the employers for their conduct during a recent strike. In a three page letter, Bridges wrote, "I feel sure that you would want any misstatements as to facts, made during the course of these remarks, brought to your attention." Bridges then went on to detail the misdeeds of the employers and the innocence of the union. Morse's allegation that the strike had been "political" was, Bridges insisted, absolutely baseless. He concluded: "I don't expect you to use any of the contents of this letter in a statement on the floor of the Senate to correct the record. I do think, however, that you might consider correcting some of the statements

49 *Id.*

50 *Id.* at 10.

in your remarks in view of what I am telling you here.”⁵¹

“Dear Bridges,” Morse responded a week later, thanking Bridges for his letter, “I think you know I try to be fair in my analysis of any issue on which I make a comment.” Bridges had not convinced him, however; Morse politely declined to amend the record but assured Bridges, “If you wish to have me insert in the congressional record a statement, in reply to any remarks I have made on the floor of the Senate to which you take exception, I shall be glad to do so. . . . However, I shall reserve the right to make any comment I think appropriate on any statement you wish to file.”⁵² Wayne Morse was known as a forceful letter-writer.⁵³ His letter to King makes that clear, and his epistolary battle with fellow Oregon U.S. Senator Dick Neuberger is one of the best-known feuds in Senate history. It seems noteworthy, then, that he used such a subdued tone in a letter to a man he had so publicly excoriated. Perhaps he wished that Harry Bridges would just go away.

But the issue continued to dog Morse during his reelection campaign in 1950, the same year Senator Joseph McCarthy would rise to prominence on a wave of anticommunist sentiment. In fact, Senator Morse devoted six pages of his ten-page letter to William Hubbard (already quoted above) to explaining his history with Bridges, so that Hubbard might “answer the misinformation and misrepresentation which is abroad in respect to my record on these matters.” Morse goes so far as to quote from the record of Bridges’ first two hearings to demonstrate that he testified only because he had been subpoenaed and that he had testified only about Bridges’ conduct during arbitration. “The fact that I didn’t like his political philosophy,” Morse insists for what must have felt like the millionth time, “had nothing to do with my duty to answer the questions that were asked me honestly. . . . Apparently, I am being criticized because I didn’t lie in the Bridges deportation hearings and testify that I believed Bridges was a Communist when I had no evidence with which to prove such a charge.”⁵⁴

All of these efforts to publicly distance himself from Harry Bridges were not enough to stop Francis Murnane, Secretary of the Bridges,

51 Harry Bridges, *Letter to Wayne Morse*, January 20, 1949. Wayne Morse Archives (University of Oregon) Series S, Box 1.

52 Wayne Morse, *Letter to Harry Bridges*, February 1 1949. Wayne Morse Archives (University of Oregon) Series S, Box 1.

53 For another example, see Smith, *supra*, n. 6 at page 56, for a long, indignant 1943 letter Morse wrote to the manager of a drug store after being denied a refund on an unopened tube of horse liniment.

54 Letter to Hubbard, *supra*, n. 3 at 6.

Robertson, and Schmidt Defense Committee of Local 8, from writing in March 1950 to plead for Morse to reconsider. Murnane appealed to Morse as a defender of justice and liberty . . . and polio victims: “The methods pursued by the justice and immigration departments in the attempt to ‘get’ Harry Bridges are a threat to our American judicial system. No man can feel secure from professional witnesses. This cancerous growth on our body politic must be uprooted before it is too late. Untold thousands of dollars have been spent in the effort to frame Harry Bridges. In fact, it is my opinion that the money expended would purchase at least two iron lungs for every city in America.”⁵⁵

Morse was unswayed, however. There is no evidence in the Wayne Morse Archives that he responded to Murnane, and in a letter to constituent Minerva Schall a month later Morse wrote, “Your information that I am going to defend Harry Bridges was incorrect. When he was tried in his previous deportation cases, I was subpoenaed by the court. . . . I have been falsely represented by many people as favoring Harry Bridges simply because I obeyed a court subpoena and testified about his conduct in hearings before me.”⁵⁶

CONCLUSION

Harry Bridges continued as the president of the ILWU until his retirement in 1977. The CIO expelled Bridges’ union from its confederacy (after the trial court convicted him of perjury and before the Supreme Court eventually exonerated him) on charges of “Communist leadership,” but the longshoremen remained loyal to their maligned leader. Bridges remained a controversial figure until his death in 1990, though less and less so as anticommunist hysteria fell out of fashion. And on July 28, 2001, on what would have been his hundredth birthday, the City of San Francisco recognized the labor leader’s contributions to the struggle for fair working conditions by christening Harry Bridges Plaza, on the very spot in front of the Ferry Building where Bridges and his fellow dockworkers once stood in the early morning, hoping to be chosen for a day’s work.

Wayne Morse continued his maverick career in the Senate until 1968. Morse’s entanglement with Harry Bridges can best be

55 Francis Murnane, *Letter to Wayne Morse*, March 16 1950. Wayne Morse Archives (University of Oregon) Series S, Box 1.

56 Wayne Morse, *Letter to Minerva Schall*, April 10, 1950. Wayne Morse Archives (University of Oregon) Series S, Box 1.

understood as one of many occasions when Morse took a political gamble to do what he felt was right. Morse demonstrated this quality in his early days as a law professor, when he led the charge against the chancellor of higher education and when he defended a young Dick Neuberger from arguably trumped-up disciplinary charges. He continued in this fashion once he reached the Senate, making strongly worded comments on nearly every issue before the chamber, despite the custom of freshman senators being largely seen and not heard. During Senator Joseph McCarthy's reign of terror, Morse continued to speak against both Communists and those who, like McCarthy, would ignore democratic procedure for the sake of rooting them out. And after McCarthy fell from grace, it was Wayne Morse who stood up to insist that McCarthy's censure follow all established rules, that even a man who had trampled the civil liberties of others must be afforded the rights and procedures democracy guaranteed him.

There is little to indicate what Wayne Morse thought of Harry Bridges in the closing years of his life, if Morse thought of him at all. However, Bridges apparently maintained enough regard for Senator Morse to travel to Eugene to honor his memory. The February 17, 1979, issue of the *Eugene Register-Guard* carries a story titled "Harry Bridges Fondly Recalls How Morse Faced Him Down," which relays Bridges' remarks at a fundraising dinner to endow a Wayne Morse Chair at the University of Oregon. Bridges described "suffering Morse's wrath" when the ILWU refused to obey the arbitration ruling that prompted Morse to quit, until "we got together and admitted he was right and asked him to come back and do his job." Bridges admitted to doubting when he first met Morse that someone of his education and background would sympathize with the plight of the workingman. "Yet this man made labor history," Bridges said. "Wayne Morse ruled that an American worker should not have to sacrifice his honor and principles for the price of a job. The impact of that decision went around the world." Bridges paused and grinned before adding, "I saw to that."⁵⁷ While Wayne Morse's decision to stand up for Harry Bridges was a source of controversy at the time, the more lasting legacy of their relationship lies in a series of arbitration decisions that brought stability to a troubled industry without undermining the rights of its workers. Their relationship also provides an early example of the fearless integrity that became a defining element of the public life of Wayne Morse.

57 Dan Wyant, *Harry Bridges Fondly Recalls How Morse Faced Him Down* 3A, *Eugene Register-Guard*, February 17, 1979.

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