

DETROIT REVOLUTIONARY MOVEMENT RECORDS

BOX 7 OF 16

FOLDER 31

ANN FAGAN GINGER MS THE
RELEVANT LAWYERS ARCHIE
BROWN

LABOR RADICAL DEFENDANT

Archie Brown

AFG: Archie Brown has been a client, not a lawyer--although he once represented himself in court. As a result of organizing on the waterfront, he's been in all the major struggles since the 1930's, and he's been a client several times--in the 1930's he was charged with disturbing the peace in San Pedro, and with murder in San Francisco. In the 1950's he was called before the House Committee on Un-American Activities and in the 1960's he was arrested for being a Communist union official. He's learned quite a bit about prisoners' rights and the underground.

I know these legal cases weren't the most important fights in your life, Archie, but can you give us some background on the charges, and then describe the trials?

BROWN: Well, I'll telescope everything as much as I can.

Beginning in 1929, when the stock market crash took place, there was a considerable amount of turmoil in the country. It was somewhat similar to the ^{recent} downward turns in the stock market, only in 1929 it continued down, and stayed down. Businessmen really did jump out of windows, and these days they haven't quite come to that point. But the real burden was on the people of the country, who were very much confused. Like now, the workers and farmers were pretty conservative. But soon they, and the young people, became radical, and, maybe in a

different way than now, revolutionary. There was a tremendous amount of unemployment and a tremendous growth of left-wing organizations and later on of unions, and the Communist Party probably had its greatest influence in the thirties and on through World War II in the forties.

The generation gap in those days took the form of kids leaving home where there was no food, really. However, the problems of the young people and the older people were pretty much the same, not exactly like it is now. It was a question of poverty and hunger, unemployment, and so on. There was a lot of dissension within the families. I know. I took off when I was quite young.

AFG: How young?

BROWN: Well, there was already a bad economic situation in 1926. When I left the midwest and took a freight train to the west coast, I was thirteen years old. I came from a working class family. My parents were immigrants. They settled in Iowa and raised eight kids there. My father had problems just like any other worker. He was a teamster for small outfits--he drove a horse and wagon. So, then I came out here to California. On the way, I met a lot of Wobblies and ex-Wobblies, Industrial Workers of the World. We ran into a forest fire in Colorado for which we were drafted--just forced off the train and drafted to fight the fire. I learned a lot of things and became radical from that time on.

So in the early 1930's, the left evolved a program advocating ~~xxx~~ the organization of the unemployed into unemployed councils to fight for their rights, for food, for unemployment insurance, and a program advocating organization of the unorganized workers. The labor movement at that time was pretty moribund, dominated by William Green, President of the AFL, who was something like George Meany, president of the AFL-CIO at the present time. Green wouldn't even permit a campaign in his unions on unemployment insurance; he said, "That's not only socialistic, it's un-American. Americans stand on their own feet; they are rugged individualists." He agreed with President Hoover on this.

But most people turned out to be ragged individualists, and they didn't go for that anymore. So, a huge campaign broke through in the unions and among the unemployed for unemploy^{ment} insurance.

After the bottom of the depression had been reached and things began to pick up a little bit, the people were rehired into plants. These were the same people who had been in the unemployed movements and had learned organization, particularly from the Communists and the radicals. They went into the shops and began to organize. There was a tremendous organizing movement in 1933 and 1934. It continued right up to World War II and through the war, for that matter. In the background was the huge revolt against the situation, and much terror on the part of the police, like you have now--killings, shooting of strikers, mass funerals, fighting back, and the West Virginia miners, for example, fought the National Guard with guns in 1934.

There were battles, throwing of rocks, overturning of trucks, dynamiting of railroad trains, and so on. That's nothing new for workers in the labor movement. Some people may try to picture it otherwise, but it's not new.

The upsurge in organizing led to the establishment of new unions and new kinds of unions, industrial unions instead of craft unions. For years the policy had been (and still is in the building trades) to organize electricians, plumbers, carpenters, and others based on crafts, and each craft would only worry about its own workers. When there was a strike of one craft, the other crafts would scab on them. Well, in the mass industries like steel and auto and chemical, these craft organizations really stood in the way, because there was so much overlapping with the new machinery that many crafts had been practically wiped out. But the craft unions kept that form anyway, so workers in the mass industries were not organized. These were the lowest paid workers--and in those days, a huge number of foreign-born were at the bottom of the scale--Italians, Poles, various other whites, but also, of course, the Mexican-American people, the Chicanos as they call themselves nowadays, and the Blacks.

In 1929, William Foster and others helped set up the Trade Union Unity League, a left organization with Communists and other militants and radicals, because the regular unions wouldn't move. The League idea was to organize the unorganized and organize into industrial unions for the most economic effect. Later on the unions

formed by the TUUL merged with the AFL, and from this new base the TUUL militants played a vital role in the subsequent CIO upsurge. Then in the 1950's the AF of L and the CIO got together.

Most of the craft unions were all white, but there was a fight for integration in the industrial unions from the beginning. Working people began to see that it wasn't a question of race at all; it was a question of the system. They didn't always understand it clearly and thoroughly, but they understood it instinctively. The rich were rich and the poor were poor, and the poor included white, black, brown, and everybody else. So they learned, just from those few years of experience, and were much more willing to get together into integrated unions. It didn't always work out a hundred percent, don't you believe that, but great strides were made during those days when the new unions were organized to include everybody.

STUDENT: When you were organizing in the early 1930's, what was the law about the right to peaceful picketing?

BROWN: Well, we had a fight for it, as I remember.

AFG: It wasn't until 1941 that the United States Supreme Court said that picketing, peaceful picketing, is a form of free speech. All of the things we assume now--that you can always picket peacefully, with no trouble, even in large numbers--weren't true when the unions were organized in the 1930's.

You could be arrested for peaceful picketing.

BROWN: And we were, and went to jail for it. Usually the company would go to court and ask for an injunction against all picketing, and when we violated the injunction we were thrown in the clink. Where we had the power, we would overcome the injunction and just establish ourselves on the picket line.

