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Norman Leonard

LIFE OF A LEFTIST LABOR LAWYER

With an Introduction by
James R. Herman

An Interview Conducted by
Estoly Ethan Ward
in 1985

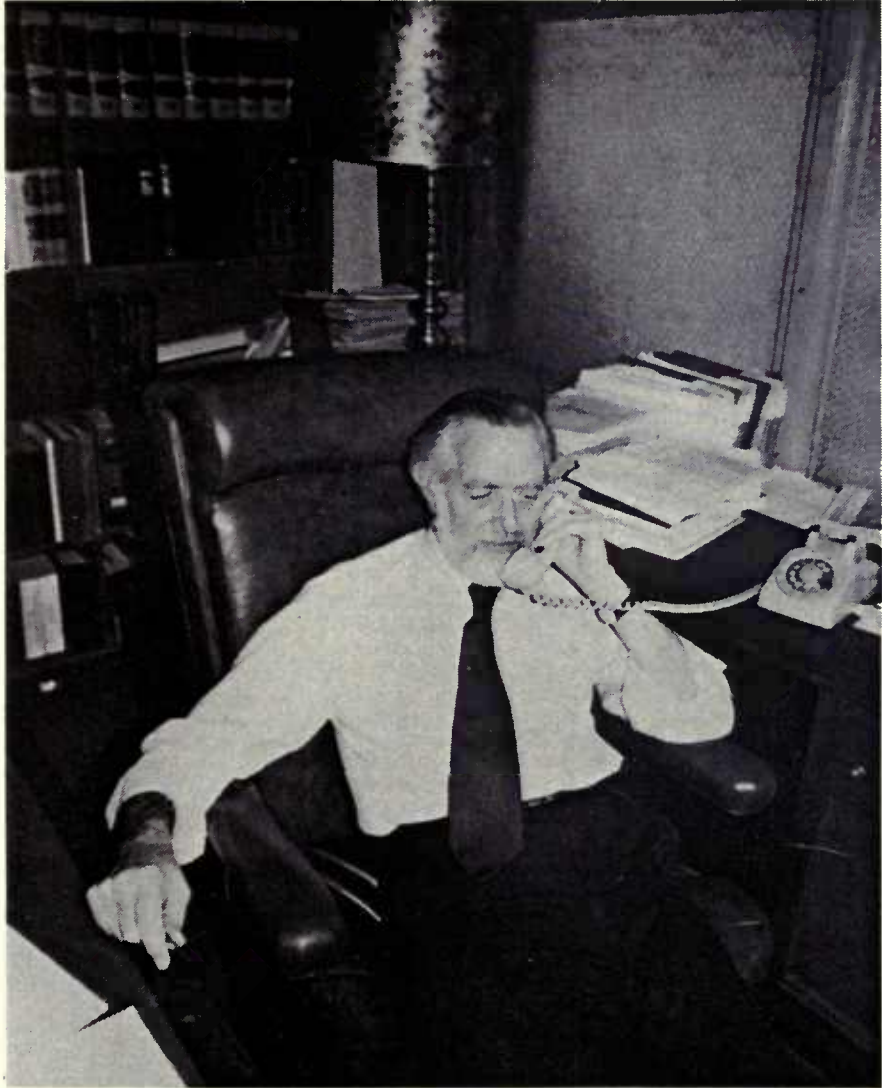
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NORMAN LEONARD

CA. 1984

FOR MARGE

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PREFACE

In this oral history, attorney Norman Leonard adds a lawyer's perspective to the previous three volumes of interviews conducted with leaders of the International Longshoremen's and Warehousemen's Union. As Henry Schmidt mentions in his interview, Mr. Leonard has been associated with the union and its causes for so long that, in addressing the membership, he referred to them as "you brothers". His memoirs deserve a prominent place in the history of labor unions on the west coast.

This series of oral histories on the ILWU is the result of the enthusiasm and dedication of two labor activists, Estolv and Angela Ward, who brought to the project the kind of diligence and energy they employed in advocating union causes. Volunteering their time and expertise, they divided the tasks associated with the production of an oral history. Estolv did the research, conducted the interviews, and edited the transcript. Angela undertook the transcribing chore and the final typing. Together they have succeeded in preserving primary research materials on San Francisco Bay's most militant and socially innovative union. In addition these interviews document the ILWU's impact up and down the Pacific Coast and in the Hawaiian Islands.

Although he maintains an active legal practice, Mr. Leonard willingly pledged to put in the many hours of recording and reviewing the transcript that Estolv Ward indicated would be necessary to present a complete picture of a lifetime representing the ILWU and its individual members.

Funding for the production costs of Mr. Leonard's oral history has been provided through the generosity of ILWU locals, other unions, and his fellow members at the bar. We at the Regional Oral History Office wish to express our thanks to Mr. James R. Herman, president of the ILWU International, for his interest and support and for the insightful introduction he wrote to the volume.

The Regional Oral History Office was established to record oral autobiographical interviews with persons significant in the history of the West and the nation. The office is under the administration and supervision of James D. Hart, Director of The Bancroft Library.

Willa K. Baum, Division Head
Regional Oral History Office

15 December 1986
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Goldblatt, Louis, Louis Goldblatt: The ILWU in California and Hawaii, 1934-1977, 1980.

Schmidt, Henry, Secondary Leadership in the ILWU, 1933-1966, 1983.

Bulcke, Germain, Longshore Leader and ILWU-Pacific Maritime Association Arbitrator, 1984.

Leonard, Norman, Life of A Leftist Labor Lawyer, 1986.

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INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION

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INTRODUCTION

The ILWU is a unique and distinguished labor organization in part because over the years it has been able to attract and hold the loyalty of a number of extremely talented people who saw in its service an opportunity to productively express their own passion for social justice.

This has been especially the case with our legal counsel. Without exception, our attorneys have been men and women of extraordinarily high caliber who voluntarily gave up the financial and professional rewards of a conventional legal practice in exchange for a life in the legal trenches.

No one embodies this tradition better than Norman Leonard. For nearly half a century, Norman's working life has been devoted exclusively to the defense of working class people, organizations and causes. The very existence of the ILWU today, the fact that we survived all the attacks to which we have been subjected, in no small measure is a reflection of his ability and dedication.

These threats came from every direction--from the federal bureaucracy and judiciary in their attempts to deport Harry Bridges; from the Coast Guard, with its practice of "screening" allegedly left-wing workers off the waterfront; from the Immigration and Naturalization Service; from witch-hunting congressional committees; and, of course, from a good number of our employers. Our more recent effort to cushion our members against the tremendous impact of technological change on the waterfront also posed formidable legal challenges.

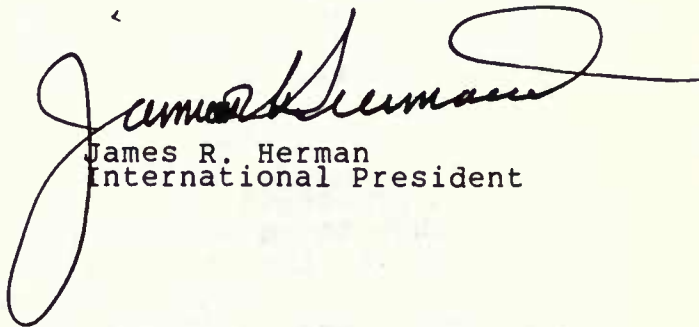
Through it all, Norman has been our secret weapon, a keen legal strategist and a passionate defender of fundamental human and constitutional rights. Over the years, he has demonstrated a unique understanding of the relationship between law and politics--that the courtroom did not function in isolation from the community's social, political and economical life. He understood how critical it was for the rank and file to understand and to direct the union's daily struggles. He was a believer, not just a hired gun.

The ILWU is also proud of Norman's representation of other unions, and other progressive elements in the community--especially his efforts against the wage freezes of the 1970s, his defense of conscientious objectors during the Vietnam days, and his fights for citizenship for a number of politically unfashionable people.

In short, Norman has been, in these litigious times, a man for all seasons whose vast experience, expertise and solid common sense has been placed in the service of working people time and time again, in every possible arena. He has been on the cutting edge of the great labor law issues of our generation. He is a member of the ILWU family--we know him as a man of sound judgment, great competence and unimpeachable integrity.

We expect that this oral history will be an absolutely indispensable tool for future scholars and students of the labor movement and progressive social movements in general. We deeply appreciate the painstaking and dedicated work of the staff of the University of California's Regional Oral History Office in making it available.

December 22, 1986



James R. Herman
International President

INTERVIEW HISTORY

My wife and I have known Norman and Marjorie Leonard for nearly half a century. We became neighbors and close companions, and still are happy in that relationship. They are warm, hospitable, understanding and helpful to us and many others -- the kind of people we feel lucky and proud to be able to call by that wonderful word -- friends.

And yet - - - -

When it came to answering my questions in this oral history, Norman Leonard reverted almost totally to his professional stance as the defense attorney. In that role he would no more let his interrogator peek into the corners of his life and the experiences thereof than he would permit the opposing prosecutor to rummage at will through his briefcase.

Once this minor contretemps was settled, the interviews proceeded in the atmosphere of our longstanding camaraderie. The beginning of Norm Leonard's life stands out in marked contrast to the accomplishments of his adult career. He was born and raised in the Bronx, New York, under circumstances only a notch above genteel poverty.

His parents, Jewish immigrants from Poland who met and married while employed in the garment industry in New York, were politically conservative. The father voted Republican, saying he wanted to be "a good American," and the mother was more or less a-political. Although the father's lifetime occupation was primarily that of a garment cutter, he also tried his hand in business, operating a small "mom and pop" store -- but without success.

A prolonged strike in the New York garment industry caused the father to go to Los Angeles seeking work, and the family emigrated to that city in 1929. Thus Norm, a product of the Bronx schools, became a college student at UCLA (University of California at Los Angeles).

And Bingo! A new and utterly different way of life opened up before the astonished brain of this 19-year-old New Yorker. The Great Depression was beginning, and there was a new intellectual atmosphere around places like college. Norm picked Political Science for his major, already with the idea in mind of becoming a lawyer, with Philosophy as his minor.

Some of his professors were lively souls who would take the side of the underdog at every opportunity, be the subject anti-ROTC (military training) or unemployment or that bright New Deal idea, Social Security.

Norm became a member of the Social Problems Club, barred on campus but welcome across the street at the YWCA, and he met all kinds of people, many of whom grew prominent in California Leftism, including Aubrey Grossman, who later was to become one of Norm's first employers, and still later one of his clients.

By the time he graduated from UCLA, the tone of Norman's life was already firmly set. He was a Leftist and was determined to become a lawyer. He got a scholarship in graduate school at Columbia University, first studying international law -- the Spanish civil war was the hot issue of the late Thirties -- and then shifting to a regular law course. (In college, he earned almost all of his living expenses with side jobs, first of the menial variety: in graduate school doing research for the author of a legal-political essay -- things like that.) And he met and was influenced by other Leftists, people like Carol King, the famous immigration lawyer.

As might be expected at his age, Norm met a fellow law student named Marjorie, daughter of a New York lawyer, and before long they got married; a nice little story in itself. And another interesting bit is how, graduated from school and both licensed to practice law, the young couple, dead broke, after sniffing at a government job in Washington, D. C., through Carol King's influence somehow got to California to work in the leftwing law firm of Gladstein, (Aubrey) Grossman and (Benjamin) Margolis, specializing in waterfront labor problems.

Arriving, Norman's first task was to do research on one of the many legal problems confronting Harry Bridges.

And yes! Oh, yes! There was that marvelous thing, a real paycheck.

That was in 1938. Now, almost half a century later, Norm has survived all the changes that have occurred in that law firm, first as employee, then as partner, and finally as head of the firm himself.

Characteristically, Norm's rise in the law firm was steady but not spectacular. At no time in his career has he been one of San Francisco's big-shot attorneys, grabbing newspaper headlines right and left and charging million dollar fees. His forte has been usefulness, not flamboyance.

Early on he gained a reputation as an excellent writer of legal briefs -- an ability that time and again was of great help to Harry Bridges. Norm was the major writer of the brief that got Bridges out of jail during the Korean War; it was his brief arguing that the statute of limitations invalidated Bridges' conviction on charges of Communism which caused the Supreme Court to finally clear the labor leader of all criminal charges; and it was Norm's brief that brought Bridges' final triumph when the government's last gasp, a civil denaturalization case, was thrown out of court.

For years much of Norm's work concerned the problems of Leftists less famous than Bridges -- people who had left the Communist Party. People who were accused of being Communists, people who were open, active Communists, including officials of the Communist Party. Also foreigners with Leftist backgrounds who wanted to become American citizens, citizens accused of Communism by the infamous House un-American Activities Committee and other governmental bodies of similar ilk.

As one of a legal team defending top officials of the Communist Party in California, Norm spent many months battling the rulings of a Federal judge who had such a highly developed Red scare that he gave hardly a hoot to what the facts were or what his judicial superiors said as to how he should behave on the bench.

And then there were a host of defendants whose problems had no tinge of pink -- the kids, fighting for jobs for blacks, who got arrested for doing a sit-in at one of San Francisco's most famous hotels; the conscientious objectors during World War II; homosexuals; the Free Speech Movement at the Berkeley campus of the University of California.

In the latter affair, Norm's oldest son, Steve, was one of the 800 students who occupied Sproul Hall until arrested and got dragged to jail on orders of Governor "Pat" Brown and the assistant district attorney of Alameda County, Edwin Meese. And to this day, Attorney General Meese is one of only two persons Norm speaks of with an acid tongue. The other is Ronald Reagan.

Times changed; Pacific Coast employers adopted the "New Look," and peace came to the waterfront. Also there came a problem known as M&M (Modernization and Mechanization). And this was a Problem with a capital P. At first M&M was greeted with enthusiasm by the ILWU leadership, which did not foresee the vast extent of the changes M&M would bring about. In the

San Francisco Bay region alone, the longshore work force has shrunk from nine or ten thousand men to about fifteen hundred. Containerization has meant that the stuffing and unstuffing of cargo is now done at or near the point of production rather than on the docks and in the holds of ships, with loss of thousands of jobs to members of low-wage unions, or even to totally non-union workers.

The above gives some idea of the problems caused by M&M which still employ Norm and his associates in a continuing effort to do two things: hang onto the work still held by the unions they represent, and regain as much as possible of the work lost to the cheapies, union or otherwise.

On the home front, life has gone very much as Norm's character would indicate, steady on, but always interesting and leading at times into periods of great tension and excitement. Many victories, some defeats.

Norm and Marge have two sons, of whom they are justly proud. Both Steve, whom I have already mentioned, and Rick (Eric) are taller than their father, who is no shorty. Both starred in basketball at Lick-Wilmerding High School; both have excelled in their chosen professions, Steve as a lawyer who was for several years the environmental protection officer in the Massachusetts attorney-general's set-up, winning many honors for his work, and now is a member of a very large and prestigious law firm in Boston. Rick is a professor of geology at Colorado College, specializing in glaciers -- an interest which has taken him to many of the strangest places and climates on this planet.

Another relationship that gives Norm and Marge a glow is Steve's family, which consists of his wife Debbie, who is known professionally as Deborah Waber, a PhD. on the staff of Harvard Medical School, and their children, Abigail (going on six) and Samuel, aged two. Debbie is a developmental neuro-psychologist, specializing in child growth and development. At the slightest excuse, the grandparents fly back to Boston and baby-sit with Abigail and Sam to give the young parents a few hours off now and then.

Recently, however, a fly has landed in the ointment. Norm has had to undergo open heart surgery, with the result that his working hours are not as long and strenuous as they used to be. Otherwise, the Norman Leonard lodestar still gives off the same message -- steady on.

Estolv Ethan Ward
Interviewer-Editor

July 15, 1986

BIOGRAPHICAL INFORMATION

(Please print or write clearly)

Your full name NORMAN LEONARD

Date of birth 2/27/14 Place of birth BRONX, NEW YORK

Father's full name SAM LEONARD

Birthplace RUSSIA

Occupation CLOTHING WORKER

Mother's full name MARINA RINGOLD

Birthplace AUSTRIA

Occupation CLOTHING WORKER / HOUSEWIFE

Where did you grow up? NEW YORK - LOS ANGELES

Present community SAN FRANCISCO

Education BA-UCLA; MA COLUMBIA
LLB COLUMBIA

Occupation(s) ATTORNEY

Special interests or activities LABOR LAW

I BEGINNINGS AND BACKGROUND

(Interview 1: September 6, 1985)

The Bronx to Los Angeles

Ward: In the beginning let me first ask this question - your full name is -

Leonard: Norman Leonard.

Ward: And you were born, when and where?

Leonard: I was born in the Bronx, New York City on February 27, 1914.

Ward: Your parental background; where did your folks come from?

Leonard: They came from Eastern Europe - what is now Poland - but when they were born it was divided between the old Austro-Hungarian empire and the Russian empire. My father came from a town somewhat East of Warsaw, the name of it I believe is Ostralenka; the nearest large city is Bialystock. My dad used to talk about Ostralenka, and when he was in New York in the later years was a member of a society of folks who came from that area. My mother, I don't know precisely where she came from except, as I indicated, it was down in that Polish area of the old Austro-Hungarian empire - - -

Ward: A little bit south of Warsaw?

- Leonard: Somewhere south of that. I might say also about parental background that my father told me that his father -- that would be my grandfather whom I never knew -- was a blacksmith, which is kind of interesting in view of subsequent developments in the life of my father. But the grandfather apparently was a blacksmith and my father told me that at one point he had made metal work - iron bars - for one of the jails in the town. Also that he received some kind of certificate or award from the governor for having done this fine work on jails and bars, which is kind of interesting in view of what later happened to us. My mother told me that her father had been a cantor in a synagogue.
- Ward: Anyway, everybody stayed out of jail over there so far as --?
- Leonard: I hope so - as far as I know, yes.
- Ward: I see. And your father and mother, I understand, didn't know each other until separately they reached New York; that's correct?
- Leonard: That's right - yes.
- Ward: O.K. What's - economically, they were -- ?
- Leonard: Well, my father was in the garment industry all of his life and my mother, after I was born, as far as I know was a housewife, but I believe that prior to their marriage she also worked in the garment industry.
- Ward: I see. And he always worked in the garment industry, did he?
- Leonard: Primarily. He was known as a cutter. That was the kind of basic thing that he did. In those days -- I don't know how the garment industry works now -- but I remember going down to the shops where he worked. They had huge piles, maybe ten, twelve, fifteen layers of cloth that had to be cut and there was a sharp cutting machine that would follow the pattern and cut the cloth into shapes that would be made into garments. He also attempted, with some moderate success at it, to be what he called a designer. That is the person who would actually design the pattern of the clothes,



Anna Ghinger and Sam Leonard before their marriage, ca. 1912



- Leonard: which was perhaps a grade or two up in the business. He tried to improve his status in that fashion. He also made several stabs, mostly unsuccessful, at operating a small shop of his own as a small business man or a small entrepreneur, but all in the garment industry, in ladies' garments.
- Ward: I see. Now, religiously - were they religious or observers?
- Leonard: Not very significantly. I think they had been in their youth, or at least they came from religious backgrounds. Most of those Jews from Eastern Europe had a religious background. I do remember that the house was always scrubbed clean and shining on Friday nights when I was a young boy in the Bronx and there was always a special Friday night dinner, usually roast chicken. I remember candles on the table - - -
- Ward: No pork?
- Leonard: No - no - that's right. They didn't observe the dietary rules to the strict extent, for example, of separating milk dishes from meat dishes which is very strict; but they did not, at least when I was a boy, they didn't eat - -
- Ward: They didn't eat the forbidden meat?
- Leonard: That's right; that is correct.
- Ward: I see, and how about the religious holidays, did they go to the synagogue?
- Leonard: My father did and perhaps once or twice my mother. My father did on the high holidays. On the high Jewish holidays of Yom Kippur and Rosh Hashana he would go to the synagogue ; except for that, hardly, hardly ever.
- Ward: When your mother went to synagogue did she and the other women have to sit kind of screened - behind a screen?
- Leonard: Either that or in a balcony - the sexes were segregated in synagogues.
- Ward: Did she ever object to that?

Leonard: Not that I ever heard of; I think she probably accepted the tradition.

Ward: Well, the political side of their existence here?

Leonard: My father always claimed he was a Republican. He was going to be quote "a good American" close quote. He was going to integrate himself into this new society into which he had come from Europe. He wasn't about to upset any apple carts. As I remember, in 1928, he took me down to a Hoover rally during the Hoover-Al Smith election: he supported Herbert Hoover.

My mother, as far as I can recall, was probably fairly indifferent to politics. In later years during the Roosevelt New Deal recovery period she seemed to lean toward the New Deal position, particularly with respect to such matters as Social Security and things that would have directly affected her as she was getting older.

Ward: I was going to ask you, after that 1928 election when your father voted for Hoover - did he vote for Hoover in '32?

Leonard: I don't know - I don't recall.

Ward: Did he ever vote for Roosevelt?

Leonard: Again, I don't know. I would think probably not, although I'm not sure.

Ward: It was impossible for him to be a Democrat?

Leonard: I think so. Many, many years later I got a story and I twitted him about it and he never denied it: that in his youth when he was very young he had been a Socialist, but he would neither affirm it or deny it when I told him that.

Ward: Now, let's begin to talk about you. Early life, school, any particular thing you want to discuss.

Leonard: Well, I don't think there was anything particularly spectacular about it. I grew up in the Bronx and I went to the local public schools.

Ward: Any sports?

