"A Road to Peace and Freedom"

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At the end of 1947, the IWO was struck by a thunderbolt. Attorney General Clark released a list of organizations that the federal government labeled subversive. Ostensibly, the Attorney General’s List of Subversive Organizations was to be used solely to determine the loyalty of federal government employees; however, members of enumerated organizations, even those not employed in government service, were soon targeted by other agencies such as the INS and Internal Revenue Service (IRS) and faced punitive action by private employers, landlords, and municipal governments. Mechanisms for disciplining and punishing those deemed subversive were hydra-headed—an open-ended, self-perpetuating campaign of harassment and intimidation developed in which each official sanction was used to justify another punitive measure. By March 1948 the Attorney General’s List expanded to include 196 organizations, including the IWO and all “its subdivisions, subsidiaries and affiliates” such as the Polonia Society, SWS, and Douglass-Lincoln Society of black members. For the IWO this marked the beginning of a seven-year-long, state-sanctioned execution.¹

The branding of the IWO as subversive, which came with no explanation or evidence as to how such a determination had been made, seems to have genuinely come as a shock to its officers. Kent, Shipka, and Milgrom penned a joint letter to all members, declaring “the Attorney-General committed an act that might well be considered a new Pearl Harbor against the civil rights of the American people.” The officers said, “Without hearing or warning, the Attorney-General, Tom Clark, took it upon himself to question the loyalty of our Order,” and they reassured members that legal steps were being taken to lift the designation. Saying the “insult against our organization cannot go
by unchallenged,” the officers called on the “dear members” who “know best through your daily activities the loyalty and devotion you and your organization have displayed in the service of our country” to defend the Order and thereby preserve “the democratic way of life and freedom of association, secure from ‘police-state’ interference.” They urged every lodge to adopt a resolution denouncing the list and to send copies to Clark as well as congressmen and senators; lodges were also asked to enlist members who were veterans to publicly declare their opposition to this violation of the freedoms for which they had fought. The tenor of these minutes, as well as the letter quickly answering Clark’s subversive designation, suggests that leaders of the IWO were genuinely outraged to find themselves the recipients of stigmatization.2

Local units took up the leadership’s challenge. The FBI noted that the Order’s “Reaction to Subversive Listing” included articles in the Polonia Society’s newspaper denouncing “the despotic and scandalous declaration by the Attorney General.” Romanul American, organ of the Romanian Section, echoed the national leadership’s denunciation of Clark’s “Pearl Harbor against the liberties of the American people.” Romanian Section president George Vocila reassured the Romanians that the IWO had secured an injunction to block implementation of the list and was “determined to take legal action against any newspaper which in any illegal way may write something detrimental to our organization or its members.” Vocila declared that Clark’s list “means to borrow a page from the Nazi and Fascist book.” In June 1948 the Poles’ Glos Ludowy called IWO members to attend “Protection of American Liberties” rallies in ten cities. Ethnic societies were instructed by Secretary Milgrom to write to “trade union leaders, professionals, scientists” and other ethnic elite to solicit support for the IWO’s defense. One such leader, Congressman Marcantonio, was in an advantageous position to make his displeasure known. This IWO vice president read into the Congressional Record a denunciation of the attorney general’s action, which “denies every element of democratic procedure and fair play.” “The IWO has proven its loyalty with deeds,” he declared.3

Less well-placed members agreed. A nineteen-year postal employee from Brooklyn who was a member of the JPFO wanted to know what the IWO was doing to fight the subversive designation, as the government’s loyalty investigations would target her, especially as she had held numerous offices in her lodge. She wrote the IWO’s national office that she could not imperil her post office pension but nevertheless wanted to remain loyal to the IWO and needed to know “does the national IWO plan to fight this attack upon itself? I am not the only one looking for an answer to this question,” noting “members in our lodge have already dropped out because of the scare.”4

In smaller communities tensions between those determined to fight against Clark and “the Fascist regime of the Un-American Committee” and
those fearing for their safety and livelihood was even greater. An Italian secretary from New Kensington, Pennsylvania, wrote the Garibaldi Society’s national secretary, “What with this hunt of the ‘reds,’ I had another half dozen members who refused to pay because they were afraid.” The writer added, “Let us hope that 1948 will be the year of World Progressivism. Only then will we have Peace, Liberty and Work.” Vito Magli replied that the dedication of members such as the secretary guaranteed that “Clark will not easily get away with it. Our members are honest people who have seen us and know well who we are, and how near to our heart their interests are.”

For every member cowed into silence, another stepped up to condemn the list. In February 1948 one JPFO lodge sent a blistering letter to Clark promising his distortion of facts and “violation of the constitutional rights of all free peoples . . . shall not go unanswered.” Reciting the racial and ethnic egalitarianism of the IWO, as well as its war-service record, the petitioners said, “We do not expect medals for our deeds, these things were done, because we are, and shall always be in the midst of the fight, to preserve our Democratic Ideals, which you have seen fit to abuse.” The petitioners urged Clark to live up to the ideals of Lincoln, Jefferson, and Roosevelt, the Constitution and Bill of Rights, and become a good American. The language of un-Americanism was flipped against Clark by unrepentant JPFO members, who demanded a “public apology.”

For such avid defenders of the IWO, the national office published speaker’s guides explaining “Loyalty Order Violates Constitution.” Members were reminded “The IWO Battles for Tomorrow” by teaching its Junior Branch children the principles of American democracy and training them to emulate Lincoln, Jefferson, and Douglass. “Who can question the loyalty of leaders who teach the children these things?” the Junior Branch guide asked. It was suggested lodges add “Democracy Hours” to their programs in which children could study the principles of the Constitution and Bill of Rights. Along these lines, in December 1947 the IWO issued a press release celebrating Bill of Rights Day, pointedly noting that regarding the Subversive Organizations List, historian Henry Steele Commager had commented, “What do men know of loyalty who make a mockery of the Declaration of Independence and the Bill of Rights?”

IWO activities in the wake of the Order’s branding as subversive suggest a heartfelt sense of aggrieved surprise and indignation that their type of progressive Americanism could be called into question. Responses to the subversive listing indicate that by 1947 many members were convinced they had won a place in the American mainstream, which they believed was capacious enough to contain racially egalitarian progressives.

Perhaps the renewal of red-hunting season should not have come as such a shock. As noted, many of the campaigns of the IWO were scrupulously recorded by FBI agents turning the state’s panopticon on them. The Order
was the subject of official anti-Communist scrutiny well before Clark compiled his list, surveillance of which many IWO officers were warily cognizant. Indeed, while by late 1947 many officers and grassroots members believed they were legitimate and accepted components of a progressive American social order, if they had reflected on earlier episodes they might have recalled that their organization had often been the subject of hostile government interrogation. Only a few years earlier speakers had warned of the despotism capitalist legislatures and courts frequently levied against a people’s fraternal society. Following World War II, Order members had seemingly accepted the permanency of a cooperationist coalition on the Left of American politics and had forgotten their own warnings of the suppression often visited on workers’ organizations. When Cold War prosecutions began, the IWO’s amnesia left it alarmed and vulnerable to what it cast as red-hunters’ “un-American” ways.

“Like Caesar’s Wife”: Above Suspicion

If they had reflected on the IWO’s own not-so-distant run-ins with the coercive forces of state suppression, Order members might not have been so surprised. As early as June 1932, Saltzman sent out a letter warning of the pernicious effects of the Dies bill, which provided for the deportation of a foreign-born resident who “believes in, advises, advocates or teaches the overthrow by force or violence the Government of the United States.” Saltzman saw this measure as “the highest mark of vicious anti-foreign born legislation” as well as a criminalization of thought, pointing out that mere belief in a different form of government was sufficient to begin deportation. He urged IWO members to act to ensure this “white terror legislation” sponsored by Texas congressman Dies, later chair of theHUAC, would not pass.8

Saltzman saw the Dies bill as an assault on the working class, and he was right to worry. As Buff and Kanstroom both document, the wide latitude afforded the INS, and the later Smith Act’s broad definition of advocacy of forcible change of government to include belief, speech, and writing in favor of almost any alteration to the free-market status quo, meant deportation proceedings were often instituted against militant trade unionists.9 Indeed, Gebert, later president of the IWO’s Polonia Society, was ordered deported in 1931 after his conviction in Illinois on criminal-syndicalist charges for daring to speak in support of a coal miners’ strike. Although Gebert had been under surveillance since 1919 for his inflammatory anticapitalist speeches, his crimes were those of speech and thought, not revolutionary or violent actions. Gebert’s deportation was never implemented, but when he voluntarily returned to Poland in 1947 the government’s criminalization of his union activity still hung over his head. IWO Secretary Milgrom, too, had
been ordered deported in 1935, although to a country refusing to take him, so this order sat in abeyance until reactivated during 1951’s red scare.\textsuperscript{10}

Organizers for the IWO encountered state suppression when they sought to enroll workers. In 1934 Thompson reported to the national office that black people in New Orleans were wary of the IWO after the red scare was reported in the black press, and members she had enrolled dropped out. That year, too, raids were conducted by Birmingham and Atlanta police on the homes of black people who had joined the IWO. Thompson was jailed in Birmingham after she visited a meeting of striking miners during her IWO recruiting work in that city. She was furious with the coverage of her arrest in the Communist press, as this made it even more difficult to convince Alabama’s African Americans to join the Order. The enormity of the potential dangers facing an African American organizer, or member, of the IWO in 1930s Alabama may be gauged by the fact that Thompson was interrogated by Eugene “Bull” Connor, who nearly thirty years later became infamous for his brutal suppression of civil rights activists. On her arrest, Thompson, who evidently could pass for a white person, was told by one Alabama police officer, “You know, the only thing wrong with these communists is they just like niggers too well.” Suppression by the protectors of private property, and Jim Crow segregation, was not unknown by early IWO activists.\textsuperscript{11}

By the mid-1930s miners such as those Thompson had supported were long familiar with state suppression, and even as some turned to the IWO they acknowledged the retribution authorities visited on them for speaking and acting against the status quo. Albert Fenely, an IWO member from Wendel, West Virginia, who was also active in his UMW local, informed Browder and other comrades that the company check weighman was taking down names of all noncitizen miners and that after the election local Democrats were going to take steps to deport them. Those active in the UMW were especially prone to deportation. He documented cases in his town in which fathers had been deported while their American-born wives and children remained behind, stories of family separation that would grow more frequent during the Cold War years. “Is that a humanity,” Fenely asked of these family separations. “That’s monstrous hell.” Fenely sent a check in aid of the SWS and began subscribing to the SWS newspaper but cautioned that his mail should not be sent to Wendel as the company’s agents monitored the mails. He instead gave a name and address in another town where letters should be sent. Foreign-born union activists and members of the IWO had to tread cautiously in deportation-prone 1930s America.\textsuperscript{12}

More systemic threats to the IWO emerged. In July 1938 the organization was informed by the Massachusetts Commissioner of Insurance that he was refusing to renew their insurance license. The announcement came after an investigation by a committee of the legislature indicated that “the activities of the International Workers Order have definitely been of a Communist
nature.” The commissioner reminded the IWO that in 1935 the Order had been granted its insurance license “with the understanding that neither the national organization nor any of its branches in Massachusetts will take part in Communistic activities and this shall be the ground of revoking the Order’s license if it found that the Order indulges in such activities.” Because he believed the IWO had ignored this promise, the commissioner peremptorily ordered it to stop conducting business in his state. Bedacht characterized the notice as one of the ways “reaction threatens our Order.”

General Counsel Brodsky offered more reassuring news. He was happy to report that the supreme court in Boston indicated it “would give no weight to the original letter issued by the Commissioner in 1935, which accompanied our original license. . . . The statute provides what a fraternal must do to get a license . . . the Commissioner cannot therefore add new conditions.” The ruling that compliance with the business and actuarial stipulations for conducting insurance would govern the IWO’s hearing, not the supposed political beliefs of officers, was an important victory, one that, thirteen years later, would not govern a similar court hearing in New York. As to the alleged “Communist political activities” of the Order, the Boston judge bluntly asked Massachusetts officials, “Do you mean that the I.W.O. cannot engage in Communistic activities but may engage in Democratic or Republican activities?” Six months later the court indeed cleared the IWO, ruling no corporate funds had been used for improper political activity and thus the Order was entitled to its Bay State insurance license.

