The Danger of Moral Necessity: The Dissolution of the Civil Rights Congress

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Abbreviations

CIO	Congress of Industrial Organization
CPPCG	Convention of the Prevention and Punishment of the Crime of Genocide
CPUSA	Communist Party of the United States
CRC	Civil Rights Congress
ILD	International Labor Defense
KKK	Ku Klux Klan
MFD	Mobilization for Democracy
NAACP	National Association for the Advancement of Colored People
NFCL	National Federation for Constitutional Liberties
NNC	National Negro Congress
SACB	Subversive Activities Control Board

Chapter 1: Introduction

If during the 1950s, one was walking around in Los Angeles, they may have come across a NAACP poster warning whoever read it that there was this nefarious group who claimed to be "working for your civil rights" but in reality were "[working] among us in the interest of the Communist Party or other subversive and un-American Movements." This group was the Civil Rights Congress (CRC) and the reader was warned to "KEEP YOR EYES WIDE OPEN: DON'T GET SUCKED IN!" because the CRC was "attempting to MISLEAD the NEGRO COMMUNITY."[1] The implication was clear. The CRC claimed to be one thing, ardent defenders of Black civil rights, but in reality were a completely different and dangerous entity. The CRC was in fact treasonous and had to be avoided.

This was startling since the CRC was a strong supporter of Black's civil rights. The CRC was against racial discrimination in employment and housing. They fought for racial inclusion in juries and for Black people ability to vote. Yet the NAACP refused to associate themselves with the CRC. For in the NAACP estimation, the CRC support for civil rights was nothing more than a lure for the advance of communism. Not the utopian communism that intellectuals advanced, but an unconstitutional, undemocratic mode of living that was completely un-American. The CRC was nothing more than a trap for Black people and had to be rejected by the Black community wholesale if they ever wanted to achieve full equality with White people.

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11 Keep Your Eyes Wide Open, N.D., Box 20, Folder 4, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

In January of 1951, this "subversive" and "un-American" Civil Rights Congress went to the United Nations and delivered a petition that accused the United States of the crime of genocide against Blacks. This act did not ingratiate the CRC with the United States government at all and intensified the government's effort to suppress and eliminate the CRC. After this petition, the CRC had to devote itself into protecting itself rather than doing the work it was intended to do.

Since the CRC was impugning the reputation of the United States and offending the representatives of the government, they had to be removed from the political scene. By 1956, the government had succeeded in their goal, and the CRC was dissolved. Whether the CRC was racially revolutionary or subversively communist would be a distinction of little importance to the government. On one side, the groundbreaking belief that the U.S. was guilty of genocide against Black people could be just as dangerous as the possibility that the CRC were a communist plot to facilitate the overthrow of the U.S. Both were threatening possibilities and made the CRC a target.

Founded in 1946, the Civil Rights Congress was the union of three distinct organizations: the International Labor Defense, the National Negro Congress and the National Federation for Constitutional Liberties.[2] One of the results of this union was that instead of just focusing on labor issues, as the ILD did, or just race issues, as the NNC did, or just political rights issues, as the NFCL did, the CRC focused on all of those issues. The potential advantage of such a move was a strong solidarity between labor and race, something that the far-left were actively working for. Unfortunately, they were not always able to achieve the solidarity that they were looking for and there was a loss in

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[2] Gerald Horne, *Communist Front?: The Civil Rights Congress, 1946-1956* (Rutherford [N.J.] : London: Fairleigh Dickinson University Press ; Associated University Presses, 1988), 29.

specialization on having to focus on somewhat disparate topics. Their policy was to be much more aggressive against the government than other mainstream groups which led to conflicts with those mainstream groups.

The CRC was party to some of the more famous racial cases of the late 1940s and early 1950. When in Mississippi, Willie McGee was accused of raping a White woman the CRC defended him. In 1948, six Blacks were imprisoned and given the death penalty for allegedly killing a White man in the Northern State of New Jersey. This came to be known as the Trenton Six and led to maneuvering between the CRC and the NAACP on who was supposed to defend the Trenton Six. The same situation with the NAACP repeated itself in 1949 in Martinsville with seven Blacks being put to death for allegedly raping a White woman. Then there was the case in 1947 in which a White tenant sexually harassed Rosa Lee Ingram. Her son killed the tenant farmer in response. The CRC mobilized to defend her and her family. The court gave both Ingram and two of her sons the death penalty.[3]

By 1951, federal legislation, which enabled effective prosecution of far-left groups, had reached a point in which the CRC's effectiveness had diminished drastically, if effectiveness is understood to be the ability to influence state and national discourse because the CRC had to spend much more time defending itself instead of agitating for its original purpose.

The Civil Rights Congress was a chapter organization with branch chapters but it had an unstable financial grounding. The CRC created and sustained a politics of uncompromising morality that both attracted political luminaries on the radical left and repulsed everyone else. Their most famous act, the petition to the UN to declare that the

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[3] Ingram's sentence was later reduced to life in prison. More analysis on these cases can be found in Gerald Horne's *Communist Front?*, 74, 131, 215, 205.

United States was committing genocide against Blacks, was a result of this political immediacy that both made it famous and enlarged the target that it had on its back.

The CRC's uncompromising morality stance was intentionally contrasted to the NAACP supposed gradualist position. While "gradualists" believed in slowly gaining civil rights over time, the CRC advanced a way of thinking that was much more insistent in contrast to the gradualists. Every day that there was a racial crime that went unpunished was a testament of a great injustice. The genocide petition was a clear example of this moral position. They showed to the world an itemized list of racial violence of Blacks and argued that they clearly represented genocide against Blacks. They then demanded that the world act immediately to stop this great injustice.

Unfortunately for the organization, the political environment was hostile to the CRC. World War II had just ended, and the Cold War had started. With the Cold War there was also a corresponding increase in fear of U.S. residents being communist spies or "subversive." Of course, it was also advantageous for individuals and groups to participate in this hysteria. They could eliminate political competition and utilize the communist threat for political and economic advancement. This fear, neither fully unfounded nor fully manufactured, led to several programs to counteract communist influence in the United States. They ranged from city-sponsored loyalty oaths to FBI subversion of supposedly subversive groups of which the CRC became one of the primary targets.

The situation worsened with the start of the Korean War in 1950. The U.S. was no longer in an enforced nuclear truce with the communist bloc but was in a red-hot struggle with the communist powers. With American soldiers dying abroad to a communist foe, it was now the patriotic duty of every American to fight communism at home. Since the CRC

was considered communist, to fight the CRC was to provide validation for the American boys overseas shedding blood against the Korean communists.

For the entire of the Civil Rights Congress life, they were under one government attack or another. The Internal Revenue Service, Congressional Committees, contempt trials, state investigation, the Justice Department, and the Subversive Activities Control Board would at one time or another assault the CRC. The relationship between the investigators and the investigated often turned personal and vitriolic. Since the CRC did not fully believe in the legitimacy of the government, and since the CRC saw the government as enabling widespread racial discrimination, they took a very confrontational stance against all the investigations. One of the consequences of this conflict was financial poverty. The end result being that they had to dissolve to avoid the onerous requirements that the Internal Security Act of 1950, also known as the MCarran Act, would set upon the CRC.

The uncompromising morality of the CRC and the governmental suppression were closely interlinked. The animosity that the CRC had towards a discriminatory government was reflected back to the CRC by that very same government. An inevitable conclusion of the CRC position was that government officials were criminals and this assertion certainly caused rancor. This rancor was a strong contributor for the government assault on the Civil Rights Congress and its eventual dissolving.

As both the NAACP and the government's stance on the CRC was that it was effectively a communist organization, the fundamental question in existing literature about the organization while it was in operation was whether it truly was a "communist front," rather than the validity and value of the CRC. For an organization to be a communist front, it meant that it had a stated goal distinct and separate from communist organizations while

at the same time it had the hidden purpose of advancing the communist's real goal of overthrowing the capitalist government of the United States. There was also the related charge that members of the Communist Party of the United States (CPUSA) were Soviet spies and that would also mean that members of the CRC were, in a sense, Soviet spies. The CRC was under this shadow because of its strong and virulent criticism of the United States government and their cordial relationship with the Communist Party of the United States. In the midst of the Cold War this behavior was seen as disloyal and traitorous conduct.

As a result, contemporary scholarly writing about the Civil Rights Congress disparaged its record. Wilson Record's *Communism versus the Negro* (1951) accused the Civil Rights Congress of intentionally losing their racial cases so as to give proof to racial discrimination in the United States.[4] This was a rather stupendous charge and was an example of the animus against the Civil Rights Congress for simply being radical. If the Communist Party wanted to show the United States racism, they would not even need to do anything. Considering the severe level of Black disfranchisement, racial segregation, racial violence, and blatantly racist justifications to rationalize the aforementioned items, the communist would need no more to speak the truth to damage the U.S. William A. Nolan's slightly fairer *The Negro and the Communist Party (1951),* who also considered the CRC as a front organization for the CPUSA, was at least willing to admit that the communist party had some positive influence in revealing racial discrimination both nationally and internationally and had concrete achievements by changing the racial policy of some trade unions. Nevertheless, in Nolan's estimation the CPUSA was a stringently dogmatic

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[4] William Anthony Nolan, *Communism versus the Negro* (Chicago: H. Regnery, 1951), 85-89.

organization that only sought racial equality as a result of directives from the USSR.[5] This general charge of Soviet subordination was apparently validated when the Attorney General of the United States did designate the Civil Rights Congress in 1957 as a communist front organization.[6]

The only in-depth examination of the Civil Rights Congress was a response to this stigma that has been attached to the Civil Rights Congress. As the title adroitly demonstrated, *Communist Front? Civil Rights Congress, 1946-1956* (1988) by Gerald Horne was an attempt to refute the charge that the CRC was a communist front and that it was actually a force for progress and that it was unfairly targeted. Despite his efforts, the charge that the CRC was a tool of the CPUSA to be discarded at will does resurface even today. *Freedom's Sword: The NAACP and the Struggle Against Racism in America, 1909-1969* (2005) by Gilbert Jonas, an activist in the NAACP, states that the CRC was "an outright front for the CPUSA" and that they wanted to "infiltrate" the NAACP apparatus and corrupt it for its own ends.[7]

Horne's general thesis regarding the CRC was that there was an informal compromise between Black moderates and White society to marginalize the CRC and what it represented. This is expanded upon in similar works such as *Black Revolutionary: William L. Patterson and the Globalization of the African American Freedom Struggle* (2013) and *Red and Black: W.E.B. Du Bois* and *The Afro-American Response to the Cold War 1944 – 1963* (1986). In exchange for purging themselves of radical influences, Blacks would be given

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[5] Wilson Record, *The Negro and the Communist Party* (Chapel Hill: University of North Carolina Press, 1951), 306-307, 299-300.

[6] In fact, the CRC was repeatedly charged as subversive by various attorney generals.

[7] Gilbert Jonas, *Freedom's Sword: The NAACP and the Struggle Against Racism in America, 1909-1969* (New York: Routledge, 2005), 143-145.

some of the rights that they have long been denied. For Horne, The CRC represented the negated promise of the Civil Rights, an organization that was willing to demand full equality immediately and its eradication was a sad casualty of the Cold War. Mary Dudziak's *Cold War Civil Rights: Race and the Image of American Democracy* (2000) provided support for this thesis arguing that the U.S. cared about civil rights only insofar as racial discrimination was damaging U.S. prestige in the world. Furthermore, she provided a reason for why the Civil Rights Movement could not provide the racial equality that activist sought, and that was when civil rights stopped being relevant in the Cold War, the government also stopped caring about civil rights for Blacks.

Whether the Civil Rights Congress was actually a communist front organization is beyond the scope of this paper. What matters is that people, especially government officials believed that they were communist and acted based on that belief. They were attacked for being communist stooges and people avoided supporting them because of the taint of communism. That the government assaulted the CRC provided proof to other civil organizations on the wisdom of trying to avoid hostile confrontation with the United States government and that it was necessary to negotiate with the state.

What these scholars do not mention is the resilience and creativity of the United States government in trying to suppress groups. Since the First Amendment of the Constitution enshrines free speech and free association as a right it seems impossible for the United States to legally suppress a group for its speech. Yet, the United States was able to achieve this objective without violating the first Amendments according to the courts. In fact, the architects of the communist suppression were aware of the First Amendment issue

and carefully calibrated and tried new tactics to avoid running afoul of the First Amendment.

While the Civil Rights Congress was perhaps not the most stable organization, the governmental attention on the Civil Rights Congress was incredibly harmful to the CRC existence. As the government became increasingly creative in its attempt to shut down the CRC, the CRC had less and less space to exist. Rather than directly attacking the First Amendment rights of the CRC, they sought to attack the foundations of the CRC that did not rely on the First Amendment. They sought to hamstring the CRC vital fundraising ability for without money the CRC could not really function. The government did this because the CRC heavily criticized the government. For it implied that the government was guilty of serious crimes against a marginalized minority. While there was no violent purge of the CRC, the increasing pressure made it impossible for the CRC to function.

This thesis is supported by the documents examined in the Southern California Library and the New York Library Schomburg Center for Research in Black Culture. This collection contains several of internal and external Civil Rights Congress correspondence, publications, and records. The correspondence revealed the inner working of the CRC and their vulnerabilities as well as day-to-day life in the CRC. Publications describe how the CRC wanted to present themselves as. Their records ranged from internal reports to valuable financial records. By looking at all of these, I was able to get a good sense of what the CRC was and what it stood for. This allows me to move beyond the communist front dichotomy.

Though the governmental perspective is important and for that I am also reliant on the United States Congress and California legislative and judicial history in order to trace

the evolution of suppressive tactics used against the Civil Rights Congress as well as newspapers to get a feel for public opinion. The evolving cases were useful to see the evolution of legislative attempt to constrain communists and how the legislature had to respond to the court's decision.

Part 1

What was the Civil Rights Congress?

Chapter 2: The Organization of the Civil Rights Congress

The Civil Rights Congress was an unincorporated association founded in Detroit, Michigan in 1946.[8] According to historian Horne, the CRC was formed as a combination of the National Negro Congress, the International Labor Defense, and the National Federation for Constitutional Liberties. As a result of this, the CRC did not start small but already had a large foundation from which to build from. The rationales for this union were various: to avoid duplicating efforts, a way to unite forces against reactionaries, or that the three aforementioned organizations were no longer needed.[9] Formally, it was not very organized but it did have a consistent nexus of leaders. This resulted in a kind of dysfunction between what the leaders of the CRC envisioned and the actual reality of the CRC.