After all, we were the voters, and we began to take political action against judges and city administrators^{ORS} who were anti-labor. Again, telescoping the thing, some of these judges became concerned because whole sections of the city were just destitute. The judges, too, had felt the pressure, and they began to take the side of the people, at least to some extent. It wasn't that they were good people or had good feelings or anything like that. The situation and the power of the organized people made them good, in many respects. Those who tended to be fair and just, got our support. And those who didn't tend to be fair and just, we made them good. Like if you talk about good employers, I know that in 1934 we made a lot of good employers. They weren't before.

Now I want to get down to the waterfront. Organizing began in the early thirties in San Francisco with such people as Henry Schmidt, Harry Bridges, Germaine Bulcke, and Len Greer. Greer was a black leader who helped break up what we called the checkerboard system in the San Francisco waterfront. They would have two or three black gangs of longshoremen, absolutely all black, and then they would have the white

gangs--meaning work gangs, I don't mean gangs who fight each other. On the waterfront, you work by gangs at a pier.

STUDENT: Did the employers prefer separate black and white gangs?

BROWN: Oh, sure. The checkerboard system, man, they loved that, because they would go to a white gang and say, "Those dirty black so-and-so's, they're beating you. They've put out so many tons! You want to come back tomorrow? Let's see you hustle." And they just kept everybody killing himself trying to outdo the other gang.

STUDENT: You mean that these were not steady jobs?

BROWN: Work on the waterfront even now is casual. You work day by day.

STUDENT: No matter how many years you've worked?

BROWN: That's true. Now we've got some seniority. They can't pull the kind of crap they used to pull, but particularly in those days it was all casual. So, you worked one day, and then the man told you if you could come back tomorrow or not. Before the strike, the longshoremen would have to do favors for the boss--bring him a jug of wine, wash his car, clip his lawn, paint his house, and all that jazz, or give him a couple of dollars everytime he put the man to work. That's why there was such a revolt.

I was a member of the Young Communist League at the time, and in 1933 we launched a campaign to build the YCL and help to organize the unorganized. We did what we called concentration work. We put all the force that we possible^y could into the waterfront unions.

Toward the end of 1933, I was delegated by the Young Communist League to organize at San Pedro, next to Los Angeles. We used to organize meetings and dances in San Pedro, charging fifteen cents, which was a lot of money in those days. But we would get several hundred to our affairs--mainly youngsters, but also seamen, longshoremen, cannery workers.

At that time Los Angeles had a red squad headed by a guy by the name of Red Hynes. It was vicious, like the Tactical Squad in the San Francisco police today, only they were political and looked for political people. The red squad would come to San Pedro and tell our hall owners, "Cancel and don't give them the hall," and they would do it at the last minute.

So one time in January 1934 we rented two halls. When people came to the first hall, we just handed them a leaflet that said to go to the other hall. Then, when we were all at the second hall, in walked the local post of the American Legion, and the Los Angeles red squad to break up the dance. We told them, "If you want to wreck the place, you're going to have something on your hands."

Finally, though, because we wanted to organize these kids, we decided to make a deal: They would leave the dance alone and they would

arrest two of us. And I remember we said, "Now, if the American Legion stays, they have to pay fifteen cents apiece."

So, anyway, the dance went on and I went to the clink.

AFG: Had there been a feeling that the movement of trade unionists should be nonviolent prior to that time? Had there been a Martin Luther King type period?

BROWN: We were nonviolent then! We never looked for any trouble or any fights. The quieter we could keep things, the easier it was for us to organize. Our problem was that they would come and provoke us, like at that dance. What the hell for? Then they charged us with disturbing the peace.

We felt that we'd win the case, though in those days we didn't have too many illusions. But the International Labor Defense was just being organized in that area then, and they sent us some lawyers.

AFG: Remember when Elaine Black Yoneda described the ILD to us? It was a legal defense organization that found lawyers for strikers and for unemployed people who got evicted and were arrested when they moved their furniture back into their apartments. It publicized cases of aliens arrested for deportation and blacks arrested on frame-up charges.

BROWN: In San Pedro they sent us inexperienced lawyers because the organization itself was new. Our trial lasted one day or so, and the jury found us guilty. The judge gave me the maximum, 90 days, he gave the other guy 45 days.

I was bailed out pending the appeal.

AFG: One of the main functions of the International Labor Defense was raising money for a bail fund. Workers and middle class people loaned money to the fund and it was put up as bail. Then the people could get their loans back when they needed the money. Hundreds of thousands of dollars was put up as bail in California alone.

BROWN: In my case, I wasn't out on bail very long. There was a period of 10 or 15 days in which to file an appeal, but, to show you how new and inexperienced the lawyers were, they didn't get it filed in time. They didn't even know that. So, the appeal was thrown out for being late. with no decision on the merits. And I served every bit of the 90 days.

STUDENT: How was it in the jail?

BROWN:
 ^ Well, we had a bunch of belly robbers. They robbed the prisoners of even the little bit they were supposed to spend for the food, and pocketed it.

STUDENT: To harass ^{the} men, or just because they wanted the money?

BROWN: Just corruption. But when we protested the thing, they came in and gave us hell. We took the tin cups and the plates and raised hell in the jail for hours at a time. Then they took us ring leaders, myself particularly, and threw us in what they called the hole. And that's when I lost my good time and I spent 30 days in the hole. They gave me a rough time for awhile, but they didn't continue because there was too much exposure on the outside. I've seen them beat up other prisoners when there's no one to let anyone know about it. But in my case they didn't dare do it, because the news would be out the next day and our people would picket the houses of the judges and the cops. There was a lot of activity like that.

STUDENT: When you're in solitary confinement like that, what do you actually do? How do you maintain your sanity?

BROWN: First thing you do, you get yourself a routine. You get up in the morning and do exercises. Before you go to bed at night, do exercises. Keep yourself in shape. Usually you don't have anything to read--except that I did. Somebody over the course of years had knocked a hole in the wall to the next cell, and these clowns didn't know about it. I used to send notes to the guy in the next cell, and I'd share the food my friends sent in. So he'd send me a banana or an orange once in awhile, and reading matter. Then I'd send it back to him, so when they came to search my cell, there was nothing there. I was fortunate in that way.