Brodsky, however, recognized his organization had narrowly avoided sanction and cautioned, “Our organization, like Caesar’s wife, must be above all suspicion.” The Massachusetts case, and a similar 1938 examination by the New York State Insurance Department, ended well. Brodsky was particularly cheered by the favorable outcome in New York, “where we happen to have at the present time a rather intelligent and liberal Insurance Department.” In New York, he said, “We argued that while we were not a political organization . . . we nevertheless did have the right to interest ourselves in those issues which face all the people of this country—social security, a health program, etc.” After much argument, New York insurance officials granted this point, and all talk of “communistic activity” was dropped. Still, the IWO’s lawyer prophetically warned, “Danger signals . . . have been hoisted; let us pay attention to them.” Brodsky cautioned that all collections must be scrupulously accounted for, and IWO publications had to make sure overtly political content or calls endorsing specific candidates were excluded. Only then could the IWO avoid pernicious scrutiny from Insurance Department officials, who often, he said, “hate our guts.” By the time the late 1947 round of red-baiting began, Brodsky had passed away, and the IWO, grown comfortable in its alleged place in a progressive American coalition, had seemingly forgotten his warning.
The IWO soon faced an even graver assault. The new HUAC under Dies launched an investigation of an extensive list of “alien” groups, the IWO among them. HUAC argued that the IWO was “possibly one of the most effective and closely knitted organizations among the Communist ‘front’ organizations,” delivering its damning report in January 1939. The Order’s support for Communist candidates for office, participation in “left-wing strikes” and recruitment of “foreign and radical elements” as well as Bedacht’s leadership roles in the CP were offered as proof of the IWO’s nefarious purposes.16

The IWO did not take HUAC’s attacks lying down. The FBI noted that Vice President Middleton told a January 1939 Detroit meeting that while the Order had once been regarded as radical, un-American, and unpatriotic, he asserted, “Those who are against us are against progress, they are not Americans. We are the real patriots and the real Americans.” Italian lodges held anti–Dies Committee rallies and circulated petitions denouncing its work. An East Harlem lodge demanded the Order’s vice president, Marcantonio, turn the tables on Dies and begin an investigation of his committee, which “has behaved very suspiciously.” They urged Marcantonio to “unmask their work.” The lodge participated in a mass meeting “against the Dies Committee, for the New Deal,” that was endorsed by the United Italian Committees of Harlem, suggesting the depth of anti-red-baiting animus in some ethnic communities.17

The IWO’s monthly magazine, the Fraternal Outlook, ran exposés on “The Threat to Civil Liberties” posed by Dies. An article by Peter Morell was accompanied by a William Gropper cartoon of an evil top-hatted millionaire shredding the Bill of Rights: “Speaking of ‘Un-American Activities,’” ran the caption (Figure 6.1). Dies was characterized as one of the “aspiring tin-horn fascists” who sought “to abridge the Bill of Rights.” Morell saw Dies’s committee as a plot to discredit the New Deal, and indeed, the Texas congressman held well-publicized hearings denouncing the WPA and federal theater program. Morell noted that after IWO officers such as Bedacht testified for more than four hours, all that was revealed was that “lo and behold, . . . the I.W.O. was a progressive, fraternal organization which welcomes all people into its membership regardless of their race, political creed or color.” The following month the Fraternal Outlook published an article in Slovak wondering if there would soon be “Concentration Camps in America?” The article discussed “the threat of reactionary congressmen to the Bill of Rights,” citing Congressman Sam Hobbs’s bill with its proposed internment of foreign-born residents and Virginian Howard Smith’s proposal to criminalize a wide manner of belief, speech, or writing that advocated a forceful change of government as well as plans to deport all foreigners in radical organizations.18

Despite Morell’s praise of Bedacht’s courageous testimony, the general secretary remained pessimistic about the threat the Order faced. “Congress
is in a fair way to add to the division of our government: Legislative, Executive, Judiciary and a fourth one, fascist propaganda,” he told a January 1940 meeting, “by perpetuating the arch-reactionary Dies Committee. Everything steers toward silencing and hogtying the American people into helplessness.”

Bedacht’s virulent labeling of Dies’s committee a “fascist” threat to American liberties was typical of the strident rhetoric employed by the IWO in denouncing its ideological foes. But perhaps in this case warnings were not so overwrought. In April 1940 agents of the Dies Committee raided the Philadelphia offices of the IWO, carting off a truck full of all manner of records including the names, addresses, and insurance policy information of Pennsylvania members. The impounded material sat in a Philadelphia warehouse after local IWO and CP officials filed suit against the Dies Committee, demanding the return of the confiscated material. A month later a federal judge ruled that the raid had indeed violated the IWO’s rights, although he deferred on whether the seized records had to be returned immediately.

Figure 6.1 The Fraternal Outlook showed its opposition to HUAC with a William Gropper illustration of an opponent shredding the Bill of Rights.

To secure its papers as well as its rights, the IWO orchestrated a series of “Stop Dies” rallies enlisting speakers from an extensive group of progressive organizations such as the CIO, AFL, and ACLU. The *Daily Worker* reported on rallies in San Francisco, Los Angeles, and Jersey City; while the Communist newspaper reported that the Jersey City rally was addressed by Bedacht, who made no secret of his Party membership, it also noted that the CIO’s regional director “call[ed] upon the people to stop Dies by building ‘a labor movement strong enough to elect its own people to both Houses of Congress. That is the only way in which we will get real democracy in America.’” In San Francisco, California lieutenant governor Ellis Patterson urged the audience of a thousand to stop Dies’s witch hunts. Patterson declared, “A man in public office who is not called a ‘red’ these days is not worthy of holding public office.” Perhaps Patterson, a New Deal Democrat, was gratified by the inadvertent compliment paid to him when a witness before the Dies Committee labeled the Californian a “Communist.” Whatever Dies thought of Patterson, he was part of a broad spectrum of progressives that felt comfortable appearing at IWO anti-Dies rallies, perhaps because they saw the glibness with which the congressman deployed the epithet “Communist” as the real threat to democracy.

Such public rallies, in which more mainstream albeit progressive figures offered support to the IWO’s court case, offered morale-boosting solidarity to grassroots members. Brooklyn’s Tom Mooney Lodge 817 held an anti-Dies rally in the Bensonhurst section that attracted national secretary Thompson as well as speakers from the Communist-affiliated Fur Workers union and ILD, but also a representative of the ACLU. Public solidarity only thinly covered private anxiety, however. The Detroit Police Department’s red squad, which seems to have shared information quite liberally with the FBI and other federal agencies, reported on a lodge meeting at which the Michigan district secretary and the energetic Thompson urged the lodge to have its group picture taken for publication in the *Fraternal Outlook*. Several members thought it was a good idea, but others hesitated. Nick DeKold worried that the Dies Committee might obtain the picture and said, “I wouldn’t want them to get hold of my picture nor Angelo Gucci’s picture for anything.” He added, “We have jobs to protect.” An undercover police agent reported that a black woman, “who claims to be a Socialist, said she didn’t think that we, the IWO, had anything to worry about from the Dies Committee as our officials had gone before them and told them who we were.” But when the lodge voted on whether to take the picture, only two voted yes, eight said no, and ten abstained. DeKold’s anxiety that a lodge photograph might be captured in anti-Communists’ panopticon swayed his brothers and sisters. That his fears were recorded in an undercover report to the Detroit police’s Office of the Special Investigation Squad, suggests, too, that IWO members had good reason to suspect ubiquitous state repression.
A Philadelphia judge eventually allowed the IWO to examine the seized records, records the Daily Worker argued were “essential to the proper operation and function of [the Order].” Bedacht wrote to members of Congress urging them to rein in the Dies Committee, although the answers he received were not always helpful. Michigan Republican Clare Hoffman asked Bedacht, “Why not devote some of your energy and resources in an effort to insure liberty to the average American citizen as well as to the Communistic and subversive groups?” Marcantonio’s response was, not surprisingly, more encouraging. Bedacht forwarded to Marcantonio a copy of the telegram he sent to Dies rejecting the congressman’s assertion in the New York Sun, “If the International Workers Order has nothing to hide, then they will come in now and surrender those records and invite their publication.” Bedacht replied that he would not accede in Dies’s creation of a political blacklist, adding that when HUAC’s agents raided the Philadelphia offices they had also seized such nefarious items as an American flag and “lantern slides on [the] life of Abraham Lincoln and other subjects.” “We will never help you to persecute, to hound and to blacklist innocent people by volunteering to turn over names to your committee,” Bedacht told Dies, adding, “Your statements intending to prove your vigilance in guarding Americanism would sound much more convincing if you yourself would respect the Constitution of the United States . . . instead of acting as an anti-labor propagandist.”

While the IWO regained control of its Philadelphia records, Dies’s HUAC continued fishing for the organization’s records. The FBI revealed that HUAC was still pursuing the Order’s internal records the following year, noting, “The Dies Committee had subpoenaed the Michigan Commissioner of Insurance to furnish lists of names and addresses of IWO members.” The IWO labeled this “an attempt to intimidate and terrorize labor unions and branded such activities as illegal and un-American.” A federal judge sitting in Philadelphia had already concurred with the branding of such tactics illegal, if not exactly “un-American,” but evidently this judicial decision did not forestall Dies’s activities targeting the Order.

More troublesome news came in the spring of 1941 when the national office asked lodge secretaries to respond to a questionnaire assessing membership drives and social and recreational activities. Secretaries were invited to offer “general remarks,” broadly including “any of the problems of the life and activities of your lodge,” and many respondents cited the deleterious effects of the Dies investigations. A Bronx secretary blamed “the critical times we live in” for his local’s drop in membership. His lodge offered “the same and even better” activities as in previous years, but members stayed away “because many of them are afraid we are a communist organization.” In Atlantic City the secretary reported there was “no activity” partly because members were targeted by the district attorney “as communists, and since
they are small business men, they have to be very careful.” The secretary of a Denver Jewish lodge mused, “There is no denying that the propaganda in the capitalist press against anything that is progressive has had a detrimental effect on the attitude of the average man or woman on the street. The red scare has made a good many otherwise fairminded persons crawl into their ‘shell.”’ He admitted, “Our hall has the name of being red and there are many who are simply afraid to go there,” although the situation was better for Denver’s Jewish lodge than among Russian and English lodges.25

Similarly, Elia Vitanoff of Madison, Illinois, wrote the national office that a man identifying himself as an FBI agent had shown up to investigate his branch. It is not surprising, then, that people interested in joining the Order such as a woman from Paterson, New Jersey, wrote with concerns she had been “told that this organization has communistic affiliations.”26 Who told her this was unclear, but newspaper reports documented the exploits of Dies, the FBI, and other investigators.

Still, for all the fears of red-hunting congressmen, as noted in Chapter 5, during World War II the IWO gained acceptance as part of a broad-based progressive coalition to a far greater degree than during the Depression, or than would be the case following the war. In such a win-the-war milieu, the Dies Committee’s activities may have seemed like a minority view, the annoying remnants of a disappearing intolerance.27

This belief may particularly have been the case since the actions of other government officials seemed to lend legitimacy to the IWO and other progressive organizations such as the ASC. Paul McNutt, director of the War Manpower Commission, praised the Slav Congress in an address at the organization’s inaugural convention, while Secretary of the Interior Harold Ickes made appearances at later Slav Congress conventions. Roosevelt, too, sent a letter congratulating the organizers of the Slav Congress on their patriotic efforts. The IWO was likewise valorized as an essential part of the win-the-war progressive alliance, as when it received commendations for its participation in blood drives and bond-selling campaigns, or when IWO and Slav Congress officials appeared at rallies alongside the mayors of Cleveland and Pittsburgh.28 In such circumstances members of these organizations were perhaps justified in believing they were accepted and would continue to have a place in postwar America.

Not that IWO members escaped conservative scrutiny entirely. As noted, IWO organizer Zysman was fired as a teacher in New York and then ousted from the navy over his membership in this suspect organization.29 Other times, though, the IWO was able to intervene and save members’ government jobs. In the fall of 1941, an IWO member who worked in a federal agency in Washington wrote, “The Civil Service Commission, for the last 6 months, has been carrying on an inquisition, investigating, intimidating and then firing federal employees.” The writer had been asked about his
membership, and was pressed about whether he was “an instructor in arts and crafts in the Junior Section of the International Workers Order.” The writer urged the national office “to put forth a strong demand that this sort of intimidation and persecution must be stopped.”

Vice President Middleton wrote to Civil Service Commissioner Henry Mitchell to enlighten him on the patriotic activities of the IWO and its exemplary record in support of the defense effort. Mitchell replied agreeing that civil service employees’ membership in fraternal, labor, and religious organizations was no bar to government employment, but he reminded Middleton that Congress had authorized the barring from the civil service of anyone belonging to “any political party or organization which advocates the overthrow of our constitutional form of government.” Consequently, Mitchell said investigators needed broad latitude to question applicants on the organizations to which they belonged. Mitchell’s letter was quintessential bureaucratese, stating that IWO membership was in and of itself no bar to civil service employment while quibbling about the suitability of interrogating IWO members to discover whether they advocated the overthrow of the government. In subsequent years the IWO would emphasize only the first part of this letter, asserting that the government had expressly declared IWO membership did not preclude government employment.

Indeed, the IWO widely publicized letters from government agencies written between 1938 and 1943, all stating that IWO membership was no impediment to government employment. These letters were offered as proof that the IWO was a reputable, patriotic organization. The Order even noted that U.S. Army Morals and Orientation officers had requested IWO literature to aid with soldiers’ training. In September 1943 Counsel Brodsky wrote to the Civil Service Commission concerning Michael Skibo, who was dismissed from a War Department job because he was determined to be an “agent for the International Workers Order, which is a transmission belt for the Communist Party.” William Hull wrote Brodsky that Skibo’s termination was an administrative decision of the War Department and thus not subject to Civil Service Commission review. However, Hull provided Brodsky with the commission’s opinion that IWO membership, “standing alone,” had never prevented government employment. He added, “Mere fact of membership in, or activity in behalf of, the International Workers Order would play no part in the final determination of the case.”

Officers employed this letter as proof that the government endorsed the legitimacy of the Order. Four years later the IWO was abruptly labeled subversive. Members might have wondered what had changed in such a short time to justify this seemingly drastic government turnaround.