It functioned using a chapter model with branches located across the country. There was the national office in New York, which led the smaller chapters. In practice, the branch chapters were expected to function independently while at the same time maintaining the national office in operation. In 1949, the chapters were expected to give 50% of membership dues to the national office.[10] The problem with this was that the chapter branch often shirked in giving the national office the amount of money that was supposed to go to them. According to the 1949 financial records, all the chapters gave the national office $967.80. However the amount owed on membership fees that were not paid was $1,987.96 and the amount owed on the buying of literature, which also subsidized the

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[8] *Herbert Brownell, Jr., Attorney General of the United States, Petitioner, v. Civil Rights Congress, Respondent. Posey T. Kime ... [et Al.] for Petitioner; Ralph E. Powe ... and Rhoda Laks for Respondent. Report and Order of the Board, Docket No. 106-53* ([Washington, 1957), 4.

[9] Horne, *Communist Front?*, 30-31.

[10] Chicago Chapter Secretaries Conference, June 4-5 1945, June 21, 1945, Box 12, Folder 12 Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

national office, was $2,592.97. Combined, it was $4,580.93 that the national office expected in funds but did not get.[11] This resulted in the national office running a deficit in the early months of 1950 that they did not plan and having to significantly downgrade its capabilities.[12] The CRC had projections of the fundraising to function but had difficulty reaching their financial quotas. This financial weakness would exist for as long as they were in existence.

To compound the issue was the delegation of responsibility for legal cases that the Congress decided upon. It split cases into national cases and local cases. The national office was responsible towards national cases and the local branches were responsible for both the local and national cases.[13] This meant that the local offices could be burdened much more than the national office. Not only did the local branches have to give half of their income to the CRC, but also the half that remained had to be split between the national cases and the local cases.

According to the CRC own understanding of their organization, while "policy making is not a prerogative of the national office," it was of the "National Executive Board."[14] This distinction was almost academic. Practically speaking, the National Executive Board was the National office. William L. Patterson, of the National Executive Board and a Black attorney, quickly became the face of the CRC. As the national executive secretary he was responsible for most of the correspondence from the national office as well as many of the

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[11] Civil Rights Congress, Chapter Financial Report 1949, Box 12, Folder 53, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[12] Martin Wolff to All Chapter Secretary, Jan 30, 1950, Box 12, Folder 53, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[13]Chicago Chapter Secretaries Conference, 1949, Box 12, Folder 12, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[14] Chicago Chapter Secretaries Conference, June 4-5 1945, June 21, 1945, Box 12, Folder 12, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

press announcements from the CRC. He had incredible control over the public and private message of the CRC and to the public he was considered its primary spokesman and controller.

As the national executive secretary, he was responsible for communications with chapters, people, and other organizations. It was common knowledge at the time that he had studied in Moscow and was a member of the Communist Party, though he left it to join the CRC. Befitting his education, he rejected what he believed was the NAACP gradualism, the idea that to achieve full racial equality requires slowly changing the racial parameters of America over time. When writing about the 4th district circuit court opinion of *Briggs v. Elliot* on school segregation Patterson wrote that the "theory of gradualism has only been used to dupe the Negro people and get them to believe that a change in some distant future was to be expected." Presciently, he also wrote, "even if the Supreme court were to reverse the [ruling], the position taken by Governor Byrnes that South Carolina will find some way of evading its responsibilities to the federal government has been made unmistakably clear."[15] As hindsight made clear, school segregation moved from an explicit policy to informal methods. There was, and there still is, White flight in which White people self-segregate without governmental direction. Southern schools also started adopting color-blind bureaucracy techniques that slowed and prevented Black integration in White schools.[16]

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[15] *Brigs v Eliot* would become attached to *Brown v. Board of Education* on appeal. William L. Patterson to Laurent Frantz, July 11, 1951. Part 1, Reel 3, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[16] Mary L Dudziak, *Cold War Civil Rights: Race and the Image of American Discovery*, (New Jersey: Princeton University Press, 2000) 150-151.

A likely result of his influence was the Civil Rights Congress focus on race. The CRC was originally intended to be a "defense organization concerning itself with the defense of the Negro people, the Mexican people, the Jewish people and other minorities; with the defense of labor and the rights of political minorities."[17] This was a very broad base to work from; organizations in the U.S. post-WWII like the CRC were generally more specialized. The NAACP focused on racial minorities, the ACLU on civil rights, and unions for labor. Even the CRC's predecessors were similar. The International Labor Defense focused on labor, the National Negro Congress on race and the National Federation for Constitutional Liberties on civil rights. The conception that the CRC was primarily about race was encouraged by Patterson's decisions, which required Patterson to state, "CRC is not a Negro liberation organization."[18] This statement came after the genocide petition, which was Patterson's project and there was not a similar project for labor or political rights. Patterson and the CRC were running into the difficulty of having an organization with various and distinct goals. The more it focused on one subject, the more it looked like the other subjects were being ignored, even though they might not be in practice.

Indeed, whenever the CRC is mentioned in historical books, their activism for Black civil rights and political agitation took center stage. Yet, that was not their only purpose. They agitated for equitable jury representation not just for Blacks but also for workers and craftsmen.[19] They arranged for lower income citizen that were released from prison or on

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[17] Pre-Board Discussion on Patterson Report July 6, 1952. Box 23, Folder 7, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[18] Pre-Board Discussion on Patterson Report July 6, 1952. Box 23, Folder 7, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[19] *Who Sits on the Jury,* CRC, ND. Part 1, Reel 7, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

parole to acquire homes and jobs.[20] They produced a lot of brochures and pamphlets to attract people to the CRC and also to raise awareness and funds for their cause.

The CRC also had several international contacts that Patterson maintained. Interestingly, they were all from communist countries or communist groups. The CRC had contacts with the Czechoslovakia Union of Youth, the China Youth League, and the Free German Youth of Saxony among many other youth groups, all of which were located in communist controlled areas.[21] They also had contact with the French Communist Party and the Argentinian League for Human Rights, at the time a defense organization for communists.[22] While this revealed their understanding of the scope of the problem and the breadth of the CRC's international network, in the politically charged environment of the Cold War, this was playing with fire. The CRC was not simply engaging the issue of race, labor, and political justice in the national level but also sought to internationalize them. Awkwardly, their network of activism was predominantly among communist countries or communist groups which must have set off alarm bells in the United States government..

Ralph Powe, like Patterson, was a Black attorney and secretary in the Legal Committee.[23] He would often connect CRC clients with attorneys from law offices and would also defend the CRC from being designated a communist front in front of the

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[20] Letter, Roberta to Ralph Powe, CRC, March 18, 1948. Part 1, Reel 1, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[21] Assorted Telegrams. Part 1, Reel 2, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[22] "Liga Argentina Derecho Hombre" translated by author. Telegram Liga Argentina Derecho Hombre. Part 1, Reel 2, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[23] Horne, *Communist Front?*, 32.

Subversive Activities Control Board.[24] Louise Thompson Patterson, Patterson's wife, was also active in the field. She was both a member of the Civil Rights Congress and was one of the driving forces for the creation of the Sojourners for Truth and Justice, a Black left feminist organization that, in its short life, also sometimes served as an auxiliary force to the Civil Rights Congress. In fact, several of the Black Feminists in the CRC were members of the Sojourners including Shirley Graham DuBois and Eslanda Robeson. The Sojourners also included female relatives of the cases in which the CRC were involved.[25]

Marguerite Robinson was the executive director of the Los Angeles branch of the CRC. Akin to Patterson and the national office, Marguerite Robinson also influenced her branch. The upper ranks of the Los Angeles Civil Rights Congress were staffed primarily with women.[26] Charlotta Bass was a Black member of the Los Angeles Civil Rights Congress, the editor of the *California Eagle*, and a Sojourner. She was influential in unifying the Los Angeles Civil Rights Congress Division and Mobilization for Democracy.

In a pamphlet that espoused a Civil Rights Congress member idealized workday, a CRC officer was expected to work 12 hours, from 9 AM to 9 PM.[27] This was a serious commitment but in the long run it seems inevitable that this would lead to exhaustion both physically and mentally. Furthermore, in this idealization there was the detail that it would

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[24] Subversive Activities Control Board, Docket No. 106-53, Report and Order, July 26, 1957 cited in *Guide to Subversive Organizations and Publications (and Appendixes)*, December 1, 1961(Committee on Un-American Activities: Washington D.C.), 44.

[25] Erik S. McDuffie, *Sojourning for Freedom: Black Women, American Communism, and the Making of Black Left Feminism*, (Durham NC: Duke University Press, 2011), 173-182.

[26] Civil Rights Congress Letter, ND, Box 9, Folder 16, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

[27] The Day Begins, ND, Box 12, Folder 52, Register of the Civil Rights Congress, Los Angeles, Late 1940's - 1950's, Southern California Library.

be a half-salary week.[28] While this can be interpreted as noble suffering, and this was most likely the intent, the practical effect of repeated half-salary and rigorous hours must have been depressing. Their support for this kind of work-day was justified on a basis of moral imperative as a fictional member argues, 'if the people didn't fight to end slavery in the first place, I wouldn't even have been able to fight now... and if we don't fight every case that allows discrimination, brutality, or persecution today, we just won't even have anything to protect tomorrow."[29] While the moral reasoning was sound, this kind of herculean effort would be hard to sustain for any lengthy period of time.

The Civil Rights Congress was an aggressive entity that sought racial equality, labor rights, and a defense of political rights. In fact, to the CRC these three principles were all related. It wanted them immediately with no delay from the government. At first, it could prosecute its case with overwhelming energy, but it inspired a reaction, and lackluster fundraising would curtail its ability to mobilize its people and its cause.

This can be seen in both the national office and the Los Angeles local branch fundraising potential. While they started off strong, the money raised quickly shrank, and the CRC had to do some sharp corrections. The Los Angeles branch condition was instructive because Los Angeles was a left stronghold with many left-leaning organizations. One of these was the Mobilization for Democracy. This organization was similar to the CRC as it was a gathering place for like-minded people to advance a progressive agenda. They

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[28] The Day Begins, ND, Box 12, Folder 52, Register of the Civil Rights Congress, Los Angeles, Late 1940's - 1950's, Southern California Library.
[29] The Day Begins, ND, Box 12, Folder 52, Register of the Civil Rights Congress, Los Angeles, Late 1940's - 1950's, Southern California Library.

quickly made common cause in Los Angeles and they soon merged together as the Civil Rights Congress Division of the Mobilization for Democracy in 1947. [30]

This allows for comparison of Mobilization for Democracy finances before the merger and after the merger to see what changed in where the money was going. The biggest effect that the merger had on the Civil Rights Congress Division of the Mobilization for Democracy was that there was no longer any money held in reserve, in fact that chapter of the CRC goes into debt, and what was originally a surplus of money went into publication.

In February 1, 1946 before merging with the CRC, the MFD had $4,602.55 in reserve. In April 30, 1946 the MFD had $4,905.49 in reserve. Then from May 1, 1946 to June 30, 1946 the MFD held in reserve $9,311.74.[31] This shows that before merging with the Civil Rights Congress the MFD was financially stable.

Then the merger happened on March of 1947.[32] Very soon, their financial record for July 1, 1947 they now only have $265.42 money for a positive balance.[33] The largest change reflected in the record was that fundraising cratered dramatically. While from February to April in 1946 their receipts showed that they were receiving $11,791.43, from the July to

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[30] Mobilization For Democracy, March 3, 1947, March 5, 1947 Box 20, Folder 4, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[31] Mobilization For Democracy: Los Angeles, California Statement of Cash Receipts and Disbursement February 1, 1946 to April 30, 1946, May 25, 1946, Box 20, Folder 18, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library. Mobilization For Democracy: Los Angeles, California Statement of Cash Receipts and Disbursement May 1, 1946 to June 30, 1946, July 20, 1946, Box 20, Folder 18, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[32] Robert W. Kenny to Member, May 8, 1947 Box 20, Folder 5, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[33] Mobilization For Democracy: Los Angeles, California Statement of Cash Receipts and Disbursement July 1, 1947 to September 30, 1947, October 31, 1947. Box 20, Folder 18, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

September period in 1947, they only received $2,629.69 in receipts.[34] Obviously, this radical drop of funding would affect its ability to be an effective organization. There were important local circumstances surrounding these two organizations. Simultaneously to this merger, the Los Angeles County was establishing a loyalty system (which this paper will go over later) and designated both the Mobilization for Democracy and the Civil Rights Congress as "subversive."[35] Fear of association with both organizations drove down donations and membership for both organizations. Fearing an existential threat the Los Angeles Civil Rights Congress met the enemy with all they could muster. However, it also meant that the Los Angeles Civil Rights Congress division was living on the edge.

The financial difficulties of the Civil Rights Congress was not just restrained to the local branches, but also existed in the national office. Harold Christoffel was an active CIO union leader at Allis-Chalmers, a manufacturing company in Chicago. When the Taft-Hartley bill was in Congress being worked on, Christoffel went to a Taft hearing in which he allegedly swore that he was not a communist.[36] The government then charged him with perjury. This case went all the way to the Supreme Court, which ruled that a quorum was not in session during the committee hearing and the case was thrown out, since the hearing record for that specific day could not be produced. The Attorney General, however, did not give up just because the minutes for the hearing could not be produced. He got 13 members

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[34] Box 20, F18 Sidney Spiegel Mobilization For Democracy: Los Angeles, California Statement of Cash Receipts and Disbursement February 1, 1946 to April 30, 1946. Box 20, Folder 18, Sidney Spiegel Mobilization For Democracy: Los Angeles, California Statement of Cash Receipts and Disbursement July 1, 1946 to September 30, 1946.