But in many cases you don't get anything, so you count, and do things by memory. And you figure, "Screw them." You try not to let yourself be broken or excited. And every time you can, you protest. For instance, the Salvation Army used to come and sing to us. So we had a little song that went:

"The Starvation Army comes around to save our souls,
Why don't they come around to clean the toilet bowls?
They say that Christ died for the likes of you and me.
But we still need sugar in our tea."

We ~~xxxx~~ used to sing that back to them and they left every time.

They would say, "Is there anybody here who feels that he needs help?" And I'd raise my hand and say, "Yes." Well, they'd think they were going to save a soul, so they'd come and I'd say, "You tell those sons of bitches out there that I'm not getting my right share of so and so and so-forth," and I would give a whole list of things. So the stool pigeon would go and run to the cop, which I knew he would do, and then they'd come and threaten me. So you know, I felt fairly safe about the thing. You utilize all the situations you possible can, which don't come very often.

The only person who could visit me was my attorney, Leo Gallagher. He was the chief attorney for the International Labor Defense in Los Angeles at that time, and he'd come and visit me as often as he could.

While I was in jail in San Pedro the big strike was starting on

the waterfront. The waterfront workers had finally organized and presented demands to the ship owners. The demands were refused, particularly the demand to recognize the union. And the strike was on, May 10, 1934. The whole kit and caboodle was on strike--seamen, longshoremen, inland boatmen, all up and down the coast--Seattle, Portland, San Francisco, San Pedro, the up river ports including Vancouver, British Columbia. I was in jail during the entire strike, including the general strike. The strike was settled in August; I came out in September.

The longshoremen won 95¢ an hour and recognition of their union, the International Longshoremen's Association (ILA) which, in 1937, became the International Longshoremen and Warehousemen's Union (ILWU). (This union is totally different from the ILA on the East Coast, by the way.)

Several crafts weren't able to settle, and that included the bargemen and the scalers. The scalers stayed out on strike for another whole year, 1934-1935.

The ship scalers and painters chipped and painted above the water line and cleaned out the fire room and the boilers. Nowadays you don't have that so much; it's almost all automatic. But the oil burners used to leave a lot of soot, and these guys used to have to crawl into these holds when it was still hot in there, and scrape the soot and put it in sacks, and take them out. Just horrible conditions, for which they were

paid the lowest type of starvation wages. As a matter of fact, our demand was for \$3.75 a day. The longshoremen had just won 95¢ an hour, and we were striking for \$3.75 a day.

In addition, these poor people were from Central and South America, many of them; they didn't know from anything about the United States. The contractors had them under their thumb, even to this extent: If a man wanted a job, and the contractor like^d the man's wife or daughter, he had to permit the contractor to sleep with his wife or daughter. I'm not kidding you.

AFG: How did the contractors work?

BROWN: The shipowners would hire the contractors to do a job, and the contractor in turn would hire men to work for him. There were kickbacks of all kinds. That's why the men were so angry.

The scalers had the support of the longshoremen particularly, but sometimes the seamen would scab on us by chipping paint on their so-called port time, and we had to fight against that. The shipowners got the scaling done even cheaper in Hong Kong or Singapore, but all the ships^{couldn't} go there, so sooner or later the strike had to be settled.

After we'd been on strike for a year longer than everybody else, divisions were created in the union. The contractors told some of the guys, "What do you want to listen to the union for? You can go to work

for us. Don't let them keep you out. You're only starving your family. You can have work any time you want."

And you know, after a year, it gets pretty difficult. So some guys figured they should go back to work like everybody else, and they became stooges for the contractors. The scalers union had a democratic procedure. So these guys used the procedure to call for a special meeting to consider an agreement that had been offered by the contractors. Most of the men felt, "To hell with them. We want our demands and we're not going to listen to any of this stuff." But it only took 40 signatures to call a special meeting and they had obtained them, and the meeting was called-- on a Saturday night, the lord knows why.

Everybody knew there was a lot of ill feeling and hatred. So, the union saw to it that everyone was searched as best they could coming into the meeting and they took away any weapons that anybody had, in order to have an orderly meeting. Most of the members did not want this particular agreement and they weren't worried, because they figured they had a majority and all they had to do was vote it down.

But the tension was there, particularly from the other side, and as the meeting progressed they began calling each other names, and one guy accused another of being a contractor's agent, and one thing led to another, and some fights erupted. And sure enough, these guys pulled out knives and razors and stuff like that--from wherever they had them hidden-- and several of the guys got cut. The hall was being renovated and there

was some lumber around, and everybody who could picked up some sticks and the battle was on.

The hall was quite large, but it was in an old, dilapidated building with a very narrow stairway to get in and out. Nowadays they wouldn't allow it. Our meeting was on the second floor. During the fight some ~~of~~ of the people got cut and had to go to the emergency hospital. One man by the name of Torres had worked his way through all this fighting out into the vestibule, where the stairs were. But the stairs were pretty crowded, and many people were scared, like this guy. He was quite old, and he didn't try to leave by the stairs.

When you looked out of the windows from the hall down to the street, you could see a marquee. We used to stand at the window because we had so much time to kill at meetings, and look down. We always thought the roof of this marquee was made of iron because it was painted black. This man Torres decided to get out of the window that way. There was a drop of about four feet from the window sill to the marquee itself, and another ten feet to the ground. So he jumped onto this marquee to get away from the fighting, I guess, and instead of the marquee holding him, it broke. It actually was made of glass. So then he fell to the ground and was taken to the hospital.

The fighting went on and people were going in and out. The whole fight maybe lasted five or six minutes, and then it was over.

AFG: What happened to the rest of the meeting?

BROWN: We reconvened the meeting, but our president went to the emergency hospital, which was only a few blocks away, to see what happened to the men, and they arrested him for fighting. Someone else was arrested for using a hammer on somebody. Subsequently he was found not guilty in court.