In the middle of World War II, officers of the IWO were confident that the red-baiting tide had turned. In a rousing speech to the IWO’s national convention, frequently interrupted by “applause” and “laughter,” Marcanto-
nio gave a prediction: “I hope that the day is not far off when I will not be the only member of Congress who is a member of the International Workers Order. In fact, I am confident . . . very soon there will be less Dieses, less Rankins, and more members of the IWO in the halls of Congress!” The congressman added that in 1939 “the Dies Committee was going to destroy the International Workers Order.” But “in 1944 . . . the Dies Committee runs to cover, the Dies Committee is dying, and the International Workers Order is growing.”

Cheering delegates, who had just endorsed Roosevelt’s reelection platform pledged to securing the Four Freedoms, might have been forgiven for so readily presuming reactionaries’ demise. Their error soon became apparent.

The Subversive Listing: The People versus Tom Clark

The listing of the IWO as a subversive organization carried no explanation for how this determination had been made, nor was it backed with any evidence of actions allegedly threatening national security. Rather than rely on denunciatory resolutions alone, in June 1948 the IWO instituted a lawsuit in federal court. President Kent wrote to all lodges informing members that General Counsel Lee Pressman had filed suit “challenging Attorney General Clark’s smear of the Order as unconstitutional and illegal.” The suit asked the court to order the attorney general and federal Loyalty Board to remove the IWO from the list “and cease circulating it,” and it also sought to prevent discrimination against any IWO member with a civil service job. Kent assured local lodges, “We are prepared to take our fight to the highest courts of the land.” Consequently, lodges were urged to rush their donations to a $50,000 defense fund.

Members responded with contributions of a buck fifty, a buck, or even fifty cents. Andy Hromiko of Curtisville, Pennsylvania, who thirteen years earlier had sent similar small donations to help fight Mussolini’s fascists, now sent $3 from his coal mining lodge brothers. Their names and donations were enrolled on a petition featuring a woodcut of a defiant miner. Other members fought the battle with their words. Spiridou Comanita of Youngstown and Dorothy Tripp of Endicott, New York, informed the national office that they had written to the attorney general, congressmen, and Truman denouncing the subversive listing.

The IWO also fought the battle against its subversive listing in “the court of public opinion,” issuing news releases and pamphlets stating its case. Clark’s methods of denying any notice or hearing to the Order were declared “themselves subversive of due process of law and of the Constitution.” A news release demanded that Clark meet the IWO’s lawyers in court to deliver any evidence of the Order’s wrongdoing. The release argued that it was completely innocent, noting that earlier government decisions, such as the 1943
Civil Service Commission determination discussed previously, declared IWO membership no bar to government employment. Also mentioned were INS rulings in 1942 and 1943 stating “that the Order does not advocate force and violence or the overthrow of the United States Government ‘or that it has ever done any of these things.’” All these precedents, the news release argued, as well as the Order’s stellar war record and nondiscriminatory membership policy, required that the listing be overturned.36

A pamphlet designed to resemble a legal document was delivered to every IWO member spelling out the case against the listing. *An Indictment: The People vs. Attorney General Tom Clark Before the Court of Public Opinion* made the case “against the unconstitutional, dictatorial and arbitrary action” of Clark, denouncing “the un-American drive to suppress freedom of thought and association in the United States.” The pamphlet’s authors were confident that all members shared the shock at the “scandalous libel against the integrity, patriotism and loyalty of our IWO and its membership.” The Attorney General’s List, the IWO charged, was part of a “fascist” plan to “strangle democracy in our country.” The pamphlet’s authors surmised that “reaction” hated the Order because it practiced interethnic and interracial brotherhood and “reaction hates any organization which truly lives and practices the equality of peoples.” The Order’s efforts to extend social security to cover health insurance also led to reactionaries’ hatred of the Order, although the pamphlet reminded members that “economic royalists” had hated Roosevelt, too. The IWO also alleged that its continued commitment to peaceful cooperation of all peoples, and the strengthening of the UN, had led to its stigmatization as subversive, commenting, “It is a sad day, indeed, when peace itself, and voices for peace, can be branded ‘subversive.’”37 The pamphlet dismissed allegations that the Order was controlled by Communists, noting,

> Our membership is of diverse political beliefs. . . . We do not ask anybody what political belief he holds, and we do not discriminate against anybody because of his political beliefs. Naturally there are Communists in our organization. Communists get sick, too, and die, and they need protection for their families. . . . Woe to a country or an organization which insists upon taking away bread and security from people whose thoughts may not conform to dictated standards!38

> “Don’t let reaction’s dirty paws touch the sacred temple of your guaranteed freedom of association, and your cherished Order,” the pamphlet concluded.39

The JPFO’s *Jewish Fraternalist* similarly noted that the IWO enrolled members with a variety of political beliefs and never interrogated members
on their politics. The IWO examined members’ “lungs but not the mind.” The attorney general’s opaque list was satirized in a cartoon in which Clark served as prosecuting attorney, judge, and all twelve jury men in the matter of deeming organizations subversive.40

In 1948 while some national officers such as Saltzman and Thompson Patterson made no secret of their CP membership, others such as Kent and Marcantonio were never Party members. Moreover, only a small minority of the IWO’s overall 180,000 members were Communists. But in 1948 an organization with even a minority of its members in the Party was anathema to the Justice Department. Defenses of the lawsuit published in radical newspapers were noted by the FBI. A June 1948 article in Glos Ludowy noted rallies in ten cities to “defend people’s right of freedom of association” and endorse the lawsuit against the Justice Department, but also to protest the Treasury Department’s withdrawal of the IWO’s tax-exempt status. This action came shortly after publication of the Attorney General’s List, and like that action, the burdensome tax change was announced with no explanation or evidence of any wrongdoing on the Order’s part. Indeed, as the IWO would point out in its court battles, its corporate record as a financially sound insurance organization had been consistently rated impeccable; now that its politics were unpopular it was being sanctioned. The Poles demanded a hearing from the Treasury Department on the withdrawal of the tax-exempt status.41

Prominent Americans were cited denouncing the Subversive List. Some of these celebrities were noted leftists, such as Robeson, who charged that the blacklists and other conservative measures “are aimed at the people’s organizations fighting Jim Crow and segregation, fighting American-style fascism, fighting for peace.” The actor-singer vowed, “We are going to fight this out to victory.” Idaho senator Glen Taylor, vice-presidential running mate of Henry Wallace on the Progressive Party ticket, was less restrained in criticizing Clark for “tearing up the Bill of Rights and issuing lists of organizations that Wall Street and its military hangers-on didn’t like. That isn’t Americanism. That’s the way they did things in Nazi Germany, and . . . Clark is acting like a Himmler. The Constitution of the United States doesn’t provide for any Lord High Executioner of the people’s liberties and we don’t intend to have one sneak up on us behind our back.”42

Taylor’s intemperate remarks, as well as his left-wing alliance with the Progressive Party, which was supported by many members of the IWO, may not have convinced many conservatives of the justness of the Order’s cause. Even former Justice Department officials, however, questioned the IWO’s subversive listing. Former assistant attorney general O. John Rogge lamented the assertion that only “conservative” or even “reactionary” Americans were now acceptable as “true patriots” while “your own great workers’ Order has been arbitrarily branded as a ‘subversive’ organization in . . . the completely
illegal and unconstitutional decree” by Clark. Illinois congressman Sabath also tried to intervene with the Justice and Treasury Departments to remove the subversive listing and restore the IWO’s tax exemption, without success, but he assured Kent he would try again.43

For all Sabath and Kent’s efforts, no hearing was granted by either the Justice Department or the federal Loyalty Board. A memorandum prepared by the Order’s lawyers summarized the attorney general’s position. Clark asked the court to dismissed the IWO’s lawsuit because, he claimed, “there is no controversy between the IWO and the defendants, including the Attorney General and the members of the President’s Loyalty Board.” He argued that the IWO had no standing to bring the suit, claiming only individual IWO members in the civil service who might be dismissed could do so. The decision of the IRS on the Order’s tax status, as well as members’ resignation or threatened resignation, or their denial of naturalization, were only “indirect and incidental” to placement on the Attorney General’s List. Clark stated that the “published opinion and considered judgment of the Attorney General presents no justifiable controversy” and that he and the president had the right to express this opinion, a right neither the court nor the IWO had any standing to question. No deprivation of free speech or free association had occurred, Clark maintained, and thus the IWO had no case.44

The reaction from IWO headquarters was more appalled surprise. Molly Tallentire wrote to Kent, who was in the midst of his own Progressive Party run for Congress in New York state’s Adirondack region, with gratitude for Sabath’s interest in their case. She added, though, “As for the Attorney General’s answer, aghast is just the word for the emotions that arise. That so-and-so claims he has done us no harm! He must have had a terrible set of parents; in fact, I believe his mother barks.”45

Morale-building private sarcasm gave way to publication of a response in the JPFO’s magazine, charging, “Department of Justice Evades Justice.” Treasurer Shipka called the attorney general’s refusal to answer in court “nothing more than the legal equivalent of hit-and-run driving. . . . [T]he Attorney General is trying to duck the responsibility of defending his action in court. First he hit us, now he is trying to run away.” Shipka noted that Clark had refused to produce any evidence to back up his subversive listing and was therefore placing himself above the law. An “atomic chain reaction of an irresponsible smear” had led to the Treasury Department’s adverse tax ruling, charges against members who were government employees, and members’ naturalization applications being imperiled. These actions had “terrorized” the IWO’s members, and Shipka appealed to the Constitution to defend citizens against “Lord High Executioners.” The treasurer concluded, “We insist on our right to test this unconstitutional act. We shall continue
our fight for democracy, for security and peace in the spirit and through the methods guaranteed by the Constitution and the Bill of Rights.\textsuperscript{46}

\textbf{“One of These Days the Hysteria Will Die Down and Light Will Appear Again”}

Clark’s dismissal of any harm individual IWO members faced as “indirect and incidental” to the listing was disingenuous. The vice president of a Washington, D.C., lodge wrote to headquarters at the end of 1948, “We lost a few members during the year because of the ‘Red Scare’. . . Those that dropped out were Government workers, but most of them continued their activity in the lodge unofficially.”\textsuperscript{47} Although individual government employees now feared retribution for public identification with the IWO, at least in some locals commitment to progressivism continued, despite such activities’ increasing stigmatization.

In the face of government repression, IWO members continued their lobbying for an end to Jim Crow and other causes in which they believed, and in civil rights rallies they were also reassured through affective emotional solidarity that at least some Americans did not demonize them. A Polonia Society member reported in \textit{Glos Ludowy} on her attendance at a Washington legislative conference to end racial segregation and discrimination. She was gratified to hear “a leading Negro delegate” say, “Communists don’t have hooves and horns. Besides a person in the United States has just as much a right to be a Communist as I have to be a Republican.” Such endorsements, however, were countered by anti-Communist luminaries. HUAC chairman John Wood of Georgia sent a letter warning every House member that the CRC members visiting Washington for a Freedom Crusade belonged to an organization on the subversive list and that their planned visits to congressional offices spelled trouble. Wood wrote his colleagues, “It is clear that the object of this mass demonstration is to intimidate the Government of the United States.” In such a milieu those engaged in lobbying activities might as well have had “hooves and horns.”\textsuperscript{48}

Under such circumstances many Order members felt vulnerable and no longer able to be vocal advocates for justice. Government employees enrolled in the IWO were interrogated by the federal Loyalty Board to ascertain their fealty to the American way of life. While some people quit the Order to protect family in sensitive security positions, as when a Philadelphia member quit because his son was an engineer at a defense plant “closely watched by the FBI,” more frequently the alleged subversive threat posed by the IWO was lower grade. In November 1948 Seymour Goldman, a postal employee from Harlem, faced an extensive series of “interrogatories” asking him about his
affiliations and activities with the IWO, Artkino Films, and the CP. “Are you now, or have you ever been, in sympathy with any of the aims, purposes, or doctrines of the Communist Party or of Soviet Russia,” he was asked. It would probably not have helped Goldman’s case if he had pointed out that “aims and purposes” such as defeating Nazi Germany had quite recently been embraced by many other Americans, in and out of the Party. Of his time in the IWO, Goldman was required to “give a complete explanation of your membership therein, . . . your reasons for joining, the number of meetings attended, . . . whether you subscribe to the Fraternal Outlook, whether you agree with the policies expressed by the Fraternal Outlook with respect to Communism and Soviet Russia, and such other facts as may be pertinent.”

How any of this was “pertinent” to delivery of the mail was unclear, but such interrogatories were effective in driving mailmen out of the IWO. A man working at the post office in Hammond, Indiana, “of course . . . had to take a loyalty test.” He asked that the JPFO stop sending him literature as “the Post-Office Department and the F.B.I. in Hammond have taken every name that receives a ‘Fraternal Outlook’ and every Russian sounding name that receives literature or is in the directory.” He hastened to add, “I don’t want you to think that I have given up on my convictions or beliefs. I have not. I have to take precautions as to my job and as the only breadwinner in the family.” This harried mailman ruefully concluded, “One of these days the hysteria will die down and light will appear again.” A Slovak family with a son at the post office quit the IWO after the son was fired. Still, the father “pledged himself to pay his arrears once the storm is over” and also contributed $10 for defense of the Order. A Cicero, Illinois, federal employee likewise wanted his Fraternal Outlook subscription discontinued, refused to attend meetings, and asked that his membership be kept secret.