[35] List of Organizations That County Deemed to be Subversive, ND, Box 14, Folder 1, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

[36] Taft-Hartley bill was an anti-labor bill that also included a clause that union leaders working with the National Labor Relations Board could not support the communist cause.

of Congress to testify that they were there at the hearing and that they heard Christoffel testify that he was not a communist.[37]

This second trial meant the difference between freedom and imprisonment for Christoffel because by the second trial, his supporters had run out of money. In a letter to his attorney, former assistant to Attorney General O. John Rogge, Christoffel writes that "enclosed you will find a check for $110. It is very little. [I and the CRC] had hoped to raise over a thousand."[38] Raising only 10% of one's goal was not a sign of a healthy defense, especially when the defendant was poor. It should be pointed that for his *first* trial, the International Union, which Christoffel CIO union was subordinate to, paid $5,000 to cover bail and $10,000 for attorney's fees in early 1948.[39] Then they stopped supporting him. When a judge lowered Christoffel bail from $5,000 to $1,000, Rogge had wanted to use the difference to pay for witnesses to travel to Washington, but the International Union prevented him and stated that the $10,000 given could only be used for "trial expenditures."[40] When Christoffel lost in the lower court, Rogge sent out a harsh letter to UAW-CIO leader Walter P. Reuther stating that:

> In view of the fact that the jury was divided six to six and was out for five hours... I suppose it is unimportant that I view of the refusal of the union to permit Mr. Christoffel the use of the $4,000 for [travel expenses for

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[37] *Federated Press* Hartley Committee Men Swear That Heard Christoffel Testimony. Part 1, Reel 3 Part 1, Reel 3, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[38] Harold Christoffel. Letter from Christoffel to Rogge October 4, 1950, Part 1, Reel 3, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[39] Walter P. Reuther. March 17, 1948, Part 1, Reel 3, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[40] Pat Greathouse to Harold Christoffel, Feb 17, 1948, Part 1, Reel 3, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

> witnesses] an unwise decision... I want to tell you that in my opinion you have accorded shabby treatment to one who is a strong supporter of labor.[41]

Needless to say they gave nothing on the second trial, and then the CRC was entirely responsible for financing the case. The CRC was not able to pay the bills. It is important to realize that this was very significant. This was because Christoffel's natural ally, his own superior union, was making a willful decision to stop supporting him. This kind of decision would have trickled down to the workers and other unions. Would they then have given money to Christoffel? It was unlikely when their leading group decided to cut their losses. The workers were Christoffel's natural constituency for funds and they would now be cautious about giving money to Christoffel. The only charge against Christoffel was perjury in that he swore under oath that he was not a communist but the government asserted that he was a communist. It follows then that Christoffel was marginalized for being seen as radical, and he could only rely on the CRC. However, the reputation of the CRC of defending radicals was not conducive of fundraising in this period.

Christoffel woes were still not done. During the second trial, a financial dispute arose between Christoffel and his attorney Rogge. Rogge's law office had been repeatedly asking for money that was owed to them in attorney's fees, once stating in March of 1949 that "quite frankly [neither] John nor I will be enthusiastic about putting in time unless a very substantial part of the amount now owing is paid."[42] The financial situation slowly worsened, as the CRC could not get the funds to pay Rogge's law office, and in October of 1951 Rogge filed for a court order to take the $10,000 bail set by the Civil Rights Congress

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[41] O. John Rogge to Emil Mazey, Walter P. Reuther, and Irving Lewis, May 16, 1948, Part 1, Reel 3. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[42] Rogge Fabrican, Gordon, and Goldman to Christoffel, March 29, 1949. Part 1, Reel 3, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

Bail Fund, an entity legally distinct from the CRC but managed by the same people, *in lien* of Christoffel paying attorney's fee with money he did not have.[43] Notice also the tenfold increase in bail amount from the second court case, which was consistent with other cases in this period involving communism charges, which also drained CRC finances as more money was being put in bail than in defending people. In the end, Christoffel had to rely on a *pro bono* attorney that the Civil Rights Congress was able to find.[44] The Civil Rights Congress had difficulty raising funds for this case because the defendant and the organization were perceived as radical. Yet, it was also true that only the CRC and the attorney they found, in the end, were willing to stand to the end with Christoffel, unlike his union or his original attorney.

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[43] United States District Court District of Columbia, United States of America against Harold Roland Christoffel affidavit to seize bail en lien October 22, 1951, Part 1, Reel 3, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[44] David Scribener to David Rein, November 15, 1951, Part 1, Reel 3, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

Chapter 3: The Radical Ideology of the Civil Rights Congress

Patterson in his State of the Nation report stated that the "Civil Rights Congress is a non-partisan organization."[45] Unfortunately for Patterson, most people outside of the CRC considered the CRC to be partisan, specifically for the communist cause. The dissonance between the public view of the CRC and Patterson's view of the Congress can be explained by the circumstance that the CRC felt that it had a kind of moral superiority that not only presumed that they were in the right, but that the people that were wrong had to be punished.

Their stance towards the Ku Klux Klan can be illuminative towards their understanding of morality. Patterson stated that the position of the CRC towards the Klan was that "we do not regard the Klan, or similar organizations, as protected by the constitution. We expose and zealously seek the punishment of those who, under whatever pretext or cloak, would deny constitutional liberties or democratic and human rights."[46] In essence, the Ku Klux Klan should be considered a dangerous entity and the government should suppress organizations such as the Ku Klux Klan. Patterson proudly wrote that "I look forward to the outlawing of the Klan, to the outlawing of the preachment of malignant racism and anti-Semitism... the Klan, the White Circle League, and White Camelia, the nazi-

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[45] Report to the National Executive Board: Civil Rights - The State of the Nation 1950. Box 9, Folder 21, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[46] Report to the National Executive Board: Civil Rights - The State of the Nation, 1950. Box 9, Folder 21, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

like propagators of pogroms will find no advocate in me."[47] Interestingly, when the government tried to outlaw the Communist Party, the CRC would come to the defense of the Communist Party. The reasoning for the government practical outlawing the Communist Party was very similar to Patterson's reasoning for outlawing the Nazis. The two parties just seem to disagree on whether communism would result in denying constitutional liberties or furthering them.

Ideologically, this was their main point of contention with the ACLU. Fred Rodell, a Professor at Yale University and member of the ACLU for 20 years, argued in a letter to Patterson that the CRC was being "[intellectually] dishonest" since it selectively chose what civil rights to defend and did not bother to defend "Fascist, Trotskyites, and other groups whose views happen to be distasteful," unlike the ACLU which has "genuine espousal of civil liberties, for <u>all</u> [underlining in original]."[48] Then, to deny civil liberties to one was to deny them to all. Patterson rejected this mode of thinking. He responded by pointing out that "those who take the rostrum to defend the right of Talmadge to cry aloud 'Kill the n---- r' are intellectually honest men because Talmadge has a constitutional right to spew that filth in our America!?!" and more formally by arguing that Rodell's reasoning "is a vulgarization of free speech. It is advocacy for the granting of a license to destroy democracy and the inalienable human rights for which I speak."[49] Patterson was a moral immediatist, and since he was the executive secretary, this position was emphasized in the

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[47] Patterson to Rodell, letter October 12, 1951, Box 9, Folder 17. Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[48] Fred Rodell to Patterson, October 12, 1951, Box 9, Folder 17. Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[49] Patterson to Fred Rodell, October 12, 1951, Box 9, Folder 17. Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

CRC. The members of the CRC saw an injustice in the U.S and reacted in the most hostile and vigorous manner possible.

Ironically, Patterson's line of reasoning to outlaw the KKK and other racist groups will be resurfaced by the United States government to outlaw the CPUSA and the CRC. One of the arguments that were made to justify the suppression of the CPUSA was that the communists were only using free speech to organize a coup d'état against the government and if the CPUSA got in power they would eliminate democracy in the U.S. Patterson would have considered this line of argumentation to be a perversion of his own arguments. Yet, one of the difficulties about morality was how to establish who was on the moral side and the people suppressing the CRC certainly must have felt that they were on the right side.

The CRC also had a serious concern that the United States was becoming a police state by following the path of Nazi Germany. They interpreted every hostile action against them as a prelude to a fascist dictatorship; this was especially common against what they saw as oppressive laws. The Tenney Bills were a collection of bills of loyalty oaths for various occupations in California. According to a CRC pamphlet "Tenney Bills Would Legalize Police State" in which the passage of Tenney Bills would effectively be a legalization of a California Police state.[50] The Mundt Bill, which would become the Internal Security Act of 1950, was described as "Truman Administration [master] plan for an American-style fascism, which, if completed, must inevitably lead to war, the Civil Rights Congress today called the Mundt Bill 'the step which follows the Smith Act and the Taft-

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[50] Tenney Bills Would Legalize Police State, Box 11, Folder 18, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

Hartley Act in the blueprint for fascism – U.S. style.'"[51] Whether the concern was fully genuine or embellished, the Internal Security Act of 1950 was the high point of political repression for communism. This was arguably because the law did succeed in its job of suppressing communist influence and no further repression was necessary. Practically speaking, this fear led to the CRC being very active even to the point of exhaustion.

This moral necessity stance on Black civil rights led to the Civil Rights Congress being supported by a wide array of influential personage, all of whom were squarely located on the far-left spectrum. In the upper levels, their support consisted of both Blacks and Whites.

The most famous supporter for the Civil Rights Congress was W.E.B. Du Bois. W.E.B. Du Bois was one of the leading American intellectuals. His early achievements were developing his "talented tenth" policy for racial uplift as well as founding the NAACP. By 1948, he was no longer a member of the NAACP due to his increasing radicalism and friendship with communists and people thought to be communists. In 1951, he was the chairman of the Patterson Defense Committee when Patterson was charged with contempt for failure to produce under subpoena documents indicating the names of contributors to the CRC.

Other famous supporters were Kennedy Stetson who wrote *I Rode With the Klan (The Klan Unmasked),* which revealed the inner workings of the Ku Klux Klan.[52] The Civil Rights Congress tried to get him as a witness in the 1951 contempt trial of Patterson to

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[51] Press Release from CRC, Mundt Bill Aimed at Peace, Trade Union, Civil Rights Movement CRC Declares." ND, Box 11, Folder 8, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

[52] In part because the book was adapted for a radio storyline in which Superman beat the Klan while exposing Klan society.

prove racial electoral discrimination in Georgia.[53] George Crockett Jr., a Black lawyer, who defended both the Communist Party leaders and Patterson in his trial. There was also Decca Truehaft, better known as Jessica Mitford, whose *Hons and Rebels* greatly influenced many readers and writers.[54] Representative Vito Marcantonio (American Labor Party - New York) was also a supporter of the CRC; he defended Patterson in his contempt trial, and was the highest placed political ally of Patterson.[55]

Just as important as who supported the Civil Rights Congress was who opposed them, and in these group the NAACP looms large. The leaders of the NAACP did not want any cooperation between the NAACP and the CRC. When responding to a missive of unity by Patterson, Roy Wilkins of the NAACP responded,

> We remember that in the Scottsboro case the NAACP was subjected to the most unprincipled vilification... We remember the leaflets and the speakers and the whole unspeakable machinery that was turned loose upon all those who did not embrace the 'unity' as announced by the Communists. We want none of that unity today.[56]

This feud arose from a combination of past events as well as a conflict between two similar organizations trying to appeal to the same constituency for support. The Scottsboro case had issues of representation between the ILD, the predecessor of the CRC, and the NAACP. The vilification that Wilkins refers to could be from this period, but it could also be a reference to the CPUSA about face regarding the NAACP in 1939 when the Soviet Union and

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[53] *United States v. William Patterson* United States District Court, District of Columbia. Offer of proof on Fourteenth Amendment Point, including examples, undated. Part 1, Reel 30, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library

[54] J.K Rowling, of *Harry Potter* fame, is a great admirer of Mitford. "The JK Rowling Story," *The Scotsman* June 16, 2003, accessed November 21, 2015 http://www.accio-quote.org/articles/2002/1102-fraser-scotsman.html.

[55] Jury Selected in "Contempt" Trial of Patterson, CRC Leader, Civil Rights Congress April 5, ND. Part 1, Reel 30, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library

[56] Roy Wilkins letter to W.L Patterson, March 22, 1950 cited in Jonas *Freedom's Sword*, 135.

Nazi Germany signed the Molotov-Ribbentrop Pact. This led to the CPUSA breaking the popular front of the Great Depression, when far-left organizations and center-left organization were working in tandem, and to hotly criticize the NAACP where before they were allies. Later in 1950, the NAACP voted to vehemently react to the alleged communist infiltration, and to do whatever was necessary to purge the organization of communists, even if it meant expelling NAACP chapters.[57] They also came in conflict when they both wanted to defend the same victims of racial prejudice, such as the Trenton Six and Martinsville Seven. The NAACP saw the CRC and their communist sympathies as damaging the ability of the NAACP to defend the aforementioned victims. This refusal of unity shows a deep problem for the Civil Rights Congress that they were never able to solve. They could and did appeal to very influential people that shared their ideology, but they were incapable of appealing to people that were slightly more centrist than people of far-left persuasion.

Like the NAACP, large unions also rebuffed communists and communist sympathizers. As previously mentioned, Christoffel was abandoned by the CIO. In 1952, Walter Reuther of the United Auto Workers started purging his union of communist influence. *Business Week* was quoted as stating "No non-Communist labor leader anywhere has equaled UAW President Walter Reuther in lambasting the [un-American] committee. Yet this week Reuther and the Committee were working together like a well-rehearsed vaudeville team."[58] Marginalized by preeminent race and labor organizations, the CRC had a hard time expanding its influence.

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[57] Jonas, *Freedom's Sword*, 148.

[58] "Reuther Exploits Un-American Committee Witch Hunt in UAW" *LA Herald Express*, April 7, 1952, Box 23, Folder 24, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

In the larger political context, both Democrats and Republicans disliked the CRC. The CRC had as much difficulty with the Attorney General of the Democratic Truman presidency as with the Republican Eisenhower presidency. For the CRC perspective there was not that much difference from a Republican Senator from California advancing loyalty oaths to a Democratic Senator from Georgia advocating that Georgia did not lynch Blacks.

This disdain of ordinary politics allowed the CRC to criticize both parties. From this disdain it was normal to criticize the United States government as a whole as being deeply immoral. It must have certainly helped that their only reliable congressional contact was from the American Labor Party and the CRC's supporters were not afraid to take extreme positions, such as accusing the United States government of genocide.

Chapter 4: The Genocide Petition

The genocide petition was a petition directed to the UN, which argued that the United States was in violation of the Convention of the Prevention and Punishment of the Crime of Genocide. It was delivered on December of 1951 in Paris, France at a UN convention.[59] This petition was forceful; it embarrassed the United States government in the UN where other high-ranking foreign diplomats from other countries read the petition. It seemed to confirm to the government the danger of the communist sympathies of the Civil Right Congress. This petition can be seen as the high point of the Civil Rights Congress and the Congress was never able to replicate the widespread reach and symbolism of the petition.

Before the 1951 petition there were two other petitions that sought UN attention with regards to Blacks in the United States. These two petitions, one from the NAACP in 1947 and the other by the National Negro Congress in 1946 simply sought for UN aid to combat human rights violation towards Blacks.[60] The Civil Rights Congress went even further and argued that the United States was in violation of the Charter of the United Nation and against the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG).[61]In part, this was because Convention of the Prevention and Punishment of the Crime of Genocide was formalized in 1948 and took effect in January 12,

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[59] William L. Patterson, *The Man Who Cried Genocide: An Autobiography,* (New York International Publishers) 1971, 185.
[60] Ibid., 175.
[61] Civil Rights Congress (U.S.), *We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government against the Negro People,* ed. William L. Patterson, 2nd. ed (New York: Civil Rights Congress, 1951), xi.

1951.[62] So the previous petitions simply could not have the capacity to accuse the United States of genocide. Nevertheless, for an American organization to accuse their own government of such a crime was extraordinary. Genocide was considered by all parties to be a heinous crime that was beyond the pale, and there was viciousness in genocide that was not equivalent to human rights violations. A human rights violation was individual and transient while genocide was absolute and indisputably worthy of moral condemnation.