AFG: What happened to the proposed agreement to end the strike?

BROWN: After we reconvened the meeting, we voted status quo--keep the strike going.

At that time I was chairman of the relief committee; Jiminez was chairman of the overall strike committee, Ville was chairman of the legal committee, and Canales was chairman of another committee. Eight or ten days after the meeting, we four were arrested and charged with attempted murder for throwing this man Torres out of the window. While we were in jail, he got pneumonia on top of his injuries from the fall, and died. So then they changed it to murder.

We were in jail 80 days without bail. We were able to see people, and we had conferences with our attorneys, Leo Gallagher and George Andersen from the International Labor Defense.

AFG: Were you limited in your ability to prepare for the case by the fact that you were in jail? Would it have helped to be out on bail?

BROWN: Oh, sure, I could have gone to see people, witnesses, and fol-

lowed my own leads. I told the attorneys about some facts I had, and some of my leads were followed and some weren't.

AFG: What about your family? What happens to a family when there's a murder charge?

BROWN: Well, in my case, my brothers knew about it. But they just told my mother and father that I was away.

As a matter of fact, the public generally didn't know about the case. In this instance, instead of ballyhooing about murderers and strikers, there wasn't a word in the newspapers--not one stinking word, except the day we were arrested and the day we were arraigned, and then just a paragraph. Even when the trial was on, nothing was reported. They were going to kill it with silence.

STUDENT: What about the families of the other three men?

BROWN: The union saw to it that they were taken care of. Everybody was suffering because of the strike, but if there was anything to eat, those families got it also. We had a relief program based on collecting donations, and to the extent we could, we helped people get on welfare or emergency relief, although in those days it wasn't so easy to get any help if you were on strike. The longshoremen were working at the time,

and we got donations through the union.

Jiminez had a big family. They ~~w~~ used to come to see him en masse. They were splendid, splendid. They had revolutionary traditions from Mexico, so they weren't bluffed. They figured their old man was a hero. Canales was single, and he was a radical guy. I think Ville had a family too; I didn't know too much about him. And then the community would rally around these people, the Latin^o community, the Mexican-Americans.

At that time I wasn't as aware of the importance of that kind of community support because I was young. The trial didn't bother me, I didn't know why the hell it should bother anybody else. That's how I saw it then. I figured the revolution was coming anyway, and their time was limited, so screw them.

AFG: When did you think it was coming, Archie, how soon?

BROWN: Oh, I don't know. People all over the world were in revolt and I didn't think it was very far off at the time. I guess I was a youngster, impatient like some young people are nowadays. We really had some ^{evidence} _^ of the thing at the time, but later on we found out better.

Getting back to our trial--I suppose you are acquainted with the Mooney-Billings case? Two San Francisco labor leaders were charged with bombing a Preparedness Day parade before US entry into World War One. They were in jail from 1916 on. It was a famous case, and there were protests every once in a while, particularly in San Francisco, and the district attorney in 1935 had run on a platform that there would be no more Mooney

cases.

We charged before and during our trial that this was another Mooney case, another frameup. They were very touchy about that. "No, this is not another Mooney case," they kept saying. "We've really got the evidence."

The judge spoke to me three times, together with the attorneys, in his own office, and once in open court. He said, "I have received letters and telegrams from all over the world demanding that this be a fair trial, demanding that the charges be dismissed, demanding this, demanding that. You're going to have a fair trial. What's the matter with you people?"

I'll tell you, this had a terrific effect. When anybody asks, "What's the use of sending a telegram or a letter or something?" You can tell them they have a terrific effect on the people in the establishment.

STUDENT: An affirmative effect?

BROWN: Oh yes! It certainly did in this case.

STUDENT: How did everyone know about your case?

BROWN: The International Labor Defense was really international!

AFG: Elaine Yoneda said ILD had connections with something known as Inter-

national Red Aid, with headquarters in Moscow. Similar defense organizations existed in England, Japan, the Soviet Union, and even underground in Hitler Germany.

BROWN: Now one of the facts we stressed very strongly in our case was that this was a battle--a war, if you want--going on between the bosses and the workers. The fact is that people get killed in racial and political struggles, and also in labor struggles. We said this was class warfare with casualties on both sides. And even if someone killed a man, that wasn't premeditated murder--it was done in the course of a struggle for his rights and for establishing the union. That's been the basis for the defense in a number of cases in the labor movement, like the Haywood case involving the murder of the ex-governor of Idaho in 1907. He didn't just plead that he wasn't there and he didn't do it and that kind of stuff.

Now, frame-ups have various component parts. Huey Newton and Bobby Seale of the Black Panthers claim they have been framed. In a frame-up, the courts say there are no distinctions made--a man got killed, and it's the same as if somebody came up to him and stabbed or shot him in cold blood, or in the heat of a fight over a gal, or because he was drunk. We have always maintained there is a difference, there is a class difference here. There is a class struggle going on and people defend themselves and defend their jobs in the kind of action which in many cases

leads to death and destruction of property.

Usually when people get killed or hurt in a class struggle there are attempts made not just to get the person who did it, but also to involve the leadership of the struggle, those whom the employers and the police and the courts consider to be most dangerous. If they can get the leadership out of the way, they'll have a better chance to quash the revolt, to keep the union from being organized, so they won't have to pay higher wages and give better conditions. The union won't have so much power.

AFG: Don't you think it's elitist to say that?

BROWN: That if you can get the leadership you can smash the group? Well, I don't think so. I think it works to a certain extent until new people come forward. You know, nobody is a born leader, and maybe some people have better qualities of leadership than others. I don't know. But it takes time, and I know in the 1934 strike if they had removed Harry Bridges it would have been a big blow. It ^{wouldn't} have stopped us, but it would have been a big blow--it would have demoralized many people.

How are strikes broken and how are people demoralized? By running in scabs, taking away their jobs, discrediting the leadership one way or another. I'm not listing all of them, but those are some of the elements. And one of the things is to make people think the union leaders are out of their cotton pickin' minds. "What are they doing, going around killing

people, blowing up trucks, and that kind of stuff? They shouldn't do it that way, even if there should be a union."