- Leonard: Not really. I did become interested in the Boy Scouts when I was a kid in the Bronx, and we used to do a lot of hiking. I remember weekend hikes in the northern Bronx and southern Westchester County and up out through Van Cortland Park and areas like that; Van Cortland Park is a huge park in New York.
- Ward: There weren't real woods?
- Leonard: Oh, pretty wooded stuff - something like the regional parks over here in back of Berkeley; a large nature area. And we'd take the subway to the end of the line to start our hike; then we would spend some hours in the country.
- Ward: Could you make a fire without a match?
- Leonard: I remember flint and steel and I remember tinder-boxes. You twirled a stick around.
- Ward: One man I interviewed said he could never build a fire --
- Leonard: Well, I'm not sure I was all that successful. I remember they used the old Army mess kits, peddled them to the Boy Scouts and I remember my mother buying a little chunk of steak for me so that I could take it on these hikes. I would - we made fires because we cooked the steak and we cooked the potatoes, baked potatoes.
- Ward: Did you burn your steak?
- Leonard: Oh, probably.
- Ward: Your boyhood was relatively placid? No great disturbances?
- Leonard: No. There were a couple of things that relate to the family. As I said, my father was in the garment industry and it was kind of an up-and-down business because of the fluctuations in the industry. In the middle 1920s there was a large strike, a huge strike, of the ILGWU. It shut down the industry entirely in New York and there simply was no work available. After a period of time he was concerned. I was pretty young and he didn't tell me directly so I am just surmising this - - -

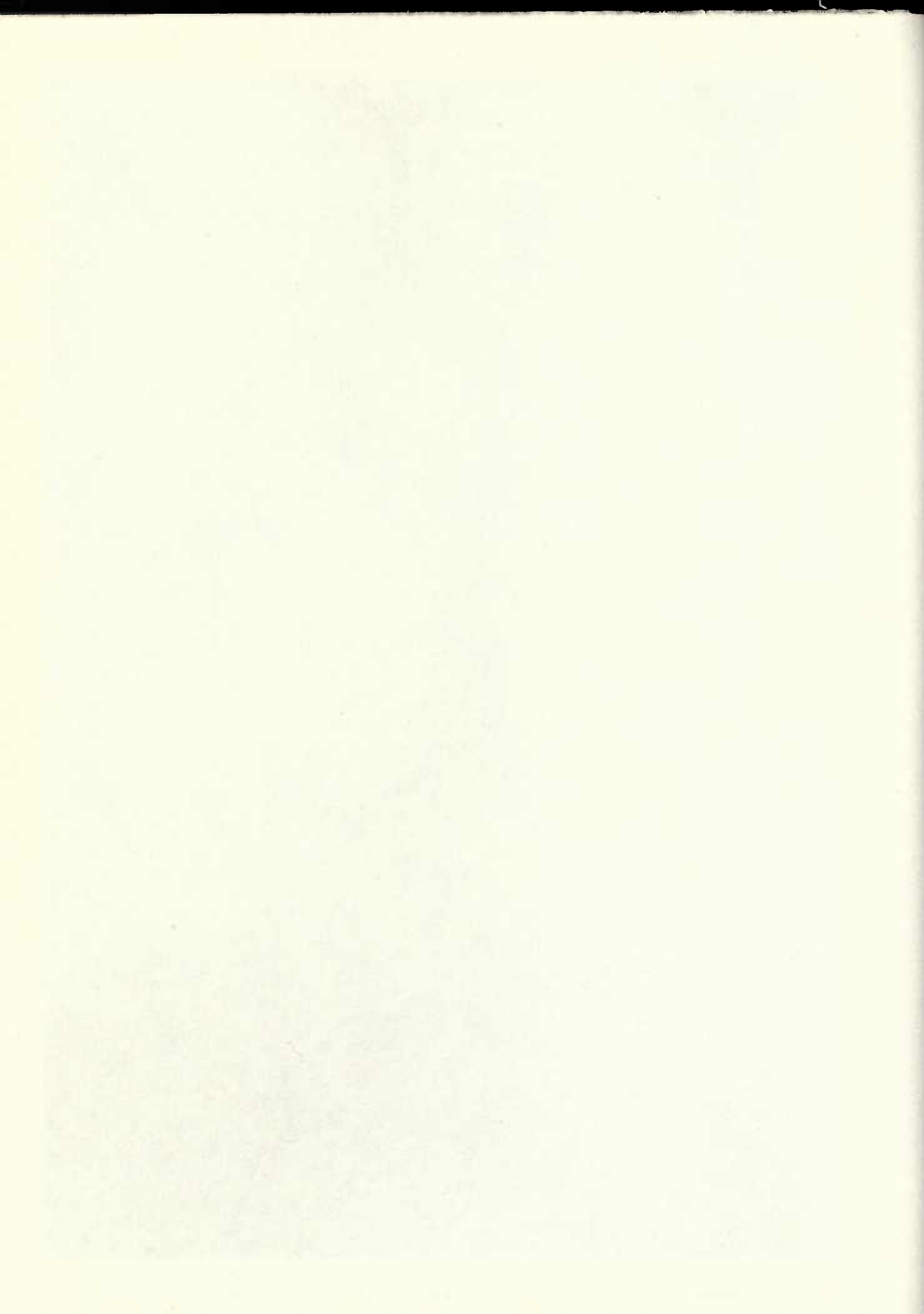
- Ward: He was out on strike too, wasn't he?
- Leonard: Well, I'm not sure; I can't really say that he was. I know he wasn't working because the industry was shut down. There was no place to work. I don't think there were any scab operations going on - - -
- Ward: Was he a union member?
- Leonard: I don't know that. I would rather suspect that he might not have been, but I'm simply not certain.
- Ward: Well, the question remains - whether he didn't work because of the strike or because the strike prevented him from working.
- Leonard: Well, I think the strike prevented him from working and I'm not sure about the answer to the first part of your question. I just don't know.
- Ward: In other words, he didn't have any strong feelings about unions like you have now.
- Leonard: I'm sure he did not. Or, if he did, he surely kept them suppressed.

Well, what I was about to say, Estolv, you asked me about anything that might have happened in my youth. What the strike did was to impel him to leave New York and come to California, where he had apparently heard some stories about a burgeoning, growing garment industry; and he might either find employment or open up a small business of his own. He left the family in New York and he was in California for about six months, first in San Francisco and then in Los Angeles. He did get employment in the industry in Los Angeles, and he fell in love with Southern California - the sunshine and the easy living as compared to the hectic, cramped living in New York. So, he came back to New York and it took him a number of years to persuade my mother to come to California because she had a large family in New York, sisters and other people like that, but he finally persuaded her to leave. And then our whole family came to Los Angeles in 1929.

- Ward: Whereabouts did you settle down in Los Angeles?



Anna Ghinger Leonard and Sam Leonard with Norman Leonard, ca. 1917



Leonard: In what was then known and I guess still known as the West Adams district - Adams beyond Crenshaw, near La Brea.

One other thing before leaving New York that I should mention: again, because of the economic difficulties that he was having in the garment industry, my folks put together the few dollars that they had -- before they came to California -- and for two or three years they bought a little mom and pop candy store.

Ward: A candy store?

A Childhood Responsibility

Leonard: Candy. It sold candies and icecream and soda and things of that kind - newspapers - it was a little mom and pop operation and I remember one of my chores was to get up early in the morning to put newspapers on the display stands - all of the morning newspapers - the drivers would come by and drop bundles off. Of course in those days New York had five or six newspapers, maybe more. The Times, the Herald Tribune, the News and the whole bunch - and my assignment was to go out and do that.

Ward: Did you read them? While you were setting them up?

Leonard: Oh yes, sure. I did a lot of reading when I was a kid.

Ward: Was high school pretty much the same?

Leonard: Oh, yes. I went to grammar school and then the junior high school and I went to the high school in the Bronx, called Morris High School. At that time it was one of the pretty good - not the top - but one of the pretty good academic high schools in New York.

Ward: What was the number?

Leonard: No, it was named - no number - Morris High School.

Ward: Yes, well, this was while you were still in New York?

Leonard: That was while I was still in New York. I think in your oral history of Lou Goldblatt you have it that Lou went to Morris High, too. But I didn't know him then.

Ward: Well, he was three or four years ahead of you.

Leonard: He was there three or four years before me. I didn't finish high school in New York because this move to California intervened before I finished high school; so when we came to Los Angeles I transferred to Los Angeles High - L. A. High - out there on Olympic Boulevard.

Ward: That's where you finished high school?

Leonard: That's where I finished high school.

Ward: And that's when you went to UCLA?

Leonard: I went to UCLA from L. A. High.

Ward: And what year did you enter?

Leonard: I entered UCLA in September of 1930.

Ward: I see, and what courses - what was your main - -?

Leonard: I majored in Political Science - there were minors, probably were; and I went into Philosophy.

Ward: Were you still living at home?

Leonard: Yes, all the time I went to UCLA.

New Influences at College

Ward: Different influences came into your life at that period?

Leonard: Yes, I would say so. Yes, on the campus there was a lot of ferment; well, that may be too strong a word. There was a whole new intellectual atmosphere opening; it was in the 1930's, the early 30s, '31, '32, the depths of the Depression. Students were also affected.

Leonard: I had to scrounge around. My folks didn't have very much money; oh, I had a place to live in and I got my meals at home. For anything else I needed I always had to work for. I worked at one of the first, perhaps the first, drive-ins in California.

Ward: What kind of work were you doing there?

Leonard: I worked in a drive-in - one of those restaurant drive-ins. On the corner of Westwood Blvd. and Wilshire Blvd. It was one of the first ones. I don't recall that we got paid anything; I'm not sure now -- but we worked for tips. You know, people would drive in and order milk shakes or malts, sandwiches and things and we'd bring them out on trays which we would hook on the side of their cars.

Ward: You mean the management didn't pay you anything?

Leonard: I'm not clear. One thing I do remember - they would give us meals at half price. I worked weekends; occasionally I would work in the evening. I remember making four, five dollars a week which was a great deal of money and that's what got me whatever extras I needed.

Also I worked in some predecessors of today's big supermarkets - there was a Piggly-Wiggly store, I think it was called, on West Adams Blvd. on Saturdays. You know, filling orders, helping customers. I should have mentioned that before I left New York I worked for a while on Saturdays and sometimes evenings in a shoe store - you know, a general helper-outer. I was just a kid. I would pack bundles, put stock on shelves, things like that.

Ward: What caused you to pick Political Science, particularly?

Leonard: It's kind of hard for me to remember now.

Ward: Something about it attracted you.

Leonard: Something obviously must have - looking back on it now I can see how it shaped a lot of things that came later on. I don't know, I think perhaps that even then I thought I wanted to be a lawyer. I can't tell you why I wanted to be a lawyer except it sounded

Leonard: kind of glamorous and I thought I could make some money or something. If I was going to be a lawyer, Political Science was a kind of a natural thing to go into, it seemed to me.

I should say this about my parents during this whole period. They didn't have any significant education. I think my mother probably went through the 8th grade. I'm not sure that my father did even that much. But they were driven like so many Jewish immigrants at that point; they were driven by a desire to have their children educated and they pushed us - they pushed me and my brother.

Ward: That's quite normal in a Jewish immigrant family?

Leonard: Yes, and in all immigrant families. That's what we're seeing among the southeast Asians who are coming here now. Education is the tool that opens the door for their children and my parents pushed us and encouraged us.

Ward: Let me see, was there any professor, particularly, who inspired you or was exceptionally helpful?

Leonard: We're talking about UCLA now?

Ward: Yes.

Leonard: There was a young - I guess he was an assistant professor, perhaps even an instructor - a very young fellow named Fred Schuckman, I think - it's been so long.

Ward: How's it spelled?

Leonard: S-c-h-u-c-k-m-a-n is my present recollection. He was in the Political Science department and he was what we would now characterize, I think, as a liberal, progressive guy. He made me think along those lines. There was a professor in the Philosophy Department who opened my mind to a lot of things. His name was Don Piatt - - he was in the Philosophy Department. We had all kinds of interesting discussions about current social problems -

Ward: In class?

- Leonard: In class and out of class. We got to know him pretty well, a group of us including our common friend, Claudia Williams, whom I knew very well on the campus.
- Ward: He (the professor) was a bit of an outstanding personality, I bet.
- Leonard: Oh, yes; and there were students on the campus who influenced my thinking at that time - - Aubrey Grossman, who later became my law partner - - several years ahead of me on the campus, but very active in what was thought - - -
- Ward: He must have been a graduate student at that time?
- Leonard: He was probably a senior when I was a freshman. He had organized something called "The Social Problems Club" and we discussed social problems. I remember the campus was pretty rigid at that time and we weren't permitted to meet on the campus, but just across the street from the campus was a YWCA, which was a little more liberal about those things. Our club used to meet at the YWCA. I was influenced by a man whom I got to know much later on, Jeff Kibre, who became an important figure in the Hollywood unions and in the Fishermen's Union and the ILWU. At that time, of course I didn't know Jeff personally. He was a columnist for the daily newspaper - the student newspaper - The Daily Bruin.
- Ward: A very good cook, too -
- Leonard: That I didn't know.
- Ward: You didn't know that?
- Leonard: No, I was never that fortunate. But Jeff ran a daily column in the student newspaper. It was a real eye-opener. I said a little bit ago about the university being rigid at meetings so we had to go over to the "Y" to have our Social Problems Club meetings; but for whatever reason they didn't crack down on Jeff's column.
- Ward: Could you name some of these problems that made your eyes open?

Leonard: Unemployment, the need for Social Security, anti-ROTC. I don't recall if we were so concerned about war and peace as early as that. Later on, of course, when I got back to New York we were concerned about what was happening, with the rise of Fascism in Europe and particularly the Spanish War. But I would suppose that the problems in the Thirties - in the early Thirties - at UCLA were essentially domestic. This was the period of the whole Upton Sinclair Epic movement, Townsend Clubs in California, all of which were bubbling along.

Ward: Ham 'n' Eggs?

Leonard: Ham 'n' Eggs, right - - all of which was bound to have an effect on an impressionable young man.

Ward: Did you in the course of all this go into the poorer sections of town and do any sort of things?

Leonard: No, not really - it was pretty academic. I mean it was pretty much an intellectual-studying business. I do remember participating in some neighborhood Townsend Club meetings. As I recollect it now, the Townsend groups were organizing people at homes in the various neighborhoods in the residential areas. There were meetings after meetings and I recall participating in some of those, but in terms of actual organizing or getting out the people, the answer is essentially "no." I knew some people who were beginning to do that; they also influenced me on the campus.

One of the people I knew on the campus and with whom I spent a lot of time and who became a great friend - still is a great friend - was Ben Dobbs; there was Barney Young - - people like that. So we were all kind of playing on each other, stimulating and building each other up.

Ward: I see. Any student activities, particularly, outside from your studies?

Leonard: No, not really.

Ward: You studied and you worked and you began to look around and talked with people about new things that were happening in your life and in the world?

Leonard: I think that's a good way to put it, Estolv - I think that's exactly about what it was. I mentioned Claudia and later on I got to know Marian Magnus who was and is a very close and a very dear friend of mine. Marian married my very dear friend, Maurice Kamins, who died just recently. Sure, I was interested in girls.

Ward: I see. That seems quite natural.

Leonard: I hope so. I was pretty active in that regard until I got to Columbia and met Marge and then it was all her.

Ward: So, you graduated in 1934?

Leonard: That's right.

Ward: Just about the time that the big General Strike (in San Francisco) was going on -

Leonard: That's right.

Ward: Did that make any impression on you?

Leonard: Only in an indirect kind of a way. I knew it was there, from newspaper stories and newspaper accounts. I knew that I supported the strikers. I didn't really do anything about it.

I remember Marian, whom I mentioned earlier, coming up to San Francisco; to Berkeley, I guess, to see either what she could do or just because she wanted to see what was going on. I couldn't get away. I remember making an effort to hitch-hike up to San Francisco with another friend of mine. We failed. We got out somewhere in San Fernando Valley, but just were not able to hitch a ride up, so that the General Strike in San Francisco in '34, while I was aware of it, was something pretty peripheral to my existence at that time.

Graduate School at Columbia

- Ward: Then you went to graduate school; you went back to Columbia?
- Leonard: That's right. I got a scholarship to the graduate school at Columbia. In fact, by this time my interest had somewhat shifted from just a general interest in politics and social movements that we talked about a minute ago. For some reason that I cannot now fathom, it shifted over to international relations. I was interested in relations between states and nations and maybe in the problems of peace, so I applied for and received a scholarship in the graduate school, Columbia University, where I spent a year and took an M.A. in international relations and international law.
- Ward: Oh, you didn't start right off with law?
- Leonard: No, I was in the international field first.
- Ward: Spain was getting hot then.
- Leonard: Spain was getting hot then, and I was concerned about it. It seems a little bit naive now when I look back on it, but I remember the papers I wrote in connection with my Master's degree. I probably have them in the trunks somewhere at home.
- One of them had to do with the proposition that there was a rule of international law and, by George, the nations ought to obey it; international law should be obeyed and these disputes should be resolved. I think I called it something with a fancy title like "The Juridical Resolution of International Disputes." Then I wrote another one in which I tried to compare the development of the thirteen separate colonies before our Constitution, during the Articles of Confederation.
- Ward: Quite a difference between the northern and the southern colonies.
- Leonard: Yes; but my thesis was that they were able to work out their problems -- this was prior to the Civil War -- in the adoption of the Constitution in Philadelphia.

- Leonard: They worked out their problems more or less amicably and peacefully, these thirteen sovereign states; why can't the nations of the world do it now? This was the kind of thing I was doing, and I was doing it, I should say, under the guidance of Philip Jessup. Philip Jessup was a professor of international law. He ended up being a United States representative to the United Nations and also a Justice of the International Court at The Hague. Philip was a professor at the law school, principally in international law; he was on the law school faculty. I did my work for my Master's degree under Philip and the story about how I got to the law school flows directly from that.
- Ward: Would it be fair to say in your opinion that the Spanish Civil War was the South Africa of today? Insofar as interest is concerned? It was different, of course, but it concerned the people of this country where we are now concerned with South Africa.
- Leonard: I think the point is well taken. Yes, it was a matter of primary concern and anguish to all of us.
- Ward: Yes, you took sides in the Spanish conflict and were arguing about it?
- Leonard: That's right; I remember that very well.
- Ward: The kids of today - it's something they ought to know about.
- Leonard: I think it's very important and I would hope they would be aware of the work of a guy like Alvah Bessie - who just recently died - during the Spanish War.
- Ward: Well, then it was monarchy, now it is apartheid.
- Leonard: That's right - then it was Fascism, now it's apartheid. They are different sides of the same coin.

Getting Into Law School

Ward: All right, now can you tell us just how you got into the law school.

Leonard: Yes. With the background I have given you and with the strong influence on me at that time that Philip Jessup played, I remember toward the end of that year when I got my Master's degree, talking to Jessup.

I don't know who raised the question - whether he did or I - what are you going to do? Where do you go from here and what do you want to do, he asked me. I said, "I want to do just what you're doing, Professor, I want to be a professor of international law. How do I go about it?"

He said, "Well, if you want to be a professor of international law, the first thing you have to do is become a lawyer; the international part will come later - you have to become a lawyer." And I said, "Well, I hadn't thought about it."

He said, "Well, you have to go to law school."

"I haven't any money, can't afford it," I said. "Let me see what I can do," he answered.

And he picked up the telephone and had a conversation with somebody - I didn't know who it was - but at the end of the conversation and - - - oh, I heard him say something about "I've got a bright young man down here, etc. etc., will you talk with him?"

At the end of the conversation he directed me down the corridor to the office of a fellow named Gifford. He was the Assistant Dean of Columbia Law School at that time. He is now deceased. And Professor Gifford was a very, very affable, charming and delightful guy. He talked with me about what I had been doing with Professor Jessup and what I wanted to do. He said he thought they could get me into the law school if I could pass the law student examination that was about to come up. I said, "Sure, I will take it."

- Leonard: I raised the question about money and he said that the law school was tight and didn't have a hell of a lot of money for scholarships and what scholarships there were had been pretty well - - -
- Ward: It was tightening up -- not much money?
- Leonard: Yes, that's right. The scholarships they did have were already accounted for because it was kind of late when I was coming to him, but he said he would see what he could do. The upshot of it was that I got a waiver of tuition, so I didn't have to pay the tuition. I had to pay my own room and board.
- Ward: You had to find a way of eating?
- Leonard: That's right. Those were the days of the National Youth Administration, part of the Roosevelt New Deal program. I got some NYA jobs. And again Jessup took me on and I continued while I was in law school to do some work for him for which I got - the NYA rate was then probably about 60 cents an hour, but it was a lordly sum.
- Ward: Sixty cents an hour?
- Leonard: This was in '35 - '36 - '37, and that's what they were paying students. I got a job with a professor of Constitutional Law who was writing an article and wanted me to help him on the research. His name was Noel Dowling and the article was published in a periodical which I think was called "The American Journal of Political Science." It was on some constitutional law questions; that helped raise some money. My parents helped but they didn't have very much - they - - -
- Ward: They did what they could?
- Leonard: They did what they could. In the meantime my brother was going - I guess Al was still in college, he hadn't gotten to medical school yet. And then I met Marge -
- Ward: And then how did that come about? She was a student at Columbia Law -

Leonard: She was a student at Columbia Law School, she had gone to Barnard. Her father was a New York lawyer and she had gone to Barnard College. She was under a program they had there at the end of the third year --

Romance and Marriage

Ward: Norm, you had just met Marge; she was - - -

Leonard: She was in my class at the law school. She had come from Barnard College.

Ward: And from then on - it took about a year?

Leonard: Yes, I guess we courted for about a year and we were married in the summertime between our second and third years of law school.