The IWO had no doubt that postal workers were targeted not for their subversive activities but because of their militant advocacy of civil rights and union causes. A draft article for the Fraternal Outlook detailed the case of Arthur Drayton, suspended from the Philadelphia post office. “Although the alleged purpose of the government is to fire so-called subversives, its actual purpose is to punish the people fighting militantly for the rights of the Negro people,” the draft quoted Drayton. Most of those fired from civil service posts, according to the United Public Workers, CIO, “have been fighters against racial bias and hold advanced views on racial matters.” In a letter accompanying the draft, Abraham Chapman of the Fraternal Outlook noted that Drayton was the first black trustee of the National Federation of Postal Clerks and a poet and playwright whose work was published in the NAACP’s The Crisis and IWO publications.

To the IWO it was Drayton’s championing of racial equality and workers’ rights, not subversion, that led to his suspension, and there were grounds for suspicions. A Loyalty Board chairman in another government employee’s
hearing publicly remarked, “Of course the fact that a person believes in racial equality doesn’t prove that he’s a Communist, but it certainly makes you look twice, doesn’t it.” In later hearings beforeHUAC, Robeson flatly told Southern congressmen on the committee that he knew it was for his civil rights activism that he was regarded as “un-American.” And union leaders such as the UE’s Sentner who were too effective at advocating for their members’ rights were chased from the CIO for being “reds.” In 1950 grassroots activists in the IWO such as Drayton faced a double bind for their unpopular militancy on racial and class matters.52

Whether Clark thought it was “incidental” to his list, members rapidly dropped away from the Order. From Pennsylvania, Luigi Ciarafo nis wrote to the Garibaldi Society’s president that in his little village “they say we are of the Red Party” and that members were afraid of losing their jobs. The correspondent added that his business partners had told him “to quit his job or to quit the society” after they learned of his IWO membership. Because of the local red scare no one wanted to serve as lodge secretary, and the writer suggested transferring the members to a nearby lodge where perhaps the crackdown was not yet as fierce. The Garibaldi Society president wrote back to Ciarafo nis refuting “these slanderers and their filthy accusations.” “They say it about us because we don’t want to shine the shoes of their masters, because we are for the defense of human rights, and nothing else,” he wrote. He urged Ciarafo nis and his brothers and sisters not to disband the lodge but stand and fight, and prove by their example the value the Garibaldi Society had for working people.53

Advice to coal-country members was easy to dispense from New York but hard to put into practice. FBI agents visited the home of a Polish secretary in Martins Ferry, Ohio, and coerced him into giving up monthly dues lists, much to the chagrin of Shipka. The Martins Ferry secretary wrote that FBI agents demanded he tell them which members were Communists, and when he answered that he did not know, “This angered them like angry dogs, (they told me) that they will be back, and if I do not identify the Communists I shall be arrested.” Some local officers remained defiant in the face of red-scare tactics, as when a Miami Beach secretary participated in a CRC anti-Klan rally. After local newspapers “exposed” this public meeting and labeled both the IWO and CRC “Communist fronts,” a Florida indictment hung over his head, but this secretary wrote to Saltzman, “Well, let them drop dead.” Elsewhere FBI agents and police departments made off with records and membership lists handed over by intimidated lodges, and members suffered hardships as local doctors refused to examine them or fill out medical forms for this “Communist” organization, making it difficult to collect sick benefits. The national office gamely told members to “hold the fort.”54

The fort was hard to hold in many places. A secretary reported that Italians in the Endicott-Johnson City-Binghamton area of New York felt “a cer-
tain hysteria... because of the intense anti-communist campaign” that was likely to lead to “investigations, reprisals, etc.” Companies, the Chamber of Commerce, and the American Legion had seen to it that “the witch hunt is in full development.” Italian leaders of the local IWO already had resigned, telling the writer, “It is a matter of our bread and of our future.” The local secretary told the Garibaldi Society’s national office, “I, on my part, have no words to persuade them. Can you do something?” and warned that “our reactionaries are capable of and prepared for everything.”

As the Cold War escalated, journalists and government officials argued that steps such as the Attorney General’s List were necessary emergency measures designed to preserve America’s freedom. Those experiencing the repercussions of these instruments of Foucauldian discipline and punishment might have been forgiven for seeing not so much freedom as repression in the IWO’s demonization. Conformity via anxiety took hold in many places such as Binghamton.

The government and corporate panopticon kept local IWO members in a high state of distress. Correspondents asked the head office not to send speakers who were CP members to visit their lodges, as such people were already, they said, on FBI and local police red-squad watch lists. The secretary of the Russian Society wapsishly wrote back to a Pittsburgh branch, “We certainly did not think that a lecture... on the subject ‘the fight for peace’ could bring about the demolition of the premises, or any damage thereto.” But in the Cold War there were no guarantees. Even in larger cities members dropped away.

To be sure, some local officers had ties to the Party; the Binghamton-area secretary noted one resigning lodge president was “a fervent anti-fascist” and reader of Communist publications such as the Daily Worker and L’Unita del Popolo. But Party members were a tiny minority of the IWO’s approximately 180,000 members, with Sabin estimating Party members as 3 percent of the Order’s enrollees. Still, even mundane correspondence from the IWO alarmed members in isolated places. A member from the coal patch of Elbert, West Virginia, nervously wrote to New York about the Russian books that were sent him. “We are not supposed, here, to have any Russian books, nor American ones, if they contain anything in favor of Russia,” he wrote, adding that the day after the books arrived, “I was asked by the Company police what kind of books I received from New York.” The U.S. mails were under the rigid control of the company’s police, suggesting in many parts of America, despite ostensible gains of the New Deal, miners still lived in the corporate-dictatorial conditions that had prevailed in the 1910s and 1920s. Now corporate hegemony had the added excuse of anti-Communism in deploying the management whip. Correspondent W. Sobol explained to the Russian Society in his company town that he had to do as the company demanded, “Or else, the Company policeman brings you a note, and within
three days, you must move out. In other words, on whoever’s carriage you ride, you have to sing his song . . . and that’s what we do.”

In Elbert lodges had no recourse but to meet in the company hall, providing the coal corporation with another means of controlling workers’ thoughts, speech, and actions. Three East European lodges were allowed to use the company hall, but the Russian IWO lodge was not one of them. Members threatened with firing quit the IWO. The Russian Society secretary wrote back to Sobol, advising him to explain to management that the IWO was an insurance company and the Russian books were primers on IWO benefits, but Sobol said the remaining members did not want the books, “not even for nothing.” Meetings of the lodge were impossible in this tightly controlled company town, where visitors coming to speak to the IWO were immediately accosted by company police at the town’s single hotel.

A similar tale was told by Ludwik Paluch, who quit as secretary of a Polish lodge in Enterprise, West Virginia, after the Justice Department interrogated him about his membership in what the agency called the “Communist” and “subversive” IWO. Enterprise was left with no secretary as everyone was too scared to serve. Paluch begged headquarters not to send him any more mail, as the town’s post office would be watching him closely.

It is a fair question how much freedom coal miners, in the IWO or not, enjoyed even as late as 1950. For such people the company police state was the kind of “freedom” Clark and HUAC were enforcing. Perhaps “despotism” evoked for such IWO members images of the coal camps with which they were all too familiar, not Poland or Russia. Even in 1950, in places such as Elbert and all the country’s West Virginias, perhaps it is not surprising that the IWO was still afforded support and a hearing, even if fear of punishment was increasing. For people such as Sobol and Paluch, fears of espionage summoned up not images of the IWO, but the coal company police busily opening one’s mail.

In such a Cold War surveillance context, some lodges decided it was safer to destroy records rather than allow them to fall into authorities’ hands. Lodges with many foreign-born members especially feared the INS would use proof of membership contained in lodge records to deny people naturalization, or even deport them. When a Russian lodge destroyed stacks of material, national secretary Kasustchik wrote, “We have been extremely amazed to learn that you burned the balance of the literature.” He was “ashamed by this decision of your leadership. The Hitlerian fascists, as you know, used to burn progressive literature.” He wished the literature had been passed along to members and their friends, not returned to the home office, “where it cannot be useful to anybody, lying around on the shelves.”

Elsewhere the FBI noticed lodges were burning minutes books and membership and dues lists, and this destruction was regarded as proof that the Order had something nefarious to hide. Agents reported that western
Michigan lodges were instructed at a Party meeting in Grand Rapids, “Most of the IWO lodges keep minutes of meetings and of financial transactions and there is plenty in these minutes to prove them subversive, so it is best to destroy the minute books. All the Detroit lodges have already destroyed theirs and now keep the minutes on pads and five cent tablets.” The G-men added, “The secretaries of the IWO lodges in Muskegon have already been instructed to burn their records and to withdraw money they have on deposit from the banks in the name of the IWO.”

Even assuming informants had accurately heard and reported what IWO members were told, admonitions that “there is plenty in these minutes to prove them subversive, so it is best to destroy the minute books” are subject to interpretation. It is indeed possible that somewhere in the ashes was proof Muskegon members were disloyal to the United States, feeding vital national security secrets to the CP and, ultimately, Moscow. But it is also plausible that by 1951 the speaker knew what the federal government regarded as subversive cast a broad net over civil rights lobbying, militant union activism, and petitioning and other activities on behalf of a more peaceful and cooperationist foreign policy and that lodge minutes likely would be used to condemn and prosecute members. The extensive IWO records that survived the era that historian David Caute aptly terms “the great fear” provide ample instances of dissent from the Cold War consensus, but no espionage or other demonstrably subversive activity. In Grand Rapids the speaker may have been acknowledging the government would likely use these records as “proof” in a very broad-ranging prosecution of anything smacking of dissent. These warnings are not necessarily evidence that the IWO knew it was actually up to no good, just that members feared the government would use these records to paint them as such.

Such fears may have been well-founded, especially when several municipalities enacted local subversive-registration ordinances, widening the scope of the Attorney General’s List well beyond its application to civil service loyalty reviews. In 1950 Erie, Pennsylvania, passed an ordinance requiring members of designated “subversive” organizations to register with police. Secretary Kasustchik wrote to Erie’s Russian lodge saying this “fascist ordinance about registration” also applied to the IWO, even though “our organization . . . absolutely never undertook and never will undertake, any criminal action against the town, its population, our country or our people.” IWO vice president Middleton was dispatched to Erie to assist members with a campaign for “the repeal of this fascist aggression against progressive minded people.” “I trust that none of you will remain just an observer,” Kasustchik wrote the lodge, and whistled past the graveyard, “It must be believed that progress still is moving forward! And Reaction will not succeed in fooling all the people. Victory will be with the people.” Still, the city’s fearful Russians refused to pay dues, despite reassurances that they were
enrolled in a perfectly legal fraternal society. The cloud of surveillance lifted somewhat with a temporary injunction suspending enforcement of the Erie ordinance.65

In Jacksonville, Florida, enforcement of the municipal “anti-Red” ordinance ended in tragedy. Alexander Trainor, an IWO member and the only registered Communist in the city, had been sentenced to ninety days in the City Prison Farm. While free on bail pending appeal, Trainor stabbed himself in the chest with an ice pick and fell from a second-story balcony. The IWO’s secretary wrote to George Starr of the JPFO expressing frustration that Trainor had not been helped by the national “Welfare Fund,” implying this omission may have led to his rash act. A defensive Starr wrote back, saying the IWO indeed cared about its small lodges and their members, but that the Joseph R. Brodsky Welfare Fund like other Order resources was rather limited. “Brother Trainor undoubtedly is in need of help but we are not in position to provide the help.” Starr suggested Trainor apply for sick benefits regarding his stab wounds.66

“Glory and Honor to You, Who Drive the Pigs . . . Out of Our Garden”

Government suppression led some members to despair; others remained defiant. As the Order’s troubles multiplied, a Russian member, “George” of Audubon, New Jersey, poetically assured “my friends, battling Committee” that he was committed to the fight: “Glory and honor to you, who drive the pigs with their long snouts out of our garden,” George wrote. “As Comrade Stalin said, we will not surrender a single inch of our land to anyone; we, also, dear friends, should not surrender a single moment of the time we have given to our Organization, not a single cent of our money, to the low-down blood-suckers.” He added, “Whatever effort and fight may be needed, drive these scoundrels away from our human effort.”67

While the IWO had many progressives sympathetic to its goals, some members were shocked and irate as they tendered their resignations. In quitting, Morris Dubin said, “I cannot and will not be a member of an organization whose beliefs, doctrines or ideas are in any way contrary to those of my country.” E. T. Besenyodi canceled his and his wife’s memberships explaining he was doing so “because I am a good American; I love my country; I like my government.” Besenyodi was certain Clark would not have made statements labeling the IWO subversive “unless he had positive proof to back them up.” He bluntly wrote, “I am sorry I ever paid a damned cent into your organization.”68

It was difficult to retain “conscientious, progressive people” within the Order under such conditions. This was how Solomon and Sarah Kleinberg of the Bronx characterized themselves in a letter to Pressman. On emigrat-
ing from Argentina, they had immediately enrolled in the JPFO. Now, however, they wanted to become U.S. citizens, but, “know[ing] the situation in this country, and that our Order is on Tom Clark’s black list,” they wanted to know if they should take out first papers—declaring their intent to become citizens—or if it was better to resign from the JPFO temporarily or if Pressman thought it more important that they remain in the Order and forego naturalization for the moment. The unasked question the Kleinbergs may have pondered was, would they have to travel even further than the Bronx to escape the government’s Peronist tendencies?