We made the opposite argument in defending our case. We said that if we were going to pick on anybody who was playing the contractors' game, we would pick on the leaders who had organized this back-to-work movement; we wouldn't pick on this old man, Torres. He wasn't one of their leaders. There was no need to pick on him, you know. He was just one of the 43 signers of the petition to hold the special union meeting and of course his group was getting the worst of it during the fight, because the majority of the men were against them. They were the ones who really had to run and duck.

Now, another element in a frame-up is to find people who will say things that are not true or just half-true and to withhold certain evidence which would help the defendants and maybe even clear them. This was the situation in our case.

STUDENT: Did the two attorneys represent all four defendants?

BROWN: Well, before the trial opened, of course, there were conferences between the attorneys, the defendants, and the district organizer of the Communist Party at that time, Sam Darcy. We discussed how to proceed, and the attorneys were of the opinion that if I represented myself I would be able to do a number of things in the trial which attorneys cannot do because they're supposed to be officers of the court. They're sup-

posed to be officers of the court. They're supposed to know better, and all that jazz, and maybe I could do it on the basis that I didn't know any better. That was a subsidiary reason.

But the main reason was that at that time, just like now, we had thousands and thousands of cases going, and in many instances just couldn't afford or didn't have attorneys. There were many instances of people defending themselves. We thought this would be a good case to set an example of a person defending himself in court. And, of course, we figured that I couldn't make too many mistakes because the other attorneys were there, so it was fairly safe.

Looking back on it, I don't think it made too much difference that I represented myself, except for a couple of important things. First, when the question came up as to what were the issues in the strike, what were the conditions leading up to the strike and why did the men fight like they did, we answered by putting people on the stand to testify. Each time the prosecuting attorney would object and try to prevent this from being revealed. But I had much more latitude than the witnesses, because I was acting as my own lawyer, and I was able to put a lot of that before the jury. Of course they would stop me, too, but I would just keep going, and that was important, I thought.

On the other side of the coin, I had no experience with courtroom procedures, but both Andersen and Gallagher had enough experience to know that when a man is injured and is taken to a hospital, he is immediately questioned: "What happened to you? Who hit you? How come you're in this condition?" Now in our case, certain documents were presented by the prosecution, but this hospital bed statement was missing. And it just stuck out like a sore thumb.

Their evidence consisted mainly of two people who said they actually saw us pick this man up and throw him out the window, others who said they saw him near the window, they saw us with our hands on him, and that kind of stuff; people who'd seen him on the sidewalk; and, of course, the police officers who found him in a certain position.

Then, on the 11th day of the trial, we learned from one of our witnesses, who knew one of their witnesses, that Torres had told his son that he had jumped out of the window. Torres' son had testified at our trial that his father had said we had thrown him out the window. But when we heard this other story, we figured Torres had probably told the truth of how it had happened when he was questioned at the hospital.

So we said, "Well, let's have that statement, whatever it is."

They refused to bring it in. So Gallagher and Andersen went to the next higher court with a subpoena. But before the appellate court had a chance to act, something else happened.

The waterfront had a shutdown protest against us being arrested for murder, and demanded our release.

AFG: What kind of a strike would you call that?

BROWN: Well, I'd say it was sort of a political strike. All it was was an extended lunch hour; it wasn't much more than that--a couple hours. They just took an hour and a half extra lunch. But that got in the newspapers, because there was a lot of stuff in the newspapers in those days about wild-cat strikes and violation of the contract, and what a bunch of animals these

longshoremen and waterfront workers were, what a bunch of bums they were. When they stopped work, that was news, and the reason they stopped work was our trial. That busted it wide open.

Then the prosecutor came in with the document. We thought that was very interesting, and a lesson that wasn't lost on the people later, (particularly in connection with Harry Bridges' trial, when Hawaii was shut down during one of his four trials for deportation.)

So when that document was brought in, we felt much better. By that time we were, man, we were pretty worried. And the family, my brother, and my friends, and my wife-to-be--they were all anxious and concerned.

Well, in the records from the hospital, Torres stated that he had jumped. His statement was made in Spanish through an interpreter and was written down in English.

Anyway, the trial finally ended, ^{and} the jury was charged. They took us back from the courtroom to the cells, which took about eight minutes. By the time we got to the cells, the jury had come back to the courtroom. The jury had taken one ballot and found us not guilty.

It wasn't a jury of our peers, but there had been no problem with any of them, even the daughter of a shipper. It was such an obvious open and shut case, each of the twelve jurors found us not guilty. They called us right back and we were dismissed. Christmas Eve, 1935. And then, I don't know where they all came from, how they all knew it, but there was a big crowd to greet us after we came out!

Then I went to Spain--

AFG: Wait a minute: Let us ask a few questions.

Would you say that in this case the big issue was the facts, and the facts went to the jury?

BROWN: No, not exactly. The lawyers and I, whenever possible, kept making a big point about what kind of a fight it was. Suppose there hadn't been that document! We had to defend on other grounds. We had to say this was a ~~bat~~ battle of the union against the employers, and in such a battle this kind of thing happens, but you don't classify it as murder.

AFG: Did the newspapers report that you won the case?

BROWN: Oh, yeah. I'm sure the ILWG library has clippings.

AFG: After what happened with green lawyers in San Pedro, do you think it helped to have experienced lawyers in your murder case?

BROWN: Oh, yes. Gallagher and Andersen were sharp guys and by that time had obtained a wealth of experience with the International Labor Defense, from the beginning of the thirties. They definitely knew all the angles. The prosecution was not as sharp as they were, but they learned by the time the Smith Act cases came in the 1950's.

STUDENT: Isn't there some way to compel the prosecution to produce testimony?

AFG: Yes. You move to make them produce it and that's what the defense attorneys did. But if they don't want to give it to you, they don't; they say it doesn't exist, it's lost, it never existed, and how are you going to prove differently?