Ward: What were you doing at that time?

Leonard: During that summer I was working for Professor Dowling on that constitutional law job that I mentioned earlier. Marge had some NYA jobs for a professor whose specialty was security transactions - - interestingly enough, now that I look back on it, mortgages, deeds of trust and things like that.

That was the area her professor was working in. So between the NYA jobs and a little help from my parents, perhaps a little more from hers, we managed to get through the year, although we did run out of money two months or thereabouts before the end of the school year. We were so flat broke we couldn't pay our rent, so we moved in with Marge's folks for the last two months of our school year.

Ward: Going back to the day of the wedding, one of the stories I have heard you tell is that your employer was very kind; he gave you the afternoon off.

Leonard: Yes, it's kind of a funny story. Professor Dowling's first name was Noel. Marge, on the Monday after we were married, called Professor Dowling's office to talk to me, and this is the way she tells the story.



Above:
Marjorie Leonard, 1938



Left:
Marjorie Leonard,
Navy wife, 1944



- Leonard: Professor Dowling picked up the phone and she said, "Norm" - he apparently thought she said "Noel" and he said, "Yes" and she thought she was talking to me and she said, "I'm at the apartment" or something to that effect and Professor Dowling said, "Huh?" and he turned to me and said, "Norman, I think there's a young lady on the phone who wants to talk to you."
- Ward: You had already been married?
- Leonard: Yes, but he didn't know it.
- Ward: You had been married at least an hour?
- Leonard: No, we had been married a couple of days - - we were married on a Saturday and this was a Monday morning. So I thought I had better explain it to Dowling. I said, "That was Marge Friedman," (that was her maiden name and she was known in the school by that name). I said, "That was Marge Friedman, Professor, I think you know her." And he said, "Yes." And I said, "Well, we were just married last Saturday and she was calling to let me know that the apartment was ready." "You were married! Well, I think you should take the afternoon off and go see your bride." And he gave me that afternoon off.
- Ward: Professors are kinder than most employers, is that it?
- Leonard: Well, he was.
- Ward: Now, you said there were some important things that happened at the law school. Carol King?
- Leonard: Yes, she was certainly one of them.
- Ward: Carol King, was she one of the teachers there?
- Leonard: No - no. Let me see if I can explain it. I indicated to you the general outlook and orientation that I had developed while I was at UCLA. This continued while I was at the law school. Perhaps it was in abeyance for the year - but not entirely. It wasn't quite as strong in the year I was working with Professor Jessup because there, as I indicated, I was in the international field.

Leonard: When I got to the law school, the war in Spain had heated up. Beginning excesses of Hitlerism and the take-over in Europe by the Fascists were developing. The people at the law school, both the students and some of the faculty members, were involved and expressive about progressive, liberal ideas.

A number of the students in the classes ahead of mine, some of the brightest students in the law school, the editors of the Law Review and people like that, were outspokenly progressive people and they influenced the young juniors like me.

We organized a group. If my memory serves me right, it was a branch or a section or a division of something called The American Law Students Association, the purpose of which was to have, maybe once a month, a meeting; and we'd have an outside speaker talk on problems of interest to us in terms of the law -- what we could do as lawyers.

I remember inviting Lee Pressman, who was then general counsel for the CIO, to discuss with us some of the labor problems he was encountering as a lawyer, because as law students we were interested in this.

One of the people I got to meet in this connection was Carol King. Carol was one of the first women lawyers -- she was a great lawyer -- in New York. Her specialty was immigration and naturalization law. At that point, and it's probably true even now, the Immigration Service was just outrageous in the way it handled the affairs of foreign-born people and the kinds of "hearings" (in quotation marks) that it gave them.

Ward: Especially if they had the least bit touch of leftism about them.

Problems Of The Foreign-Born

Leonard: Yes, that was absolutely true, but even more than that, Estolv, even more than that. Immigration treated foreign-born people like they were cattle.

Leonard: They had no rights, and you're right of course; to the extent that there was any tinge of political progressivism in the case, things were even worse.

Ward: Like you were barely a human being.

Leonard: That's right; and they had no rights at all. The court decisions were pretty bad too, because they were aliens seeking to enter the country. They weren't residents of the country and they clearly were not citizens. This is a slight overstatement, but not too much of an overstatement: for all practical purposes, the Constitution did not apply to them.

Ward: That had been the status of your parents too, just a little previously.

Leonard: Yes, yes. But as far as I know, they never encountered these problems.

Ward: Things got worse after they came here, is that it?

Leonard: Probably so. But I don't want to speculate on what I don't know.

What I do know is that Carol King was a champion in fighting for the rights of these people. She made all kinds of precedents and broke through all kinds of barriers in establishing rights for these people and so we were interested, we at the law school.

The group I was working with in the Law Students Association invited Carol to one of our monthly meetings and I remember going downtown to meet with her and talk with her. I picked her up and brought her up to the law school.

We got to know each other a little bit personally. She was also a very progressive person in other areas of the law, not only in naturalization and immigration. She was either the editor of or had a great deal to do with a monthly publication, put out by a group called the International Juridical Association.

Ward: I remember her talking about that.

Leonard: They put out something called the IJA Bulletin, and lawyers and professors from the law school and other people who had interesting labor cases, political cases, immigration cases, cases of that kind, would write articles and comments about them. So, I got to know Carol pretty well. I did some work on the Bulletin.

Ward: You had already begun to write briefs?

Leonard: Well, I was one of the editors, in my last two years, of the Columbia Law Review. I wrote articles and notes and things like that for the Law Review.

Ward: So, that was the beginning of how you got to San Francisco.

The Labor-Oriented Law Firm

Leonard: Well, let me give you the connection. Comes the middle of your third year in law school in the winter and the spring before you're going to graduate, everybody begins looking around for jobs. I did my share of trudging around in the downtown law offices in New York trying to find an opening, and without success there.

One day when I was talking to Carol -- having lunch with her, and she told me about the Gladstein firm in San Francisco. I'd never heard of it.

In any event, she said they were looking for a young lawyer and she told me something about their practice, a labor-oriented firm, and would I be interested? I said, "I sure would be." And, on further inquiry I discovered that one of the members of the firm was Aubrey Grossman, whom I think I mentioned earlier as somebody I'd known at UCLA.

So I wrote a letter to Aubrey, advised him that I had spoken to Carol and that Carol had told me of the possibility of an opening, reminded him of our earlier connection at UCLA and said that I might be interested. At the same time Carol wrote to him -- maybe we can find it in the old office files -- she wrote him a nice letter about me. Anyway that opened a correspondence, one thing led to another and I was hired.

Leonard: I might say, in order to take that job I turned down an offer that finally had come from Tom Emerson, who was then the assistant general counsel of the National Labor Relations Board, and who has since become a professor of constitutional law at Yale University - a great, great guy. He was later president of the National Lawyers Guild.

The NLRB was hiring young lawyers and I was strongly tempted. Those were the days when the NLRB was pro-labor, not like it is now. I was strongly tempted to go down to Washington and take that job, but I hadn't been in California for two years, I'd been away -

Ward: And your folks were out there.

Leonard: My folks were out there and I wanted to come back and see them and I finally persuaded Marge. I think there was no real difficulty with her - it was her father. He thought I was crazy to take his young daughter out to California in a job with some kind of a left-wing labor law firm when I could have had a nice good job in Washington, D. C. with the government; but the young people prevailed and we came to California.*

Ward: Was Marge's father a bit on the conservative side?

Leonard: I would say so.

Ward: So, her background was something like yours in regard to the fact that you were going your own way rather than in parental ways?

*Marjorie Leonard remembers it differently: My father was an attorney in private practice. When Norman discussed with him the two job offers, my father's advice was "go into private practice." I'm sure he wasn't keen on the nature of the law firm . . . or enthusiastic about his daughter's shift across the continent. But that was his advice.

Leonard: Yes, her background was something like mine. I think probably a generation advanced. Her parents too may have come over from the old country and not been born here - I'm not certain - but if they did, they came over as much younger children than my parents did.*

Ward: Well, anyway, you got out here.

Leonard: We got out here.

Ward: So, you came first to Los Angeles and introduced your wife, Marge, to your folks?

Leonard: That's correct. We came to Los Angeles. It was interesting how we got here, too. I'll take a minute. Again, as you might expect, we didn't have any money. A friend of ours was a law school classmate who also came from Los Angeles. I think Toby Klinger and I were the only two in our class from Los Angeles. Toby was also married. We may have been the only two married couples in the class.

In any event Toby and his wife were going back to California, so what we did since none of us had any real money, was to arrange to pick up a car in Detroit which we would deliver for the dealer to an agency in Los Angeles. Apparently the economics were they could get a lot more for the car, selling it in L. A. than they could in Detroit. They would give us the car and our transportation would be free if we would take the car and deliver it.

Ward: Those were the days when you could do that.

*Marjorie Leonard differs: Both my parents were born in Europe, but they came here as very young children. And - more important - my mother was far from the conservative side. She was an active participant in womens' peace groups and labor support activities.

Norman Leonard comments: Oh, I agree. I must have misunderstood Estolv's question. Carrie Friedman was a remarkable and very progressive person.

Leonard: So, we got it from Margie's parents - or somehow, we scraped up enough money to take the train to Detroit and I remember Toby putting us up at some relative's house for the night and then the next morning the four of us and Toby's brother - there were five of us - got into this Packard they wanted us to deliver, drove it to Los Angeles and that's how we got our transportation to L. A.

Yes, we came to my folks' home and Marge was introduced; the family was great and we were on our way to San Francisco to start working. But I had told the guys in the firm that I was going to be in L. A. for a while, if I remember, for two weeks to visit my parents. I was told that Ben Margolis, one of the partners of the firm, was in Los Angeles in connection with some work he was doing and we arranged to meet Ben. He was the first member of the firm that I met.

Ward: Richie? Not before?

Leonard: No - no; Aubrey, as I mentioned, I knew from college. So I met Ben in Los Angeles and he put me on the first piece of work I ever did for the firm. And that was a case involving Harry Bridges, whom I had never met up to that point. It was a contempt case against Bridges in connection with a move from the ILA into the CIO which had taken place up and down the Coast in all the longshore locals. A Superior Court judge had issued some kind of order, the detail I don't recall now, but it would either have prevented the San Pedro local from voting for the transfer to the CIO or restrained them in some fashion from joining the move into the CIO.

The Dirty Dozen

Ward: That was the local that became Local 13.

Leonard: That is correct. Bridges had fired off a telegram to Madame Perkins, who was then Secretary of Labor. I can't quote it verbatim but essentially what it said was that if some Superior Court Judge in Los Angeles County thinks he's going to stop the longshoremen

Leonard: from going into the CIO, he's got another think coming, or something like that. The judge's name was Schmidt, as I remember, spelled like Henry Schmidt (former president of Local 10, ILWU) but it wasn't Henry!

Anyway, of course, the telegram to Madame Perkins was published in the press. I am sure that the union released it. The judge took umbrage at this and cited Bridges for contempt of court for attempting to influence the course of justice, or something like that.

Ward: That was Pedro Pete (an anti-CIO longshoreman) - he was involved.

Leonard: Pedro Pete -

Ward: And the Dirty Dozen?

Leonard: Oh, I thought the Dirty Dozen came up later with the MC&S (Marine Cooks and Stewards), but I'm not sure.

Ward: Well, they were around for quite a while.

Leonard: Yes. The background of the Superior Court litigation, stuff that led up to the telegram, all had taken place before I arrived. Actually, by the time I got here, it was probably a couple of years after all these events happened. Remember now, I'm here in the summer of '38 and the transfer from the AFL to the CIO was taking place in '36 - '37.

Ward: Perhaps you'd better explain who Pedro Pete was and how he was trying to hold them in the AFL.

Leonard: Well, that's right. What I'm about to say is that as to pre-1938, I knew only from what I had read and from my later experience with the union - I was not personally involved before 1938.

Ward: Yes, and this move to the CIO began in 1937.

Leonard: In 1937, yes, sure. So these events took place prior to my participation.

Ward: You were involved with Ben in answering the contempt charge?

Leonard: Precisely. Yes. That's what happened; by the time I got here, the activity of attempting to move the local into the CIO had been done; there had been this litigation down in Los Angeles. Pedro Pete and his group were trying to keep the local from moving into the CIO. The judge had issued the order that I referred to. Harry had sent the telegram and was cited for contempt of court. My recollection now is that the California Supreme Court had sustained the conviction - had taken the position that what Bridges did was indeed an effort improperly to influence or induce the court and that he was in contempt.

Ward: This was in 1938?

Leonard: The decision was in 1937.

Ward: Well, the court as I recall at that time because I knew something about the personnel of that court - they would have done it that way.

Leonard: I think that is what probably happened and what we were concerned with then, when I first met Ben in July of 1938, was to get the U. S. Supreme Court to set that aside and vindicate Bridges. That was accomplished.

The Supreme Court did this in a very fine opinion written by Mr. Justice Black.* Black wrote a beautiful opinion in which he said, in effect, that the Supreme Court expected lower court judges to have a little more backbone and moral fibre than to permit things like this to upset them. I'm not quoting verbatim, but it was very strong; that citizens had the right to free speech and the right to do this and Judge Schmidt should not have let it influence his decision one way or another. By the same token, Bridges should not have been held in contempt of court. So, that was the first major case that I - -**

*314 U.S. 252 (1941)

** It is interesting now to note that the October 1985 issue of California Lawyers, the official organ of the State Bar of California, carries an article on this case entitled "The longshoremen and the law" which points out how "Harry Bridges stirred the troubled waters of the First Amendment." N.L.

- Ward: I see. Well, how long did that take you down there?
- Leonard: I didn't do all that work down in L. A. I was just down there a couple of weeks.
- Ward: Then you came up to San Francisco.
- Leonard: We then came up to San Francisco.
- Ward: You didn't have the Packard?
- Leonard: No - no, we left the Packard in L. A. and we came up to San Francisco with a couple of friends. We drove up with Dave and Claudia Williams.
- Ward: I suppose you were paid a little bit for your work in L. A. You had a nickel or two in your pocket?
- Leonard: Oh, yes. I don't remember when I got on the payroll but - well, it wasn't a very munificent salary, but we managed and Marge got a job.
- Ward: So, then you came to San Francisco and met Richard Gladstein and by that time, you knew the other two partners.
- Leonard: That's right and -
- Ward: And you became an employee and eventually a partner?
- Leonard: That's correct.
- Ward: How did it feel? This was really your first job as an established lawyer?
- Leonard: That's correct - that's right.
- Ward: Well, what did they set you to doing?
- Leonard: Oh, all kinds of things. One of them, as I said, was to continue doing legal research on this contempt case we've been talking about and then there was just the whole variety of the practice.

We had the labor aspects of the work, particularly at that time, as I recall it, in Warehouse (Local 6, ILWU). There was a lot of organizing going on in warehouse. The union had been certified by the NLRB for the dockworkers although there were still a lot

- Leonard: of problems with (Frank) Foisie and the Waterfront Employers Association. The fact is that the longshore union was extant but warehouse was still being organized. This was the March Inland.
- Ward: Now, the clients that you met - you had as a law student met leftist people, of course?
- Leonard: Yes.
- Ward: You were somewhat familiar with their ideas, somewhat in accord with some of their ideas?
- Leonard: That's correct.
- Ward: I see - then; but you had never met a leftist worker up to that time, professionally?
- Leonard: Yes, that's correct. I can't think of any - -
- Ward: In general, I mean. There may have been isolated instances?
- Leonard: That's correct. That's right, Estolv.
- Ward: So this was the first time you ran into them as lawyer and client. What was your reaction to that?

Meeting Workers As Clients

- Leonard: I - you know, this was beginning to be the expression in real life of all the ideas and philosophies and ideologies that I had, which had all been kind of academic and philosophical. I was now getting real experience. I remember, for example, the United Automobile Workers over in the East Bay. In those days they had monthly meetings at a theater which they used to rent for that purpose.
- Ward: Out in East Oakland -
- Leonard: Out in East Oakland or Fremont or Hayward, somewhere out there. I didn't go to all of them, of course. but from time to time I was asked to come to one of those meetings to discuss a case they were concerned

- Leonard: with, or some legal development that they wanted to know about. It was really very exciting and thrilling to be over there with the leaders, guys like (Frank) Slaby and (Paul) Schlipf and Jack Montgomery, people like that, but it would -
- Ward: Wait a minute - that's Frank Slaby, Paul Schlipf, Jack Montgomery.
- Leonard: I remember those people as being leaders in the Auto Workers local at that time.
- Ward: Do you know what became of Slaby?
- Leonard: No, I don't. I know Jack died. Almost the last thing I remember about this - we'll get to that later on - we'll talk about it chronologically. Slaby had been subpoenaed as a witness before the Grand Jury in one of the Bridges cases. He was very good - he was fine. Well, but to get back to your question, it was very exciting and thrilling - I learned to work with the leaders. I talked to the rank and file. I talked to the people, the workers on the job. As I said, up until then, it had been pretty academic and theoretical and abstract and now it was getting real.
- Ward: Did you run into a case where some poor soul had been kicked out of a job because they suspected him of being a leftist? In Warehouse, I think you got some of that.
- Leonard: Yes, we had some of that in Warehouse. I don't think they dared do it in Longshore.
- Ward: Not by '38?
- Leonard: That's right, but there were some instances; I can't put my finger on them now but there were some instances in Warehouse. And, of course, later you ran into the whole screening program where they wiped the guys off the waterfront, but that was later.
- Ward: Well, all right, so here you are with all these trade union people, including Harry Bridges. You'd heard of him before, of course.
- Leonard: Oh, yes, sure - of course.

Ward: And did you find him living up to your expectations?

Leonard: Yes. I still remember the night I met him at 24 California Street. I think, the old Pacific Coast Labor Bureau had its offices there and then maybe later on, the downtown offices of what became later PMA. Down below, if I am not mistaken, was a restaurant and bar called El Jardin -

Ward: Oh, yes, everybody met there.

Leonard: And one evening, after I had been around for maybe two weeks, Richie asked Marge and me - I don't know if I should tell this story; maybe we can edit it out later if Marge wants us to.

Richie invited Marge and me to have a drink with him after work and to meet Harry Bridges. Of course, we were delighted and we went; and Marge was not much of a drinker. She had one or two cocktails and we had to take her home. That was my first meeting with Harry. But seriously, he was and still is a great guy; what he did for that union and for the labor movement generally is just fantastic.

Ward: He gave you stars in the eyes?

Leonard: Oh, sure, and I mean for good reason. He was doing tremendous things.

Ward: Did you see any difference between his image and his personality?

Leonard: No; in those early days, of course, remember, I was kind of low man on the totem pole and I really didn't get very close to him.

Ward: You had no place to look but up.

Leonard: That's right, to the guys who were working directly with Harry, principally Richie and I guess secondarily Aubrey and Ben. I would be sent off to the library with "Now here's a problem and see what you can find; look it up in the books and give us an answer."

Ward: You were primarily a research person at that time?

- Leonard: At that time, yes; but I began - - it was important to me that I should begin - - to do some of the trial work. Of course, they didn't give me the major trials, but we had a pretty good industrial accident practice. Longshoring, as you know, is a very dangerous industry, and warehousing is pretty bad too. We had members of the locals who were injured on the job and would need legal assistance.
- Ward: And you handled those cases?
- Leonard: Yes; then I began to get into the labor field and handled some of the cases - picketing cases.
- Ward: Yes, now we'll move on to the fall and winter of 1938-39. Then comes the Landis trial of Harry Bridges. It must have been a great pleasure to you to meet Carol King again?
- Leonard: Oh, it was indeed. We spent a lot of time with Carol. She came out to work with the guys on the case; Richie and Aubrey were thoroughly familiar with it and had been living with it for years. The three of them, Aubrey, Richard and Carol made up the trial team. They were the defense lawyers at the actual hearings.
- Ward: Yes, and you and Ben stayed in the office.
- Leonard: Ben and I stayed in the office and did whatever back-up and research work they needed plus carrying on the rest of the load in the office.
- Ward: I see.
- Leonard: By that time, too, if my memory serves me correctly, Bert Edises had come to join us. No, Bert came out after February 1941. Bert was older than I and he was more the colleague of Richie; Bert had spent a number of years in fairly high positions with the NLRB, chief appellate lawyer and that sort of thing.
- Ward: Whatever became of Bert Edises?
- Leonard: I don't know; Bob Treuhaft would probably know. I don't.
- Ward: Was Treuhaft hired by the Gladstein, Grossman and Margolis firm like you?

Leonard: But much, much later.

Ward: I see; now you were doing back-up work during the Landis hearings. I get the impression that you were gaining a bit of a reputation as a brief writer.

Leonard: Well, I don't know about reputation. I know I was writing an awful lot of briefs.

Ward: Put it this way; at one time I was closer to the opinions of Richie and his wife, Caroline, than probably you were. They told us, speaking of not the everyday work but - for instance, they told us you were a good brief writer.

Writing A Good Brief

Leonard: Yes, I always thought I was; there's no point in having any false modesty. It is an area in which I work very effectively.

I remember once, many years later, we had a sugar case in Waialua; it was a wage and hour case, the question of whether or not the Wage and Hour Law required the employers to pay overtime or double time for sugar workers or whether the sugar workers were agricultural workers. If the latter, they would be exempt from the law.

Richie had tried the case. It was a long, difficult complex record in many, many respects. It got to the Supreme Court, and he asked me to review the record and write the brief. There had been some brief writing by other people on lower court levels and I had to wade through an awful mess of stuff.

I finally produced the brief for him and for whatever it's worth, Richie said, having read my brief, that he for the first time understood what the case was all about. You know, that it was a great presentation.