The petition firstly had to argue for standing because the U.S. did not ratify the Convention until 1988, which meant it was debatable whether the convention was applicable to the United States.[63] The CRC approached this by arguing that the CPPCG did not require the crime to be done by a country that ratified the Convention for it to be punished and that furthermore, the Charter of the United Nation was enough for there to a be a crime of genocide, which the U.S. was and is a signatory of. The CRC main argument for the latter was that Article 55 of the Charter of the United Nation required "universal respect for, and observance of, human rights and fundamental freedom for all, without distinction as to race, sex, language, or religion." Combined this with Article 56 of the same charter that "All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55" meant that members of the charter arguably had a responsibility to require other nations and themselves to follow Article 55.[64] Since any intelligible definition of genocide was clearly against Article 55, it would follow that a violation of CPPCG was not strictly necessary to prosecute genocide. Nevertheless, the significance of prosecuting the United

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[62] https://treaties.un.org/doc/Publication/UNTS/Volume%2078/volume-78-I-1021-English.pdf.
[63] Steven V. Roberts *Reagan Signs Bill Ratifying U.N. Genocide Pact* November 5, 1988. http://www.nytimes.com/1988/11/05/opinion/reagan-signs-bill-ratifying-un-genocide-pact.html
[64] Quoted in Civil Rights Congress, *We Charge Genocide*, 34.

States under the CPPCG was that it would make the United States specifically charged with the crime of genocide, rather than the more general Article 55, and thereby increasing the publicity factor of the petition, as well as underlie the moral necessity of action to combat racism.

The United States' crime of genocide under the CPPCG was straightforward. Article II defined that "genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group."[65] The key to the accusation was "in part." The CRC argument revolved around that clause. Since there was a concentrated effort to lynch Blacks and the United States did not interfere, or even enabled, local White repression of Blacks; biased racial housing, share cropping, segregation leading to poor quality of life, and so on, it was guilty of destroying, in part, the racial group known as Blacks. Enforcement was specified under Article VIII:

> Any Contracting Party may call upon the competent organs of the United Nations to take action under the charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III.[66]

The CRC then requested that the "representatives of the governments of France, Poland, Czechoslovakia, the U.S.S.R., the Ukranian S.S.R., and Byelo-Russian S.S.R" in specific and all other representatives in general enforced the convention under Article VIII.[67] Once the argument was completed, came the evidence. The evidence was an itemized list of known crimes against Blacks. The petition points this out and even argues, "this widespread failure to record crimes against the Negro people is in

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[65] Quoted in Civil Rights Congress, *We Charge Genocide*, V.
[66] Quoted in Civil Rights Congress, *We Charge Genocide*, 52.
[67] Civil Rights Congress, *We Charge Genocide*, 52.

itself an index to genocide."[68] The evidence was also considerably restricted chronologically; it went from 1945 to 1951.

The petitioners were chosen carefully, some famous and others not, but all had significance. W.E.B. Du Bois had the honor of having supported all three petitions towards the UN. There was Paul Robeson, Charlotta Bass, George Crocket Jr., Kennedy Stetson, and Decca Treuhaft.[69] Curiously, Vito Marcantonio was absent in the list. As a former representative of Congress and close ally of Patterson, his inclusion on the list would have been quite significant; perhaps he had objections towards the petition. The list had several leaders of the various branches of the Civil Rights Congress. An interesting component of the list was that there was a considerable amount of petitioners who were directly affected by the system of White superiority that were not conventional activists. They were: Rosalee McGee, wife of Willie McGee who was lynched; Amy and Doris Mallard, wife and daughter respectively of Robert Mallard who was lynched; four of the Trenton Six victims as well as a sister of one of the Trenton Six; Wesley Robert Wells who was on death row; Geneva Rushin, daughter of imprisoned Rosa Lee Ingram; Josephine Grayson, wife of one of Martinsville Seven; and Jerry Newson, accused of murdering two people.[70] This was a remarkable aspect of the CRC. They were able to convert single criminal cases into a continuous thorn against racial oppression. With enough time and influence, it might have been possible to publically subsume individuals of racial crime into a crusade against racial discrimination.

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[68] Civil Rights Congress, *We Charge Genocide*, 57.
[69] See Chapter 2 and Chapter 3 for elaboration on individuals.
[70] In the sources that I have seen, Rosalee is also referred to as Rosa Lee or Rosalie. I am using the version of the name located in the petition.

The petition was a surprising success for the Civil Rights Congress but it also revealed the underlying weakness of the organization. In their plan for the petition, the Congress also wanted to deliver the petition to every American. In order to accomplish this they put the petition into a book and started selling it. The first printing was a success. In December 4, 1951 Shifra Meyers, a CRC branch leader, asked the national office to double her order for the petition for her office.[71] By December 10, Angie Dickerson, an officer at the national office, was sending letters to branch members telling them that the supply for the first printing had been exhausted and that they were waiting for the second printing.[72]

The distribution system for the book was this: the branch chapters had to request and buy a certain number of books from the national office. The national office would then send the books to the branches, whereupon the branch could sell the books. This system was reminiscent of the membership funding in which the national office subsists from the contributions of the branch office. Unfortunately, the necessity for funds led to the Civil Rights Congress undercutting the success of the petition. In November 1951, the Congress was selling the book to the branches at the price of 90¢ with a suggested selling price for the branches at $1.50.[73] This would be a profit of 60¢ for the branch office. By February of 1952, the branch office could buy the book in bulk for 50¢ with a suggested selling price of $1.00.[74] In the

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[71] Shifra Meyers to Mrs. Dickerson, Dec. 4, 1951. Box 9, Folder 15. Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[72] Dickerson to Friend, Dec. 10, 1951. Box 10, Folder 15. Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[73] Marguerite Robinson to Angie Dickerson, Nov. 27, 1951. Box 9, Folder 15.
[74] Emile Freed to V. Davilla, Feb. 27, 1952. Box 9, Folder 15. Emile Freed to Aubrey Grossman, Feb. 25, 1952. Box 9, Folder 15. Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

transition from the first printing to the second printing, the national office was begging the branch offices to take order in a "pre-paid basis if possible" so that they could "guarantee the necessary supply of this document."[75] They needed the money immediately because the book printer required the national office to pay upfront for the printing of the book and the Civil Rights Congress had "no cash with which bank this operation."[76] The lowering of the price presumably would have increased the demand for the book which meant more money and more printing. At the same time this decreased CRC profit margins for each individual book that was sold, potentially losing money in the long-term. They did this because they desperately needed the money, but even then it was not enough. The CRC had to cancel a 2,000 book order because they "simply haven't got the money" to print more books.[77] Practically, this meant that the CRC's money difficulties had a direct effect on the spread of the CRC's message as they had to cut down on publication.

Unfortunately, the CRC's message was also an affront to the legitimacy of the United States. The issue of Black racial discrimination was at best a national matter; there were even some people that argued that it mattered for states only and that no outsider should interfere. Even people sympathetic to civil rights were uncomfortable about the petition. Eleanor Roosevelt, the Chairman of the Commission on Human Rights and an NAACP member was reportedly "deeply annoyed" of having to deal with the petition in the UN and she was one of the more

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[75] Dickerson to Friend. Dec. 10, 1951. Box 9, Folder 15. Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[76] Aubrey Grossman to Margie Robinson. Dec. 18, 1951. Box. 9, Folder 15. Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[77] Emil Freed to Aubrey Grossman. Feb 25. 1952. Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

outspoken defenders of Black civil rights.[78] Obviously being guilty of genocide was no simple crime. To admit the validity of the accusation was to admit of the possibility that the United States was responsible for one of the vilest acts possible to be committed by a nation.

Thankfully for the United States there was a simple technique to avoid having to deal with this scandal: connect it to communism. This was actually rather straightforward. In the petitioner list there were several open communists, and even more suspected communists: Patterson, of course, was known as a communist and educated in the Soviet Union; Benjamin J. Davis Jr. was one of the chief leaders of the Communist Party of the United States; Arnold Johnson was the National Legislative Director of the Communist Party; and Claudia Jones an outspoken Black communist. When Patterson got to Paris, France, he relied on Jacques Duclos, the Secretary General of the French Communist Party and the French Communist Party for both advice and material help. The petition specifically named only communist countries, except for France. When, as a result of the petition, the U.S. stripped Patterson of his passport, he fled to communist Hungary.[79] The *New York Times*, in its rather short section on the event, even featured an op-ed by Dr. Lemkin, one of the chief architects of the Convention on the Prevention and Punishment of the Crime of Genocide, arguing that the "accusations were a maneuver to divert attention from the crimes of genocide committed against Estonians, Latvians,

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[78] Patterson, *The Man Who Cried Genocide*, 188-190.
[79] Patterson, *The Man Who Cried Genocide* 185-186, 201.

Lithuanians, Poles and other Soviet-subjugated peoples."[80] All of this effort amounted to the petition being dismissed in the U.S. as simply another communist ploy to undermine the United States. Nevertheless, this petition undercut the United States' prestige in the international arena and risked Blacks rallying around this petition or a later CRC project in this issue. Fortunately for the United States, by 1952, all the tools needed to take down the CRC were in place.

[80] Special to THE NEW YORK TIMES. "U.S. ACCUSED IN U.N. OF NEGRO GENOCIDE." *New York Times (1923-Current File)*, Dec 18, 1951. http://search.proquest.com/docview/111937380?accountid=14522.

Part 2

How the Civil Rights Congress was Dissolved by the United States Government

Chapter 5: Threading the Legislative Needle

The United States basis for the suppression of the Civil Rights Congress was not because they were mustache-twirling villains but because they saw a credible threat that the Congress posed. The Civil Rights Congress was situated in the Cold War context that encouraged the government to see them as incredibly dangerous even if in hindsight the Congress actions does not seem especially threatening. Nevertheless, the activities of the Civil Rights Congress could directly undercut the moral basis of American superiority vis-à-vis the Soviets. To understand why the United States legal apparatus directly targeted the Civil Rights Congress one has to understand what the Civil Rights Congress could potentially represent.

The Civil Rights Congress heavily criticized several fundamental issues of the United States social fabric at the time. The Congress wanted to desegregate the United States at a time in which one could still easily find supporters of segregation, especially in the South such as Senator Theodore G. Bilbo. It fought for the rights of the union, which did not appeal to the business. It enthusiastically defended the political rights of the communists. In the period after World War II, this was simply consorting with the enemy. The more mainstream liberal organizations at least had the decency to grit their teeth when defending the communists. Even organizations that might have at some other time supported left radicals, the NAACP and labor unions, were following the public opinion and passing directives outlawing communist participations in the aforementioned organizations. However, the CRC's stated organizational goal was not that which made them hated.

The Civil Rights Congress existed when the Cold War started and as with so many other entities, the Cold War warped whatever it touched, whether it was foreign relations or domestic living. After World War II, the erstwhile alliance between the Soviet Union and the capitalist countries veered into cold hostility. The majority of Americans saw the CPUSA not as an independent entity but as an agent of the international communist conspiracy. It was believed, and it did not help that some communists proposed a version of exporting the revolution from the Soviet Union, that there was a global attempt by agents and organizations to turn normal nation-states into communist states under the directive of the communist leadership in the Soviet Union.[81] Therefore, the Communist Party of the United States was seen as stooges of the Soviet Union since they were publicly advocating for communism. In fact, one of the great criticisms of the Communist Party of the United States cited the Communist Party takeover of democratic Czechoslovakia in 1948 as a precursor of the Communist Party takeover in the United States. This, of course, assumed that the Communist Parties of the various nations were all interchangeable because they were all under the direction of Moscow. This guilt by association rationale would go on to affect the Congress. The role that the Civil Rights Congress was supposed to play in the assumed communist conspiracy was twofold. Firstly, radicalize Black youth and labor and turn them into revolutionary soldiers. Secondly, connect with law-abiding organizations and then slowly subvert them into becoming communist, a process that was often called "boring from within."

The radicalization of Black people could be seen as analogous to the doctrine of the communist vanguard, that a cadre of ideologically intelligent people will lead the

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[81] The Third Communist International was a common boogieman because of its support for world communism.

communist revolution. As Record, an anti-communist writer, wrote, "[Communists] proposed to direct much of their energy toward development of the oppressed Negroes into a revolutionary force."[82] The CRC's purpose, according to these anti-communists, was to attract politically uninterested Black youth and Black labor with the promise of supporting and fighting for their rights. Once inside the organization they would slowly be radicalized into proper communists, or so the conspiracy theory went.

The second potential danger of the Civil Rights Congress that intellectuals perceived was that it would subvert legitimate organizations. The basic idea behind this tactic was that "party members or fellow travelers join local units of the NAACP... secure control of the local branch, and then employ it as an instrument for forcing 'reactionary' leaders of the national organizations from positions of authority."[83] In this tactic, the CRC would serve as a kind of supersized member and would ally with organizations such as the NAACP and labor unions and then slowly use their influence to subvert these reputable organizations into becoming communist organizations.

To compound this potential danger, certain high-ranked individuals within the government had concrete proof of widespread Soviet espionage. Historians John Haynes and Harvey Klehr chronicled that in 1939 the U.S. National Security Agency decided to crack the Soviet Union cables from their embassy to see whether the Soviet Union was trying to make its own independent peace with Germany during World War II. This project was called the Venona and the cracked cables became known as the Venona cables. In 1946 they finally broke the encryption in the cables, a bit too late to achieve their original goal, but they did find that there was an extensive Soviet intelligence program in the United

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[82] Record, *The Negro and the Communist Party*, 15.
[83] Record, *The Negro and the Communist Party* 263.

States. This intelligence program revealed that several United States citizens, some with government jobs, had given information to the Soviet Union. The decoding and identification of the spies occurred from 1948 to mid-1950 and it positively identified Julius Rosenberg as a spy among others, which led to his prosecution. However, of the "349 Americans the deciphered Venona cables revealed as having covert ties to Soviet intelligence agencies, less than half could be identified by their real names and nearly two hundred remained hidden behind cover names."[84] This situation created a conundrum on the upper echelon of the government, as this was even kept confidential from President Truman for some time. They could reveal the decoding and allow the spies time to react or keep it secret and hunt for the soviet agents. The government officials chose the latter.[85] This meant that nearly everyone in the United States was not aware of the evidence by which the FBI was targeting communists and this does include the courts as well. Furthermore, it led to a kind of paranoia in the upper FBI ranks that the unidentified spies were still active in the government or still in action and which led them to support loyalty oaths on the basis that the Government was infested with communist spies.