STUDENT: Okay, so in this case it was found that there was a document, after the DA denied it. Wasn't there any way to press charges against him, for prosecuting someone when his own evidence showed the defendants were not guilty?

AFG: Yes, you can sue for malicious prosecution but the chances of your getting anywhere are nil. It's harder than suing the police for false arrest or for mistreatment. Or you can make a complaint and try to bring criminal charges. But the very DA or US attorney who did the criminal act is the guy who would have to bring charges against himself or his assistant, and it won't happen.

Were there other murder trials in the period, or was that pretty much the end of that kind of thing?

BROWN: No, ours was among the first. The King-Ramsey-Connor case came in '36, and then the dynamite case in Modesto.

All right, let me continue. The ~~x~~ scalers strike was ended. The better times started setting in. There was still continual turmoil. The CIO was being organized; there were many strikes, and I stayed down on the waterfront. I went into the Longshoremen's Union after that, and helped with organizing, particularly the lettuce workers in Salinas in 1936 and 1937.

Then in '38 I went to Spain. When I came back from Spain, I went back to the Longshoremen's Union--

STUDENT: What did you do in Spain?

BROWN: I fought with the Abraham Lincoln Brigade against the fascists--the Spanish Civil War, you know?

STUDENT: Did you find that an eventful experience?

BROWN: It was eventful.

AFG: I suppose we shouldn't stop to discuss it here, but it's a critical thing to understand, and--

BROWN: People in this country were in support of the republic established in Spain by election; they were against Franco. We got tremendous support from the unions. Hundreds of recruits for the Lincoln Brigade came from union members. I went. I was in the machine gun company made up mainly of seamen and longshoremen, east and west coast. 3,000 people went, 1,800 people stayed there, killed, in the Lincoln Brigade. Recently the Brigade published a book about it.

AFG: I just want to put one legal footnote to this. Did you k have trouble getting back into the United States after Spain?

BROWN: Well, not exactly trouble, since I was born in the US, but this cat from the United States embassy wanted to know how I'd gotten there, because I had no passport. I had to stow away to get to France, and then the French organization took us into Spain.

AFG: Many people who went to fight in Spain were either naturalized citizens or aliens who had not been able to get American citizenship. When they tried to return to the United States, they had trouble, and there are still deportation cases pending today of people who went to fight fascism in Spain in 1936.

You know, any political upheaval like that has huge legal ramifications, not only in terms of criminal charges, contempt citations, injunctions and attacks on the organization and its leaders, but also in the individual lives of the people who participate. There will be divorces, suits over child custody, problems with getting an estate settled, difficulty getting back into the country,

and so forth. A broad movement, even a run-of-the-mill strike, means a lot of little lawsuits also, on seemingly unrelated issues. But they all grew out of the broader social question.

BROWN: All right. After I returned from Spain, I went to Europe to fight in the US Army against the German and Italian fascists. They were the ones who really defeated us in Spain.

After World War II there was another upsurge in the country and the world, with some countries, as you know, going socialist, and a large Communist Party being built in countries like France and Italy and Indonesia. And in the United States a similar upsurge took place, with a lot of militant strikes by veterans who had returned to the shops.

Then Winston Churchill came to the United States to make his Fulton speech constructing the Iron Curtain and they started a counter attack--"they" meaning the reactionaries, the ruling class. They started a counterattack against the unions and the people's movements generally, and against civil liberties and civil rights specifically.

So there was a double thing going on, a rising struggle for civil rights and an attack upon civil rights and civil liberties, both taking place at the same time--which is not unusual; that's the dialectics of the situation.

The Taft-Hartley Act was pushed through Congress in 1947 to regulate the labor unions, to make them report on their financial affairs, to restrict certain types of strikes and picketing, to require the unions to register and list their officers, and especially to kick out the left-wingers.

AFG: Under Section 9h of the Taft-Hartley Law, no one who was a member of or

affiliated with the Communist Party in the past five years could hold a position in a union. So the people who were allegedly Communist Party members or considered "fellow travelers" either had to remain in the Communist Party and stop being leaders of their unions, or they had to file a statement resigning from the Communist Party, or they had to, in effect say, "I'm not a Communist," and be subject to a possible perjury charge. People tried each of those alternatives.

BROWN: The next year, the left unions were kicked out of the CIO, including my union, the International Longshoremen and Warehousemen's Union.

Then Joe McCarthy arose, along with Richard Nixon, and I want to say that McCarthyism was very effective. Also the left including the Communist Party made mistakes in judging what the situation was in 1951 when the Supreme Court declared the Smith Act legal, and in effect seemed to outlaw the Communist Party for the first time. The Communist Party thought that this was the beginning of fascism or a form of fascism in the United States.

AFG: That case is United States versus Dennis, and it's interesting to read the opinions by the justices. Later, in 1957, that decision was overturned in effect, but not explicitly, and it is sometimes still cited as the law.

BROWN: As a result, reactionaries demoralized and disarmed and disoriented the radical revolutionary movement to a considerable extent. Part of the problem was that the government began to arrest the entire leadership of the Party. This has to do with what Ann was talking about, this elitism. There had been a whole corps of experienced, knowledgeable, and dedicated people who were left-wingers--some who were members and leaders of the Communist Party, and some who were not, but

were radicals in their own right. There were some sympathizers of the Communist Party and of the socialist world, and some who weren't. The general campaign was conducted against all of them, and the labor and radical movement was beheaded. It was very effective.

Now some of us, myself included, took off so they couldn't get hold of us and arrest us, with the idea that some way or another we would be able to supply some leadership while these people were being thrown in jail. Well, I wasn't present. Actually I never left the country, if you want to know, never went outside the boundaries of the United States.

AFG: Archie, would you care to say anything about that period?

BROWN: A couple of things. Hindsight shows us that making ourselves scarce should have been done on a much smaller scale, first of all. Secondly, our judgment about the oncoming of fascism was wrong. There was a threat, all right, but it wasn't to the extent we thought. It was not wrong that some people took off because there was no need for them to be in jail when they could be outside doing certain things. They were helping with the movement.