Ward: That was pretty nice for a young man to hear.

- Leonard: Oh, yes! And it was also nice because - I won't say on the basis of the brief alone - but on the basis of the brief and the whole record we were able to settle the case for a very substantial sum of money for our clients.*
- Ward: You often found it necessary to go to court in defense of Local 6 organizers, particularly in picketing cases. Anything special about that?
- Leonard: Well, I remember some cases involving Ray Heide, who is long since deceased, and Bob Moore: I guess Bob must be dead too.
- Ward: What about Paul Heide?
- Leonard: I don't - somehow Ray's name sticks in my head. Paul might have been involved in some of these cases.
- Ward: Bob Moore?
- Leonard: Yes, Bob Moore. In any event, they were - yes, in retrospect, now they were routine, but very exciting for me at that time.
- Ward: O.K., now what did you do on the repeal of the anti-picketing ordinances which occurred, let's see - some of them were building up - oh, there was the repeal of the San Francisco anti-picketing ordinance in 1937, I think, but there were others still in force around the Bay.
- Leonard: That's right. There was one particularly; it was in Emeryville, California; an anti-picketing ordinance. The United Rubber Workers - - -
- Ward: Oh, yes - that's George Roberts.
- Leonard: Yes, yes. The United Rubber Workers had a strike. I don't remember the name of the plant, but they were picketing one of the facilities in Emeryville and George Roberts who was the leader at that time --

*See 349 U. S. 254 (1955)

- Ward: He was an organizer for the International Rubber Workers.
- Leonard: That's right. He was an organizer for the International and had been sent out here to assist and participate.
- Ward: He was in charge of the California locals.
- Leonard: Right; and he was on the picket line in Emeryville and he was arrested for violating the anti-picketing ordinance. There was no contention or argument that there was any violence or anything like that; it was just that the law said you can't picket and he was picketing. And he was tried in a police court in Emeryville. I argued to the judge that the statute, the ordinance, was unconstitutional.
- Ward: That was your first big case?
- Leonard: Yes - and I gave him all this stuff about the First Amendment, high class stuff from the Supreme Court. Well, the police court judge in Emeryville was not the least bit impressed. He found George Roberts guilty. I don't remember now what the penalty was - whether he fined George or gave him a suspended sentence; or gave him two days in jail. It was not major, but the principle was important.
- Ward: Yes, sure.
- Leonard: So, I took an appeal to the Appellate Department of the Alameda County Superior Court, again citing all this Constitutional law in the Supreme court cases and so on, and much to my joy and delight, the decision was handed down on my birthday, my 27th birthday -
- Ward: Nobody carried it any further?
- Leonard: No, they held the ordinance was unconstitutional and that was the end of it.

II WORKING UP IN THE PROFESSION
(Interview 2: September 13, 1985)

A Ride In The Black Maria

Ward: Norm, we were going to talk about Jack Tenney and Sam Yorty and some of the nasty tricks they played in the Legislature.

Leonard: Well, after the election of Culbert Olson in 1938 there was, for a while at least, a progressive administration of the State Emergency Relief Administration, which took care of the problems of the unemployed people and things of that kind.

Within a couple of years of Olson's election a more reactionary trend set in and Jack Tenney, who at that time was in the State Senate, and Yorty, who later became mayor of Los Angeles and later a candidate for the U. S. Senate, was in the State Assembly. I may have them backwards - maybe Tenney was in the Assembly and Yorty was in the Senate - but in any event they set up a joint legislative investigating committee which, not its avowed purpose, but its actual purpose, was to smear the State Relief Administration and to some extent, I guess, the Olson administration generally.

And what they did was a forerunner of what later the House un-American Activities Committee and similar committees did. The people who worked for the Relief Administration - many of the social workers - were put through a political catechism on their politics and so on. A number of those people refused to answer questions of that kind.

Leonard: This was many years before the Hollywood Ten experiences had developed, and as a result these people were charged with contempt of this legislative committee. They were tried in a municipal court in Stockton, California, and many of them were given jail sentences and many of them served jail sentences. It was a pretty awful experience, a kind of forerunner, as I said a minute ago, of the later activities of the HUAC.

My role was not to try the cases - I was still not being given that responsibility. My recollection is that Aubrey Grossman tried most of them, but I was doing a lot of the back-up work and working with the defense committee.

I remember trips to Stockton - I remember visiting some of these social workers. Many of them were young college women who had recently come out of college, and this was their first professional job as social workers. And they were confined in what was a miserable county jail along with drunks and derelicts and all such kinds of people. After a while, we were able to get most of them released, but it was a pretty horrendous experience for them and an eye-opener for me as to how legislative committees could ride roughshod over the rights of people and actually cause them to be imprisoned.

Ward: I see; so you visited these people in jail?

Leonard: Yes, that was part of my chore. I remember going up to Stockton and spending some time with them.

Ward: Young women, hardly more than girls?

Leonard: Yes, many of them recently out of college, probably in their early twenties, early to middle twenties, and it was a shocking experience for them too, believe me. One or two of them I had known casually and socially at UCLA and I remember a number of them were sorority girls. It was quite an eye-opener for them.

Ward: Let's see, you yourself were never in jail, were you?

Leonard: No, but I had one experience at about this time; I can't pinpoint it, in time, but it was kind of interesting. There was either an Auto Workers or a Local 6, ILWU, picket line in Oakland and I had gone out to the picket line because they had asked me to come to give some legal advice to the people on the picket line as to what they could or couldn't do. While I was out there a Black Maria came up and just swept most everybody into the van, including me. They took us down to the Oakland City Jail.

Ward: Oh, you did have a ride in the Black Maria!

Leonard: I had a ride in the Black Maria. We got down to the Oakland City Jail and I started spouting constitutional law at the officers. They made a few telephone calls and apparently decided the arrest was too hot to handle, so they said, "Okay, you are all released, you are all free."

And I said, "Oh no - it's not quite that simple." We didn't have any transportation - all our cars were back at the picket line. So I said, "You brought us down here - you have to take us back." And they did. So we went back to the picket line in the police van. The Black Maria drew up to the picket line; they opened the doors and we all trooped out of the van while the remaining pickets set up a great big cheer.

Ward: That was the closest you ever got personally to jail, I mean in terms of being a prisoner?

Leonard: Yes; I'm just trying to think - yes, that's correct. I can't think of any other occasion.

Ward: Well, let's get back to Yorty and Tenney.

Leonard: I'm not sure that there's much more to say, except you know, and people interested know, their subsequent history. Yorty became a political figure down in Los Angeles, and was mayor for a number of terms; I believe he ran unsuccessfully for the U. S. Senate, and I don't know what ever happened to him after that - I'm not sure he's still alive. Jack Tenney was a song writer - - -

Ward: He wrote something - a rose - - -

Leonard: Mexicali Rose, and my recollection is (and I can't be sure of this) that that was a scab song in the sense that it was not authorized or licensed by the ASCAP people. This is a kind of a vague memory.

During - oh, it must have been in the late '40s, or early '50s perhaps, I think there was some kind of a strike or economic action by songwriters and the radio stations were not permitted to play or allowed to play the songs which were legitimately licensed by ASCAP. For weeks or months, the only thing you could hear on the radio was Mexicali Rose, because it was a kind of a scab song. It wasn't subjected to that licensing. I have a memory of that.

Ward: That's news to me - I remember Jack Tenney playing such a hit tune on a piano in a hotel somewhere in the middle of the state (San Luis Obispo or Paso Robles) for us right after a concert pianist had finished his morning practice. He had awakened us all on a Sunday morning and the difference between Jack's playing and the preceding artist was really quite something.

Along Came The War

Ward: Now, along came the war.

Leonard: That's right - - -

Ward: And you were working in Gladstein's office - G G & M?

Leonard: That's right -

Ward: And after Pearl Harbor, about a year elapsed before you began to do something yourself about the war?

Leonard: Yes; during that ensuing year, there were personal problems: what should I do? Should I volunteer? Should I wait to get drafted? What about Marge? What about the work in the office, and so on. I was trying to get these things resolved, and finally in the fall of 1942 I volunteered to be commissioned in the Navy. Don't ask me why I chose the Navy; I just didn't like the idea of the Army and I thought going to sea would be fun. It turned out - - -

Ward: You volunteered?

Leonard: Well, I made an application for a commission.

Ward: Now, there you were and still are, I think, an intellectual militant, but you were never a physical militant, were you?

Leonard: I'm not sure - - -

Ward: You never got out and fought the cops?

Leonard: No - - -

Ward: Or scabs - - - ?

Leonard: That's right, if that's what you mean by physical - -

Ward: Well, why did you want to go to war?

Leonard: Oh, well, that's pretty obvious now, and it clearly was very obvious then - we were fighting against Fascism, against dictatorships. We were fighting for what I believed to be - - and still believe - - a democratic form of government; I felt I ought to be supporting such a fight.

Ward: So, in the fall of '42 you made application for officership in the Navy.

Leonard: That's correct.

Ward: And what happened?

Leonard: It was - my application was finally approved and I was commissioned as an ensign in the Navy which is equivalent to a second lieutenant in the Army; I was assigned to a training center at Tucson, Arizona.

I always thought that it was kind of amusing that the Navy had, in the big rush of getting things going to get the war effort under way, reached out in all directions.

One of the things the Navy did was to acquire the facilities of the University of Arizona at Tucson for a naval training station. As I say, that was kind of amusing to me because it was a thousand miles from any water.

Leonard: Here they had hundreds of guys like me, civilians who had just come in, and they gave us a quick sixty day course - we were called the sixty day wonders. They gave us this quick course to teach us how to be naval officers: the very basic, rudimentary things like navigation and gunnery and naval procedures and naval history. At the end of sixty days we were theoretically qualified to be officers, as though we had spent four years at the Naval Academy in Annapolis. They just squeezed it all in in a very short period of time. I'm sure we weren't that qualified; but at that point the need for manpower was so great that that is what they did.

Ward: I see. So, then you went someplace - - - ?

Leonard: My first assignment after this great 60-day training was to Guadalcanal. I was shipped out to Guadalcanal -

Ward: You mentioned what to do with Marge. Well, she was a lawyer herself.

Leonard: Marge was a lawyer up until - - -

Ward: Wasn't she employed?

Leonard: Up until the war period, she was not employed as a lawyer. For the first two or three years after law school she had a variety of other jobs, including some work with the State Relief Administration that I mentioned earlier in connection with the Tenney-Yorty thing. That was one of the reasons, too, that I was interested in that Tenney-Yorty problem. Marge was not called or subpoenaed, but she was obviously interested and active in the work that was being done. She was a member of the Social Workers Union and a part of the social workers defense committee.

But when the war came along and I and lots of other lawyers were gone, along with two or three other lawyers even younger than I who were in our office by that time- a chap named Bill Murrish, who is now deceased, and a chap named Frank Pestana who, the last I heard, is still practicing law in Los Angeles.

Leonard: Bill and Frank and I were pulled out of the office to get into the war effort, so there was room for some women and Marge went to work in the office, in the Gladstein office. She became quite an expert in workers' compensation. She handled all their workers' compensation stuff for a long time.

Ward: So, after all, you were not leaving an impoverished war bride?

Leonard: No, she had a job, she was working. I arrived in Guadalcanal some time in April of 1943. Guadalcanal was one of the very first, if not the first, of the islands that we took back from the Japanese at the beginning of MacArthur's long island-hopping operation. The importance of Guadalcanal at that time was an airfield - Henderson Airfield - which was used as the base for our air attacks on Japanese shipping, and so on, in that area. The Marines had landed on Guadalcanal, I think in November of 1942 and there were some very bloody battles around Henderson Field.

By the time I got there in April, about four or five months later, things had kind of quieted down. The Marines had the island pretty well under control and pretty well secured. There were some isolated pockets of Japanese resistance up in the hills, but they never really affected what I was doing because by the time I got there, the Navy had established a supply base at one of the beaches which the Marines had secured. The Navy then took it over and used it as a base for supplying the naval vessels that were engaged in all the various campaigns there.

That was our principal function, to supply naval vessels that were going through; so we had accumulated huge stores of materiel; oil, bunkers, ammunition and all the things that the vessels would need. The vessels would call in and get replenished.

We also developed there on Guadalcanal a rest and recreation area, of which I was in charge for a while, for sailors and fleet members who had been up in the forward lines of combat and were coming back for maybe a week or ten days or two weeks of R&R. So, that was essentially what I did on Guadalcanal. I also worked in the legal department on Guadalcanal.

Leonard: There was one incident that you and I talked about off the record; I recall it now. In the earlier days - April, May of 1943, maybe into June of '43, we were still subject to Japanese air attack. The Japanese hadn't been totally cleared out of that area and they were able to mount air attacks from other places, and so there were foxholes on the island. When the air attacks occurred, we would all go to the foxholes.

One day during the course of an air attack, I was in a large foxhole under the communications hut. The hut had all of our teletype facilities; it was like a South Pacific hut that had a thatched roof and during the air attack the roof caught fire, I assume from tracer bullets. A couple of us, including me, stupidly left the protection of the foxhole and got water and water buckets and tried to put out the fire.

While we were thus exposed, along came a Japanese aircraft and came down the line, peppering us with machine gun bullets. Nobody was hit. Fortunately the pilot didn't have very good aim, but he went along and strung machine gun bullets on the ground, and suddenly I thought to myself, "My God, a guy could get killed here!" and I dove back into that foxhole. I never acted so bravely after that.

Ward: That was the only time you were actually under fire?

Leonard: That is correct. But I do remember a number of warehouses that were hit and burned.

Ward: No bullet had your number.

Eleanor's Visit

Ward: All right, so then along came Eleanor.

Leonard: Yes, that was one of the things I recollect from my Guadalcanal experience. It was quite a bit after the period I am talking about now, probably in the fall of 1943 or even into early '44, when Eleanor Roosevelt, the President's wife, came on a tour of the South Pacific.

Ward: That early in the war?

Leonard: Well, I was on the island for about 18 months; I left Guadalcanal in November of 1944, so it had to be before then. It might have been sometime in early '44 or middle '44.

Anyway, Mrs. Roosevelt came on a tour and word came to our naval base - - there were a number of bases on the island, I should say. The Army of course had a very large base around Henderson Field, and other military units had bases.

So, we got word that Mrs. Roosevelt was coming, I think it was to the Army base, I'm not sure - maybe it was Henderson Field, but all of the units on the island were to send an honor guard to escort her to whatever ceremonies were taking place. It just so happened that I was the officer of the day when this message came in, and the instructions I received were to pick six or eight men, I don't remember how many, but pick a number of men to send off to where Mrs. Roosevelt would be, to represent the Navy.

I thought that Mrs. Roosevelt, from what I knew about her, and the way I felt myself, would appreciate having some black people in that honor guard, so of the six or eight people that I designated from the various departments I made it my business to designate two from the stewards' department. At that time, by the way, the only blacks who were in the Navy were serving in the stewards' department. They were not serving as they now are - - -

Ward: Civilians?

Leonard: No - no, they were naval personnel, not commissioned officers, but, as I say, they were serving in the stewards' department - the cooks, the bakers and the waiters and so on. They were confined to that area of work.

Anyway, I picked two black guys from the stewards' department, plus three or four other guys from other departments that we had - - machinists, communications people and so on, and formed them up into an honor guard and sent them off under a non-commissioned officer to attend the services for Mrs. Roosevelt.

Leonard: Later, through the grapevine, I got the word that Mrs. Roosevelt had indicated an appreciation of the fact that there were some black people who composed her honor guard.

Ward: Were you criticized for that?

Leonard: No, I was neither criticized nor commended. As I say, I don't remember now how I got it, but I got the word that Mrs. Roosevelt had expressed appreciation of the fact that there were some black people.

Ward: Now, you left active service on Guadalcanal in the fall of '44. At that time the war was going better, wasn't it?

Leonard: Oh, yes - it had turned around considerably. What had happened by that time was that the island hopping in the Pacific had moved far north. By the time I left it Guadalcanal was really a rear area. When I first got there it had been pretty close to a front area.

Ward: MacArthur was beginning to make good on his "I shall return."

Leonard: That's right, and a lot of American victories had been won. I don't remember the precise chronology, but it had to be Iwo Jima, Saipan and all those things. In Europe, of course, Stalingrad had taken place and the German armies were being smashed, and then came D-Day?

Ward: When was what?

Leonard: D-Day in Europe.

Ward: Oh, June, 1945.

Leonard: Oh, D-Day had not taken place yet, but the landings in Africa, Sicily, had taken place. Yes, to answer your question, the war was certainly going better by the time I left Guadalcanal.

Ward: So, you came back?

Leonard: Well, I came back to San Francisco, which was the headquarters of the Twelfth Naval District to which I had been assigned, and I was given 30 days leave.

Leonard: Marge and I, of course, were reunited, and we spent a wonderful 30 days getting to know each other again, after that year and a half absence. And then, I was transferred to what was the Eleventh Naval District in San Diego.

Because I was a lawyer and had legal background I was assigned to the Judge Advocate General's department; that was the department that handled court-martials and things of that kind. I was then assigned to the naval base in Long Beach, California, and there we spent a year, approximately, until my discharge from service after the end of the war.

Ward: Oh, Marge was with you then?

Leonard: Marge came down to Long Beach, and that's where Steve was born.

Ward: And that was October 1, 1945?

Leonard: That's right.

Ward: And it wasn't long after that before you were discharged?

More In The Family

Leonard: That's right. I was discharged in December of 1945 and we came back to San Francisco - the three of us now, Marge and Steve and I.

Ward: Now your second child, Rick - - -?

Leonard: Yes, Eric was born about three years later - September, 1948. I'll tell you a little bit of Eric's birthday - it's jumping ahead a little bit but September 1, 1948 was the first day of the great 1948 waterfront strike. This was the strike that finally ushered in the New Look that I guess we will want to be talking about later on.

But what I remember about that day was that it was the opening day of the strike and the opening day of the National Labor Relations Board hearing that I was attending in connection with the strike.

Leonard: In the morning I took Marge to the hospital and after my hearing I came back about six or so in the evening. The baby was not yet born and the doctor told me to go out and get myself some dinner and come back after while. I got back about eight o'clock and the baby had been born and Marge was in her room. It was apparently a simple and easy birth, because in a couple of hours she was back in her room.

And when I went in to see her the first thing she said to me was, "Did you bring the newspapers? I want to see how the strike is going."

Well, that wasn't the first thing she said. The first thing she said was that she was fine and the baby was fine, but the second thing was where are the newspapers and how is the strike going?*

Ward: I see. She was a good labor lawyer's wife.

Leonard: Oh, yes. She was a good, progressive person herself.

Ward: Backing up a few months - the telephone strike was in late '47, was it?

Leonard: Well, it was after I got back. You know, we're looking back 40 years and some of these things get jumbled up in the chronology, but I do remember the telephone strike.

Ward: Late '47, I think.

Leonard: Probably. That would be right, you see. If I got back - - -

Ward: Well, you got back a year before.

Leonard: I got back in '46 and it took a little time to get back in the swing of things and get re-oriented. One of the situations that developed late in the 1940's was a strike of telephone operators in San Francisco. I remember the beginning of it - I think it was the ACA - - - -

*Marjorie Leonard remembers it differently: Norman took me to the hospital late in the afternoon. Soon the doctor sent him out to have some dinner and when he got back the baby had been born. I was feeling good - and eager to know about the strike. So when Norm left, I insisted that he leave the newspapers with me.

Ward: American Communications Association.

Leonard: Yes. It was headed by Joe Selly and the secretary was a fellow by the name of Joe Keough; they were both excellent leaders. Their local representative here at that time was a guy named Bill Burke, who later became a business agent for Local 6; a tremendous leader.

Bill Burke and a fellow named Bruce Risley who was also an organizer for the communications workers, and I were the three people who started the campaign; that is, they started the campaign and I was their legal advisor. The result was proceedings before the National Labor Relations Board, hearings that we had in which the ACA was attempting to get organizational rights and representation of the workers. There were some kind of a company-sponsored, company dominated union and also some rival craft unions. I remember the Brotherhood of Electrical Workers, perhaps one or two others, a mish-mash.

We tried to get the NLRB to certify or recognize the ACA as the bargaining representative of these workers, and like all legal proceedings these were long and protracted and there were delays. People got impatient and finally, I don't recall what the precise issue was that provoked it, their patience wore out. Finally the women -- the telephone operators were mostly women, all women, I guess, at that time -- put on a great strike in San Francisco; they hit the bricks.

And a local Superior Court judge by the name of Schonfeld, now deceased, issued the usual injunction, a typical injunction against picketing, mass picketing, noise and trespass and that sort of thing.

The women were irate and I remember a tremendous mass picket line -- there must have been hundreds, perhaps, thousands of women in front of the telephone building on Bush and Grant in San Francisco, demonstrating against this injunction and shouting, "Hang Judge Schonfeld", and things like that. The police were powerless to cope with these women, there were so many of them and they were so irate and so upset at what had happened.

Leonard: I recall a police officer asking Joe Selly, who was president of the union, to please get up on the platform and use the police microphone and please tell the crowd to take it easy or to disperse. They wouldn't pay any attention to the cops, but when Joe Selly told them to cool it, they did.

I thought that was kind of interesting, a fine example of the workers listening to their leadership even though they wouldn't listen to the cops.

Ward: Well, they were pretty good union people.

Leonard: Yes, they were, they were fine.

Ward: So, then, - you were there, of course - how did the strike end? Did they get anywhere?

Leonard: Yes, they got recognition at that time, but it petered out later on. They are not part of the union now as far as I know. They had some kind of an independent group - I'm not sure of this - they had a kind of loose affiliation with the ACA. Later on, Bill Burke went off to work for Local 6. The ACA, as you know, was one of the unions kicked out of the CIO along with the ILWU, and I think the telephone union kind of disintegrated.