Thousands of foreign-born IWO members were particularly vulnerable: the INS deemed membership in the CP, or in any organization on the Attorney General’s List, grounds for denial of naturalization, or, for those already naturalized, revocation of citizenship and deportation. The Smith Act was liberally used to argue that IWO members had been part of a group that advocated the forceful overthrow of the government, simply by disseminating Marxist ideas. By 1947 even people who had been brought to America decades earlier as children were scrutinized for Party membership or activities in the IWO, even if those associations had occurred many years in the past.

The IWO alerted its membership to the “terrorization of the Yugoslav-American community of Farrell, Pennsylvania,” by the INS, and joined with the ACPFB in demanding an investigation of the threat to progressive Yugoslavs. Two men were “harangued” and threatened with revocation of their citizenship if they did not cease their progressive activities. The IWO argued that the case of these citizens was only the tip of the coercive iceberg in Farrell, where “many non-citizens are told plainly that they will not be permitted to become citizens solely because of their membership in the Aria Singing Society, the Croatian American Civic Club, or local branches of the Croatian Fraternal Union and the International Workers Order.” During World War II, the FBI indeed had spied on Slav Congress members for their suspect activities in the dreaded Aria Singing Society as well as the Croatian Glee Club of Gary, Indiana, and now the INS was targeting progressive Croatian singers. The IWO vowed to join the ACPFB in fighting this “attempted terrorization” of citizens and aliens alike. The IWO showcased the plight of one Farrell woman now threatened with denial of citizenship and deportation even though she had entered the United States in 1908 when she was three years old. Her two American-born sons had joined the U.S. Marines right after Pearl Harbor and one was still serving.

Some tenacious members could prevail in their pursuit of naturalization. Philip Stasiukevich of Maynard, Massachusetts, successfully appealed the negative decision of the INS, when an appeals court in Boston ruled that the testimony of INS agent Joseph Apelman on Stasiukevich’s “reputation in the community as being a Communist” was “man in the street” hearsay “of
a particularly unreliable sort” and not sufficient evidence to prevent natural-
ization. Nor was mere membership in the IWO proof that Stasiukevich was
bent on overthrowing the government. The judges further ruled that Apel-
man’s testimony on the nature of the IWO was based on a cursory reading
of HUAC reports, not actual knowledge of the organization. The court or-
dered a rehearing of the case, suggesting denial of naturalization had been
in error.  

Stasiukevich was lucky to appear before judges who viewed with skepti-
cism “man in the street” and “common knowledge” designations of appli-
cants as “radical.” In the 1920s courts applied such “man in the street,”
“common sense” logic to deny the right of immigration to Middle Eastern
and Asian people “commonly known” to be “non-white.” But other IWO
members were not as lucky, and pleas for assistance as the INS threatened
them with denial or loss of citizenship indicate the psychic stress such ag-
gressive interrogations exacted. A fearful Baltimore member wrote the Rus-
sian secretary that she had admitted she was an IWO member during her
final citizenship examination, but when she wrote that the organization was
a fraternal benefit association, the examiner crossed out her words. The sec-
retary tried to reassure her that he had been naturalized during the war, and
thus she likely would have no problem. But she wrote back that she had been
called in for further questioning about her IWO membership, and immigra-
tion agents “asked whether our meetings were secret, whether we had any
signal or secret catchwords among our members.” She was then asked for
copies of IWO literature. She requested that literature no longer be sent to
her and that any further letters be sent to her daughter’s address or the home
of a friend. Under such grilling about the IWO’s “secrets,” this woman may
indeed have felt the INS was engaged in a process of “terrorization.”

Slovak members seeking to naturalize were intimidated in ways that ex-
hibited the full might of the state. An SWS member from Passaic, New Jer-
sey, appearing at his mother-in-law’s naturalization hearing “had quite some
difficulties.” The judge had a list of all Passaic SWS members and said that as
long as the man remained in the organization his mother-in-law would
never receive her citizenship papers. The hapless member said that if it were
necessary, he’d resign immediately, but the judge demanded that he take an
oath to that effect and threatened that if he did not resign, he would be fined
$10,000 and jailed for five years. When the member’s wife heard about this,
she “tore up the policies and the dues books, went outside and burned it all,”
and told her husband if he did not resign she would leave him.

Still, even in the face of deportation, or the combined wrath of judges
and mothers-in-law, many grassroots members remained poetically defiant.
“One thing they don’t understand—our stubbornness. We are fearless peo-
ple,” a Carpatho-Russian member wrote his society’s president. “Even if they
deport me to the North Pole, among the Eskimos, I shall show, by gesticulation, if needs be, to these Eskimos the wrong we are being done by Capitalism. There too I shall prepare for the day of the overthrow of the oppressors of the working people. They will not get rid of us, no matter where they deport us!” Such indignant letters suggest the depth of radical immigrants’ commitment to the Order.\footnote{\textsuperscript{76}}

Other IWO members found the deportation threat a more sorrowful experience. Benny Saltzman, a Bronx housepainter and IWO member, faced deportation for his brief membership in the CP sixteen years earlier. Icons of family and wartime sacrifice, as well as homages to American values of freedom of speech and press, were deployed to defend Saltzman’s right to remain in the country in which he had lived for thirty-nine years. The Trade Union Committee for Protection of Foreign Born publicized a sympathetic story by the \textit{New York Post}, “‘This Is Home and Here I Stay.” “If they throw me out of the U.S., I’ll be a man without a country,” Saltzman told the \textit{Post}. “This is my only home . . . the only one I want. I am proud of being an American.” The article noted that Saltzman’s wife and sons were American citizens and that one son had been killed defending American freedom at the Battle of the Bulge and another received a Purple Heart. Saltzman also bristled at inquisitions into what he thought or read, noting, “One of the crimes they accuse me of . . . is that I read the \textit{Morning Freiheit}. Whose business is it what I read? This is America. Here we have freedom of speech. This is a shame against our flag.” As for his brief membership in the CP in 1936, he said that he had freely informed the INS of this and that he had joined “to fight the racketeers in my painters union.” A photo of the Saltzman family deployed the tropes of domesticity and wartime sacrifice on his behalf: “It is not enough that one son lost his life, another wounded and the third awaits a call to Service. Today, Sadie Saltzman is to be widowed, her two sons orphaned through the deportation of her husband Benny.” The IWO offered constant, accurate denunciations of state ordeals by which free speech from the Left was beaten senseless, not so much defeated in the open marketplace of ideas. To defend its nonnaturalized members, the IWO mobilized a score of “stop deportation drive” rallies.\footnote{\textsuperscript{77}}

In this and other cases, defense of IWO members was framed in narratives of family, domesticity, respectability, and wartime service or sacrifice to country. Nowak, former state senator and IWO and ASC leader in Michigan, also faced denaturalization and deportation for allegedly belonging to an organization that advocated the overthrow of the government. Decades later Nowak saw the humor in this harassment, for as an elected official, he said, “I was the government.”\footnote{\textsuperscript{78}} In the 1940s and 1950s, however, as the government twice sought to revoke Nowak’s citizenship, his defenders were more alarmed than amused. Even after the IWO and Slav Congress had been destroyed, the government still sought Nowak’s removal. To prevent this possibility, his defenders deployed symbols of Americanism and domesticity. \textit{An American Family}
Faces Separation or Exile, the title of one pamphlet read. It featured a photo of the former senator, his wife, and daughter. “The family is one of the most sacred of institutions, but many forces tend to break up families in America today,” Margaret Nowak, Stanley’s wife, wrote, citing the McCarran-Walter Act as the most pernicious of these forces. Margaret asserted that it was “simply because of their ideas” that people such as her husband faced deportation, noting Stanley’s vigorous activism for the UAW and on behalf of the New Deal as the reason reactionaries were targeting him. While Nowak’s service to the nation was not on par with the wartime service of Benny Saltzman’s sons, Nowak’s defenders cast his persecution as a result of his work building unions to guarantee a decent standard of living to Americans, a counternarrative of patriotism already coming under assault by the 1950s (Figure 6.2).\(^79\)

The defense committee’s pamphlet was replete, too, with homages to American icons such as minutemen, Franklin, Lincoln, and Jefferson, and the constitutional rights of freedom of speech and assembly, which were being denied the foreign born under the “draconian” McCarran-Walter Act. It cited, too, a call by UAW president Walter Reuther to “repeal the McCarran-
Walter Act or tear down the Statue of Liberty, because the two simply don’t go together.”

Nowak may have brought the full force of the Justice Department down on his foreign-born head by refusing to be deferential to anti-Communist investigators. In his 1952 appearance before HUAC, he declared, “I find myself in complete disagreement with the committee’s work and procedure. From its very inception this committee has been, in the words of the Detroit Free Press, ‘the most un-American thing.’” Nowak condemned HUAC as a stick with which to beat organized labor. He also condemned HUAC’s lax record with respect to “the Ku Klux Klan and Fascist or Nazi groups” and excoriated the committee, which “uses its Congressional power and prestige to intimidate people who have ideas different from those of the committee members.” Nowak further condemned HUAC for its hounding of militant civil rights activists, joining fellow IWO member Robeson in faulting committee members’ “un-American” endorsement of racial segregation and African Americans’ disfranchisement. In 1952 parlance Nowak was a most uncooperative witness.

Nowak’s citizenship was eventually affirmed by the Supreme Court. His lawyers successfully argued that their client’s militancy on behalf of industrial workers during the 1930s had to be understood within the tenor of that turbulent decade, “a period of ferment, unrest, change—of seeking for panaceas for our economic and social problems.” The Depression, Nowak’s lawyers argued, “was a period of free, open, vital, radical discussion. Ideas were freely advanced, vigorously defended and violently attacked. The language of the period was suited to its mood. Militant, radical, even revolutionary words and phrases became part of the current lingo.” Even if Nowak had joined the Party, which neither he nor his defense team admitted, such militancy had to be understood within the tenor of the times, and not the very different context of the Cold War in the 1950s. As Buff notes, such a contextualized defense of uneasy times in which radical solutions gained a hearing was deployed by many defendants seeking to escape the “deportation terror.” Nowak was one such successful defendant.

Those foreign-born suspects that were eventually allowed to remain still experienced years of anguish, job loss, and imprisonment. Croatian-born Hyndman, who had led efforts to integrate the schools in Gary, Indiana, as well as organize steelworkers during her tenure with the IWO and ASC, was imprisoned pending deportation. Hyndman, who had been brought to America from Dalmatia in 1913 at age six, defended her effort to achieve integration as well as her other subversive ideas. In a letter to Eleanor Roosevelt, she asked, “Will we become a new type of displaced persons, banished from the United States because we dare entertain thoughts not to the liking of present-day bigots and witch-hunters?”
Unlike Saltzman and Nowak, who stressed family and patriotism in arguing for the right to remain in America, Hyndman’s defense was predicated on a riskier, more contested strategy: freedom of speech and thought in a time of national security conformity. Hyndman’s question to the former First Lady aptly links the figure of the displaced person—welcomed to the United States so long as she or he was fleeing the right, State Department–approved government—to the country’s criminalization and banishment of other people, those harboring supposedly dangerous thoughts. The criminalization of thoughts, not actions, was also underscored in Hyndman and the ASC’s denunciation of her plight. Hyndman was eventually allowed to remain in the country.  

Similarly, in 1950 IWO executive secretary Milgrom was arrested and ordered deported, beginning a years’ long fight to remain in the country. The arrest warrant listed one of Milgrom’s “aliases” as “Little Caesar.” The IWO immediately charged that their executive secretary’s arrest was part of the “deportation hysteria” and vowed to fight the Justice Department’s “un-American and unconstitutional tactics.” Kent wrote to Milgrom that he saw his persecution as consistent with “the blueprint for fascism” that the Truman administration was preparing. A month later Shipka reported on the “attacks on the Order” represented by the attempted deportation of officials such as Milgrom, Andrew Dmytryshyn, and Peter Harisiades as well as a former member, Dr. Krishna Chandra. “The objective is the mass murder of civil liberties,” he declared. Such deportation tactics, the IWO charged, were designed “to brand the 165,000 members as outcasts.”  

An ailing Milgrom was imprisoned on Ellis Island as the IWO and ACPFB worked to secure his freedom and that of other IWO officers “subject to an intensified campaign of intimidation.” Rallies of black, Jewish, and Slavic members demanded his freedom, and letters penned by Milgrom on Ellis Island—“already a concentration camp”—were sent to members with an appeal for wires to the attorney general pleading his cause. In December 1952 he was remanded to a hospital due to his medical condition, although the Justice Department pursued his removal from the country. Leaders of the IWO including Kent and African American minister Hill met with the commissioner of immigration, urging bail for the hospitalized Milgrom, who was still in “preventive custody” at Mount Sinai even though he had been bedridden for months.  

After nearly three years of litigation, the grievously ill Milgrom won his freedom. His lengthy ordeal was an example of what Hannah Arendt, in referring to stateless people, terms the fight for the right to have rights. The sense of the IWO’s lodges as an affective community, a safe haven where one could feel at home politically, socially, and emotionally, was one of the casualties of what the IWO had aptly labeled deportation hysteria. Through such
campaigns of intimidation, red-hunters eradicated lodges’ home-like loci of belonging.