AFG: In a sense, during this period you were subjected to house arrest without being charged or tried for any crime. How did your confinement in the underground differ from your earlier confinements in jail?

BROWN: If you go away you just have to live like a refugee, like a fugitive. And stay here or there--wherever you can, under an assumed name maybe--all that kind of stuff. There was a problem of identification, a problem of work.

I was gone from right after the court decision in July 1951 to September 1955, about four years.

AFG: What did it do to your family?

BROWN: Well, I was just going to say I had a wife and four children at the time, and the baby was born just when I left. Now wait awhile--the baby was a couple of months old when I took off. I had a discussion with my wife about what to do.

Now, you talk about hounding! She was hounded! Three cars on her 24 hours a day--you know, a car every eight hours, changed off.

STUDENT: For how long?

BROWN: Whole time, whole bloody time!

I saw my family about three times during those years and it took quite a procedure to do it. You want to learn about the highways and the byways of San Francisco and the Bay Area--I know them. You go over to Berkeley and there are all these little paths. You stop on one street, walk down some stairs and its another street, and the cats don't know you're going to do it. Another car is waiting and off you go. You do that a couple of times, and you check, and the family had to do the same goddamn thing. Finally I saw them on a couple of vacations. That was the way we helped keep our sanity.

Otherwise my wife was followed 24 hours a day. Then, of course, they knew when something was going on. They would try to trace it and see how she came back. Anyway there were strains and stresses in the family. She protested about it, "How long is this going to last?" And then, during that time, of all things, she

had an operation on her back. She was in a harness for a long time before that and we had to make a decision. I talked to her about it. We decided that I would not come in and that she was strong enough to take it. I know it was tough on her.

You know, it was so impossible in San Francisco she moved from there to her folks' place in Southern California, a small town, Ontario. They put the cops on ^{her} down there and they usually took pictures of everybody. One time, my brother-in-law got a camera and began taking pictures of them. So they cut it out for awhile.

They never asked her directly, "Why don't you tell us where your husband is?" What they did try was to find out the process by which we met. They sent her a couple of telegrams signed "Archie," but they made a mistake. They sent them to "Mrs. Archie Brown." Now, there never was a Mrs. Archie Brown, as far as I was concerned. You know, I always objected to this whole goddamn procedure of the woman takes the man's name--not only his last name, but his first name. It's out of this world. I would never go for that. So when the telegram came for Mrs. Archie Brown, she says. "What a phony!" The FBI never was wise to that.

Anyway, after that period came what they called the Silent Fifties. It wasn't really silent--we were making all the noise we could. But the students and the young people who had been quite active in the forties were silent in the fifties.

STUDENT: We ought to get into what was back of this, why some of the older people, the professors, trade unionists, and lawyers were active in the fifties, and the young people didn't say boo.

BROWN: That's an important question but I don't have time to go into it here.

I do want to mention the ruckus Joe McCarthy had with the Army in 1955. McCarthy got to thinking he was God, so he monkeyed with Eisenhower. He was President, right? And then the Army. So they put the boot to him then.

By this time the movement within the unions and among the older people had died down, for a whole number of reasons. The left unions were isolated; they had been kicked out of the CIO and several unions, including the ILWU, voted not to sign the Taft-Hartley non-Communist oath, so these unions couldn't go to the National Labor Relations Board when employers violated the labor law. In other unions, the left-wingers were kicked out or silenced. This began to tell on the labor movement, because the yeast was missing. It debilitated the whole labor movement, which got much more conservative, and even certain sections got reactionary. The McCarthy period had taken its toll of the left-wingers, including a split within the Communist Party, and the whole ideological fervor and understanding went down. There was a battle to maintain oneself, to save as much as possible.

Some people have made a study of this period and written on it, but there has [^] not been enough investigation, if you ask me. In any event, a lot of fear had been engendered, and that was the situation by the end of the fifties.

But then things began to perk up. I'm not going to go into all the reasons, except a few obvious things: the realization of the meaning of the atom bomb and the development of the fight against it, and the reaction against the McCarthy period. Things began to open up, particularly in the schools, where so many of the students and professors saw a threat to academic freedom. People began to tell them what to teach, and there was revolt against that.

All right. Let's move on. In 1961 I was arrested by two federal agents

while I was coming off the job, taken to prison, and booked for violating a law. When I asked them, "What am I charged with?" they themselves didn't know. The law had never been used before.

This was the Landrum-Griffin Act, which was a successor to the non-Communist oath in the Taft-Hartley law.

AFG: Few union officials ever went to jail for signing Taft-Hartley oaths because, after years of litigation, their lawyers often proved in the Supreme Court that the FBI or other government agents had violated the rights of the defendants. The Court reversed their convictions, although it held the loyalty oath constitutional.

BROWN: So Congress passed section 504 of the Landrum-Griffin Act to replace section 9h of the Taft-Hartley Act.

AFG: I call it the Kennedy-Landrum-Griffin Act, because John Kennedy was also one of the sponsors of that bill.

BROWN: In any event, this section 504, said in effect that if you had been a member of the Communist Party, or an ex-convict, for the past five years, you could not hold office in a union.

AFG: It was made a crime. Before it had been a loyalty oath, and the crime would arise only if you committed perjury by saying you weren't a Communist when they could prove in court that you were. Now they made it a crime to be simultaneously a member of the Communist Party and an elected union official.

BROWN: When that law was passed in 1959, I had been a member of my local long-shoreman's union executive board for several years, along with another fellow who's now retired. Both of us were known Communists in the ILWU, both members of the executive board, elected every year by secret ballot. We had a conference with the attorneys and the international union leadership, to discuss whether I should run, and decided I should. We were going to challenge the law. George Andersen, who had been in the murder trial, was one of the attorneys, with Norman Leonard and Richard Gladstein.

I ran, secret ballot, and was elected to the local executive board. They let it pass for a while, but in 1961 I was arrested on this section 504, and released on \$5000 bail, which the union furnished.