III HARRY BRIDGES' THIRD TRIAL

Ward: Now, somewhere the government, after having failed in, I think, two attempts to deport Harry Bridges by legal action, made a third try before Judge Harris. Bridges was put on trial as an alleged Communist before Judge Harris; if that allegation were true, of course, under the law he would have been deported at that time.

Leonard: Let me straighten that situation out. It is true that the government actually made three prior inquiries. One was an administrative inquiry before the Department of Labor which in those early days - -

Ward: Oh, that was early on?

Leonard: Yes, this was back in the '30s. The Department of Labor was then in charge of the Immigration Service, and Secretary Perkins had set up quite an elaborate investigation into charges or allegations that Bridges was a Communist. As a result of that inter-departmental investigation the conclusion was that there wasn't any evidence to support that charge and they dropped it.

Then, as both you and I know, more formal charges were presented before Judge Landis at Angel Island. Judge Landis, after a very extensive hearing and trial, cleared Bridges of those charges.

Then later on with the pressures on the government coming from the right, coming from the shipowners, we believed, another hearing was held before Judge Sears. It went back and forth. The judge ruled against Bridges, the Board of Immigration Appeals

Leonard: ruled for him, the Attorney General ruled against him. The case went into court and the Supreme Court finally found that there were both evidentiary and procedural errors - it was not a fair hearing - and they threw that out.*

Bridges Wins Citizenship

Leonard: So, with that background - it had to be about 1945 or thereabouts - everybody involved in the Bridges case kind of breathed a sigh of relief and said, "Hooray - it's finished."

Harry went down to the Superior Court in San Francisco, where he had pending, or had had pending for a long time, an application for citizenship. He appeared before Judge Foley - Tom Foley who is also now deceased (it makes me feel awfully old to be recalling all these "deceaseds") - he appeared before Judge Foley and there was a naturalization hearing. In the course of the hearing the government stated it had no objection to Bridges being naturalized. It seemed that it wanted to put the matter at rest. Judge Foley - I believe it was the judge himself - then said to Bridges, "Now, there have been a lot of charges around here, Mr. Bridges, that you are a Communist - are you or have you ever been?" and Harry said, "No." The citizenship was granted.

I must say there was one other factor that was relevant to the way the case developed. In the application for citizenship, Bridges was required to list two people who would vouch for him. He listed Henry Schmidt and Paul Schnur. Henry was an official of the longshore local and a close friend of Harry's, and Paul Schnur was an official of the CIO. These were the two people who were going to vouch for him.

*326 U. S. 135 (1945)

Leonard: Well, when they got to court they discovered that there was some question - not a serious one - but some kind of a technical question about Paul Schnur's qualification to serve as a witness. Richard Gladstein was handling this proceeding for Harry at the time. He turned to the group - there was a large group from the union who came down for the ceremony - - and said (Richard was going to be a perfectionist and not have any errors in the record, which was of course the correct thing for him to do) - - "Instead of having any technical questions about Paul Schnur, let's have Paul step aside. I want a native-born American so there are no problems."

Bob Robertson, who was then a vice-president of the international union and who had been born in Texas, said, "Hell, I'll stand up and vouch for Harry." So, they brought Bob in, and that's the way Bob got into the case. The thing that is so interesting is that the government later charged that there was a conspiracy involving Bridges and Schmidt and Robertson to procure Bridges' citizenship by making false statements. Yet, as I've just told you, Robertson came in at the last minute simply because another man wasn't qualified. That was the kind of conspiracy that was!

The "Conspiracy" Charge

Ward: That's what the government charged all three of them with in this trial before Harris?

Leonard: Yes, the government charged Bridges himself with making the false statement. Then it charged the three of them in a separate count in the indictment with conspiring to have him make the false statement. Those were the charges before Judge Harris at that time.

At the same time as the government filed this criminal charge, it also filed a civil proceeding to revoke Bridges' naturalization on essentially the same grounds, but the criminal case went first and the civil proceeding was put on the back burner while the criminal case went forward.

Leonard: We can talk about what happened in the civil case later on, but the criminal case went forward before Judge Harris.

Ward: And I believe you got some pressure as a "mystery man" in this case - you were not present in the courtroom for a long time, were you?

Leonard: Let me say this: initially, of course, as in all such cases, there are legal motions to be made, such as to dismiss and motions for a bill of particulars - a whole series of legal manoeuvres.

I was deeply involved in those and in appearances before the judge in connection with them. The assignment I had, the big chore that I undertook, the one that finally won the case before the Supreme Court - - was the argument that the indictment was too late, that the statute of limitations had run.

The chronology, as I recall it, was that Bridges was naturalized in 1945 and the indictment was returned some eight months past three years from the date that Bridges was naturalized. The normal statute of limitations was three years and the indictment therefore should have been barred.

However, the government had a couple of counter-arguments. Without my getting technical about it, the government argued that there was something known as the Wartime Suspension of Limitations Act, which suspended time limitations under certain circumstances. They argued that this applied to Bridges' case, and, also that an earlier five year statute (which was later reduced to three years) applied. The question then was whether the earlier or the later statute applied to the Bridges case. These are technical questions, and there is no point in burdening this account with them.

The fact is that we argued that the statute of limitations of three years applied and that should wipe out the case - blotto. The government had some counter arguments, and we had to meet these counter arguments. In all of that I was deeply involved before Judge Harris. Judge Harris denied all those motions and ordered the case to go to trial.

Ward: All this preliminary manoeuvring got nowhere?

Leonard: That's right - all our motions were denied and the case was ordered to trial. Then it became necessary to be concerned about trial counsel. The natural, obvious selection, you would think, would have been Richard Gladstein. Gladstein had successfully defended Bridges in all those prior proceedings we talked about.

However, Gladstein had just recently been in New York, involved in the defense of the leaders of the Communist Party, and had been cited for contempt of court by Judge Medina there, and sentenced to prison. Gladstein had spent some six months in Federal prison in Texarkana.

For whatever reason, Harry thought it would not be right or appropriate to have Gladstein personally involved in the defense, and he chose -- and of course the client has the right to make this choice -- he chose to have Vincent Hallinan and his associate, Jim McGinnis, as his courtroom trial lawyers. Vince represented Harry and Jim represented Bob and Henry Schmidt. They were the in-court trial team.

Ward: Was it true -- I have heard that Vince Hallinan had been trying to become Bridges' defense lawyer years and years back?

Leonard: I have no knowledge of that.

Ward: I see.

The Trial Begins

Ward: So, the trial began.

Leonard: That's right. Well, as I said before -- and there is no great mystery about it -- in all major trials, the courtroom lawyers will have a team, a support team, and that is essentially what I headed up. It consisted of Elinor Kahn, who is now Elinor Kamath, and Merle Richmond and me.

Leonard: Merle had been the secretary in the Gladstein office for many years and had worked very closely with Richard on a lot of the Bridges cases. She had done a tremendous job of indexing all possible potential witnesses and had run down with us the sources of information we might have, the testimony they had given in other proceedings, depositions they had made, statements they had made, things of that kind. All of this was collated, so that as witnesses appeared we could use this information for purposes of cross-examination and impeachment, or in any other way.

Elinor was a tremendous research worker and put a lot of this stuff together, and I kind of supervised this with an eye on the legal angles. We set up an office in the old ILWU Building at 150 Golden Gate Avenue, just a couple of blocks from the courthouse. Our modus operandi was generally this: as soon as a witness appeared on the witness stand, we had somebody who was stationed in the courtroom for the purpose of letting us know. As soon as Joe Bananas, for example, was on the stand we'd start gathering all the information that we had on Joe Bananas. Then came the noon recess and Vince and Jim would come to the office. We'd eat our sandwiches - we had our sandwiches brought up - and during the recess we would give them whatever information we had been able to find on that particular witness. They would tell us what the witness had testified about in that session and we would start running down those leads. And the same thing in the evening when the court session was over; they would come back to the office and we would continue with that process.

Ward: I want to get the whole story on Elinor Kahn. She was sent to England to get - to try to get - a defense witness of some sort. What was that all about?

Leonard: Elinor went to Scotland and she didn't try to get - she did get. She was very good. She got a statement from a man named John Earl Ferguson, also known as James M. Stewart - I don't remember what waterfront union he was from, but we had some reason to believe that Ferguson might be called as a government witness, so Elinor was sent to Scotland and she did get to see Ferguson.

- Leonard: She got a statement from him completely exonerating Bridges. Ferguson was not called as a witness so we had no occasion to use his statement. That is one of the kinds of activity that our back-up team was doing for the defense.
- Ward: That must have been a rather painful chore for Elinor - just physically - because she had an ear problem, as I remember, which made it very difficult for her to fly, and she did fly.
- Leonard: Yes, yes - she was a loyal and dedicated person, and even though, as you say, she had some physical problems flying, she actually flew. She went first to London and then tracked down Ferguson who was at that time in Scotland. I don't remember how she traveled from London to Scotland - - whether she took the train or whatever - - but anyway whatever was required to be done, Elinor did it. She was real great.
- Ward: If my memory is correct, his first name was James, wasn't it? And he was an official of the Marine Firemen?
- Leonard: I think your memory is sound; I think it was Jim Ferguson and I believe he was in the MFOW.

Let me give you a couple of other examples, since you asked about the mystery man business and the research activities that we were engaged in for the defense team.

How To Expose A Liar

- Leonard: Two instances come to mind that are illustrative. One of them involved a witness who I believe was named Manning Johnson, who claimed to have been a high official of the Communist Party and who specifically claimed to have attended a convention of the Communist Party in New York on a given date in 1936, I believe it was. He was specifically pinned down on the date in his testimony and he stated that Harry Bridges was present at that Communist Party convention, that he had seen him there. He made it very dramatic, too, as I recall.

Leonard: He said that Harry was standing behind a curtain on the podium so other people wouldn't know that Harry was there, but he, Johnson, had seen him and knew that Bridges was there on the podium behind the curtain.

Harry had a remarkable memory at that time, and during one of our noon sessions such as I described a few minutes ago, after Johnson had given this very specific testimony, Harry kept scratching his head and kept saying, "God damn it, I know I wasn't in New York, but now let me see, where was I?"

He kept scratching his head. Incidentally, we had-(to the extent that he kept them)-we had diaries of Bridges which kind of pinpointed all of his whereabouts, so that we could refute government witnesses who would place him at various Communist Party meetings when his diary showed him as being somewhere else.

But on this occasion his diary didn't help. He kept scratching his head and he thought and thought. All of a sudden he snapped his fingers and came up with "I remember, I was in Stockton! There was some kind of a beef at the local union in Stockton and I remember that on that particular occasion I was in Stockton."

Well, that got our team going immediately; we telephoned the Stockton local - - and this was now some fourteen years, after these events which allegedly took place in 1936; the trial was taking place in the early 1950s.

We asked the people in Stockton to look at their records, see what they could find. They came back and told us that all the old minutes were down in the basement for that far back. We said, "Go blow the dust off and see what you can come up with."

And sure enough, shortly there came back a telephone call from the officials of the Stockton local saying that they had found minutes for that particular day in 1936, and sure enough Brother Bridges was in attendance at the meeting in Stockton explaining or discussing with the membership some problem that the local had.

Leonard: Elinor and I immediately hopped into my car and we drove to Stockton and picked up those minutes and kind of clutched them to our breasts and drove back to San Francisco. We delivered them to Jim and Vince who very effectively, of course, used them in the courtroom to explode the whole story this guy Johnson had fabricated about Bridges being in New York when in fact he was in Stockton, California.

I remember the government went to some pains, pulling out all kinds of 1936 airline schedules, making argument that it was conceivable that Bridges could have been in Stockton on that (I think it was a Friday) Friday afternoon and then in New York at the Communist Party convention twelve hours later, as Johnson had said.

But it was a very feeble effort, and as a matter of fact the Court of Appeals in the appeal on that case made reference to this incident and kind of guardedly said that Bridges apparently was not at the Communist party convention where a witness had put him.

Another interesting aspect of that Stockton incident is this: the incident obviously got a lot of newspaper publicity. The press was covering the trial, and when something dramatic like that happened, there was good press coverage. There were some press stories about Bridges being in Stockton when the witness put him in New York.

Our office got a phone call a few days after this press exposure; we got a phone call from a total stranger. He introduced himself - - I don't now recall his name, but it's in the record of the trial - he introduced himself and said he was not a long-shoreman or a member of the union or anything like that; he was a guest at a wedding party in a restaurant in Stockton on that day. His sister or some relative was getting married and they had had a little party in a restaurant and while they were there a group of people came into the restaurant, sat down and had some dinner or lunch or whatever it was. There was some buzzing around because one of the newcomers in the restaurant was pointed out to them as Mr. Bridges.

Leonard: Mr. Bridges, of course, was by that time in 1936 a well known waterfront leader. It was after the '34 strike and this guy was impressed by seeing Mr. Bridges in the restaurant in Stockton. We used him - he was a total volunteer witness - we used him as a confirming witness that Bridges indeed was in Stockton and not in New York.

And Many Other Liars

And there were many, many examples of the kind of thing our defense team did. Another one particularly comes to mind. A witness whose name was Lawrence Ross testified against Bridges. Again, the same old business, that he knew Bridges was in the Communist Party. And how did he know that? Because he, Ross, was a very important member of the Communist Party and had been editor of the Communist Party's (now this is his testimony and I'm kind of summarizing now) had been editor of the Communist Party's West Coast newspaper, The Western Worker, and he was in on all the internal operations and he knew Bridges was a member of the Communist Party.

As part of Ross' introductory testimony, he was asked the usual routine questions about who he was and what his background was, and he came up with what proved later to be a tremendous cock-and-bull story.

He was a Kentucky colonel and he was publishing a newspaper in Kentucky and he had gone to (and I don't remember now the names of the colleges and universities that he gave) very highly respectable Southern institutions. He painted this wonderful picture of himself as the Southern gentleman who for some period of time during the depression had been, to use his words as near as I can remember them, "had been sucked into the Communist Party," but he was really a fine Southern gentleman.

Well, we got some leads from some people who knew him - some of our defense team did - that this was a great big fabrication. And that he really was a New York Jewish boy whose parents, like mine, ironically, had been in the garment industry, and that he had just created this thing out of whole cloth to give himself a respectable background as a witness.

Leonard: Elinor went to work that afternoon when we got these tips. By telephone and by wire she got in touch with all the various institutions that he named as having attended and other places that he identified himself with. The answers came back consistently - no such thing; we don't have a record of this guy, he just doesn't exist.

Well, we fed this stuff to Jim McGinnis, who was cross-examining Ross, and Jim did a tremendous job. He started to tear this fabric right apart from this guy.

As I recall it, it was on a Friday afternoon that this cross-examination began and it became quite apparent, probably after a half hour or so of Jim's cross-examination based on the materials we were able to provide him with, that this guy was just a complete and total liar. The government started to fight, vigorously, to conclude his testimony because they said, he had to get back home, he had a wife and children and he couldn't stay over the weekend. They just wanted to get him the hell out and, of course, the defense, on the contrary, wanted to keep him there. We were getting more information; every time we got more information our office would send a runner up to court with it, and it just kept piling up. Jim and Vince of course were fighting to keep the guy on the stand because they knew the longer they had him there the more information we could get, the more they could expose him. Judge Harris, in the face of all of this tremendous evidence that was clearly building up against this guy, said that while he sympathized with the man and wanted to let him go home, he had to conclude that he wasn't going to excuse the witness. He ordered him to return on Monday morning.

Well, you can imagine, over the weekend we kept accumulating more data and more data on Ross, and I guess the government knew the game was up; so Monday morning as the court session opened and the man was back on the stand for further cross examination, the government attorneys spoke up. I remember a guy named Donahue, Jiggs Donahue, who was the government's principal prosecutor, brought out from

Leonard: Washington to do this job; Donohue got up and said, "Your Honor, before the cross-examination proceeds any further, the government has (or perhaps the witness has) a statement he wants to make to the court."

Vince and Jim obviously knew what it was going to be - what it had to be - and they did not want him to make any statements to the court. They wanted to continue the cross-examination. But the Judge let him make the statement and he kind of broke down - - -

Ward: He what?

Leonard: He said his whole background was a fake - he made it up to give himself an aura of respectability after he left the Communist Party to go down South or wherever it was where he was functioning, running a little newspaper somewhere in some Southern town. He had built up this fictitious background; but he continued to insist that Harry was a member of the party; that part of his testimony was true; all the rest of it was false. He could be disbelieved on everything else, but Bridges was a Communist. Of course, nobody after that incident could believe a word the man said.

I give these examples to show the kind of activity, and they are only illustrations (it happened with practically every witness) the kind of activity we were engaged in, backing up the courtroom team of Hallinan and McGinnis in the Bridges defense.

Ward: There were similar situations, but not quite as dramatic?

Leonard: Oh, yes.

Ward: In other words, the two that you mentioned were not the only ones?

Leonard: Oh no - far from it. There were many others. These two were dramatic and for that reason after all these years they stand out in my mind and I remember them. But it was a day in and day out job. I'm not saying, you know, that we hit a home run with every witness. We obviously didn't, but we did work on them.

- Leonard: The work that Merle did in assembling all the material on all these people; the very fine research and creative thinking that Elinor did, and then whatever contribution I gave in terms of tying it into the legal aspects of the case, generally paid off. We generally were able, in one fashion or another to help the courtroom lawyers discredit or blunt the testimony of the government witnesses.
- Ward: Would you say that the work of the two teams - one in court and one at 150 Golden Gate - were responsible for the eventual ending of the matter?
- Leonard: Well, I'm sure that together they jointly contributed to creating the atmosphere that resulted in the final, final termination of the Bridges' prosecutions and persecutions. They let everybody know and understand - - anybody who read the record and read the papers - - that this was a whole great big fraud, the whole government's prosecution of Bridges. It was based on falsehoods. Dean Landis had pointed that out fifteen years earlier.
- But, to be precise about it, the Bridges criminal prosecution we have been talking about ended on the ground that I think I discussed with you earlier. The Supreme Court found that the prosecution should never have been brought in the first place because it was barred by the statute of limitations.* I think I mentioned - - -
- Ward: Yes, you did mention - - -
- Leonard: I think I mentioned that Judge Harris had denied all those motions earlier on. I should say what a pleasure it was to me, because I had worked principally on the question of that statute of limitations. After the Supreme Court decision which reversed the conviction on that ground we had to go through a little legal chore that's called "spreading the mandate." The mandate is the order of the Supreme Court, and when it comes down it is spread or placed on the record of the lower court.

* 346 U.S. 209 (1953)



After the Supreme Court decision, Bridges v. United States of America, June 15, 1953.
Left to right: Harry Bridges, Henry Schmidt, Bob Robertson, Norman Leonard.

Leonard: I had the distinct pleasure of going before Judge Harris on one of his motion days, when the court entertains motions, and making the motion to have the mandate of the Supreme Court dismissing the Bridges case placed upon the record of the District Court here in San Francisco. Of course, Judge Harris couldn't do anything but grant the motion in light of the Supreme Court decision.

The Last Gasp - Almost

Leonard: So that ended the criminal prosecution. But as I think I mentioned earlier too, at the time the government returned the criminal indictment it also filed a civil denaturalization proceeding against Harry. That it didn't let go of, despite the fact that the criminal case was terminated. The government insisted on proceeding one more time (it turned out to be the last time) to go after Bridges, and they brought the civil denaturalization proceeding up for trial. I suppose their rationale was, number one, the criminal case had been dismissed on the technicality (as they would have called it) of the statute of limitations, which didn't apply to the civil case; and number two, the burden of proof in a criminal case - beyond a reasonable doubt - is higher than what is required in a civil case. In a denaturalization case the evidence has to be clear and convincing but - not necessarily - as high as in a criminal case, so the government thought they had another shot at it and they went through the same routine and got the same kind of people.

They never used the same witnesses twice. When the witnesses were discredited before Landis, they got a new batch before Sears and when the Sears witnesses were wiped out, they got a new batch before Judge Harris and when the Harris witnesses were wiped out, they got a new batch before Judge Goodman, who heard the civil case. They got "experts" to testify that the Communist Party was an organization that advocated the overthrow of the government by force and violence. They had to do that because the statute didn't involve the Communist Party by name.

Leonard: It made it grounds for denaturalization or deportation if a person was a member of an organization that advocated the overthrow of the government by force and violence. So their case had two legs; one leg, they attempted to prove that Bridges was a member of the Communist Party and the other leg they had to prove that the Communist Party was a proscribed organization, as described in the statute.

Well, the trial began before Judge Goodman and this time we had as part of the trial team Telford Taylor;* also Richard (Gladstein) was now back in the case. I explained earlier why Richard was not in the criminal case.