Conversely, while some IWO members fought deportation, the government refused to allow other defiant leftists to travel abroad to argue for civil rights, nuclear disarmament, world peace, and other “subversive” concepts. American-born members of the IWO such as singer Robeson and painter-illustrator Kent had their passports pulled, effectively ending their careers. Foreign- and native-born members of the Order experienced the state’s heavy hand as it policed their thoughts, writings, and actions.88

As other foreign-born members of the IWO faced deportation, the Statue of Liberty was once again enlisted in their defense. The Committee in Defense of Henry Podolski, an official in the Polonia Society, demanded to know, “Shall We Destroy the Statue of Liberty and Build Concentration Camps?” As the Hobbs, Mundt, McCarran-Walter and other bills contemplated indefinite detention of alien radicals, defenders of Podolski were right to ask if concentration camps were on the way. The IWO unequivocally defended Podolski as a victim of the “deportation delirium” and “a fearless fighter for democratic rights.” If Podolski were removed from the country as “subversive,” the IWO suggested an equally subversive document—the Declaration of Independence—should be torn up, as well.89

The defenders of IWO official Harisiades pointed out that another alien with strange ideas was likewise born abroad. They wanted to know if perhaps the Statue of Liberty should be deported, too, for after all, “Miss Liberty is a ‘foreigner.’ She was born in France and came to the United States in 1886. She symbolizes the ideals which the Justice Department today regards as ‘subversive’ and grounds for deportation. She represents the ideas of freedom and equality which the Justice Department is trying to make illegal for non-citizens and naturalized citizens to advocate.” Harisiades’s defenders admitted, “Of course, the idea of deporting the Statue of Liberty is ridiculous. It is shocking to any American. But, it is no less shocking to observe the manner in which the Justice Department treats decent, hard-working foreign-born Americans, . . . threatening to forcibly separate them from their families and friends.” Leftists hoped the absurdity of the idea would cause citizens to pressure the government to give up its plan to deport more than thirty-five hundred foreign-born people stigmatized as subversive. The message here thus was morale-boosting—Lady Liberty is a progressive immigrant, just like me—as well as didactic, endeavoring to get Americans to alter a policy exposed as absurd. Such appeals sought to capture the flag of iconic American images and reframe the narrative for a progressive patriotism, for, as his defenders argued, “If Peter Harisiades is deported, the Statue of Liberty will be in the boat with him” and no American’s freedoms would be safe (Figure 6.3).90

Such appeals to American traditions and icons rarely succeeded in preventing expulsion of noncitizens with unpopular beliefs. Glos Ludowy urged
Miss Liberty is a “foreigner.” She was born in France and came to the United States in 1886. She symbolizes the ideals which the Department of Justice today regards as “subversive” and grounds for deportation. She represents the ideas of freedom and equality which the Justice Department is trying to make illegal for non-citizens and naturalized citizens to advocate.

Ridiculous? Of course, the idea of deporting the Statue of Liberty is ridiculous. It is shocking to any American. But, it is no less shocking to observe the manner in which the Justice Department treats decent, hard-working foreign-born Americans, threatening to jail or deport them after they have lived most of their lives in this country, threatening to forcibly separate them from their families and friends.

The current deportation hysteria is in complete violation of the Bill of Rights, of everything Miss Liberty symbolizes. To date, more than 160 non-citizens in 21 states have been arrested . . . and the Justice Department says it will proceed against 3,500 more. The lives of these 3,500 non-citizens—and the future of American democracy itself—may be determined by the CASE OF PETER HARISIADES, which is now on the way to the United States Supreme Court as a test case in the deportation hysteria. If the Justice Department succeeds in its current deportation drive, no one—citizen or non-citizen—will be safe since the Bill of Rights will become meaningless.

Unbelievable? Turn the page and read the shocking story of this 1950 version of the Palmer Raids, which threaten your rights . . . which threatens to extinguish the Torch held high by the Statue of Liberty and then to put Miss Liberty herself on a boat headed for France, a victim of hysteria.

Figure 6.3 The defenders of Peter Harisiades, leader of the IWO's Hellenic American Brotherhood, wanted to know if another dangerous foreigner with strange ideas should be deported.

Source: Flyer, Should Miss Liberty Be Deported? The Case of Peter Harisiades, 1950, VM-NYPL, box 46.
readers to rally around Podolski as a patriot in the tradition of Lincoln, Jefferson, and Roosevelt. Such appeals fell on deaf ears. Both Podolski and Harisiades were deported as “undesirable aliens” to Poland; the Greek-born Harisiades spoke not a word of Polish but opted to accept asylum there rather than face imprisonment or execution in right-wing authoritarian Greece, a country he had left with his parents at the age of nine in any case.²⁹¹

In labeling Harisiades and others “un-American,” the Justice Department failed to answer a decided conundrum: Where had a nine-year-old Greek immigrant boy learned his “un-American” ideas? Unless he had been a particularly precocious and observant child, surely it was some experience of the inequities of industrial America, not Greek or other foreign conditions that gave rise to his education, labor militancy, and participation in the IWO’s Hellenic American Brotherhood. His “un-American” ideas very much arose not from his foreignness, but his homegrown, American experience of proletarian exploitation.

For all the Justice Department’s earlier assertions that aliens were being punished not for IWO membership but for their CP affiliation, in December 1951 a federal judge, in upholding Dmytryshyn’s deportation, ruled even former IWO membership might now be grounds for expulsion. Glos Ludowy accurately warned a “Hitler knout” now hung over the heads of American residents with unpopular beliefs.²⁹²

**A Moral and Political “Hazard”**

By 1950 the Hitler knout to which Glos Ludowy alluded threatened not just individual members but the entire IWO. Execution came in the incongruous form of a New York State insurance examiner. Although audits of the IWO’s finances had been conducted regularly, prior to 1950 these periodic reviews had focused on the finances of the organization. That year when insurance examiner James Haley filed his initial report, the IWO was again found to be financially impeccable. As legal scholar Sabin notes, “The State [of New York] never claimed any legitimate basis for action against the organization on financial grounds; the IWO was in excellent shape, running efficiently as an insurance company.” But the IWO’s very fiscal soundness was regarded as a danger in Cold War America, with fears that these insurance funds might be directed toward Moscow in time of war or national emergency.²⁹³

Although the IWO’s finances were again deemed exemplary, Haley was tasked with writing a second report on the organization’s “fraternal activities,” marking the only time the New York Insurance Department used its regulatory powers to delve into the political program of a mutual benefit society. Here Haley and his department superiors moved beyond financial oversight and recast the actuarial term “hazard”—applied in every case both
before and after the IWO report to a company with insufficient funds to cover policyholders or engaging in financial irregularities—to portray the Order as a moral and political hazard. Even here the Haley Report, delivered in May 1950, was ambiguous. Haley admitted that his examination of IWO publications such as issues of the *Fraternal Outlook* “disclosed no affirmative evidence of subversive acts,” but he nevertheless regarded caustic criticism of U.S. foreign policy and consistent support for the Soviet Union as alarming. Criticism of the Marshall Plan and condemnation of red-baiting by Truman administration officials were cited as the sorts of “intemperate remarks” constituting “a concerted effort . . . to impugn the integrity of our country’s President, his Cabinet and the Congress, specifically in their conduct of foreign policy.” Haley allowed that such criticism might not be “an affirmative subversive act” but nevertheless asserted that “there may be discerned therein a plan to accomplish by indirection the same result as would be achieved by a direct subversive act.”94 Speech and writing in support of unpopular positions, or criticism of a particular president’s policies, was turned into cause for punishment because a particular insurance examiner thought such speech and writings might lead others to a subversive act.

The Haley Report placed politics, not the IWO’s impeccable finances, at the center of its condemnation. The Order’s support for other organizations on the Attorney General’s List, as well as its own listing, were held to constitute not just a hazard to the general public but also a hazard to the IWO’s own members, who might be open to charges of disloyalty, or, as in the case of Dmytryshyn, deported solely for their IWO membership. Thus the punitive actions of government officials—attorneys general, congressmen, and INS officers—were cited as grounds for further punitive action against the IWO. The Order was a hazard to the public because its members might lose their jobs or face prison because the government did not like its policies.95

Haley argued that political advocacy by the Order went beyond the IWO’s charter and recommended that the department liquidate the organization, the most extreme step available. Other, more incremental steps such as removal of officers deemed incompetent or steps to put the organization’s books on sounder footing were not considered, evidently because as Haley himself admitted, his audits revealed no financial shenanigans, only political views he regarded as “alarming” and “intemperate.”96

The IWO was quick to note the inconsistencies in Haley’s report. In preparing for an Insurance Department hearing to show cause why liquidation should not be carried out, IWO lawyers pointed out that the Order’s ads in left-wing newspapers to which Haley objected were a common practice by fraternal societies to recruit members. IWO officers noted that previous audits had not objected to such practices. In any case, as Shipka remarked, contributions to “so-called subversive organizations” represented only 0.05 percent of the IWO’s total expenditures, and ads in suspect newspapers
such as the *Daily Worker* and *Morgen Freiheit* were actually a good advertising investment for the Order in its recruitment of new members and not, as the department charged, proof that the IWO was a “transmission belt” funneling funds to the Party.\(^97\)

As for the charges of Communist domination of the IWO, the Order’s lawyers dismissed the issue as misplaced as well as illegitimate for a government regulatory body to raise. “The real question,” the lawyers argued, “is not what the leadership of the Communist Party tried to do to the Order, but whether the Order through its own activities, violated the New York insurance law.” The lawyers asserted, “In every large group there are those within it who seek to impress upon the organization their views.” In a democratic organization such as the IWO, this was not proof of subversion but only a healthy exchange of views. “The examiner’s real complaint,” the lawyers charged, “is that the Order was a theatre for the expression of views to which he is hostile.” Articles and speeches urging members to become “class conscious” were not, they argued, evidence of advocacy of the overthrow of the government by violent means, the broad Smith Act language that had seemingly been imported into insurance law and allowed an examiner to sniff out political and moral hazards within life insurance policies.\(^98\)

Noting that the CP remained legal, the lawyers wanted to know, “Why was it proper for the Aetna, Guardian and the Prudential to give support to the Republican Party, and improper for the IWO to give support to the Communist Party.” The Polonia Society likewise pointed out this lopsided imposition of a political litmus test. While their organization, which they said had never endorsed political candidates, was targeted for liquidation, “no insurance commissioners attack the Związek Narodowy Polski (Polish National Association [sic]) because their leaders publicly, in the columns of their house-organ, indorsed [sic] the Republican candidate to the Presidency in 1948.” Only left-wing political speech was subject to censure.\(^99\)

Of course, the IWO’s case played out not just in a hearing room but in the Cold War public arena. The organization endeavored to steer the hearing back to the actuarial soundness of the Order. Officers pointed out that auditors had consistently praised their finances for more than twenty years, a fact reiterated by a Newark accountant in the Order who deposed that the organization had “restricted its investments to municipal, state and Government bonds because as a group, such securities offer greater safety.” Shipka combated the attempt by several states to follow New York’s lead and not renew the IWO’s insurance license by noting, “Very few fraternal organizations…can match the 146 percent solvency of the IWO and the A-plus excellent condition of its insurance funds.” Such arguments, though, were mocked by the conservative *New York World-Telegram and Sun*, whose headline writer scoffed, “Their Books Balanced, But Politics Were in Red.” The paper likewise dismissed arguments that the IWO elected non-Communist officers by
sneering that officers such as Marcantonio “could therefore serve as ‘window dressing,’ a familiar Commie trick.” Repentant ex-Communist and professional testifier Louis Budenz piled on, condemning the Garibaldi Society, where “the boys worked like beavers to get out the vote for that now-defeated Stalin stooge, Marcantonio.”

Despite the IWO’s argument that “the basic definition of ‘public hazard’ was being twisted beyond its plain and indicated meaning,” the Insurance Department found that the IWO was too solvent and its ostensibly pro-Russian officers might find “some means to transfer its assets to that country.” As Sabin notes, the IWO’s very financial soundness was held to be a mark against it. In the hearing the IWO argued that “a finding of potential hazard which flows from the fact that the assets . . . are too liquid, is simply too incredible to dignify with discussion.” Outside the hearing room, the IWO was less temperate, charging in the Fraternal Outlook, “They are trying to liquidate all of the people’s rights” and “[their] objective is the mass murder of civil liberties.”

Nervous lodge officers worried that their treasuries would be confiscated by the state and that elderly members would lose their insurance coverage. The president of the SWS wrote to one officer in Binghamton, reassuring him that Shipka had promised “the storm will blow over without a disaster.” The money that belonged to Binghamton’s members was safe, he added, for “it’s as they say, the devil is not all that black as they paint him, or McCarran isn’t sending anyone to the gallows.” The Slovaks’ president concluded by advising, “I’d say carry on with the usual practice. . . . [I]t will have to be, stand up on your hind legs and don’t worry, everything will be OK.”

The Slovak officer added, “It’s when a village is sleeping that thieves can accomplish the most,” and sleeping or not, the IWO was disappointed by the Insurance Department’s December 1950 decision accepting Haley’s recommendation to liquidate. The matter then moved to New York County Supreme Court, where Judge Henry Clay Greenberg directed the IWO to show cause why liquidation of the Order should not proceed. An expedited trial process, which had always previously been employed so that a financially insolvent insurance company could prove its books were in order, was for the first (and as of the present, only) time deployed against an organization because of the unpopular beliefs of some of its officers. More ominously, Greenberg’s order for the IWO to stand trial also restricted the Order not to enroll any new members or write any insurance policies as of December 14, 1950, and placed the Order under joint supervision of the state Insurance Department and its own officers. As of that date, any IWO expenditure of funds, save for its legal defense, required Insurance Department approval.