There are a few interesting things about that trial^X. First, our attorneys proceeded to show that I was a member of the Communist Party. Then we produced the records and ballots and the numbers of votes to prove that I was elected to the union executive board by the membership. We had the present and past union officials testify as to my character, and as to whether I was a good union member. The ^{U.S.} Attorney, I don't remember his name anymore, kept saying--

AFG: His name is Cecil Poole, and he was the black prosecutor who later was nominated to become a federal district judge. Senator George Murphy prevented the appointment.

BROWN: Right, he was the prosecutor. He used to call me "Archie" all the time. Anyway, Poole kept saying, "All these people are doing is proving even more that he's a Communist and a member of the executive board. They're not disproving it."

AFG: It got a little sticky for Poole when the defense was trying to put into

evidence a letter from the NAACP to the Longshoremen's Union asking for money for the NAACP. And on the letterhead was Cecil Poole's name, as a member of the NAACP executive board. The letter was to the ILWU executive board of which Archie was a member, and of course the ILWU did give them money.

BROWN: And I made the motion to give it to them. That's what killed them.

AFG: Well, that was the kind of evidence. Once you get a political trial, everything comes into it, including a lot of things you didn't intend to.

The legal issue was whether a man like Archie, who wore two hats, one as a Communist Party leader and one as an elected leader of a union, would cause the union to go out on what were called "political strikes," that is, strikes for noneconomic reasons.

The argument behind passing the Taft-Hartley oath and the Kennedy-Landrum-Griffin law was that people like Archie would disrupt the flow of industry by causing political strikes. That's why I asked him to define the earlier stoppage in 1935 as a political strike. So one of the issues in the case was whether the Longshoremen's Union ever conducted political strikes, and, if so, had Archie been involved in them? Were those strikes legal or illegal? So, the trial got into union politics in the framework of a test of the constitutionality of a statute.

BROWN: But the government didn't want to bring in a couple of political strikes! Like when the Nazi ship came into the port of San Francisco in 1938. The Longshoremen's Union had a short strike in protest.

And then early in 1941, the Chinese people of San Francisco, and many others, including the lieutenant governor, came down to the port and picketed against scrap

iron going to Japan, which had invaded their country for a decade. The long-shoremen respected the picket line, and there was a g big howdedoo about that.

Well, they did not want these things in the case, or the fact that I participated in both of these political strikes.

Our union has always had a democratic constitution, and our lawyers brought out the fact that I was only one of thirty-five members on the local union executive board. I couldn't call a political strike if I wanted to. Furthermore, any strike is a coastwide issue. The question would have to go to the international executive board and everybody else would have to look at it. So it was impossible for one man to call a so-called political strike.

The other thing I think is important about this case is the instructions to the jury. The judge told the jury: "It is not within your realm to decide whether a law is right or wrong, constitutional or unconstitutional. All you have to decide is whether Archie Brown is a member of the Communist Party and is he at the same time a member of the union executive board?" Well, then they had no choice, of course. They decided and found me guilty.

Next it went to the U.S. Court of Appeals for the Ninth Circuit. The appeals court ruled that the law ~~x~~ was unconstitutional, based on the First and Fifth Amendments. It was a divided vote. What's interesting is that the government appealed that decision to the United States Supreme Court. The Supreme Court didn't even monkey with the First and Fifth Amendments. They said the law was a bill of attainder, and therefore section 504 was out.

STUDENT: What is a bill of attainder exactly?

BROWN: Well, as I gather, it's a special law convicting an individual, and it was forbidden when our Constitution was set up. England had passed special laws

against individuals that the king or somebody didn't like, and this was made illegal in the U.S.--the law has to apply to ~~EXXK~~ everybody.

AFG: Attainder means to taint or attaint the blood of a person without trial. In feudal England Parliament would proclaim a law saying that Sir John Lilburn, or whoever, was guilty of treason, and he was attainted, which made it legal to execute him, for the King to take all his land and money now and to the nth generation, and to prevent all his children from having titles or privileges. And it's just as Archie said, attainder was forbidden right in the Constitution; they didn't even wait till the Bill of Rights.

In 1940, some Congressmen were so mad at the president of Archie's union, Harry Bridges, that the House of Representatives actually passed a bill that said, "Harry Bridges shall be deported." That was another bill of attainder. It didn't even say all Australian members of the ILWU should be tried for deportation; it gave his name. That bill never passed the Senate, but it shows that attainder is not a new weapon for reactionaries.

BROWN: So I really had three different kinds of trials. The first was hardly a trial at all, in San Pedro. In the San Francisco murder case, it was mostly a question of getting the facts to the jury and letting them decide. In the federal case it was a challenge to a McCarthy-type law and there was no issue on the facts to go to the jury. In that kind of case, the decision depends on how the Supreme Court looks at things at that point. In my case the vote was 5 to 4. I don't know how the case would be decided now.

AFG: I'll add a cultural note here. Most of the dramatic events Archie has described, the Mooney-Billings case, the shape-up on the waterfront, the '34 general strike, are all in the exciting mural painted by Anton Refregier in the Rincon

Annex Post Office. You may want to see it next time you go to San Francisco.

STUDENT: Do you see many differences between the radical movement today and in the 1930's.

BROWN: Well, I think the 1970's are not the 1930's. The world situation is different; people have different experiences. And, in the United States (maybe also in other countries) one big difference is in the labor movement. In the 1930's, it played a leading role and had a lot of prestige. It doesn't have it nowadays. And deservedly not. As a result, all kinds of ideas arise based on having no faith in the labor movement and making the revolution without the labor movement, or with the labor movement playing only a small part in the change. We had all kinds of adventurist ideas in the 1930's, but not to the extent that they exist nowadays.

I believe that things are changing now, that the labor movement is coming back, not to the same position that it was in the thirties, because that's impossible. But there are rank and file movements growing in many unions. And I see more of a joining together of the various movements and ideas nowadays, leading to a much more stable and more effective program and struggle.

I'm a Communist. I'm in the Communist Party. Never quit.

STUDENT: How long do we have to wait for the revolution?

BROWN: That's a question!