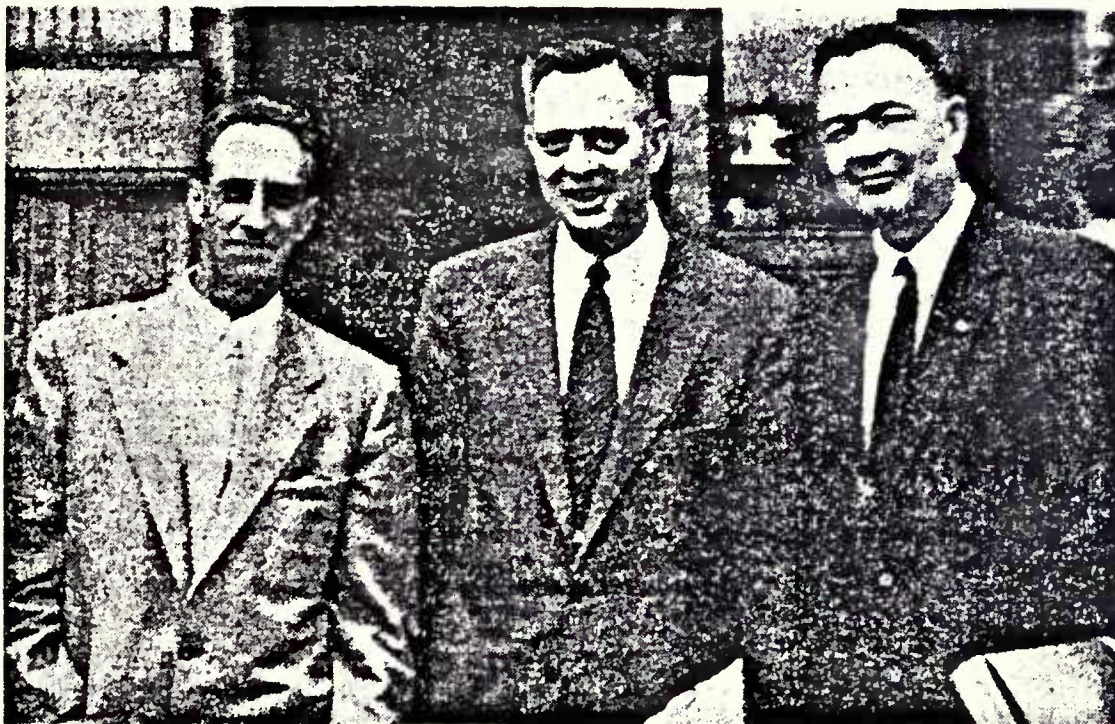
Ward: Were Hallinan and McGinnis there?

Leonard: No, the new trial team consisted of Gladstein and Taylor and me. I was at the point where I was now participating in the trial. I remember cross-examining a government witness - Lew Michener from the Automobile Workers union, who gave testimony against Bridges.

I remember an interesting little thing that I should tell you about in connection with that civil case. As I said, the government had to prove that the Communist Party was a proscribed organization. One way it said it was going to prove that was through the testimony of a man named John Lautner who claimed to have been a high official of the Communist Party but was now on the government payroll; he was part of that traveling circus they used. He must have testified for the government in a dozen different deportation, denaturalization cases, Smith Act cases and cases of that kind where the nature of the Communist Party was an issue. He was a big expert in the courts and the committees and other government bodies and the FBI, all about the Communist Party.

* Telford Taylor had been a Brigadier-General in the army and an assistant to Justice Robert Jackson, the chief American prosecutor in the Nuremberg trials. He later became a professor of law at Columbia University.

August 6, 1954



Bridges & Counsel The ILWU President, Norman Leonard, San Francisco attorney and Telford Taylor of New York, as they appeared at noon recess on August 3 during the arguments to dismiss the fifth Bridges' case which were held in Judge O. D. Hamlin's court.

August 6, 1954
The Dispatcher (Official
Newspaper of the
International Longshoreman's
and Warehousemen's Union)

Leonard: The government gave us notice that he couldn't come to California. In a civil case you can take depositions and if the witness is later unavailable can use them at the trial.

So, the government gave us notice that they were going to take the deposition of John Lautner in New York and I went back there to participate in the taking of the deposition. The U. S. attorney who was handling it at that time was Robert Schnacke, who later became, and now is, a Federal judge in San Francisco.

I remember talking to Telford Taylor just before I left and he said, "Look, we are not about to defend the Communist Party - not in this case; that's not our job. Our job is to vindicate Bridges. So, what I want you to do when you get back there is not to engage in any philosophical discussions with Lautner about the nature of the Communist Party; you just pin Lautner down to the fact that he never laid eyes on Bridges and that he had no knowledge, and has no knowledge that Bridges is or ever was a member of the Communist Party. Once you get that nailed down in the record, you just say goodbye. Just let them do whatever they want to do about the Communist Party - that's not the issue as far as we are concerned."

I agreed with him, Harry agreed with him, and that is exactly what happened. I went back to New York to the U. S. Attorney's office in the Federal Building in lower Manhattan. They produced John Lautner. He went through a big litany with Schnacke on how the Communist Party believed in Marxism, and Marxism-Leninism were really secret code words for force and violence - he went through all that stuff that we later struggled with in the Smith Act cases, but he never said a word about Bridges.

My recollection now is that I asked him about four or five questions on cross-examination and established that he never saw Bridges, didn't know anything about Bridges, had no information or knowledge that Bridges ever was or ever had been a member of the Communist Party. And having nailed that down with him, I had no further questions.

Leonard: I think perhaps they were a little bit startled because they thought I was going to spend two hours debating with him about Marxism-Leninism, but I wasn't going to do any such thing. As long as we got Bridges out of that thing, that was all we were interested in. That ended the Lautner thing and I came back to San Francisco.

The upshot of the case was that after a long hearing with the usual parade of witnesses, Judge Goodman finally ruled that the government had not proved its case. He said that the evidence was hearsay and gossip and slander and innuendo; and some of these are his very words. He wrote a very fine opinion. Although I haven't looked at it for years, I remember his characterizing the government's evidence in a very uncharitable way. He said that all of this stuff just doesn't add up to the kind of substantial solid evidence that is required in order to denaturalize anybody.*

As a consequence Judge Goodman ordered the proceeding dismissed, and at that point the government gave up. They didn't file an appeal and the case finally, finally ended after more than twenty years of hounding Harry Bridges.

Ward: About what year was that?

Leonard: Oh, that was in July, 1953.

Bridges And Korea

Ward: I see; now let's get into the Korean aspect of Harry's life and your activities therein.

Leonard: Well, in 1950 after the trial before Judge Harris, after Harry had been convicted, we had a notice of appeal on file, and Judge Harris had released Harry on bail pending appeal because there were very important questions to be decided by the Appellate Court.

* 133 F. Supp. 638 (N.D. Calif. 1955)

Leonard: Judge Harris recognized that, so he released Harry on bail. While Harry was out on bail, the war in Korea broke out - the Korean action, whatever you call it.

At a meeting of Local 10, Bridges sponsored or supported or spoke in favor of a resolution that called for a cease-fire in Korea and a freezing of the military positions in an effort to resolve the problem peacefully. That was essentially what that resolution was. The government was outraged that Bridges should have done this.

(Interview 3: 4 October, 1985)

Ward: Norman, we were talking about the government's last effort, or one of the last efforts on Bridges, relating to the outbreak of the war in Korea.

Leonard: The last real effort, as I said earlier, was that civil denaturalization case. It was a few years before that the furor arose when Bridges took a stand on the Korean War and on a cease fire in Korea, which was contrary to the government's position.

He was out on bail pending appeal from the conviction before Judge Harris when this occurred, and the government then made a motion to have his bail revoked. Mr. Donahue, who had been the special prosecutor in the case before Harris, was sent back from Washington and he presented to the judge the government's arguments, which in my view were not legal arguments at all. They were political arguments: that Bridges had to be put in jail because he was a danger to the country going around supporting resolutions and making statements like that.

I opposed the motion. We were in court three or four days; Richard and Vince were not available or around or something. Jim McGinnis was in court with me, but it was my burden and I did the job before Harris.

Leonard: Harris went along with the government and ordered Bridges' bail revoked and Bridges indeed was packed off to the county jail in August, 1950. We filed an immediate notice of appeal. I remember we got it expedited because the man was in jail. I remember going down to the Court of Appeals on a Sunday evening, having called one of the judges to whom the case was assigned. I believe it was Judge Orr, who was a judge from Nevada. He was gracious enough to say that he would have his chambers open for me to meet with him and discuss the situation with him on Sunday evening.

I think they put Harry in jail on Friday and before I could get through to Judge Orr it was on Sunday. I explained what the situation was and what the urgency was and Judge Orr said he would see what he could do about it. They convened a court very early the next week to hear argument on our appeal from the order revoking Harry's bail around the Korean War problem. The court consisted of Judge Orr and Judge Matthews from Arizona and Judge Healy; I don't remember where Judge Healy was from.

The court heard argument and ordered us to file expedited briefs. Those two or three weeks while the briefs were being prepared I remember working late into the nights. Almost every night, George Andersen, who was a partner in the law firm at that time not directly involved in the Bridges case, but who was obviously very, very interested in what was going on came to our house on Sanchez Street and we would go over the stuff in preparation for my presentation.

After about three weeks - - it took them that long, Harry was in jail all that time - - they handed down a decision reversing Judge Harris and ordering Bridges released.* Judge Healy wrote the opinion for the court and it is a beautiful, beautiful piece of work.

* 184 F. 2d881 (9 Cir., 1950)

Leonard: Essentially, what Judge Healy said was that the judiciary, the judges, are to be independent of the executive, of the administration and of the political pressures that come from the administration. I remember the phrase - "the judges are to set their faces like flint against the pressures of the executive department."

Unfortunately, Judge Harris had not done that; Judge Harris had permitted the pressures from the administration and its insistence on the Korean War and all the rest of the politics that were involved, had permitted that to influence his judicial decision, and that he should not have done. Bridges had a legal right to be free on bail pending appeal, irrespective of how he expressed his views on the Korean War; there was no justification for ordering him back into jail and cancelling his bail. So, the Court of Appeals with Judge Matthews of Arizona dissenting, but the majority of the Court of Appeals ordered Bridges set free.

Ward: It was a two to one decision?

Leonard: Yes. But the opinion of Healy was just beautiful. They ordered Bridges released and he was released from jail.

The appeal to the Supreme Court and the civil denaturalization proceeding which Judge Goodman dismissed finally brought an end to what Frank Murphy when he was a Justice on the U. S. Supreme Court, called "man's inhumanity to man" when he characterized the very first Bridges trial. Finally, it came to an end.



From left to right: Attorney George Andersen, Bridges, Mrs. Bridges, Mrs. Bridges' sister, Attorney Norman Leonard

August 26, 1950
San Francisco Chronicle

IV THE COLD WAR

And Senator McCarthy

Ward: During all this time, other things were happening. What were they?

Leonard: Well, I don't want to leave any kind of false impression. We have been talking so much about the Bridges case, and obviously it was terribly important both to Bridges, to me, to the union movement and the whole progressive movement.

It was the key case in that period, but it wasn't the only case, and it wasn't the only case that I was involved in. During the late 40s and the 50s, with the development and the increasing intensity of the Cold War situation and McCarthyism in this country, the office and I were involved in all kinds of other cases - political and trade union, beside the Bridges case.

I can recall, for example, pretty early on in that McCarthyite period there was a screening program administered by the U. S. Coast Guard, the essence of which was to get all progressives, liberals, left-wingers off the waterfront and off the ships. It was really outrageous, what they did. The procedure essentially was that the guy first would get a notice telling him that he could no longer work on a U. S. vessel or on the waterfront facilities that had anything to do with the government. He was blacklisted.

Ward: Who was "he" now?

Leonard: Whoever it was, the worker.

Ward: The longshoreman?

Leonard: The longshoreman, the clerk, marine engineer, the seaman, anybody.

Ward: The waterfront worker?

Leonard: That's right - you are not to work on the waterfront or on a U. S. vessel or on a merchant vessel henceforth until you are cleared. So, it wasn't that you got a hearing first and then were dumped out of your job. You were dumped out of your job and then you got your hearing and the hearing was an absolute farce.

We would attend those hearings with the men and the position of the board that was set up to conduct the hearings was: "We have some evidence that has been reported to us that would indicate that you are a security risk." And we would say, "What evidence?" And they would say, "Oh, we can't tell you."

"Can you give us any specifics so that we can rebut them?" "Oh, no, we can't; you tell us why you think you are not a security risk. You overcome, if you can, this anonymous secret evidence in our files." Well, you know, it was literally impossible. Sometimes the guys would make an effort - -

Ward: When you don't know what the charges are!

Leonard: Well, that was the problem. So, the guys would kind of recite their whole life history. "I've done this, I've done that, you know; I'm shooting in the dark but this is who I am and please give me a clearance."

Of course, some guys said, "Oh, the hell with it - this is totally invalid and we're not going to participate in it, in this kind of program." But the fellows who tried to clear themselves were just - it was like battling ghosts in a dark closet.

We brought an action - - the office brought an action - - in the U. S. District Court in which we raised the question of the legality and the constitutionality of this kind of procedure. I remember that the guy in the office at that time who handled that legal aspect of it in the District Court before Judge Murphy was Lloyd MacMurray.

Leonard: Lloyd was then an associate with the firm. He is now deceased. He handled it with Richie in the District Court. Judge Murphy gave them a kind of limited relief. He indicated that while he didn't like the way the government was approaching this problem, it was a serious one in terms of the security of the nation. I think he was reflecting the government position, just as Harris had done earlier, the political sensitivity of a thing like this. He put some small limits on the government's ability to conduct these hearings, but not in any significant way that got to the root of the evil.

So, we took an appeal to the Court of Appeals for the Ninth Circuit and I was given the appeal job. I wrote the briefs in the Ninth Circuit and I argued the case and we got a - not a total victory, but we got something out of the Court of Appeals more than we had gotten out of Judge Murphy.

The Court of Appeals said that the Coast Guard had to issue passes to the seamen - it was a case called Parker vs. Lester.* Charlie Parker (I think he was a Marine Cooks and Stewards member) was the guy on whose behalf we brought the action. My recollection is that Lester was the commandant of the Coast Guard in the San Francisco area, and the action was against him.

The Court of Appeals said that it didn't approve of what the Coast Guard was doing. There were serious constitutional questions about the procedures employed and therefore ordered the Coast Guard to issue the passes to the men. They however, in effect permitted the blacklist to continue. The order said - - in response to a specific request by the government - - it said that when the Coast Guard issues these passes it has a right to put a stamp on them saying, "Issued pursuant to an order of the U. S. Court of Appeals."

Well, you think, gee, if you got a certificate that says it was issued as a result of an order of the Court of Appeals, you're in pretty good shape.

* 227 F.2d 708 (9 Cir., 1955)

Leonard: But the fact of the matter is that that stamp on those seamen's certificates was a clear indication of who the guys were and what they were and that the Coast Guard didn't really like them; so that the men had problems even after the Court of Appeals decision.

Many, many years later the injustice was partially recognized, certainly not totally. In a number of cases involving pensions, for example, many years later, courts made orders saying that the years in which the men were screened off the waterfront through no fault of their own, as a result of this unconstitutional program, those years would be counted as part of their pension credit.

I know a number of people who got moderately decent pensions from the various maritime union trust funds as a result of such court rulings. Some slight effort was made after the event, years after the event, to correct the injustice. It's one of the problems we dealt with and while we had partial success, it didn't wipe out what had been going on.

Those Un-American Activities Committees

Leonard: During that same period of time, just to continue with some of the activities that the firm and I were engaged in, there was the whole business of the visiting un-American Activities Committees. I think we talked earlier about the state committees like Yorty and Tenney, but now the House Committees under Dies and his successors were constantly coming out here, probing into people's political beliefs and so on.

We were called upon - I was called upon - to represent people before these committees. My recollection of one of the first was not Dies or HUAC; it was some kind of merchant marine committee and it was during the 1948 strike, or just before the '48 strike, when the whole issue of Taft-Hartley and the anti-communist affidavits was an important and significant issue.

Leonard: A committee of the House Merchant Marine Committee, a sub-committee, as I recall it, came out here looking into waterfront matters of that kind. I remember Frank Foisie of the then Waterfront Employers Association testifying at great length about Hugh Bryson, who was then the president of the Marine Cooks and Stewards Union, and making all kinds of accusations against Bryson.

After this had gone on for maybe a half hour or so, I finally rose - I was inside the bar of the court. The hearings were being held in the old Federal Court - Post Office Building on Mission Street. I finally rose and I interrupted and I said to the Chairman, "How long is this sort of thing going to go on? I represent Mr. Bryson; are we going to have an opportunity to cross-examine this man who is making these accusations against my client?"

And bang - bang went the gavel and "Sit down. You can't do this. We won't stand for this and if you continue to raise these objections or assert what you're asserting here, we'll have the marshall escort you out."

That's the way those hearings were conducted. And the same thing happened when HUAC came here. They tried to dress it up a little bit as far as the lawyers were concerned. When the House Committee came here they said, "Oh, yes, the witness can have counsel and the counsel can consult with his client." But that was all; they wouldn't permit counsel to cross-examine witnesses or make objections or anything of that kind.

I finally thought it was about time to tear this mask off them, too. One of my clients, Bert Edises, who was my partner at that time, had been subpoenaed and called as a witness. We came to the stand as Bert's name was called. The committee counsel said, as he always did (it was part of his routine), "Will counsel for the witness please state his name." And I said, "My name is Norman Leonard, as you know, because I've already been here with three or four other people," (including I think, Angela.)

Ward: What? My wife?



Norman Leonard with his client Grace Partridge at an un-American Activities Committee hearing, December 1956.



Leonard: Including Angela, on that occasion. Anyway, what I said was, "You know my name - it's Norman Leonard. But please do not call me counsel for the witness because you are not permitting me to function as a counsel. Calling me counsel is just to put a fig leaf over what this committee is doing. If I'm going to be a counsel, I should have the right to make objections - I should have the right to cross-examine." And once again, bang-bang went the gavel; if I didn't like the way they were running their show or doing their business I could leave and if I didn't leave voluntarily I would be escorted out.

Ward: This was in May, 1957, wasn't it?

Leonard: Yes, yes; and then a couple of years later came the occasion when they washed the students down the steps of the City Hall, you remember that?

Ward: Yes.

Leonard: There was an awful lot of publicity about the committee and San Francisco being the liberal city it is -- the Bay Area generally being kind of a liberal area that it is - - there were a lot of protests about the committee.

A number of students, a large contingent of students, had come over to protest the presence of the committee. In order to keep the committee room free of the protesters, the committee had arranged to give out passes to groups that supported the committee, so that the hearing room would be packed with people who were sympathetic to the committee rather than have any room in the hearing room for the protesters.

So, the students and the protesters were chanting outside and demonstrating outside. They got inside the City Hall and got up on the floor - - - (the Board of Supervisors room) - where the committee hearings were being held. I don't know what triggered it - - whether it was just a slap-happy police executive or a fire executive -- anyway, they turned the hoses on the kids.

Ward: The kids tried to sneak in the door.

Leonard: Yes, they were up there at the door and were protesting the fact that all the tickets had been given out to committee supporters and how come they couldn't get in too. Anyhow, somebody turned the hoses on them and just washed them, literally just washed them, down the City Hall steps.

Tremendous newspaper coverage - pictures of the kids being washed down the City Hall steps all over the front pages of the newspapers. And that was the end of the committee in San Francisco. The reaction to that kind of thing here was so great they never came back.

I'll just add one footnote to that. In addition to participating in these legal activities that I told you about, I was doing a certain amount of political work in connection with anti-HUAC activity. For a considerable period of time I was the chairman of a San Francisco Committee against HUAC. It had a lot of good, progressive people; we would meet very largely at our home on Sanchez Street, but in other places too, and attempt to do political work of an educational nature, participate in protest picket lines. So the work was not just all abstractly legal; it was also of a public political nature.

Ward: Did you urge people to write their congressmen?

Leonard: Oh, yes. It was educational and it was propaganda. We did that too.

Comparisons, Then And Now

Ward: Norm, would you care to make a comparison between the situation in the late 40s and the early 50s that you have just described with the present day regarding civil liberties and the right of progressives to exist and function in their normal lives; all that sort of thing?

Leonard: Well, I think you have to look at our history. We all know that after the defeat of McCarthyism, after the Army hearings, the atmosphere changed considerably. During the subsequent couple of decades, my belief is that things weren't as bad as they were in the late 40s and 50s.

Leonard: We did have - and perhaps we'll talk about it later - some problems developing out of the Vietnam War that perhaps set back the situation for a while.

Now, with the Reagan administration I think we're seeing a further return to the kinds of things we had in the 40s and 50s. I think the forms may be a little bit different, but the administration's efforts with respect to Central America, for example, are bad; the reactions in connection with liberal activities around Nicaragua now and El Salvador are bad.

I do believe, however, that the experiences of the 40s and the resistance, the fight back at that time have somewhat - - also later on the FSM, the Berkeley students and the Free Speech movement - - have somewhat softened or blunted the reactionary attack. I'm not saying it's not there; obviously, it still is. It has had an impact on our law practice, for good or bad or otherwise. In the last decade or so, I guess since the Vietnam War, we have pretty much concentrated on labor and labor activities.

There are lots of younger lawyers who are working in the civil liberties field, working with the National Lawyers Guild and the Civil Liberties Union and other organizations like that. We probably need to talk about my present firm at some point; Bill Carder and Richard Zuckerman and I have pretty much limited our activity to servicing the unions in the last years.

I would guess that probably my last direct political involvement was during the Vietnam War, when I worked closely with - actually I headed up - a committee of lawyers that represented and protected the interests of people who were conscientious objectors during the Vietnam War.

Ward: I'm not asking you so much as a lawyer in concentrating on his law practice, but as a person - would it be fair to say that the repressive or reactionary approach to problems is not as much now to the American citizen, or the foreigner who comes and tries to become an American citizen, as it is to situations like Nicaragua, Central America and things like that? In other words, our government is expressing conservatism outside more than inside this country?

Leonard: Well, I think that is clearly true, but I'm not sure that is the whole picture. I think you know the concern of American business and American capital to be a dominant world figure, so to speak. The question of its relationship to countries like those that you mentioned in Central America - its relationship to South Africa is another example - is a matter of overriding concern. To the extent that there are expressions of dissent from such policies in this country, I think that while we haven't seen overt oppression, there is the potentiality and groundwork for oppression. But there is something else - there is the internal economy in the country.