The devastating effects of this order caused officers much anguish. Shipka wrote to defense counsel Raphael Weissman, “The Department has evidently intended to paralyze all functions of the organization.” With the installa-
tion of Insurance Department officer William Karlin as coadministrator at IWO national headquarters, the government agency seeking the Order’s liq-
uidation had access to all its records, in effect giving the prosecution advance
glance at the organization’s defense strategy. SWS officer Joseph Schiffel in-
structed a Chicago member, “In case you want to write me anything of im-
portance, . . . don’t write to the General Office, but rather to my private
address, as we have here a bunch offellows from the [Insurance] Depart-
ment, and every letter, even every slip of paper, goes through their hands;
now, we must not give them additional material, you understand???” Consid-
ering the voluminous amount of IWO records that ended up in the Insurance
Department files, Schiffel had reason to worry.105

To allay members’ concerns, the IWO announced formation of the Poli-
cyholders Protective Committee. If the state cast the IWO as a moral and
political hazard to its members, the committee asserted its allegiance to the
Order and portrayed the organization as a defender of their property
interests—that is, the equity they had built up in their insurance policies that
might be reassigned to a commercial carrier if liquidation were upheld.
The committee trekked to Albany to lobby Governor Thomas Dewey, Insur-
ance Commissioner Alfred Bohlinger, and legislators to end the liquidation
proceedings.106

Vice President Thompson Patterson reflected decades later that as an
insurance company the IWO was always vulnerable to government regula-
tion, and now that regulation was deployed to stifle political dissent. She
remarked on the irony of the government seeking to confiscate the property
of a soundly run, fiscally solvent left-wing organization, while alleged Com-
munists defended private-property rights, commenting, “They actually stole
it by declaring [the IWO] was a Communist front.”107

In early 1951 rallies decried the liquidation action. At the Emergency Con-
ference against the Liquidation of a People’s Organization on New York’s
Lower East Side, resolutions viewed with “concern and alarm” the plan to
“strip 162,000 IWO members of their insurance protection, sick benefits and
burial rights and dissolve their . . . organization.” The conference noted that
the Insurance Department had consistently attested to the IWO’s “excellent
financial condition” and had never in twenty years “challenged the cultural,
sports, social and civic activities of the IWO, since these are outside its juris-
diction.” Red-baiting and war fears were being used, the conference charged,
to break up an interracial people’s organization that ably served the needs of
its members; New York, not the IWO, was engaged in thought control. “If the
Insurance Department can smash a going concern like the IWO,” the confer-
ence warned, “then other government agencies can attempt to destroy groups
which do not always agree with them. Our organizations, our civil liberties
and our property rights are not safe if such precedents are established.” The
conference demanded liquidation proceedings be withdrawn immediately.108
The conference turned the tables on the Insurance Department, noting that while the interracial IWO offered low-cost insurance protection to black and white members alike, the department had ignored evidence that commercial companies charged black Harlem residents 208 percent more on their policies than white people. The conference demanded that the legislature investigate the department’s failure to enforce antidiscrimination laws with respect to commercial insurers.109

The department had also violated the law, the convention charged, in denying the IWO permission to hold its scheduled eighth national convention. Judge Greenberg concurred with the Insurance Department’s refusal, as coadministrator of the IWO, to permit the convention prior to the trial in New York County Supreme Court. The New York Herald Tribune quoted the department’s lawyer as arguing, “It is clear that the sole function of the convention will be to carry out the instructions of the Communist Party. It may also be assumed that the entire aim of the convention will be to whitewash the International Workers Order.”110 The state seemed to argue simultaneously that the IWO was Communist-dominated and that a democratically run convention would likely choose new officers for the Order with no radical affiliation, thereby “whitewashing” the organization in time for its trial. Other commentators had cited non-Communist IWO officials such as Kent and Marcantonio as “proof” the CP had cleverly promoted some non-Communist officers, “a common Commie trick.” Professional informant Budenz said Kent was promoted to president to lend “an air of intellectuality and gentility around the post” but still reliably supported the Communist line. The IWO was doubly damned if even the election of non-Communist officers was cited as proof of Communist domination.111

The emergency conference decried the banning of the convention—“a denial of fair play, a denial of justice, a denial of due process, a denial of the constitutional right of assembly, and an outrageous perversion of democracy”—while also pointing out that the Insurance Department was ordering the IWO to violate both its own constitution and New York laws that required mutual benefit societies to hold regularly scheduled conventions. The ban prevented 162,000 members from exercising their democratic rights to elect delegates to make vital decisions affecting “the future of their life insurance savings and protection, their sick and cemetery benefits, and the $110,000,000 in insurance policies and $7,000,000 assets of the IWO, which belong to them.” Duly elected delegates to the suspended convention petitioned Greenberg to allow them to meet, arguing that the pending trial made it more crucial than ever that members’ representatives be allowed to make decisions affecting the financial security of these working men and women. They asked Greenberg “a very simple question”: “Will it not shame our nation in the eyes of the world to be forced to confess that conventions . . . are now to be banned by the court because a governmental authority is fearful that
such meetings will make it more difficult to destroy them?” When the judge refused to lift the ban, the IWO wrote to the would-be delegates, reminding them again that this was a violation of New York insurance law “as well as the elemental democratic right of freedom of assembly” and called them to an emergency meeting to defend their organization.112

“Hitlerism with an Insurance Twist”

Prevented from assembling in their national convention, IWO members sought to sway New York through the Policyholders Protective Committee, rallying in seventeen cities and taking out ads in liberal newspapers such as The Compass to urge insurance superintendent Bohlinger to withdraw the liquidation order. The committee and many IWO members were particularly irked by what they regarded as a condescending letter from Bohlinger to all policyholders, in which as cosupervisor he urged members to continue paying dues so as not to let their coverage lapse. He added, “If liquidation is granted I will try to reinsure the present policyholders on as nearly the same terms as possible with some other insurance company or companies.”113

Many members took umbrage at Bohlinger’s pretensions of caring about their fiscal interests. Abraham Freeman of Boston wrote the superintendent on “February 22 Washington’s birthday, . . . in memory of our great president,” sarcastically asking him, “What have I done to merit your personal attention as to the security of my insurance?” Freeman reminded Bohlinger of the consistently favorable audits his own department had conducted of the IWO and asked how what had been fine during the war could now be construed as subversive. “If there is still left in you a semblance of a free-loving American then your conscience should prompt you to call off the case against the IWO,” Freeman concluded, “and let . . . members and their families once more breathe the air of a free America.” A lawyer who was an IWO member similarly saw in Bohlinger’s letter a plan “to turn my insurance over to one of the monopoly insurance companies.” He condemned interference in the Order due to the politics of some of its officers, telling Bohlinger, “I do not approve of Republicans, in fact, I believe most of them are a menace to the welfare of the people, and yet if I held your position, I would have no right to tell citizens [that] they may not associate with Republicans for fraternal or business purposes.” A members’ meeting declared Bohlinger’s letter “a little masterpiece of arrogance and insult.” “Dear Mr. Bohlinger,” they wrote, “we did not ask your permission to join the IWO and we did not ask you to decide whether we should continue our membership. . . . So, thanks for nothing.” A New York rally declared Bohlinger, not their interracial, working-class Order, the public hazard and demanded an end to the liquidation, which they called “Hitlerism with an insurance twist.”114
Despite such solidarity the case against the IWO went forward in Greenberg’s courtroom. To make its case that the Order was Communist-dominated and therefore a hazard, the Insurance Department called to the stand ex-Communists who by 1951 were carving out second careers as well-compensated government witnesses. At the height of the Cold War’s red scare, such an impressive array of former Communists testifying against the IWO likely made the charges of subversion and foreign domination seem, to Greenberg, plausible. Nevertheless, the reliability of such paid witnesses, who were often caught in contradictory testimony from one trial to another, has been questioned by scholars such as Caute, who points out that the continued livelihood of witnesses at the IWO trial such as Mathew Cvetic and Budenz depended on their continually producing “an encyclopedic knowledge of the Communist movement across a vast country.” Thus “they sold hunches or guesses as inside knowledge, supporting their claims with bogus reports of conversations and encounters.” By the mid-1950s Cvetic was exposed as a perjurer and dismissed by the FBI and other government agencies as a particularly erratic, unreliable informant. Another witness against the IWO, Manning Johnson, had the previous year been caught perjuring himself in the deportation trial of longshoremen’s union leader Bridges. In cross-examinations, the IWO’s lawyers, too, drove home that the state’s case relied on “kept” witnesses whose testimony seemed to contradict their earlier statements in other cases.\textsuperscript{115}

The state’s case confirmed what the IWO had never made secret: some of its officers were members of the CP (still a legal albeit beleaguered political party in 1951), and the Order had supported left-wing causes as part of its fraternal work. Powers testified that he had attended CP fraction meetings with IWO officers such as Saltzman, Shipka, Bedacht, Thompson, and others. In addition he testified to the IWO’s campaigns on behalf of the Scottsboro defendants, enactment of social security and unemployment insurance, and integration of baseball and other civil rights measures, asserting such campaigns were begun in obedience to CP instructions. The Order’s attorneys, however, pointed out that these campaigns predated Powers’s IWO membership by four years and that lobbying for these causes began in the Order prior to Party support for the causes. And while the IWO had raised funds for causes such as the Scottsboro defense, this was always members’ contributions and not from the Order’s corporate funds. Moreover, the digest of Powers’s testimony stated that “Powers spoke frequently at these meetings, but did not openly advocate the violent overthrow of the Government by force.” Powers gave no testimony that any other IWO members had advocated violent overthrow of the government, the heart of the Smith Act, either. IWO attorney Weissman also got Powers to admit that some of the ostensibly subversive literature he said appeared at IWO meetings was readily available in
bookstores and public libraries and that some of his testimony conflicted with his sworn statements during the Dmytryshyn deportation case. Powers’s sizable payment of $25 a day for his testimony was also stressed.\textsuperscript{116}

The IWO’s democratic procedures were transformed into something nefarious in the testimony of Joseph Zach Kornfeder. Although he admitted that only a minority of IWO members were Communists, he claimed that the Party was able to maintain officerships by securing enough votes to get elected. While such advance planning and politicking for success during open elections might sound like democracy, anti-Communist advocates saw in such actions the hand of conspiracy and subversion. Although Kornfeder testified that the IWO had been created at the behest of the “Communist Internationale in Moscow,” he admitted he had “not heard of any oral directives involving the IWO which were issued by . . . the Communist Internationale, nor has he heard of any written directives concerning the same subject matter and issued by . . . the Communist Internationale.” Another disparity arose when Kornfeder testified as to a 1932 meeting of the CP’s Central Committee “to discuss a slate of officers for the IWO.” The witness was reminded by defense counsel that during the Dmytryshyn trial “he had stated that he did not recall ever having voted on a slate of officers for the IWO.” It was then pointed out that Kornfeder had not been a member of the Central Committee since 1928, two years before the creation of the IWO. Defense attorneys further stated, “Kornfeder has never attended a convention of the IWO and is not qualified to say in what manner the National officers were elected.” As evidence of Communist domination, such testimony seemed fairly thin.\textsuperscript{117}

Other witnesses contradicted themselves, too. Simon Weber, who had been editor of the \textit{Morgen Freiheit}, said the IWO had subsidized this Communist Yiddish newspaper but later admitted that the money came from members’ individual donations. Weber, too, was hard-pressed to elaborate on the inner workings of the IWO, as he had left the organization fifteen years previously. Weber also admitted there was little subversive in the Order’s support for extending Social Security, fair-housing legislation, slum clearance, and black civil rights. Star witness Cvetic named an extensive number of IWO officers as members of the CP’s Nationality Commission but was at a loss to explain why, as defense counsel asked, he had not so identified IWO members in earlier testimony on the Nationality Commission before HUAC. Cvetic likewise had made no mention of the IWO in his earlier HUAC testimony on “the break down of the Communist Party operations in Pittsburgh,” even though he now asserted western Pennsylvania IWO lodges were Communist-dominated. Defense counsel made much of Cvetic’s generous payment by the government—he had garnered approximately $800 as a “kept” witness since May 1950—as well as his messy divorce proceedings and arrest for assaulting his sister-in-law.\textsuperscript{118}
In presenting the IWO’s defense, Weissman won some important concessions from insurance examiner Haley, who agreed that the organization had a democratic government structure, was not founded by the CP, was financially sound, and that he found no evidence of Smith Act violations or other advocacy of the violent overthrow of the government. Haley agreed, too, that most of the IWO publications that had influenced his finding of “hazard” had been written ten or more years earlier. As to these publications, defense witnesses such as Rubin Saltzman testified that their militant writings in IWO publications were not expressions of official IWO policy but merely the personal opinions of individual authors. As evidence that many IWO lodges contained members with a gamut of political beliefs, the defense submitted an article written by an Order member advocating the presidential candidacy of conservative Republican senator Robert Taft. Testimony on the IWO’s medical programs was entered as evidence that the organization was a help, not a hazard, to both its members and working-class communities.119

Freedom of thought and association were at the center of the IWO’s defense, with the organization’s officers refusing, as a matter of principle, to “controvert” any connection or sympathy with the Communist movement in America. Greenberg, who was conducting the trial without a jury, had frequently asked IWO witnesses if they now rejected the Party, its political campaigns, and the support the Order once seemingly provided to Party newspapers. Defense counsel Weissman finally intervened, objecting to Greenberg’s characterization of such alleged Communist connections as “damning” evidence. The Order’s activities, “whatever they were, were legal, constitutional, open, proper, and not in the least damning.” He argued that political questions “are utterly incompetent, irrelevant and immaterial,… a witch-hunt in an insurance matter.” President Kent agreed; when questioned about why he seemed to agree with Communists in his writings, he suggested that perhaps he had found their arguments made sense but reminded the court that the U.S. and New York constitutions protected political beliefs.120

As part of its defense, the IWO submitted more than a hundred members’ affidavits from throughout the country. Members attested to the Order’s racial brotherhood, civil rights activism, and wartime service record as well as the organization’s good works on domestic policy and the quality medical care and benefits and fellowship they derived. Affiants, too, addressed head-on the question of members’ free-association rights and swore they had been exposed to nothing subversive or inimical to true Americanism in the Order. John Hrusovsky of Irvington, New Jersey, a charter member of the SWS, stated, “I know that nothing has been circulated that could by the widest stretch of the imagination be considered ‘subversive’ of our American democracy.” Switching to the language of property perhaps suitable to an
insurance-company trial, he added, “I consider my membership . . . to be the most precious of all of my personal assets.” From Los Angeles, Salvatore Spampinato wrote,

I wish to say no other company could begin to replace what the I.W.O. represents to me. I have been a member and officer for so many years that I know it from A to Z, and I believe it to be a real expression of democracy, Americanism, and brotherhood. I have never seen to date in the I.W.O. . . . when any person, right or wrong, might not freely express his opinion on any subject, and I have never seen any action taken save by free democratic vote of the rank and file. Because of the democratic character of its organization and because of the services and brotherhood which it furnishes to its members, I know the I.W.O. has a place in the community and in the country.