While the FBI could not reveal their rationale they could always signal their fear of communist infiltration. In the late 1940s, Supervisor J. Bach of Los Angeles County told a newspaper that "we have been told by the FBI there are at least 6000 known and avowed communist in the State of California. We have also been warned by the FBI and by our military leaders that there is a considerable danger from sabotage in any area such as Los

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[84] John Earl Haynes, and Harvey Klehr, *Venona: Decoding Soviet Espionage in America*. (Yale University Press, 2000), 9-14.
[85] Ibid., 9-14.

Angeles County."[86] Under this advisement, it would seem very wise to restrain the communists. Especially when the Korean War was in full operation and Los Angeles was an important harbor for ships and supplies. The possibility of sabotage harming the war effort in Korea could not be tolerated.

While the great majority of the United States' populace was unaware of this secret communication they also assumed that the communists were guilty. Take for example Harry Bridges, a famous Californian labor activist who publicly denied that he was a communist. Nevertheless there was a two-decade attempt to deport him. This hit its crescendo in June 13, 1940 when the House of Representative's by a vote of 330 to 42, approved a bill that found Harry Bridges to be a person "whose presence in the country the Congress deems harmful," and should be deported.[87] This was clearly a bill of attainder, a piece of legislation that specifically targets a person or group of people for punishment without a trial. Although the Senate refused to pass the bill one if its defenders argued that this bill was fine because Bridges was a "symbol of the fifth column."[88] In other words, Bridges was a hidden member of a group of traitors that hid their true allegiance; basically that Harry Bridges was a communist in spite of all his denials. This case showed how the American people were hostile against suspected communists without having any knowledge of the Venona cables.

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[86] *Daily News:* Anti-Red Ordinance Author Explains" N.D., Box 10 Folder 12. Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[87] "House Passes Bill to Deport Harry Bridges." *New York Times (1923-Current File)*, Jun 14, 1940. http://search.proquest.com/docview/105414474?accountid=14522.
[88] Ibid.

This loathing of communists permeated from the federal level all the way down to the local level.[89] In 1950 Los Angeles County, Council President Harold Henry pushed an ordinance that required all communists in the county to register with the police department. He was quoted as saying that "we should know who our enemies are in this country. It is because we have Communists right here in our midst that a lot of good American kids are dying over in Korea."[90] This speaks to a prevalent fear that the communists were such a malignant entity that even a communist janitor could influence the events in Korea in a negative manner. This ordinance was later found to be unconstitutional in 1950 by the Appellate Department of the Superior Court because it violated the Fifth Amendment, as registration would be tantamount to self-incrimination under the Criminal Syndicalism Act.[91] Another councilman, Ed Davenport, proposed that "the proper authorities" have the communists interred like the Japanese because they were "a part of a conspiracy to overthrow our government by force and violence."[92]

This dislike of suspected communists was evident not just among the ruling class but also among the less politically active class. In 1948, in one of the many loyalty drives in California, Los Angeles Mayor Fletcher Bowron was quoted in the *Daily News* as saying that "if anybody isn't patriotic American enough to sign the loyalty oath he ought to take himself behind a barn," insinuating suicide, and the crowd near him reacted by applauding him and

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[89]This period is sometimes called the Second Red Scare. The First Red Scare in the 1920's was led by attorney general A. Mitchell Palmer and his Palmer raids had governmental support.
[90] Herald Express: *Protests Brings New Demand For Ordinance Against Reds*, July 19, 1950, Box 11, Folder 3, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[91] LA Times: *Red Registration Held Illegal* Box 11, Folder 3, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[92] Herald Express: *Protests Brings New Demand For Ordinance Against Reds*, July 19, 1950. Box 11, Folder 3, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

insulting union members that were there to protest the mayor.[93] This rather vicious remark that the unpatriotic American should kill himself and the crowd cheering for him reveals that this fear of communism was not just restricted to the ruling elite but permeated across the American culture.

One of the more pernicious issues in the communist hunt was how to identify them. While it seems simple to identify communists, this was something with which legislators had constant issues. There was the simple method of identification, which would be any member of the Communist Party was a communist. However, if the Communist Party were to change its name or go underground, this simple method of identification would become useless. Then there was also the view that considered the Civil Rights Congress to be communist, but this method of identification was flawed since the CRC did not declare themselves to be communist. The solution to this problem was to maintain that any organization that either follows the Communist party line or the communists controlled, openly or covertly, was a communist front. Once declared a communist front, the organization could be treated as a political communist organization with all of the stigma and restrictions that go with being legally designated a communist front.

This system worked only insofar as the Attorney General used discretion to decide what a communist front was. There were constant issues due to fact that the criterion for designating a communist front could easily lead to what was clearly a preposterous result. For example, in March of 1954, Joseph McCarthy, right before the end of his political career declared that the Democratic Party was a communist front, accusing the Democrats of treason. Among the 20 points for his accusation included: (1) that the Democratic

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[93] Daily News, *Seek to Halt Loyalty Pledge,* December 16, 1948, Box 14, Folder 9, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

candidate for president Stevenson was responsible for bringing a communist back to Russia, (2) that he gave members of the "communist conspiracy" access to radio in military vessels during World War, (3) that the Democrats abandoned Korea, (4) that Democrats chose communist Tito over Mihailovich in Yugoslavia, (5) that Democrats gave a 90 million dollar loan to Communist Poland over the anti-communists, and (6) that Democrats did not support the Chinese nationalists over the communists.[94] Defining a communist front as any organization which follows the Soviet "party line" was problematic as it could easily lad to the label being affixed for organizations that were clearly not related to the Communists.

Another important issue that bedeviled the United States' legal apparatus in regards to punishing Communists was that the punishment often conflicted with the constitutional prohibition on restraining free speech. After all, communism was generally regarded as an ideological stance, and it was hard to convince the United States courts to single out communism as being worthy of constraining constitutional rights. For example, in 1940 and 1941 the state of California amended the Elections code to state:

> Notwithstanding any other provisions of this code, no party shall be recognized or qualified to participate in any primary election which uses or adopts as any part of its party designation the word 'communist' or any derivative of the word 'communist.'[95]

This did not, strictly speaking, make communism a crime; it just prevented any party that contained the word "communist" from participating in the democratic system of the United States, notice that this code makes communism incredibly vague. Apparently being a communist was simply a matter of self-declaration and this self-declaration was cause

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[94] Daily News: Joe tells Democrat: 'It's Treason.' March 20, 1954. Box 11, Folder 8, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[95] Elections Code, section 2540.3 cited in Communist Party v. Peek , 20 Cal.2d 536, http://scocal.stanford.edu/opinion/communist-party-v-peek-25661.

enough to be outlawed. This reflected the deep problem in the anti-communist crusade. The proponents of anti-communism strongly believed that the communists were subversive and that the Communist Party supported violence and the overthrowing of the US government. However, they faced major problems when it came to translating that into policy as the courts kept ruling against them since they did not have a credible method for identifying communists or justifying these restrictions of citizen's civil rights.

The aforementioned California Electoral Code also prevented parties "directly or indirectly affiliated, by any means whatsoever, with the Communist Party of the United States..." from participating in the primary. If the CRC had existed in this period, it would have most likely been included in this category.[96] Here, again, though there was a problem of vagueness, what does mean it for a party to be "indirectly affiliated" with the Communist party? How that was distinct from "direct affiliation"? The charge of indirect affiliation seems to assume that groups who acted in concert because of shared ideological beliefs were one and the same but it was rather hard to criminalize this kind of relation, as there was often no formal link between the Communist Party and groups that think like the Communist party. Of course, to simply criminalize shared thought was untenable in the United States due to the First Amendment in the Constitution. That being said, it also revealed the dislike of any group that shared communist sympathies even though they did not explicitly describe themselves as communist. For there was a fear that the communists were deceitful and willing to use trickery, such as supporting outwardly non-communist organizations that still supported the communist cause.

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[96] Elections Code, section 2540.4- 2540.5, ibid.

The Communist Party of the US sought the repeal of the California Electoral Code and in 1942 ultimately brought *Communist Party v. Peek*. The Supreme Court ruled in favor of the CPUSA, criticizing the vagueness of the communist label writing, that "the name adopted by a political party was frequently without any value in ascertaining the political beliefs of its adherents, and if the beliefs were pernicious, they would remain so despite a change in the name of the party."[97] To the accusations that the Communist Party was violent and advocated the overthrow of the government, the court stated that insofar as the court was considering this the "plaintiffs vigorously assert that the Communist Party does not advocate force and violence, but [*State v. Reeve* has] definitely demonstrated that the fact here alleged to exist is not the subject of judicial notice."[98] This meant that the Supreme Court of California could not take the belief that the Communist Party was violent as a given for the court at that time. In a subsequent case, Dennis et al vs. United States in 1949, the Supreme Court of the United States in contrast would find that the Communist Party was subversive because the case focused on CPUSA's advocating of force. In 1942; however, their danger to the government was tangential to the case and had yet to be proven, and as such the court could not consider their advocating of force as fact. The court also addressed another argument against the Communist Party along this line in which the Californian legislature found the party to be violent. The court also rejected this finding on the basis of it being a kind of bill of attainder since the legislature "is without power to determine that a particular person or group has advocated the doctrine which violates the policy laid down

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[97] *Communist Party v. Peek* , 20 Cal.2d 536, http://scocal.stanford.edu/opinion/communist-party-v-peek-25661

[98] Ibid. The full citation for the case is *State v. Reeves*, 5 Wn. (2d) 637 [106 P.2d 729, 130 A.L.R. 1465

in the statue," if there was such legislation it "would clearly be unconstitutional."[99]On the other hand, the court did find that the legislature did have the power to prescribe tests for the ability to participate in the primary, if they were found to be a clear danger to the United States Government, whether it be to the state or federal government.[100] Since the CPUSA, at this point, was not considered subversive the CRC was legally safe from attack as it would be very strange to find the CRC to be subversive without finding CPUSA subversive.

Since neither judicial nor legislative bodies could unilaterally restrain Communism, the United States government at first had to rely solely on executive power. Therefore, Truman in March 22, 1947 signed Executive Order 9835. The Executive Order compelled federal agencies to investigate themselves in order to make certain that only apparently loyal Americans staffed the agencies. Importantly, Part V of the order states that grounds to deny employment or removal from employment was:

> Membership in, affiliation with or sympathetic association with any foreign or domestic organization, association, movement, group or combination of persons, designated by the Attorney General as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.[101]

Unlike the California Electoral Code statute, the relationship issue was somewhat avoided.

While sympathetic association was still incredibly vague there was now a criterion for what sympathetic association was. The Attorney General was now empowered with deciding what sympathetic association was which essentially put the decision one level

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[99] Ibid.
[100] Ibid.
[101] Executive Order 9835 from http://www.trumanlibrary.org/executiveorders/index.php?pid=502, last accessed March 13, 2016.

further. Nevertheless, unlike the legislature, the executive branch does have the power to unilaterally prevent communists from having employment in federal office. The usage of the Attorney General to avoid thorny constitutional issues however, had limited application. It would not permit a more widespread assault on communists across the country, as while he could influence governmental employment, the Attorney General could not penalize the organizations themselves, as that would be an overreach of the executive order. Even if the executive order had gone further and outlined penalties for the institution, it would probably have been found to be unconstitutional on the basis that it exceeded its authority.

The next form of attack taken against communists and their alleged supporters were several copycat loyalty oaths at the state and local level, modeled after the executive order. One of these was Jack Tenney was a California state Senator and chairman of the Fact-Finding Committee on Un-American Activities, a California state version of the Committee of Un-American Activities.[102] He pushed a bevy of bills through the California state legislature, which required all state agencies to require loyalty oaths, the most famous being the University of California loyalty oaths. They were collectively called "Tenney Bills" after him. His loyalty oaths required people to write down whether they were members of certain potentially subversive organizations, the Civil Rights Congress included.[103] The list of subversive organizations included about 150 organizations, all situated on the left. The KKK, for example, was not listed, in stark contrast to the federal government's definition of subversive organizations designation. This assault on these leftist organizations provoked

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[102] West, Richard. 1970. "Ex-State Sen. Jack B. Tenney, Foe of Communism, Dies at 72." *Los Angeles Times (1923-Current File)*, Nov 06, 2-a3. http://search.proquest.com/docview/156563913?accountid=14522.
[103] LA County Subversive Organization, Box 14, Folder 1, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

some of them to join together to fight against the Tenney designation of them as being subversive. Indeed, as noted earlier in the paper, the collaborative effort to combat the Tenney Bills caused Mobilization for Democracy, to merge with the Los Angeles Civil Rights Congress division.

The LA Civil Rights Congress and the Mobilization for Democracy along with other groups on the list in 1948 brought a case against the changes to the California Supreme Court. The court ruled against the plaintiffs, stating that the loyalty oath was "a fact finding inquiry" which the state was legally allowed to do and did not impose a penalty for answering that one was a member of the aforementioned organization, or for refusing to answer. This distinguished it from the prior case that had been filed in 1942 where the court found that these new statutes in the Electoral Code *Communist Party vs. Peek* which was "predetermination by legislature," and carried a penalty for the organization being identified. Judge Frank G. Swain in his ruling; emphasized strongly that he wanted to make it very clear in his ruling that "not by any stretch of imagination am I holding that membership in any of the organization named in the affidavit, without proof that member advocates the overthrow of the government by force, was ground for discharge."[104] Of course, if there were a penalty related to the identification there would be a risk of over determination, which was to be avoided.

In effect this meant that in issuing penalties to communists and supposed sympathizers their communism could not be cited the as cause of penalty. In California, Norman Duxbury, a 67-year old caretaker at Cormel's Forest Theater who had signed the loyalty oath, declared that he was a communist and that he did not believe or advocate the

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[104] No. 534117 *Julia Learned Steiner v. Raymond V. Darby et al.* Box 14, Folder 1, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

overthrow of the government. He was instead fired for "incompetence, not because of his political beliefs."[105] Since he was not fired as a result of the loyalty oath, he had no injury to bring before the court.