Ward: But what about Margaret Heckler, for instance; what happened to her?

Leonard: I don't really know. I think I know two things. I believe that under her administration, from reading the cases as they come across my desk, the Department of Human Resources or whatever they call her department - - -

Ward: Development - something like that.

Leonard: - has been taking an essentially backward position. I read case after case where they deny Social Security disability benefits. They cut back on medical, they cut back on Medicare, and the courts quite often, interestingly enough, reverse the department. They turn back the department's retrogressive actions.

So I believe that she has been carrying out, to the extent she could, the Reagan cutback positions with respect to social welfare programs. Of course - and this is really speculation - but I suspect from reading the newspapers that her loss of job is just an inner political fight. Somebody else wanted her job, fighting inside the White House staff.

Ward: In other words, you're inclined to downplay the impression that the outside person like myself reading the press gets that she was more of a liberal than the Reagan administration.

Leonard: I certainly don't have any evidence of that. As I say, my reading of the cases indicates that her department took pretty regressive positions and had to be corrected by the courts.

Leonard: But we were talking about external problems. However, I think there are some internal problems of great significance facing this country now, real problems. Every day you look at the newspapers and what do you see? This outfit is laying off people, this outfit is cutting back. I think there are going to be serious internal problems; the labor movement is at an extremely low position compared to what it was before. In our own industry, longshore and warehouse - - not so much longshore because the union is still solid as a rock - - but in the recent warehouse negotiations, for example, although they hung on to what they had, or at least gave away very little, the union had to fight against "take-aways."

V THE EMPLOYERS BEGIN TO SMILE
(Interview 4: 11 October, 1985)

But The Government Frowns

Ward: Norm, we've gotten ahead of ourselves, I'm afraid, chronologically, and you have suggested that we go back to 1945 and 1948 for a little while. What was it you had in mind about '45?

Leonard: I think I said earlier that the government in 1945 had stated that it had no objection to Harry Bridges' naturalization. The record reflects that fact. Then the question arises: how did it happen that three years later, almost four years later, the government returned an indictment against Bridges for having obtained that naturalization?

I think it is important to recall what happened between 1945 and 1948. In 1945, we were just coming out of the war; there was still a feeling of unity and solidarity with the progressive movement, the Soviet Union and so on. Very shortly thereafter came, perhaps contemporaneously with the naturalization, but just about at that time, Churchill's Fulton, Missouri address and the beginning of the Cold War, which intensified during the next several years.

By 1948 and '49, the atmosphere was entirely different from what it had been in 1945. This, I think, explains in some measure the difference in the government's attitude about Bridges.

Ward: May I interrupt there? By 1948 or thereabouts, 1948 or '49, the Soviet Union had exploded its own atom bomb, hadn't it?

Leonard: I think it was in May, 1949.

Ward: It would increase the tensions - - -

Leonard: Well, the tensions had increased; whether it was the explosion of a Soviet bomb or whatever, clearly the tensions had increased. A whole more regressive attitude was developing in this country, and specifically with respect to longshore.

A number of things had happened - the '48 strike, which was the very bitter strike that finally had the good results that we talked about resulting in the New Look; but before the strike was settled, it was a very bitter strike. The employers played up the political angles as much as they could, saying that they would never deal with the longshore union as long as it was under the leadership of that quote that Communist close quote Bridges -

Ward: That was Foisie and Harrison?

Leonard: That's correct. Those two and the groups they represented took the same position with respect to the old Marine Cooks and Stewards and Hugh Bryson, so that you had a kind of politicalization, at least on the employers' side, of the strike issues. The '48 strike ended in a tremendous victory for the union; one of the things that is significant and shows the tremendous solidarity that took place is an incident that I want to relate.

Waterfront Union Solidarity

Leonard: Under the Taft-Hartley law, the President appoints a fact-finding commission to attempt to find out what the issues are in the dispute, possibly to get them resolved. In the meantime, of course, he gets an injunction against the strike, so the strike is frozen for 80 days as a result of the injunction. And the law provides that there shall be submitted to the employees the employers' last offer' so the

Leonard: employer makes his last best offer and in effect goes over the head of the union leadership and submits the last offer to the employees to see if the employees will accept it.

Well, what happened in the '48 strike was the decision of the unions to show their solidarity in support of the strike and the strike leadership. They would boycott the NLRB-conducted election. I have here - and I would like to have it actually inserted in the record that we are making - a portion of the record of a case in the United States Court of Appeals for the Ninth Circuit, Case #12907, entitled National Labor Relations Board vs. International Longshoremen's and Warehousemen's Union. It was the proceeding in which the Labor Board sought to enforce in the court its order against the union during that strike period. In connection with the recitation of the facts that took place and the background the court record contains a report of the vote on that last offer; it appears on page 118 of this particular transcript and it appears in a footnote that is numbered 48. It reads - I'll summarize the beginning of it - that after the submission of the final report of the President's Board of Inquiry, the NLRB conducted the final offer ballot, and it gives the results of the offer ballot:

Number of Eligible Employees in all
12 groups (that is not only long-
shore - it includes Marine Cooks and
Stewards and other groups, other
unions also on strike)

Ward: Other maritime unions?

Leonard: That is correct:

Number of eligible employees	26,965
Ballots marked "Yes"	-0-
Ballots marked "No"	-0-
Ballots challenged	-0-
Total votes cast	-0-

Leonard: So, 27,000 longshoremen and maritime workers demonstrated their solidarity in the '48 strike by totally boycotting the government election. Not one person out of almost 27,000 people went to the government balloting places to vote. Of course, obviously, it must have enraged the government and upset the employers.

- Ward: That was the end of the Foisie and Harrison - wasn't it?
- Leonard: It certainly was and also explains why the government then turned on Bridges and prosecuted him, three and a half, four years after they said they had no objection back in '45.

The Big Strikes In Hawaii

- Leonard: At the same time the strike situation in Hawaii was developing - the union had for a long, long time been organizing in Hawaii. Lou Goldblatt discusses this in great detail in his oral history, and the great work that Jack Hall was doing, along with other people under the leadership of the International, under the leadership of Harry Bridges.

One of the long and bitter ILWU strikes in Hawaii was in Longshore, which began on April 30, 1949. Ten days later, on May 9, came the new government attack on Bridges, which led to the famous trial before Judge Harris.

Just shortly after the indictment against Bridges was returned, Tom Clark, who was then the attorney-general and later became a justice of the Supreme Court, in a speech he made - I believe it was in Milwaukee - said, "The indictment of Bridges (I'm not quoting verbatim but this is pretty close to verbatim) . . . the indictment of Bridges will go a long way toward bringing peace or toward settling the strike in Hawaii."

So these things, the development of and the intensification of the Cold War; the solidarity under the leadership of Bridges of the strikers in the '48 strike; their smashing of this anti-communist position that was taken by the employers; the strike in Hawaii that was rapidly developing and that ultimately resulted in the end of the feudalistic perquisite system in Hawaii - all these things, it seems to me, changed the government's position from the one in 1945 of saying they had no objection to Bridges' naturalization to their returning the indictment in 1948.

The "New Look"

Ward: That raises a question: if the employers had decided to try to get along with the union, why did the government continue in persecuting Harry Bridges? Weren't the employers aware of this beforehand?

Leonard: I think you have to look at the dynamics of the situation. The employers, as you say, were trying to get along with the union, but that was after the settlement of the strike and the development of the New Look; it was a whole new set of employer representatives. Prior to the settlement of the 1948 strike, the employers had been attempting for a long, long time to fight Bridges, to fight Bridges' leadership, and to get rid of Bridges if they could.

And then the indictment was returned. Once the mechanics are under way, once the dynamics are under way, you can't just turn them around right away. My impression is that although after the New Look the employers were trying to get along with the union, were tending to get along with the union, they were not about to take the government on, to tell the government to call off its dogs, even if they had been able to.

The dynamics of the situation are such that once the government starts the persecution or prosecution, it can't just turn it off. And the government perhaps had its own reasons to continue doing so. The fact is that after the New Look development it took some time for the people to begin to understand each other, to rely on each other, to trust each other to the extent they did.

After some period of time the employers made it clear that they were no longer interested in seeing this prosecution go forward; a number of the employer people, including Paul St. Sure, according to my best recollection, testified as character witnesses for Bridges. This was later on, but it took some time for the thing to turn itself around.

Ward: St. Sure - it's my recollection that St. Sure probably did testify in behalf of Bridges at some stage, but not in the Harris trial.

- Leonard: Well, it it wasn't in the Harris trial, and you're probably right, I guess it was in the civil denaturalization proceedings.
- Ward: Somewhere along in there, or even later, in little discombobulations that occurred.
- Leonard: It clearly did. By the way, we talked about the new leadership of the employers after the '48 strike. St. Sure, as I think we mentioned, came in later.
- Ward: Vic Pearson was the first.
- Leonard: Yes, that's right, a fellow named Pearson and I think, a guy named Clark, perhaps a little bit later.
- Ward: Vic Pearson - the only reason he dropped out of the picture, I think, was that he died.
- Leonard: I don't recall that, but I know there were one or two people before St. Sure.
- Ward: Vic Pearson was the man.

That Dewey-Truman Election

- Leonard: Let me tell you a story which is clearly hearsay, but it's very interesting. I got it from a PMA attorney with whom I worked very closely in subsequent years. His observation to me about the settlement of that '48 strike was that the employers - I mean the old employers who were in control before the strike was settled, Foisie and Harrison - - were firm, tough, adamant and they weren't going to yield.

What they were counting on was a Dewey victory; this was '48, it was the Dewey-Truman election and they were counting on a Dewey victory. They assumed apparently, that a staunch, Republican conservative administration in Washington would give them what they needed. My friend told me that when the election resulted in a victory for Truman, that cast consternation in their ranks; that was one of the factors - at least it was his observation as an attorney from the employers' side - that was one

Leonard: of the factors, if not the factor, that caused them to crumble, to get rid of the old leadership, and to adopt the New Look and make a new approach to the union with new leadership.

Okay, Estolv, that was essentially what I wanted to do, to fill the gap from 1945 to 1949 in connection with the settlement of the '48 strike; plus the developments in Bridges from the time the government okayed his naturalization until the time they indicted him.

The Employers Drop A Hint

Ward: I think you told me once that when the decision was made by the employers to adopt what is now called the New Look, you were the go-between.

Leonard: Oh, well, that's probably a bit of an overstatement; obviously the basic policy decisions were made on the one hand by the employers and on the other hand by the union. What I recall was shortly after that presidential election, probably in mid-November of '48, is receiving a telephone call from an attorney - not the one I just referred to a minute ago - another attorney who had not heretofore represented the employers' association. He advised me that he had just been retained by the employers' association, that they had gotten rid of their old lawyers, which was the Gregory Harrison firm, and that this new firm with which this lawyer was involved was now representing the association.

Ward: His name was Newton?

Leonard: No - no, I said this new law firm. His name was - and I don't see any reason why we shouldn't identify these people.

The person that I mentioned earlier about the Truman-Dewey election was Richard Ernst, and Richard was for many years the attorney for PMA (Pacific Maritime Association) after the whole New Look development. I worked very closely with Richard from oh, about 1950 until he retired two or three years ago.

Leonard: The lawyer I am now talking about who called me after the election was a fellow named Jim Adams from the Lillick law firm in San Francisco. The Lillick firm represented the waterfront employers and PMA from that time to the present - they still do. I have worked with them from the middle 1950s to the present time.

That was the extent to which I was the go-between. I simply arranged to have Adams get in touch with the union leadership; then the discussions between the employers and the union leadership about the settlement of the strike and the whole development took place.

I might say one last thing in that regard. That Labor Board proceeding that I referred to earlier and identified by its number in the Court of Appeals ended up with an interesting twist, too. The charges against the union had been filed by the old-line people, the Harrisons and the Foisies, and they were represented by somebody from that law firm; they vigorously pressed it, with the general counsel of the NLRB also pushing the case against the unions. After the settlement of the strike, the employers joined with us in a motion to dismiss the proceedings because the strike was now settled. They completely turned around.

Interestingly enough - - and this is what we talked about a little bit earlier - - because of the mechanics, the dynamics, once the thing got started, the government and the NLRB would not dismiss those charges. They had to take it up to the Court of Appeals, as I said. The government took the position; never mind if the union and the employers have finally made a deal. In effect, the government was saying the union coerced the employers into making the deal and the government didn't have to recognize it. So, we had to fight the government even after the employers had agreed to settle.

Ward: Did anybody use the word "coerced?"

Leonard: I think the government did, if I remember correctly, I should because I was looking at the transcript recently. Part of the government position was that, yes, we (the unions) had coerced the employers into the settlement and the government didn't have to acknowledge it.

Ward: Coerce sounds apropos to me.

Leonard: Well, you mean that 27,000 guys boycott the government?

Ward: They call that coercion?

Leonard: Well, what I think happened - what the New Look meant - was that they recognized really for the first time since '34 that the union was here to stay.

Ward: Their position was reversed.

Leonard: I think it's a fair statement. It's my estimate that in those fourteen years between '34 and '48 they were dealing with the union, but they were nostalgically looking back to the pre-'34 days and hoping some day, some place, somehow, they could get rid of the union.

As a result of the '48 strike and the change in the employer leadership I think they recognized the union was here to stay - that they would have to deal with it; make the best deals they could, of course, but that elimination of the union was not in the cards.

Ward: All right, you have indicated that it took a little time before the relationships between the leadership of the employers and the leadership of the union warmed up a bit. At what juncture did anybody notice that Bridges was calling Mr. Pearson "Vic" and Mr. Pearson was calling Bridges "Harry" or anything like that - an indication?

Leonard: Well, I don't know - - I don't know whether or not in the early days Bridges didn't call Foisie "Frank", maybe. I appreciate that you're using that as a kind of example of the change in relationship.

It's important; we've heard a lot of talk about Bridges changing, of Bridges modifying his views. I think this is important because Harry, if you ever get him down in an oral history, would have to explain his attitude and his position. Looking at it from the outside, I think you have this kind of situation: as I saw it from the Thirties to the '48 strike, a situation in which the employers were basically anti-union.

Leonard: They were only dealing with the union because they had to, and their whole perspective, as I observed it, was that they were going to get rid of this union if they could.

Well, when you have a situation like that, naturally Bridges is going to take a certain stance and a certain attitude toward that. He's going to react in a certain way. After the '48 strike, those intransigent employers - the intransigent leaders of those employers had been replaced by people who turned out to be much more reasonable to deal with, by people who recognized that the union was here to stay; people whose main motivation was not to get rid of the union but to strike the best deal with the union they could.

Well, faced with that situation, Bridges or anybody else would be silly, it seems to me, to adopt the same kind of attitude as he had adopted to the people who were trying to chop off his head. Now, he's got people who presumably are not trying to chop off his head, but are trying to work with him. So, to the extent that there was a quote change close quote, I think it's explicable in terms of the changed situation. I think a man would be idiotic to maintain the same position when the situation changed. But I think it's also important to understand what is meant by the change.

Ward: Well, it certainly changed when Pearson dropped out. It got warmer; it was warming up, but it got warmer when Pearson dropped out of the picture and St. Sure came in as the employer representative.

Leonard: Well, I think that's probably true. I think it may be due to a variety of factors; as we said earlier, it takes a little time for new attitudes to develop and manifest themselves. You can't turn it off on November 30th, 1948, and have a whole new picture on December 1st, 1948.

Even after Jim Adams called me, I am sure there was a lot of probing and thrusting and feeling around on both sides - are you talking in good faith? - can I trust you? - can I rely on you? It took a little time for the people to resolve those questions.

Leonard: Secondly, and I suppose we might as well come to it because people are always raising it, there's no question that Paul St. Sure was a charming, affable, warm and wonderful person, and I think that there's no question that Harry reacted.

Ward: Goldblatt called St. Sure "a charming scoundrel."

Leonard: Well, I don't know. You see, it depends on what you are looking at. I guess I have to agree with Goldblatt that St. Sure was charming - no question about it. "Scoundrel"? It depends on what you are looking for. St. Sure was doing a job for his people; that was what he was supposed to do -

Ward: He was doing a job for his people?

Leonard: That's right, he was and that was what he was supposed to be doing; and Bridges, in my opinion, was doing a job for his people.

All kinds of things started developing, in the Fifties particularly, including one important thing that has led right down to today. We might as well get into it: the development of mechanization on the waterfront.

Ward: You remember many years later at Bridges' retirement, you and I sat at the same table and heard the same speech and in that speech he went out of his way to laud the memory of J. Paul St. Sure. It became evident then that Bridges came to look up to St. Sure.

Leonard: Well, I remember that he lauded St. Sure's memory; about "looking up to", those formulations are troublesome.

I think that initially Harry probably respected and admired St. Sure, and I believe they became very close personal friends, as well. I don't attribute, as I think many other people do, any diminution of Bridges' vigor in fighting for union programs to the fact that he developed a warm relationship with St. Sure. I believe that Bridges did, under the circumstances that were presented in the '50s and into the '70s, vigorously fight for the interests of his people as he saw them, and I think he was tremendously successful.

Ward: Well, we can discuss this when we get into M&M in further detail.

Leonard: O. K.

Ward: Because that came on in the late Fifties and early Sixties.

Leonard: The M&M (Modernization and Mechanization) agreement was I think - the first agreement was signed in '60 and went into effect in June, 1961. You have to remember that it was preceded by a good number of years of consideration, discussion; the beginnings of the automation on the waterfront came slowly.

The Mayer Baylin Case

Ward: Norman, now let's discuss the events of interest between the late Forties and the late Fifties. I believe you had a lot to do with naturalization cases.

Leonard: Well, yes, I did - they may have been a little later than this period, but some perhaps started in this period, the early ones that we are talking about right now. It's quite hard to keep the chronology straight after all these years.

There were a number of people who had been radicals, many of them open and avowed members of the Communist Party who had hesitated in the earlier years, in the Thirties or perhaps up to the early Fifties, to apply for naturalization. They were concerned about exposing themselves to the government and they kind of felt that they would leave well enough alone.

As things eased up a little bit in the late Fifties, or perhaps into the early Sixties, a number of them came to me and asked whether or not it would be possible for them to become naturalized citizens; they wanted the advantages of citizenship. Many of them wanted to travel, wanted to be able to get passports and visas and things of that kind.

- Leonard: I undertook to represent a number of people in proceedings of this kind. I think the first one I represented was a man named Mayer Baylin. Mayer had been an open spokesman for the Communist Party; there was no secret about that.
- Ward: Oh, he ran around the track at the Olympic races to free Tom Mooney.
- Leonard: Exactly.
- Ward: Mayer was back in the first Olympics in Los Angeles -
- Leonard: In '32, I think.
- Ward: '32, yes.
- Leonard: In any event, he'd been a secretary of some branch in the Communist Party - I don't remember exactly, or the Young Communist League. He was an open and notorious Communist in Southern California.
- Ward: He now lives in Mill Valley, I believe.
- Leonard: Right, and he became in subsequent years a very successful and respectable electrical contractor. But, in any event, with that background he was concerned about whether he could become a naturalized citizen. We filed on his behalf an application - a petition for naturalization in the United States District Court in San Francisco. The normal proceeding is that such an application is referred to the Immigration and Naturalization Service and then reported to the court.

Mayer's case followed that routine, and the Immigration Service took a very dim view of recommending him for naturalization because of his prior Communist connections. We had a great deal of difficulty prying the case out of the administrative process to get it into court.

I remember that rather than just issue a flat denial of Mayer's application, what Immigration and Naturalization did was constantly put it off; they'd stall it in the administrative process for three months; then they needed another three months and then they needed six months to make a report.

Leonard: It was perfectly obvious to us that what was going to happen was that the thing was just going to stay there until Mayer died; they weren't going to move. So, I - to blast it out of there, I took the matter into court. I made a motion to have the case put on the court calendar; my recollection is that the judge was Samuel Conti of the United States District Court, who was a pretty conservative guy - was and still is. He had been a Republican judge in the Superior Court in Contra Costa County, and he certainly wasn't particularly sympathetic toward my client.

On the other hand, he was fair in the sense that when we got to court and I said, "Look, this case has been before the Immigration Service, (perhaps by that time it had been for a year and a half or two years) "we've gotten no action on this - I want some action; I don't care if it's affirmative or negative, some action so that we can get the case before your honor and get a ruling; and, if necessary, you know, take an appeal. We hope that won't be necessary, but we don't just want to die on the vine."

And he was fair enough to agree to that. He wasn't about to concede that Mayer was entitled to be naturalized. He did, however, agree that the case shouldn't languish forever. So, he fixed a time; I don't now remember whether he gave them sixty days or ninety days, but he gave them a period of time and said "Get your report in here, whatever it is." And they had to, of course, with the judge making that kind of an order. My recollection now is that it was a negative report and their position was that Mayer should not be naturalized because forty years ago - almost fifty years ago perhaps, he'd been an active Young Communist.

We marshalled a great deal of evidence against that; of course, we did not deny his past Communist participation, but we indicated where he stood now in the community; we got all kinds of affidavits, declarations, statements from friends, neighbors, associates, and we must have had a half dozen people in court when the case came up, all ready and prepared to testify on Mayer's behalf, to the fact that he was a person of good moral character and would make a fine American citizen.

Leonard: Well, the judge looked at all of this stuff and said he didn't have to hear any more testimony - he had enough in the record, and ordered that Mayer be sworn in as an American citizen; and that happened.