Other members expressed “alarm and indignation” at the possible liquidation as well as the undemocratic suspension of the IWO’s convention. A Philadelphian attested, “In the 21 years of my membership, I have never heard anyone advocate attacking our government or overthrowing it by force and violence.” He added, “I say flatly” the IWO was not controlled by Communists. Dominica Alasina of Detroit attested that she saw no Communist literature or speakers at her lodge, adding, “I am a Catholic and I go to church and I would remember.” Other members swore they had never seen as democratic an organization as the IWO and stated, “We decide for ourselves what we shall do and how we shall operate.” A woman from Elizabeth, New Jersey, denied there were any suspect political activities at her lodge, which instead worked to keep the children of her industrial city in healthy and constructive activity and provide economic and medical security for older members. A Philadelphia Slovak branded allegations of Communist domination “a lie,” attesting, “We do good work. It is a good organization.” A Hungarian man from the Bronx echoed these sentiments as well as detailing the support his lodge had given to working people during the Depression and its commitment to combating racial discrimination. He ended his sworn statement, “I am upset and anxious about the present court proceedings against my organization, and I feel that this action is unjustified and wrong. We should be left alone; no one should interfere with us as we have done no wrong. Our objective has been to protect the poor, the working people, minorities, in the best interest of America.” Dozens of IWO members saw nothing of a moral or political hazard in the organization to which they wished to belong.

In May 1951 the Order’s members seemed to gain a great advantage when the U.S. Supreme Court agreed with the IWO in finding its placement
on the Attorney General’s List unconstitutional. The law firm representing the IWO declared the ruling made it “illegal to discriminate against the International Workers Order or its members. . . . A refusal to permit . . . any of its lodges to use a meeting place, to purchase radio time, or place advertisements in the public press because of this former listing would be a clear violation of law.” The ruling was publicized in the *IWO News Bulletin*, while the Garibaldi Society sent the good news to all Italian lodges, expressing confidence that “this decision will no doubt have great effect upon the liquidation proceedings.” The Garibaldi Society reassured members, “Your thoughts are your own.” The opinion of Justice Hugo Black gave the IWO optimism that the liquidation threat would soon be over, for the jurist had written, “The executive has no constitutional authority, with or without a hearing, officially to prepare and publish the lists.” Black found the subversive list to be punishment of “political beliefs and utterances,” which he wrote “smacks of a most evil type of censorship.” Since Haley had admitted the subversive list was “a prime mover” behind his condemnatory report, the IWO was confident that the liquidation case would soon collapse.124

Members were soon disappointed. The court had based its ruling on the absence of due-process hearings for organizations on the list. The federal government created a Subversive Activities Control Board (SACB), and with this veneer of administrative hearings in place, the subversive list continued into the Nixon administration. More immediately, government agencies ignored the ruling; the attorney general continued to authorize loyalty oaths for government employees and dismissal for those belonging to listed organizations. The INS, too, continued aggressive deportation proceedings against members or former members of the IWO and other listed groups.125

In late June Greenberg ruled in favor of liquidating the Order. Greenberg accepted the argument that the IWO was closely tied to the CP, noting the proletarian militancy of Order publications from the early 1930s as evidence of this. Although the judge allowed that after 1935 the tone of writings moderated, he concluded that the substance of the Order’s Marxist aims remained the same. He noted that sixteen of the twenty-two current members of the IWO’s executive committee, as well as nine of ten national officers, had been identified as members of the CP. Greenberg, however, did not comment on the fact that only a minority of the IWO’s overall membership were Communists. While allowing that the Order’s finances were in impeccable shape “at this time,” Greenberg accepted the state’s “take the money and run” argument—that the very liquidity of IWO assets made it possible that, in the event of a conflict with the Soviets, the organization’s assets could be transferred to Moscow. The state’s case was built on the supposition that the IWO might act at some future time to benefit foreign or domestic Communists. No evidence of such activity had been entered into the trial. Greenberg accepted the state’s hypothetical argument, writing, “If the time arrives when there is a conflict
between the interests of this country and the world of Communism, it is not beyond the realm of reasonable probability that the funds of this Order will be expropriated.” To forestall that hypothetical, Greenberg confirmed the very actual expropriation of 160,000 members’ millions in assets. The irony of militants, even Communists, fighting to protect private property from seizure by the capitalist state was nowhere reflected in the ruling.126

While Greenberg declared that policyholders’ interests would be protected pending appeal, he nevertheless directed the Order to turn over all its papers to the Insurance Department. Administrator William Karlin followed through on this directive with meticulous thoroughness, demanding that the Order’s accountant deliver “all the books, work papers, other papers, accounting reports . . . , tax reports . . . , documents, pamphlets, publications, accounts, files and other records” relating to the IWO and its sixteen ethnic societies as well as records from medical departments, schools, cemetery departments, camps, the FLFF, the JPFO Book Fund, and the Franklin D. Roosevelt Hospital Fund. The voluminous list of funds and departments might have suggested the breadth of the organization’s good works, but Karlin was more interested in seeing to the Order’s speedy liquidation. The Detroit JPFO secretary sardonically wrote that the sum total of her “records, books, etc., consist of a receipt book and a record of disbursements.” The absurdity of the liquidation dragnet was apparent to some IWO members, even as the gravity of the threat was clear.127

“Will Justice and Liberty Still Call Themselves American?”

The IWO’s lawyers continued to battle against liquidation, first in New York’s appeals courts and then at the U.S. Supreme Court. In the Order’s liquidation fight, all appeals were unsuccessful as jurists accepted the “present-day context of world crisis after crisis” as outweighing IWO members’ free-association rights. Defense counsel Arthur Kinoy wrote that the New York State Appellate Court “in a conscious manner brushed aside all previous existing law in its efforts to uphold a political result.”128

In demanding a rehearing, the IWO argued that the concept of “moral hazard had no basis in insurance law” and that the liquidation amounted to a state seizure of millions of dollars in private property—that is, policyholders’ assets. New York’s assistant attorneys general argued against a rehearing, maintaining once again the moral and political hazard posed by the Order, labeling the IWO “an arm of the Communist Party and the U.S.S.R.” The state’s move to liquidate, the petitioners argued, was brought because of “Communist and hence seditious activity” on the part of the IWO. In the state’s petition, the economic hazard of a potential funneling of IWO funds to Communists abroad—again no evidence was presented of such a plan, only its possibility—was conflated with a broad moral hazard.129
In April 1953 the appellate court let the liquidation ruling stand. As the Order’s lawyers petitioned the U.S. Supreme Court to consider their appeal, the Policyholders Protective Committee issued a pamphlet stating its case. *A Fraternal Order Sentenced to Death! The Strange Case of the International Workers Order* set forth the Order’s good works and argued that it was only “the atmosphere of the Cold War with its loyalty oaths, subversive lists, [and] political persecutions” that had created “a political climate in which the traditional safeguards of constitutional rights are attacked and undermined and the right of free association trampled upon.” The pamphlet asked, “Can decent Americans of all beliefs . . . fail to see the charge of Communism as a smokescreen behind which sinister forces introduce the abhorrent principles of collective guilt, guilt by association and denial of constitutional rights?” More pointedly, the pamphlet asked, “Will the Supreme Court permit Censorship—Suppression—Confiscation?” adding, “The IWO may pass from the American scene . . . , but will Justice and Liberty still call themselves American?”

The IWO received its answer in October 1953 when the Supreme Court declined to hear the case. In the face of this death knell, many members remained adamant. Joseph Petercsak expressed “deep regret [at] the decision of the Supreme Court in connection with our Order. . . . Our membership always regarded our Order as the head of a big family. We were together in good and bad times.” The secretary of the Hungarian lodge of Hammond, Indiana, protested to the high court, “Our money is there and we feel that we have our rights.”

The Policyholders Protective Committee sought a rehearing by the court. Individual lodges petitioned for this review, too, but the following month the petition for rehearing was denied. Shortly thereafter every member received a letter from the Insurance Department notifying them that their policies had been reassigned to the Continental Assurance Company of Illinois. Members could accept coverage with this commercial company or file for a cash payout, but the IWO, with its bands, choirs, and militant advocacy of workers’ rights and racial justice, was done. The IWO had been liquidated.

In December 1953 the Insurance Department informed members that, by court order, the department now had “sole supervision and control” of the Order’s property and affairs. In subsequent months the department sold off and compensated lodges for their real property, as when a Russian lodge in Cliffside Park, New Jersey, was redeemed for its shares in Arow Farm, a summer camp, or IWO halls in the New York area were sold off. The IWO’s lawyers continued filing objections to the department’s “reinsurance program” as “a gigantic give-away plan. . . . The Superintendent has casually tossed to the first comer millions of dollars of policy-holders’ funds.” When liquidation and assignment to Continental Assurance went ahead anyway, the Insurance Department quibbled over how much severance pay former
IWO officers were owed. Again, in this context it seems Communists were the defenders and a state agency the expropriator of private property.\textsuperscript{133}

The department went beyond financial dismantlement. In his letter detailing members’ options, Bohlinger cautioned, “Joining or maintaining any connection with any fraternal, cultural, social or other group which has been organized or which may be organized by former officers or leaders of the former IWO . . . may well be considered to be membership in a subversive or a Communist-front organization.” \textit{Jewish Life}, magazine of the recently expired JPFO, labeled this “new violation of free association” a “fascist piece of impudence.” It printed a statement by nineteen former IWO officers that said this “crassest example of thought control” exposed Bohlinger’s hypocrisy, since his department had argued that liquidation had nothing to do with members’ civil rights. The editorial urged Americans to stand against “creeping fascism.”\textsuperscript{134}

A former IWO member was more colorful in denouncing the superintendent’s warnings on any future associations. The Yiddish Communist \textit{Morgen Freiheit} reprinted a letter to “Saint Bohlinger” in which “G. M.” demanded to know, “Who gave you the right to tell me where I should belong? Do you imagine yourself riding high on Hitler’s white horse, controlling my thoughts and my right of association. Do you really want to push yourself, with your stormtrooper’s paws, into my head and my mind?” “G. M.” asked Bohlinger, “Why do you stick your pig’s snout in a matter that is none of your business?” and told him that despite these threats, he and his friends were building a new organization “for mutual aid, for culture for democratic rights.” Many members did not gently accept liquidation.\textsuperscript{135}

In a final, surreal development, even as the IWO fought liquidation in the courts, the attorney general determined that under the 1950 McCarran Act, the Order and all its members had to register as part of a “subversive” organization. The IWO fought this designation and was granted a hearing before the recently created SACB. However, the multiple government agencies orchestrating a punitive panopticon limited the Order’s ability to defend itself. The Insurance Department, now running the Order’s day-to-day business and scrupulously overseeing all expenditures, denied a request by its officers for funds to pay lawyers to represent them at the SACB “hearing.” Lawyerless, the Order’s officers boycotted the SACB hearing, and that body declared failure to attend an admission of guilt. When the IWO’s officers attempted to appear for a second hearing, the SACB ruled that as the Insurance Department was now the sole administrator of the Order, former IWO officers Greene and Saltzman had no standing to appear or speak on the Order’s behalf. The Insurance Department had removed them as officers the day before. In January 1954 the SACB, ignoring Greene and Saltzman’s appearance at the second hearing, ruled that the IWO had twice failed to appear before the board, and therefore the subversive listing stood. In an ironic
twist, in November 1954 an appeals court ruled that the IWO had been placed on the subversive list erroneously after all. From beyond the grave, the militant, interracial IWO, which had haunted the imagination of red-hunters, was exonerated—cold comfort to the members who were already deprived of their “big family,” the IWO.136