The tipping point for the legal assault on communists and their sympathizers was the passing of the Internal Security Act of 1950. This was a rather complicated piece of legislation, which acknowledged that it was difficult to suppress communists in a way acceptable for the courts. The Congressional committee Protection Against Un-American Activities committee had been trying to promote a bill that would make it easier to investigate and restrain what they considered subversive groups. The Internal Security Act of 1950 was the bill they settled on after considering several different bills on this question. Due to the questionable constitutionality of the bill, the Protection Against Un-American Activities had to give a report on the Act to show to Congress and the public that the Act was constitutional. In their final report, they wrote that "Communism as an economic, social, and political theory is one thing. Communism as a secret conspiracy dedicated to subverting the interests of the United States to that of a foreign dictatorship is another." The Act itself states that:

> There exists a world Communist movement which, in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a world-wide Communist organization.[106]

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[105]"Cal. Commie 'Overjoyed' as He's Fired," *Daily News*, Box 11, Folder 3, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

[106] Protection of the United States Against Un-American and Subversive Activities: Report N. 1358, 81stt Congress, 2nd Session: S. 2311 81st Congress 2nd Session. March 21, 1950. Box 11, Folder 8, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

Here they were not outlawing the communist ideology itself, as it would clearly violate the First Amendment. Rather they were outlawing the clear and present danger to the United States that communism supposedly posed. What was also notable for the CRC was that the Act also targeted any "communist front Organization which was "(a) under the control of a communist political organization, or (b) is primarily operated for the purposes of giving aid and support to a Communist political organization, a Communist foreign government, or the world Communist movement." It defined a communist political organization as an organization that was either controlled by the world communist movement or advances the world Communist movement.[107] This improved on previous attempts at legislation because it was quite clear what it meant to be a communist front organization and did not rely on vague mentions of "indirect" or "sympathetic" support of the Communist Party. In practice, nevertheless, it still relied on the discretion of the Attorney General to decide what organizations were deemed to be subversive.

In 1951, the government was finally able to achieve their goal of showing that the CPUSA was a clear and present danger to the U.S. government. In a 7-2 decision in the Supreme Court case of *Dennis et al vs. U.S.*, the court found that the leadership of the CPUSA was trying to overthrow the government as speedily as possible. The majority opinion agreed with the dominant discourse that Congress was not outlawing the idea of communism, but outlawing the Communist advocating and plotting of the overthrow of the US government. Part of the danger

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[107] Ibid.

posed by the Communist Party was "the inflammable nature of world conditions, similar uprising in other countries, and the touch-and-go nature of our relations with countries with whom petitioners were at least ideologically attuned."[108] This rhetoric was a continuation of communist front implication. The CRC was a front for the CPUSA which in turn was a front for the USSR, the rivals of the US and clear danger to national security.

In Supreme Court Justice Robert Jackson's concurrence, he advanced a similar view of constitutional protections reminiscent of Patterson. Holding Czechoslovakia as precedent, Jackson writes:

> The [Czechoslovakia] Communist Party, during its preparatory state, claimed and received protection for its freedom of speech, press, and assembly. Pretending to but another political party, it eventually was conceded participation in government... A virtually bloodless abdication by the elected government admitted the Communists to power, whereupon they instituted a reign of oppression and terror, and ruthlessly denied to all others the freedoms which had sheltered their conspiracy.[109]

In effect, Jackson proposed that the communist parties vulgarized the constitution and the rights enshrined there. Since the alleged eventual goal for communists was the elimination of the constitution, they cannot be allowed constitutional protection. This reasoning follows the same line of argumentation as the one employed by CRC Patterson himself for banning the KKK. Since the KKK wanted to lynch Blacks, they were not deserving of First Amendment protection. Since the CPUSA seemingly wanted to establish a communist dictatorship in the U.S., they were not deserving of protection. There was a difference in that the attack on the

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[108] *Dennis et al v. United States* 341 U.S. 494.
[109] *Dennis et al v. United States* 341 U.S. 494.

CPUSA was also an attack by way of association. For Jackson, the actions of the Czechoslovakia Communist Party incriminated the CPUSA.

The two dissents found the Dennis decision unconstitutional but had radically different basis for their dissent. The first, by Justice Hugo Black, rejected that the actions of the CPUSA were criminal. He recognized that "public opinion being what it now is, few will protest the conviction" but hoped that "in calmer times" the court would "return the First Amendment liberties to the high preferred place where they belong in a free society."[110] He was the only judge to reject that the communists were subversive.

Justice William Douglas's dissent was very interesting because he accepted that the communists were subversive but nevertheless advanced the opinion that the convictions were unconstitutional because the communists were an insignificant force in political society, and as such were not a clear and present danger. Importantly, the CPUSA were an insignificant force because of the importance of the First Amendment. Douglas stated that restriction on the First Amendment "must be based on more than fear." That there was nothing to fear from communism can be seen from the fact that "communists in this country never made a respectable or serious showing in any election. I would doubt that there is a village, let alone a city or county or state, which the Communists could carry... Free speech has destroyed it as an effective political party." Insightfully, he also stated that the court "might as well say that the speech of petitioners is outlawed because

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[110] *Dennis et al v. United States* 341 U.S. 494.

Soviet Russia and her Red Army are a threat to world peace."[111] This was a considerably accurate description for the rationale to suppress the communists.

This court case was very significant for the CRC because of their connection to the CPUSA. If the CPUSA had not been found to be subversive, then no amount of connection to the CRC would be problematic from a legal standpoint because there would be no rationale for restricting their behavior. Now that the leadership of the CPUSA and basic communist practice was found to be subversive, restrictions could be placed upon it. Furthermore, the connections between the CRC and the CPUSA could now be used to restrict the CRC, since the CRC was now involved with a subversive organization, making them subversive.

The culmination of the United States' fear of communism was the Communist Control Act of 1954. The purpose of the act was to "to outlaw the Communist Party" and like the Internal Security Act of 1950, it included a section on the communist front. It decreed that the Communist Party and communist organizations "were not entitled to any of the rights, privileges, which have heretofore been granted to said party or any subsidiary organization by reason of the laws of the United States or any political subdivision thereof," and "are hereby terminated." This Act also prevented them from running in elections, reminiscent of the California Electoral Code amendments. It also struck at the communist raison d'ètre by preventing their employment in "any labor organizations" and to represent "any employer in any matter or proceeding."[112] When Eisenhower signed this Act into law he stated "we have made great progress in the past year and a half

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[111] *Dennis et al v. United States* 341 U.S. 494.
[112] Communist Control Act of 1954. http://tucnak.fsv.cuni.cz/~calda/Documents/1950s/Communist_54.html

in prosecuting the leadership of the Communist conspiracy. I am proud that in this battle against the subversive elements in this country we have been able to preserve the rights of the accused in accordance with our traditions and the Bill of Rights." [113]This act was very rarely used. This was in part, because of the vagueness of what it meant to prohibit the rights, privileges, and immunities of the CPUSA and communist organizations.[114] In 1973, this Act as well as an identical Act by Arizona was declared unconstitutional.[115]

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[113] Dwight D. Eisenhower: "Statement by the President Upon Signing the Communist Control Act of 1954.," August 24, 1954. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project.* http://www.presidency.ucsb.edu/ws/?pid=9998.

[114] *Communist Party, USA v. Catherwood*, 367 US 389 - Supreme Court 1961

[115] *Blawis v. Bolin*, 358 F. Supp. 349 - Dist. Court, D. Arizona 1973

Chapter 6: Unweaving the Civil Rights Congress

In 1957, the Civil Rights Congress would be formally designated as a communist front organization under the Internal Security Act of 1950. Yet by the time it was legally designated as a communist front, the Civil Rights Congress had itself dissolved. It dissolved in large part due to the relentless assault on the CRC by the United States government. They were stripped of tax-exempt status in 1948 and relentlessly hounded for their financial records starting from 1950. The struggle to protect the CRC financial records put Patterson in jail and caused their bail fund to be forcibly taken over by the government and liquidated. From 1947 onwards, the CRC had to function under the constant stigma of being referred to and assumed to be a communist front. When it was clear to everyone that the CRC would be designated a communist front by 1955 after a hearing in SACB under the Internal Security Act of 1950, the members of the CRC dissolved the CRC in the first month of 1956 rather than having to bear that shameful legal designation. Nevertheless, it was still found to be a communist front organization by SACB a year later.

The dissolution of the CRC did not stop the Subversive Activities Control Board (SACB) from terming the Civil Rights Congress a communist front because the CRC had "failed factually to establish its dissolution, and in any event, that under the proper application of the [Internal Security] Act dissolution of the respondent would not divest the board of jurisdiction."[116] The SACB, which

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[116] Subversive Activities Control Board, Docket No. 106-53, Report and Order, July 26, 1957 cited in *Guide to Subversive Organizations and Publications (and Appendixes)*, December 1, 1961(Committee on Un-American Activities: Washington D.C.) 44.

designated organizations as communist fronts, claimed that since the CPUSA assigned "functionaries and members as officers of or to work in CRC to insure that the respondent would continue to operate in accordance with the party program," and since the CRC defended the CPUSA, the CRC were under the control of a communist political organization. Since they were under control of a communist political organization they were a communist front. The CRC also, "pursuant to Party strategy, recruited persons to join the CRC, for eventual recruitment into the Party."[117] This recalls the fear that the purpose of the Civil Rights Congress was to radicalize people. Since the Civil Rights Congress was formally designated a communist front, the non-existent Congress now had to follow the onerous requirements of the Internal Security Act of 1950. This act, however; only affected to its legal designation. It was already believed by a substantial amount of the public that the CRC was a communist front organization; the only the difference now was that it had been proven to legal satisfaction.

This was not to mean that SACB was irrelevant to the CRC's demise, quite the opposite. A large part of the CRC's efforts in their twilight years was exactly to prevent the CRC designation as a communist front organization by SACB. Right before their dissolution, the CRC was in a tense situation with the SACB as they were petitioning the Attorney General Herbert Brownwell Jr. to prevent the CRC designation. Nevertheless by that point, whether the CRC was actually designated as a communist front organization was rather irrelevant. Most people were under the belief that it was a communist front or feared that they would be designated as

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[117] Subversive Activities Control Board, Docket No. 106-53, 45.

such even without a legal finding from a committee with legal and lethal consequences and the people acted accordingly. People had been besmirching the Congress by calling them communists and putting them under increasing legislative surveillance already for years.

One of the earliest attempts to designate the CRC as a communist front was in December 5, 1947, when the Justice Department referred to it as subversive along with the KKK.[118] The direct consequence of this was that it now was subject to Truman's executive order 9835, which barred federal employment to subversive individuals. This made it difficult for individuals to be both involved in the government and supporting the Civil Rights Congress. Still, Attorney General Tom Clark was cited in the *New York Times* as saying that "It is entirely possible that many persons belonging to such organizations may be loyal to the United States."[119] In addition, this would cost CRC its tax-exempt status. On January 2, 1948, Senator Ball declared that the U.S. was subsidizing communist front organizations such as the Civil Rights Congress by allowing them to maintain tax-exempt status.[120] A week later, the Internal Revenue Service stripped the Civil Rights Congress of their tax-exempt status, citing their subversive nature.[121] This made the financial burden on the Congress that much larger and left them with a stigma that they could never shake.

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[118] "Reds and Klan in List of Groups Held Subversive." *Los Angeles Times (1923-Current File)*, Dec 05, 1947. http://search.proquest.com/docview/165777370?accountid=14522.
[119] "Reds and Klan in List of Groups Held Subversive." *Los Angeles Times (1923-Current File)*, Dec 05, 1947. http://search.proquest.com/docview/165777370?accountid=14522.
[120] "Sen. Ball Claims U.S. Subsidizing Red Front Status" *Daily News*, Jan 29, 1948. Box 13, Folder 38, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.
[121] "'Subversive' Test for Tax Board" *Daily News*, February 5, 1948m Box 13, Folder 38, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

This fear affected the Civil Rights Congress in its recruiting efforts. Ernestine Adams, a CRC member in the LA chapter, wrote in a 1952 report that he found a sympathetic 64 year-old Christian Scientist woman. However, she would not join the CRC because the CRC was "called a communist front organization" in the press. He further lamented that his school teacher acquaintances had cut contact with him, because if any correspondence could be found "linking them to a 'communist front' organization, they'd all lose their jobs.[122] This fear, which was well founded, was based in the belief that being arguably related to someone who was arguably related to the Communist was enough to get them fired. Even though membership in the Civil Rights Congress was not yet formally criminalized, it nevertheless got stigmatized as subversive and lost potential supporters. This was because there was a distinction between the real reason one was fired and the reason that was publicly given for the firing. At the very least the discovery of this connection would be enough to put the employee under increased scrutiny.

Governmental attacks to the CRC did not restrain themselves to directly accusing and investigating the CRC of being under communist control. The United States had considerable success attacking the structure of the CRC without having to address their communist nature directly. The advantages of this line of attack is that the government did not have to worry about the civil rights of the members of the CRC and had much more immediate results than the multi-year endeavor to designate the CRC as a communist-front.

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[122] Ernestine Adams letter to Civil Right Congress. February 24, 1952. Box 16, Folder 22, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

In 1950, Patterson was called before the House Select Committee on Lobbying Activities to help determine whether certain actions of the Civil Rights Congress could be construed as lobbying and if so, that they be registered under the Federal Regulation of Lobbying Act of 1946.[123] The interlocutors quizzed Patterson on the Civil Rights Congress's positions:

> The Chairman [Henderson Lanham]. Have you taken a position as an organization for or against fair employment practices?
> Mr. Patterson. Generally; yes.
> The Chairman. Have you taken a position for or against the Taft-Hartley Act?
> Mr. Patterson. Of course.

This kind of questioning was continued for various issues such as the Korean War, racial housing, loyalty oaths, and the embryonic Internal Security Act in Congress at the time. When asked by an interlocutor on what basis the Civil Rights Congress was not a lobbying organization, Patterson responded that he "regard those bodies and organizations as lobbyists who have their main aim and purpose lobbying."[124] In this case, the purpose of this questioning was to show that the CRC held positions on legislation and sought to influence the legislation, making the Congress into lobbyists and having them fall under the requirements of lobbyists. Later, this listing of positions would come back to haunt the Civil Rights Congress when they became subject to communist front investigation, as the Justice Department would use the precise similarities of the CRC's and the CPUSA's position to buttress their assertion that the CRC was under the control of CPUSA.

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[123] This bill required lobbyists to inform legislators of their affiliation and to register in Congress who is paying the lobbyist. The objective of this was most likely to get the CRC list of contributors.
[124] *Part Nine of Hearings before the House Select Committee on Lobbying Activities*, 1950, Part 1, Reel 29, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

On the second day of the hearing, a curious incident happened. After giving the names of officials in the CRC, Patterson refused to give the name of the CRC's contributors to the committee. Then suddenly the hearing became chaotic when the interlocutors asked Patterson why he had not provided a list of contributors:

> Mr. Fitzgerald: And you refuse to furnish any list of contributors?
> Mr. Patterson. I do. If I am defending my civil rights, as I think I am right now, it's a question of defending [the contributors] civil rights—
> Mr. Lanham. Let's not get into that. We are not interested in that. Now answer the question.
> Mr. Patterson. I am interested in it.
> Mr. Lanham. We are not.
> Mr. Patterson. I was fighting for the life of a Negro in Georgia, nine of whom were lynched. Georgia State trial to lynch [sic] the Scottsboro boys when I was—
> Mr. Lanham. That statement is absolutely false. The State of Georgia has never tried to lynch any Negro.[125]

The hearing then quickly devolved into a quarrel about whether the State of Georgia actually did lynch Blacks and the hearing was adjourned right after. Unfortunately, Mr. Henderson Lanham's interruption prevented Patterson from explaining why he brought the Scottsboro boys into the conversation when the subject was whether Patterson should relinquish the contributor's list. Especially since the Scottsboro case was in Alabama and not Georgia, Lanham's state. In light of Patterson's and CRC's future actions in hearings, an inference can be drawn: this was an attack on the legitimacy of the chairman. Lanham was the democratic representative of Georgia and Patterson's choice of victims was no accident. If Patterson kept going he would most likely have drawn the conclusion that since the South supports the oppression of the Black, that Lanham has no standing to judge Patterson and the CRC that he represents. This was supported in that during the heated

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[125] *Part Nine of Hearings before the House Select Committee on Lobbying Activities*, 1950, Part 1, Reel 29. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

argument Patterson states "The State of Georgia is a State where the black man has no rights comparing to—" whereupon Lanham interrupts him but Patterson was clearly going to say White man.[126]

Patterson clearly annoyed the members of the committee. Before the hearing ended, when asked whether, under Patterson's criteria General Motors, which spends most of the time in manufacturing cars, should be considered a lobbying organization, Patterson responded consistent with their moralistic stance that there was "a very considerable difference between us and which seeks to influence legislation and an organization which is based upon profit making."[127] To the representatives, this distinction must have seemed akin to a semantic game, in that by recasting one's motive one can change one's responsibility to register under the lobbying act. Then there was also the aforementioned refusal to provide contributors to the committee and the dispute between Patterson and Lanham. Right before the end of the hearing, another representative on the committee voiced, "[Fitzgerald] thinks that the witness is in contempt of this committee for refusing to answer that question [whether Patterson has a list of contributors in his office], and certain others."[128] He was quickly put on trial for contempt for refusing to provide the list of contributors.

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[126] *Part Nine of Hearings before the House Select Committee on Lobbying Activities*, 1950, Part 1, Reel 29. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[127] Any person representing General Motors was obligated to register. *Part Nine of Hearings before the House Select Committee on Lobbying Activities*, 1950, Part 1, Reel 29, Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[128] *Part Nine of Hearings before the House Select Committee on Lobbying Activities*, 1950, Part 1, Reel 29. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

Patterson's testimony before the Select Committee on Lobbying Activities also revealed CRC's financial weakness. Under inquiry whether the Congress was busing in people out of state to protest in Washington D.C., Patterson insisted that they paid out of their own pocket.[129] The committee was suspicious of Patterson's assertion and the answer probably nurtured the conviction that the CRC was a dubious entity. Furthermore, while this does not reveal major financial problems, it does indicate that CRC was financially a very lean organization in 1950.

The ensuing contempt trial revolved around an occurrence that was not written down by the stenographer. In the dispute between Lanham and Patterson, Lanham was allegedly heard saying some variation of "a black son of a bitch."[130] Patterson's argument in court was that, if not for Lanham's provocation, Patterson would have complied with the subpoena to present the list of contributors to the committee. Patterson also tried to present Stetson Kennedy as a witness that would show that the state of Georgia, which Lanham was the senator of, was intentionally suppressing Black turnout, in a maneuver reminiscent of Patterson's Scottsboro mention to undermine the legitimacy of Lanham.[131] The court was hung supposedly because there were three Black jurors, a fact noticed and repeated by the CRC.[132] The U.S. government appealed and in 1953, it lost the case in Court

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[129] *Part Nine of Hearings before the House Select Committee on Lobbying Activities*, 1950, Part 1, Reel 29. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[130] *United States v. William Patterson* Court Transcript, 1951 Part 1, Reel 30. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[131] *United States v. William Patterson* "Offer of Proof on Fourteenth Amendment Point" Part 1, reel 30. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[132] *United States v. William Patterson* Court Transcript, 1951 Part 1, Reel 30. Civil Rights Congress, "Justice Department Appeals Patterson Activities" April 11, 1952 Part 1, Reel 25. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

of Appeals in a unanimous decision because "the subpoena exceeded the authority delegated by the House to the Lobby Investigating Committee."[133]

Patterson would; however, get indicted in November of 1954 on a similar subpoena for CRC's financial records and ensuing contempt charge by the Internal Revenue Service for Patterson's refusal to provide the records, Patterson's defense in this instance that he did not have possession of the records anymore.[134] The result of this was that the CRC primary spokesperson, a nationally recognizable figure, was stuck in jail for about two months. Then in January 27, 1955, the United States Court of Appeals for the Second Circuit reversed this decision. The rationale for this judgment was that the decision violated Patterson's Fifth Amendment rights. If he had produced or directed the government towards the book he would have destroyed his own defense and would have been guilty of obstruction of justice, for not having provided the books earlier. Furthermore, the judge raised the possibility of an overzealous CRC member getting rid of the records because of all the government attention, and that therefore the government did not show that Patterson had possession of the books beyond a reasonable doubt. In fact, the government just asserted that Patterson had access to the documents, even while he was in prison awaiting trial.[135] While not getting the results that the government wanted, the contempt charges still harmed Patterson and the CRC. Not only did Patterson now have the aura of

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[133] "APPEAL LOST BY U. S.: Dismissal of Contempt Charge Against Patterson Upheld," *New York Times*, April 24, 1953.

[134] *United States v. William Patterson*. November 22, 1954. Part 1 Reel 30. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[135] United States Court of Appeals For the Second Circuit Docket No 23389, Part 1 Reel 29. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

being a criminal, the CRC now gave the impression of being an incompetent organization as they were incapable of producing their financial records.

In 1951, the government hobbled the Civil Rights Congress's financial support by attacking the unincorporated Civil Rights Congress Bail Fund. Legally, it was not associated with the Civil Rights Congress, but as the name bluntly states, it was the Civil Rights Congress bail fund. Originally created in 1946 as the Strike Bail Fund of the Civil Rights Congress of New York to aid striking workers, it quickly transformed into a national bail fund.[136] It was actually quite successful at raising money. When the top communist leaders were convicted for seeking to overthrow the government in 1949, the aforementioned Dennis et al vs. United States, the Civil Rights Congress was able to raise the $260,000 needed to pay the bail to free them.[137] This would set up a course of events that would ultimately lead to the liquidation of the Civil Rights Congress Bail Fund.

During the Dennis trial, four of the eleven people indicted refused to appear in court.[138] As a result, the Civil Rights Congress Bail Fund forfeited the $80,000 bail and led the New York Attorney General, Nathaniel L. Goldstein, to file a complaint against the Bail Fund and have it fall under governmental control.[139] In May of 1952, Goldstein was able to

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[136] Complaint Against Civil Rights Congress Bail Fund, 1951, Part 1 Reel 1. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[137] Complaint Against Civil Rights Congress Bail Fund, 1951, Part 1 Reel 1. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library. RUSSELL PORTER. "COMMUNISTS FREED IN BAIL OF $260,000 TO PRESS APPEALS." *New York Times (1923-Current File)*, Nov 04, 1949. http://search.proquest.com/docview/105919644?accountid=14522.

[138] These were Henry Winston, Gilbert Green, Gus Hall, and Robert G. Thompson.

[139] P. K. (1952, Apr 15). Red bail jumpers wreck fund; state takes over to liquidate it. *New York Times (1923-Current File)* Retrieved from http://search.proquest.com/docview/112526791?accountid=14522.

seize the Civil Rights Congress Bail Fund and moved to liquidate the $717,000 assets of the organization.[140]

Goldstein's was able to liquidate the Civil Rights Congress Bail Fund was incredibly damaging to the CRC efforts as an organization. One of the objectives of Goldstein was to acquire the names of the contributors to the Bail Fund. Though the Trustees of the Bail Fund were all jailed for contempt for refusing to turn over the records, Goldstein was ultimately able to obtain the financial records, whereupon he turned them over to the FBI.[141] Any observer wanting to provide funds to the Civil Rights Congress was now in a serious predicament. Not only was there an active effort to designate the Civil Rights Congress was a subversive organization, it was now clear that the FBI and governmental organizations could get the contributors names even without the cooperation of the Civil Rights Congress.

Another serious issue was that between July, 1951 and May, 1952, the bail in other court cases in which the Civil Rights Congress Bail Fund had contributed for were canceled, for the court's confidence in the organization as a lawful entity became non-existent. In one case, fifteen communists were sent to jail after the $176,000 bail bond was revoked due to its connection to the Civil Rights Congress Bail Fund. When one of the trustees of the bail fund sought to pay the bail individually, he was refused due to his connection to the CRC Bail Fund.[142] This was an attempt to marginalize the financial power of the CRC and the people constituting the CRC.

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[140] "Reds' Bail Fund Frozen by Court." *New York Times (1923-Current File)*, May 06, 1952. http://search.proquest.com/docview/112474405?accountid=14522.

[141] "Reds' Bail Fund Will Go Back to Donors, Who Will be Disclosed Only to the F. B. I." *New York Times (1923-Current File)*, Jul 01, 1952. http://search.proquest.com/docview/112254599?accountid=14522.

[142] Russel Porter, "Court Cancels Bail of 15 Accused Reds, Puts Them in Jail." *New York Times (1923-Current File)*, Jul 12, 1951. http://search.proquest.com/docview/112191451?accountid=14522.

Finally, in 1955, continuing with the financial assault, the U.S. Congress, in conjunction with the State of New York, directed the Joint Legislative Committee on Charitable and Philanthropic Organizations to review the Civil Rights Congress's financial records.[143] In this investigation, the Committee was able to get a very important figure to undercut the legitimacy of the Civil Right Congress. A. John Rogge, the Civil Rights Congress' attorney for the Trenton Six, testified that while the CRC had raised $300,000 for the Trenton Six it only used $6,000 of this sum for legal costs.[144] Of course, Rogge testimony here was likely provoked by the fact that in 1950, the Congress allegedly refused to pay Rogge for his involvement in the Christofell case, which must have certainly led to resentment in Rogge.[145] As a result of his testimony, the committee requested documents from the CRC regarding this missing money. However, by the time this request reached the CRC it had dissolved. The committee leader Bernard Thompkin would later allegedly claim the responsibility for the dissolving of the CRC since he believed that his request of sworn statements from the CRC was too much.[146] His claim here was likely overstated since the leadership of the CRC had repeatedly shown how they were willing to go to jail rather than follow distasteful legal orders and the CRC kept on functioning. What this does reveal was a deep animosity that prejudiced the CRC's standing against governmental bodies. Thompkin was seeking to destroy the CRC just as much as he was seeking the truth.

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[143]In conjunction with New York state because the CRC national office was in NY. Charles Grutzner. "Only $6,000 of $300,000 Raised Went to 'Trenton 6,' Rogge Says." New York Times (1923-Current File), Feb 24, 1955. http://search.proquest.com/docview/113219241?accountid=14522

[144] "Only $6,000 of $300,000 Raised Went to 'Trenton 6,' Rogge Says." New York Times (1923-Current File), Feb 24, 1955. http://search.proquest.com/docview/113219241?accountid=14522

[145] In-depth examination of this altercation was done in an earlier section.

[146] Charles Grutzner. "Only $6,000 of $300,000 Raised Went to 'Trenton 6,' Rogge Says." New York Times (1923-Current File), Feb 24, 1955. http://search.proquest.com/docview/113219241?accountid=14522

In fact, the government loved to use people connected to the CRC to ostracize the CRC. One of their most favored witnesses was Leonard H. Goldsmith, who had been the national director of the CRC from 1948 to 1949. Goldsmith allegedly left the CRC because of what he believed was the CP domination of the CRC.[147] Like Rogge, his former high position in the CRC meant that his statements to have considerable impact in the courts and in hearings.

Sometimes, the government effort to persuade or even pay people to inform on the CRC had disastrous results. Harvey and Rosanne Truitt of the Pennsylvania CRC had been jailed for a labor dispute in 1953. When the court decision was suspended, they agreed to spy on the CRC for the FBI because they still had to pay their court fees and there was still a threat of jail hanging over their heads.[148] The case of Harvey Matusow; however, shows the serious risks associated with this kind of strategy. In 1950, Matusow in an affidavit would repudiate his eyewitness testimony against the CRC for basically being embellished lies. His lies included the sensational story of a communist "plot to interfere with the Korean War by calling copper strikes," and stating that the Asociación Nacional México-Americana was under communist control, when he was just making things up.[149] This use of informants only intensified the hostile relations between the CRC and the government. Both for financial reasons and due to peer pressure, informants had reason to embellish their

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[147] States United, States United, and Rights Congress (U.S.) Civil, Herbert Brownell, Jr., Attorney General of the United States, Petitioner, v. Civil Rights Congress, Respondent. Posey T. Kime ... [et Al.] for Petitioner; Ralph E. Powe ... and Rhoda Laks for Respondent. Report and Order of the Board, Docket No. 106-53 ([Washington, 1957), ii.

[148] CRC Exposes Sordid Enforcement of F.B.I. Informers, October 10, 1955, Part 1 Reel 7. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

[149] Matusow affidavit 1950, Part 1 Reel 7. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

stories on the CRC and make them into an enemy. The government was liable to believe the informants over the allegedly communist CRC, especially when the informants were confirming the government's fear. The members of the CRC likely felt personally wronged when they learned that their comrades had turned or were always traitors under the government's direction. This, also, only fed the CRC's belief that the government was becoming a police state.

The most effective line of attack against the Civil Rights Congress was the governmental attempt to designate the CRC as a communist front, thereby making the CRC subject to heavy restrictions under the Internal Security Act of 1950. In 1954 the Attorney General sent a petition to SACB asking the board to require the CRC to register with the Attorney General as a communist front organization under the Internal Securities Act of 1950. The petition relied on four points to designate the CRC as a purely communist outlet. The first point was that the high-ranking personnel of the CRC and that of the Communist Party of the United States were indistinguishable. The second point was that the CRC received financial and organizational succor from the CPUSA. The third point was that the CRC supported the objectives of the CPUSA. The fourth point was that the CRC had not differed in position from the CPUSA, listing 24 specific instances of agreement between the CRC and the CPUSA.[150] The purpose of this petition was to show that the CRC was substantially controlled by a communist political organization and that it provided support

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[150] SACB, Petition by the Attorney General, undated. Part 1 Reel 19. Papers of the Civil Rights Congress, Archives and Rare Books Division, Schomburg Center for Research in Black Culture, The New York Public Library.

to the CPUSA, a communist political organization, thereby fulfilling the Internal Securities Act of 1950 criteria for being a designated communist front organization.[151]

If the Civil Rights Congress had not contested this designation, they would have been obliged to comply with certain requirements imposed on as a communist front organization. Any member of the CRC would henceforth have been subject to the following restrictions: they would have to declare their affiliation if running for election, they could not "hold any nonselective office or employment under the United States," they could not be employed in any defense facility, they could not request or use a passport if they had one. In turn, any member of the United States or a defense facility could not help, financially or otherwise, the CRC.[152] They also would have to fulfill certain obligations. If they failed to register within 30 days of being designated a communist front organization, to send annual records to the Attorney General or to have kept proper records, the organization as a whole could be fined up to $10,000. Any individual with the responsibility to do the afore-mentioned actions and failed to do so would be fined up to $10,000 or go to jail for up to 5 years.[153] The CRC's records that the Attorney General was asking for were the holy grail of investigators, as they would contain the name and addresses of each individual in the Civil Rights Congress as well as detailed financial records. The government could then investigate these individuals for links towards other communists. These, in effect, were the

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[151] Protection of the United States Against Un-American and Subversive Activities: Report N. 1358, 81stt Congress, 2nd Session: S. 2311 81st Congress 2nd Session. March 21, 1950. Box 11, Folder 8, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

[152] Protection of the United States Against Un-American and Subversive Activities: Report N. 1358, 81stt Congress, 2nd Session: S. 2311 81st Congress 2nd Session. March 21, 1950. Box 11, Folder 8, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

[153] Earlier version of law in Congress, made the penalty for not registering occur every day. Protection of the United States Against Un-American and Subversive Activities: Report N. 1358, 81stt Congress, 2nd Session: S. 2311 81st Congress 2nd Session. March 21, 1950. Box 11, Folder 8, Register of the Civil Rights Congress, Los Angeles, Late 1940's -1950's, Southern California Library.

same names that Patterson had gone to jail for refusing to provide. The ideology of the CRC was such that the CRC could never acquiesce to the law. Furthermore, it was doubtful that any organization could survive under the restrictions of the Internal Securities Act of 1950. If they could, they would be so hobbled as to be ineffective, and this was certainly the point of the law. The Civil Rights Congress had to respond negatively to the Attorney General assertion of the CRC as a communist front.

However, by 1954 the Civil Rights Congress had become moribund. Interstingly, Patterson's autobiography *The Man Who Cried Genocide*, in his chapter about the CRC, his recollection stops around 1951. He does not recount in any depth his contempt trials and never mentions that the CRC had dissolved by the time he wrote his autobiography.[154] This was reflective of the CRC's inability to achieve anything of importance after 1951. In 1952 the CRC could mention the Genocide petition and still accrue some interest. Yet by 1954, the most noteworthy thing about the CRC was their legal troubles. In November 1955, the SACB was about to declare the CRC a communist front, accepting the Attorney General's reasoning and with support from party documents and former members of the CRC. In response the CRC for all intents and purposes dissolved on January 6, 1956 rather than following the onerous obligations of the Internal Securities Act of 1950.[155] It took some time, but the Internal Securities Act was able to destroy the Civil Rights Congress.

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[154] He mentioned that four of Trenton Six got out by 1995, but does not mention that by that point they relinquished the defense to the NAACP. William L. Patterson, *The Man Who Cried Genocide: An Autobiography*, (New York International Publishers) 1971, 156-168.

[155] States United, States United, and Rights Congress (U.S.) Civil, Herbert Brownell, Jr., Attorney General of the United States, Petitioner, v. Civil Rights Congress, Respondent. Posey T. Kime ... [et Al.] for Petitioner; Ralph E. Powe ... and Rhoda Laks for Respondent. Report and Order of the Board, Docket No. 106-53 ([Washington, 1957).

Nevertheless, this was not the end of story. Two attorneys in the CRC made a motion in 1956 to dismiss the CRC's case as a communist front in light of the CRC's dissolution. Their argument was that since the CRC was no longer in existence it cannot be forced to comply with the Internal Securities Act of 1950. The SACB rejected this argument on the following basis. According to the SACB's interpretation of the CRC's constitution, only the National Board had the authority to dissolve the Congress. Patterson's affidavit, in contrast, however, showed that the Resident Advisory Board was now responsible for CRC's dissolution, since the National Board had become defunct. The SACB rejected this argument.[156] That's the SACB technical reasoning for rejecting the claim that the CRC had already dissolved. The SACB also pointed out that, according to their reasoning, the International Labor Defense, the CRC's predecessor, was more or less reconstructed in the CRC, and that the members of the CRC might try to repeat that feat. As such there remained the dangerous possibility for the government that CRC could continue to work under a new name.[157]

The practical result of this decision was that it eliminated the possibility for the members of the CRC to agitate for civil rights in a collective manner after 1957. Firstly, any union or civil rights group would reject their aid due to being considered communist and these organizations were purposely ostracizing communists. Secondly, even if they did create a new organization from scratch, there would be enough old members of the CRC

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[156] Patterson also argued that the National Board had been disbanded and been replaced by the resident board with corresponding dissolving powers, to no avail. States United, States United, and Rights Congress (U.S.) Civil, Herbert Brownell, Jr., Attorney General of the United States, Petitioner, v. Civil Rights Congress, Respondent. Posey T. Kime ... [et Al.] for Petitioner; Ralph E. Powe ... and Rhoda Laks for Respondent. Report and Order of the Board, Docket No. 106-53 ([Washington, 1957).

[157] States United, States United, and Rights Congress (U.S.) Civil, Herbert Brownell, Jr., Attorney General of the United States, Petitioner, v. Civil Rights Congress, Respondent. Posey T. Kime ... [et Al.] for Petitioner; Ralph E. Powe ... and Rhoda Laks for Respondent. Report and Order of the Board, Docket No. 106-53 ([Washington, 1957).

that the SACB could easily categorize them as a communist front since the new organization would have enough members from a communist organization that it could be termed communist-controlled, especially since the SACB now had precedent on their side. Any political activity of a CRC member now had to be done individually. This was a great victory for the government because there is power in organization. It allows for unconventional news to spread without relying on newspapers. It allows for people to pool their money and manpower together. It gives people a place to belong. It informs and educates people. In an organization, the whole is greater than its part, and the government was able to uproot the organization and rend a whole group of people impotent.

Furthermore, the United States government did not forget what they learned. Directly attacking the CRC as communist was long and exhaustive as they could defend themselves by citing the constitution. By attacking necessary parts of CRC, their leaders, finances, and reputation, the government could suppress them without having to deal with court interference. A similar tactic would be used with later apparently dangerous organization. When the Black Panther Party became prominent in the 1970's, similar tactics were used against the organization to suppress and eliminate it. The Black Panther Party's leader were jailed, laws were passed in order to restrain them without directly naming them, continuous litigation and investigation to besmirch them in public opinion and drain energy, and heavy FBI surveillance led to their dissolution. In both cases, the government was able to avoid having to deal with difficult constitutional rights while at the same time achieving the effect of restraining them.

Chapter 7: Conclusion

The Civil Rights Congress never fought another case after being dissolved. The experiment of trying to unify the disparate labor, racial, and political causes was too much for the Civil Rights Congress. Not only was the government extremely against agitation that could be in any way tied to the communist cause, but the Cold War environment caused the Congress to have too little money. Even a well-funded organization would have had a hard time fighting against the government, but the Civil Rights Congress had no reliable funding now with which to weather the storm of governmental surveillance.

In fact, these two factors seemed to feed off each other. Governmental attacks led to anemic revenue and anemic revenue led to weaknesses, which the government pounced on without remorse. A. John Rogge testified in Congress in part because he was not paid. He was not paid because the Civil Rights Congress did not have the funds for it because it was seen as a communist front and very few people wanted to be associated with alleged communist fronts. Both the unions and the NAACP closed their doors to the CRC and actively purged themselves of any communist influence, including the CRC.

The CRC; however, could not have purged themselves of their communist influence without losing their own importance and organizing principle. Patterson, the face of the CRC, would have had to disentangle himself from the CRC as he was a Soviet trained former communist. To negate the communist sympathy in the organization would have been to abandon one of the three planks of their coalition and negate their own moral principle of moral urgency for they would have compromised with the government. Even if they did

this, they would still then have to seek aid from people that would still think of them as being stained by the communists. Importantly, it would also have meant a psychological surrender to the CRC's worst fears. They were convinced that all the legislation and governmental suppression was a prelude to a repressive police state, if not evidence for it. To surrender would mean that they enabled the state to become dictatorial.

With hindsight, it is clear that even though the suppression of CRC was successful, it did not stop civil rights agitation nor did the United States become an unabashed police state. This was because the Civil Rights Congress did not understand the international and domestic situation of the United States. The United States was split in how to approach the race issue in a way that cut across party lines as well as afraid of the foreign relation issues that race brought up. In 1957, when the Democratic Governor of Arkansas Faubus ordered Little Rock's High School to close their doors to nine Blacks students, the Republican President Eisenhower had to call in the federal guard to force the High School to admit the students. He did so in part because of the international embarrassment that a governor could overrule the federal action of *Brown v. Board,* but also out of fear that the communist faction would use United States racial discrimination as a cudgel against the first world.[158] Yet, Eisenhower's support of civil rights was dependent to the international situation. As long as there was a boogieman that could exploit racial animosity, racial prejudice had to be suppressed. One of the NAACP's most famous allies was the former first lady Eleanor Roosevelt, who tirelessly agitated for the civil rights of Blacks regardless of the international situation. However, she was not an elected figure in the United States.

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[158] Dudziak, *Cold War Civil Rights,* 115-128.

This advancement of Civil Rights by internationalism that the CRC had encouraged by propagating United States cases across the world had its limits. As Dudziak argued, the Cold War limited civil rights to "formal equality" and once the Cold War propaganda war on race was won by the United States, there was no more political reason for the US government to advance racial equality.[159]Furthermore, neither the CRC or the communists had a monopoly in the Civil Rights movement. There were also Black non-communists advancing the cause of civil rights that did not reveal communist sympathies, if they had them.

Though purged of radical influences, the NAACP still had civil rights as their primary overriding goal. They continuously fought court cases to defend Black people. Noted anti-communist Black labor leader A. Philip Randolph would help organize a March on Washington for Jobs and Freedom along with Martin Luther King Jr. for one of the most dramatic protest for Black civil rights. Martin Luther Jr. was directly supported by the Southern Christian Leadership Council, which had its basis in religion and not communism. The youth also organized themselves in the Student Non-Violent Coordinating Committee and sought to use non-violent protest to push for racial change.

Nevertheless, the ultimate failure of these efforts to achieve racial equality allowed for the echoes of the Civil Rights Congress to be heard again. In 1970, William Patterson was on the Continuations Committee of the Black Panthers and attended the March meeting of the Emergency Conference to Defend the Right of the Black Panther to Exist.[160] There was a certain appropriateness that Patterson advised the Black Panthers. For the

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159 Dudziak, *Cold War Civil Rights*, 249-255

160 Gerald Horne, *Communist Front? The Civil Rights Congress, 1946-1956*, (Rutherford New Jersey: Fairleigh Dickinson University Press, 1988), 358.

governmental tactics to suppress the Black Panthers were similar to the techniques used to suppress the Civil Rights Congress. Around this time, the *We Charge Genocide* book got a third edition with a preface by the noted Black activist and singer Ossie Davis as well as and a foreword by William Patterson. In the foreword he rejected the cultural argument of Black deprivation that Black inequality was due to Black culture. While noting that it was "politically infantile" to assume that appealing to the UN would lead to the US ending racial discrimination, it could still "mobilize worldwide action against genocide."[161]

Historians have also recognized the legacy of the CRC with its ideological heirs and inclusion of the CRC's tactics into more mainstream organization. Erik S. McDuffe *Sojourning for Freedom: Black Women, American Communism, and the Making of Black Left Feminism* (2011) traced the ideological heritage of modern day Black left feminism through the CRC. One of the CRC's sister organization was the Sojourners for Truth and Justice and there was considerable membership overlap between the two organizations. As such McDuffe showed that Louise Patterson's effort to free the Black feminist Angela Davis was reminiscent of the CRC campaigns to free Rosa Lee Ingram and Willie McGee.[162] Taking a similar stance, Rod Bush, in his work, *We Are Not What We Seem: Black Nationalism, and Class Struggle in the American Century,* while tacitly accepting that the CRC was a communist front, argued that the March on Washington and similar later mass movements have their roots in the activities of the CPUSA's and CRC's emphasis on mass movement.[163]

Similarly, Martha Biondi, in her work, *To Stand and Fight: The Struggle for Civil Rights in*

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[161] William L. Patterson, *The Man Who Cried Genocide: An Autobiography*, (New York: International Publishers, 1971), x.

[162] Erik S McDuffe, *Sojourning for Freedom: Black Women, American Communism, and the Making of Black Left Feminism* (Durham NC: Duke University Press, 2011), 193-199.

[163] Rod Bush, *We Are Not What We Seem: Black Nationalism and Class Struggle in the American Century* (New York: New York University Press, 1999), 129-137,139.

Postwar New York City showed that the late 1940 to early 1950 radical leftists of the CRC among others "foreshadowed the internationalist outlook of radical activists like Malcom X, Angela Davis, Huey P. Newton, Kathleen Cleaver, James Forman and Amiri Baraka."[164]

However, there is more to the CRC than its ideological heritage. Their struggle against the US government is informative of the US government behavior on suppressing groups without infringing on the Constitution. In which the government tries to push the lines of what is acceptable without flagrantly violating the constitutional limits that restrains the government. Without having to resort to openly unsavory tactics, the US government was nonetheless able to indirectly suppress the constitutional rights of the members of the CRC without directly eliminating their constitutional rights. In fact, when the government tried to directly eliminate the constitutional rights of communist in the Communist Control Act of 1954 it was rarely used and was found to be clearly unconstitutional once the Cold War fervor had passed. The indirect attempts to undermine the CRC clearly worked and did serve as a kind of guide map to future hostile, if legal organizations such as the Black Panther Party.

In the end, the conflict between the Civil Rights Congress and the government reveals that animosity can be a powerful force between an organization and the government. The CRC saw the government as at best enabling a host of injustices toward the people and at worst being the cause of those injustices. The United States government saw the CRC as a deceitful attempt to covertly introduce communism to the masses. The government viewed communism as a malignant force that would wreck United States

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[164] Martha Biondi, *To Stand and Fight the Struggle for Civil Rights in Postwar New York City*. (Cambridge, Mass.: Harvard University Press, 2003), 274.

society. That they came into conflict was in a sense inevitable especially as the Civil Rights Congress became a matter of national importance.

That the Civil Rights Congress had to dissolve was due to the persistence of the government to hound the CRC. The government kept investigating and when one investigation stalled, another one was started. They put the CRC's leaders in jail when they could. They sought to avoid court opprobrium by carefully legislating their way around the first amendment. The government did not give up and just kept on coming. That it took a continuous six year effort to demolish the CRC speaks both to the resiliency of the U.S. constitutional system as well as its weakness for allowing the government to undermine the first amendment by continuous litigation.

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