Well, that started something; nothing succeeds like success. I must have had another half dozen of such cases during the following years. I remember one of them was Jean Kramer, who used to work on the People's World and whose husband was an editor or a manager or something of the People's World newspaper. We got Jean naturalized that way.

There was a fellow named Warnick who many, many years before had been involved very briefly with the Communist Party, had been involved in the agricultural workers activity in California, who was now being supported by the ACLU. The Immigration Service held up Warnick's naturalization because of that ancient, brief involvement that he had had, and we had to run that one through. Again we got a good deal of support from Warnick's neighbors, friends, associates, professional colleagues and so on. I must say that as the cases went on and as the years went along it got easier.

Ward: Warnick - wasn't he associated with Caroline Gladstein in the agricultural organizing attempts of those days?

Leonard: Yes, he was. I think, I'm not sure, that at one time, Caroline and Jack Warnick were married.

Ward: I'm sure of that.

Leonard: O. K.

Ward: I remember her talking.

Leonard: Yes. Well, so we must have had half a dozen or so of these cases - oh, Nat Yanish was another one -

Ward: Oh, yes, he's around too.

Leonard: Oh, yes, Nat's around; he's written a book about his experiences in which he discusses his naturalization case. Nat, in addition to having the naturalization case in the period we are now talking about, had about ten years earlier, spent a month or perhaps more down in the Immigration Service detention quarters on Sansome Street in San Francisco.

Citizenship at last for Albany woman

SAN FRANCISCO — An Albany woman who was an ex-member of the U.S. Communist Party has won American citizenship along with another man after a 29-year battle with authorities.

Jean Kramer, 66, of Albany and Jack Warnick, 72, of Sebastopol were sworn in by U.S. District Court Judge William Ingram after a brief hearing Friday.

"I feel wonderful," said Mrs. Kramer when contacted at her home. "I've waited many years and have been treated unjustly all my life because I committed a legal political act by joining a legal political party."

Mrs. Kramer joined the party in 1932 and "left in disgust" in 1950. Warnick only spent six months in the party during 1936.

During the mid-50s, both Kramer and Warnick faced deportation. But the two were never deported because their countries of origin — in his case Canada, and in her's Russia — refused to accept them.

"I'm glad the political climate has changed," Mrs. Kramer said. "So that people realize that dissent is not wrong."

The pair's lawyer, Norman Leonard of San Francisco, said he ran into a "fantastic quagmire" and much red tape while working with immigration officials, so he took the matter to court.

Ex-Reds Win Long Fight for Citizenship

Two former Communists who escaped deportation years ago won a long battle for U.S. citizenship yesterday.

Jack Warnick, 72, who is now a farmer in Sebastopol, and Jean Kramer, 66, a senior citizens helper in Albany, had tears in their eyes as they accepted citizenship certificates from U.S. District Judge William A. Ingram.

"I love this country," Warnick told citizenship examiners.

"I hate to see it making wrong decisions for its own welfare. I have children. I have grandchildren. I would like to see them live in a peaceful, prosperous and orderly situation."

Their lawyer, Norman Leonard, said both were ordered deported "when McCarthyism was rampant" in the 1950s.

Kramer, who came to San Francisco from Russia when she was 10, was not deported because the Soviet Union refused to accept her.

The same thing happened with Warnick, who came to this country from Canada when he was three.

Warnick, once an organizer of agricultural workers, was acquitted in Sacramento in 1934 in a "criminal syndicalism" trial. According to documents entered in his behalf, he was a Communist party member for just a few months that year, from February to July. And when he tried to quit, he was expelled for being "too liberal."

Kramer was a party member from 1933 to 1948 when, documents showed, she "left in disgust."

The key to their gaining citizenship was a recent ruling by the Board of Immigration Appeals that the old deportation orders could be lifted if a defendant could show that party membership alone was the only cause of the order.

'It's the only country I know — I love it'

—S.F. EXAMINER

★ Sat., Mar. 3, 1970

Old commies finally join us

Two former Communist Party members, fighting deportation for more than 40 years, have received their American citizenship papers in federal court.

Formally naturalized yesterday by U.S. District Judge William Ingram were Jean Kramer, 66, who now works with a senior citizens group in Albany, and Jack Warnick, 72, a Sebastopol farmer.

Their lawyer, Norman Leonard, said they have been fighting deportation and seeking naturalization for all these years and have been able to stay in the United States because the countries from which they came wouldn't accept them because they are political refugees.

Kramer is married to Harry Klotz Kramer, a onetime circulation manager of the People's World, the Communist Party newspaper here. She came from Russia in 1923 and was a Communist Party member from 1932 to 1950. An order for her deportation was issued in November 1957.

Warnick came to Detroit as a child from Canada in 1908 and was a member of the Communist Party from 1934 to 1935. He was expelled by the party as a "liberal," according to his lawyer.

Warnick was a farm-labor organizer and was convicted in Sacramento in 1934 on criminal syndicalism charges, but the conviction was later reversed. The move to deport him began in 1936.

Leonard said that after all these years of fighting the deportation orders and after countless administrative hearings with the Immigration and Naturalization Service, an order was finally issued setting aside the deportation "for reasons of humanity, age, their long time spent in this country and the fact that they have not been connected or active in the party for more than 10 years."

In the brief ceremony before Judge Ingram, Warnick said he has lived here "practically all my life. This is the only country I know and I love it. I have children and grandchildren and I would like to see them live in a peaceful, prosperous and orderly situation."

Kramer told the judge: "I have been in this country since childhood and I love it very much. I would be very happy to be a citizen and if I can be, I assure you I will treasure it and will do nothing to abuse the privilege."

Leonard: The issue was whether or not he would be required to sign some kind of an oath or affirmation that the Immigration Service was then asking of resident aliens who had some radical background or history. That was a case that our office also handled. I didn't handle that particular one - once again, my recollection is that Lloyd MacMurray handled that, but I do remember Nat spending a lot of time down there in the detention quarters. My recollection is that this involved aliens who were subject to deportation, as Nat was, but who could not be deported because the country from which they came would not accept them. This was true in Nat's case and in a number of others.

Many of these people came from what was now, or at the time we are concerned with, was part of the Soviet Union. Perhaps they had been born in Poland or other places now under the jurisdiction of the Soviet Union, and the Soviet Union was not accepting these people. So, our government had imposed some kind of restriction on them - either with respect to their travel or with respect to a number of other things and Nat wanted to test this out. He was a man of high principle and wanted to test whether the government's restrictions were valid or not.

So, they picked him up on one of those warrants, and since they could not deport him and since he wouldn't sign whatever they wanted him to sign, they kept him in the detention quarters; my recollection is that it was for a month or so. Lloyd got him out finally. Then years later after the Baylin case, Nat came to me and said, "If you can do it for Mayer Baylin, why can't you do it for me?" And that sort of thing happened with perhaps a half dozen people.

Ward: A half dozen people?

Leonard: Oh, approximately.

Ward: Did you win all of them?

Leonard: Yes, no one was turned down, and as time went on it got easier. As I indicated in Baylin's case we got a negative report; probably got a negative report in Yanish's case too, I don't recall; but in the later cases, we got neutral reports; the government would say, "we don't recommend one way or the other" or perhaps even in the last two or three cases the government just said okay.

Leonard: Again, it was an easing up. We had established a precedent and they decided not to fight it quite as vigorously as they had in the beginning.

Ward: In other words, you and your colleagues wore the government out.

Leonard: That's a pretty hard thing to do, but I guess in regard to this particular series of cases, the answer probably is "yes."

Ward: Feel pretty good about it?

Leonard: Oh, sure - the clients all felt pretty good. That was the important thing.

Fighting A Turncoat Liberal

Ward: Now, the UAW and a man named Lew Michener - - -

Leonard: Well, the only thing I recall about Michener is that he was a witness against Bridges in the civil denaturalization proceeding, and I spent some time cross-examining him. The thing that was distressing to me about it was that this man was supposed to have been a militant liberal progressive trade unionist.

Ward: He was the regional director for the UAW (United Auto Workers) for California as I recall.

Leonard: Yes, I don't remember what position he had.

Ward: Well, I was right along side of Lew Michener when he collapsed, literally collapsed, and became helpless mentally and almost physically, in the North American strike. Slim Connelly grabbed the microphone from him; Lew was about to order the strikers - - 16,000 people on that picket line all around the North American factory, and the soldiers were pressing those thousands of pickets with fixed bayonets - - and he was about to order those unarmed strikers to attack the soldiers. Slim grabbed the microphone from him, shoved him out of the way, and told the strikers, "We will fall back, but slowly."

Leonard: I've heard that.

Ward: Well, I saw it, I was right there.

Leonard: I was not.

Ward: From then on - - -

Leonard: From then on, what?

Ward: Well, either you never heard of him or only in regard to situations such as what you're about to discuss.

Leonard: Okay, the thing that was distressing to me - - perhaps I didn't know at that time about the North American situation - - here was a man who had been a significant union leader in the Automobile Workers who had a reputation for being progressive and liberal, a militant trade union leader. It was very distressing to have him come up and testify - - -

Ward: Well, what did he say about Harry when he testified?

Leonard: My recollection is that he said what all the other people said; he put Harry in some kind of a meeting; what they generally did, as you know. I cross-examined him on times, places, dates, and tried to break him down the best way I could. It really was a union meeting, not a Party meeting, according to Harry.

I'm not suggesting to you that he left the stand in a state of blubbing degeneration. I think I poked a few holes in his testimony and let him go. But then, as I said earlier, taking the whole picture, when Judge Goodman looked at his testimony and everybody else's testimony, he said it just didn't stand up as the kind of testimony that would justify taking citizenship away from anybody. So while Lew Michener tried to make his contribution to the government's case against Bridges, it didn't help the government at all.

Greater Responsibilities

Ward: All right, now, other things happened in the early Fifties. The head of your law firm, Richard Gladstein, was called upon to go back to New York and become one of defense counsel in the famous case against the leadership of the Communist Party.

Leonard: That's right. The government indicted the leadership of the Communist Party and brought them to trial in New York under the Smith Act, which makes it a criminal offense to teach and advocate the overthrow of the government by force and violence. These people were charged with having conspired to create an organization, to wit, the Communist Party, that would teach and advocate such violent overthrow.

They, of course, denied that that was their purpose and intent and they assembled a team of defense lawyers, one of whom was Richard, to go back to New York and defend them in the court suit. The case was tried before a district judge named Harold Medina in a lengthy trial - Richard must have been away from the office for five or six months, perhaps longer.

Ward: What role, if any, did you play in support?

Leonard: In that case not terribly much. There may have been times when Richard would call upon us to research a point of law or look something up, but they had a very fine defense team - - defense lawyers and back-up people in New York.

Ward: Abe Isserman was one.

Leonard: Abe Isserman was one, Frank Donner was one; I can't think of her name but there was a very fine woman lawyer who was working with them; they pretty much had their own operation in New York.

Ward: Well, this must have made some difference in your work, not only during the trial but afterwards; Gladstein and others were found guilty of contempt, and Gladstein did a full six months in federal prison.

Leonard: That's right.

Ward: So, what difference did that make in your life as an attorney in his office here?

Leonard: Well, I guess that what was happening, we just had more work to do.

Ward: You had more important work to do.

Leonard: Yes, sure. Of course when Richard was back there and during his contempt period, right at that time, came the beginning of the Bridges situation in his last big trial. These things kind of overlapped.

The case before Judge Harris caused constant communication. We obviously relied on Richard very much because of his background in the earlier Bridges cases. But there Richard was in New York, so we would be doing the work on Harry's cases on the motions I mentioned earlier, on the statute of limitations.

Ward: Wait a moment, I want to stop you here. So, primarily because of the atmosphere surrounding that New York trial in which Richie Gladstein played a prominent part as defense lawyer, isn't it true that Harry felt it would be an unwise thing for him to take a leading role in the Harris case?

Leonard: Well, why yes; you'd have to ask Harry what he felt about it but the fact is that Harry did decide that he wanted Vince (Vincent) Hallinan to be his trial lawyer. We had a number of meetings and discussions on the question; Harry was pretty adamant. He felt that it was important that Richie not participate, and indicated pretty clearly his reason was that he felt that some of the stigma, if I may use that word, that attached to Richie as a result of the New York trial would slop over to the Bridges case. Harry felt that he didn't want that, and so he selected Vince to be his lawyer in the Judge Harris trial. But as we have already discussed, on the backup team, he had no problem with my participating, even though I was a partner of Richie Gladstein's; I was on the backup team.

Ward: Did you ever hear that this gave Vince Hallinan an opportunity which he had been seeking for many years to defend Bridges?

Leonard: To defend Bridges? Well, possibly, I don't know - no, I never heard it.

Ward: You never heard it?

Leonard: No. I never heard that; if it is true I just wasn't aware of it.

Ward: That rumor went around. So, all right - the Harris trial, your role in that I think we discussed before.

Leonard: I think we probably have.

VI DEFENDING WEST COAST COMMUNISTS

On The Trial Team

Ward: Yes, now we switch to Los Angeles. You and Marge and the family packed up and went down there for several months to help in the defense of the people who were leading Communists in California and Nevada. That trial was before whom?

Leonard: That trial was before a judge named William Mathes. The government returned an indictment similar to the one it had returned in New York.

This time it returned the indictment in Los Angeles against the local leaders of the Communist Party, people who were the California leaders. This time there was assembled a defense team of West Coast lawyers, California lawyers, to go to the defense of these people on the Smith Act charges. That team consisted of Ben Margolis, who had been a partner of mine but who was then practicing in Los Angeles; Al Wirin, who was a Los Angeles lawyer who had been representing the ACLU and had been a leading spokesman for the ACLU for many years in Los Angeles; a lawyer named Alex Schullman who had a general practice, but also had some background in labor work because he had represented some AFofL unions down there.

Ward: Five defense lawyers?

Leonard: That's right; let me mention the other defense lawyer. He was Leo Branton. Leo was a younger lawyer than some of us, but he was bright, brilliant and terribly able. Later made a great reputation for himself, for example, in the defense of Angela Davis and other cases of that nature.

Leonard: A very fine lawyer, and a great contribution to the team. There were the five of us, and we also had a backup team. I indicated earlier in all of these big cases, the courtroom lawyers need outside assistance. The backup people consisted of Barney (Benjamin) Dreyfus, a fine lawyer from San Francisco, now deceased; Sam Rosenwein, a great constitutional lawyer who is still living in Southern California. I see him from time to time; Doris Walker, who is practicing here; a lawyer named Laurent Frantz. These people did the support work for what we did in the courtroom.

Ward: Pretty high powered support team.

Leonard: It was. Whatever we did would have been impossible without that kind of assistance, while we carried the ball in the court. There were fifteen clients and five lawyers and they were divided up; the clients were divided up among the lawyers so we could concentrate on them.

My clients were Ernie Fox, who had been a warehouseman in San Francisco; Loretta Starvus Stack, who was a worker also from the Bay Area; and a fellow named Frank Carlson, who had been a leader in the Young Communist movement down in Los Angeles. Those were the people I was principally responsible for, protecting their interests.

Schneiderman Defends Himself

Leonard: It should also be said in this connection that one of the defendants, the leading defendant, represented himself, a very conscious choice. That was Bill Schneiderman, who was chairman of the California Communist Party and kind of the spokesman for all these people. The reason for the decision for Bill to represent himself was really two-fold; one, it would give him personally, a chance to speak in court, to speak to the jury at the time of arguments, and so on, so that he could personally put forth his point of view. And, two, Bill had a very interesting piece of history to report to the court and to the jury.

Leonard: The government had previously tried to denaturalize Schneiderman. He was a naturalized citizen - he had not been born in this country, but he had come over when he was very young. He was naturalized early on. The government had sought to denaturalize him, some fifteen years prior to this trial on the ground that he was a member of a proscribed organization (the same kind of words) that believed in the overthrow of the government by force and violence. And the case had gone to the Supreme Court where, incidentally, he had been represented by Wendell Willkie in the Supreme Court argument.

Ward: Represented by - - - ?

Leonard: Wendell Willkie, you know, the man who ran for president against Franklin D. Roosevelt in 1940.

Wendell Willkie undertook to represent Schneiderman because he was convinced, by Carol King incidentally, that there were important civil liberties issues in the case. He undertook to represent Schneiderman without a fee before the Supreme Court.

The Supreme Court decided the case in Schneiderman's favor, saying that the evidence did not support the proposition that the Communist Party taught or advocated the overthrow of the government by force and violence.* There was no issue that Schneiderman was a Communist, because he clearly was. So, the only question was, was the party a proscribed organization.

The Supreme Court had said it wasn't; therefore when we got down to Los Angeles, Schneiderman wanted to make the point, quite legitimately, that he had personally established that the organization to which he belonged was not one that was proscribed by the statute.

*320 U. S. 118 (1943)

(Interview 5: 18 October, 1985)

Ward: Norman, you wanted to go on about the Schneiderman thing.

Leonard: Bill Schneiderman was representing himself principally because he wanted to be making the point of the prior Supreme Court decision. The legal doctrine involved was called res adjudicata -- that means the thing has been adjudicated once before.

We had some light moments occasionally during the trial; one of them that I still remember with a great deal of pleasure was a little song that one of the defendants, Frank Carlson, made up about this subject; although I can't sing it, it was to the tune of the old German song "Oh Tannenbaum"; you know, "Oh Fir Tree Tall", and it went something like this - supposedly quoting Judge Mathes:
// "Oh, Schneiderman, my Schneiderman, I'm going to throw you in the can.// Don't res adjudicata me - that kind of talk don't bother me!" Every time Bill would make his res adjudicata point in argument during the course of the trial, some of us would surround him afterward and sing that little ditty.

Ward: In court?

Leonard: Oh, no - no! - during the recess. Well, the trial progressed. It was quite different from the trial in New York that Gladstein had participated in. We had learned a lot, of course, from the New York experience and we were determined not to make the same kind of mistakes.

Ward: Indicate the nature of the mistakes.

Leonard: Well, my impression, and the impression of the others, was that the clients in New York had much, much more control of the trial than clients normally do. By that I mean that not only did they set policy, which of course is perfectly legitimate for the clients to do, but they directed, almost in a mechanical fashion, what the lawyers would do in court, when they would make objections, how they would make objections.

Leonard: There was kind of a vociferousness about the trial - I won't say it was unprofessional - but there was kind of a bitterness all through the court proceeding. If you read the dissenting opinion of Mr. Justice Frankfurter in the contempt case,* the one that ended up with Richard and some of the others going to jail, you see, as Frankfurter points out, quoting extensively from the record to support his view, that Judge Medina was equally guilty with the defense counsel in terms of the provocations during the trial.

He provoked them, but they rose to his bait and they provoked him; it was kind of a nasty thing. Having learned from that experience, we determined with the clients that the lawyers were going to run the show in the courtroom, and we did.

Ward: Not with Schneiderman - - -

Leonard: Oh, well, Bill was a very restrained person. He was a very firm and determined person. He made his points but he made them in a - I was almost going to say "in a civilized manner." I don't mean to suggest that the people in New York weren't civilized, but he made them in a decorous, courtroom way.

Ward: You seem to be saying in a roundabout way that Schneiderman in California was smarter than his superiors in the Communist Party were in New York.

Leonard: I think, as far as the trial is concerned, that certainly is true. That's my view. But then, again, you have to understand that the California defendants had the benefit of the New York experience, and they learned from it.

I don't want to leave the impression that the clients in Los Angeles did not participate in policy-making decisions; they did precisely that. Almost every day after court we would meet; the lawyers and the clients would discuss what had transpired that day in court, who the witnesses had been, what they had testified about, how we could meet and rebut

*343 U.S. 1, 42-89 (1952)

Leonard: it the next day, and generally lay out a plan of action for the future based on what had happened in the past. The clients participated very, very definitely in those discussions.

I remember particularly the guidance and the direction and the wisdom that we lawyers obtained, not only from Schneiderman (we got a lot of it from Bill) but also from Oleta Yates and Dorothy Healey and Al Richmond, particularly. The others too, but those four stand out in my recollection now as having participated very closely with the lawyers in shaping the manner in which the case would be presented.

But in the New York situation, there was an abrasiveness in the court; whether it was the judge's fault, whether it was the lawyers' fault, whether it was a combination of both - - that depends on how you read the record. We tried to avoid that as much as we could in Los Angeles, without sacrificing the position our clients wished to advance, which was basically that the government's formula was false.

The government's formula was a very simple one; we used to express it in terms of the initials involved - the government's formula was ML equals FV, meaning that Marxism-Leninism equals Force and Violence. That was the government's whole theory, and of course the defendants' view was quite the contrary. Without getting into the whole theoretical structure of Marxism-Leninism at this point, it was the defendants' position that Marxism-Leninism was compatible with a democratic transition to socialism and that the only time force might conceivably be necessary would be in the event that the democratic will of the people was frustrated by a right wing coup.

The classic example which the defense constantly referred to was Spain, where a democratically elected government was in fact overthrown by a Fascist coup. The defense position was that under those circumstances it would be necessary to resort to counter-force, but absent that sort of thing there could be a peaceful transition to socialism.

Ward: In that case, the side which had won the battle on the electoral side would have been a defensive action, purely.

Leonard: That was the position of the defendants and their basic position was that, absent that sort of thing, it was perfectly conceivable and perfectly consistent with the theories of Marx and of Lenin to have a peaceful transition to Socialism. That was the heart of their defense.

The Los Angeles trial, with these countervailing theories and with the government putting in its evidence and the defense putting in theirs, lasted for about six months. Like all of these trials of ideas, it was interesting; the exhibits - you know, here's a case involving teaching and advocating force and violence, and you would think the exhibits would contain something like guns and bombs and things of that kind.

Oh, no - all the exhibits consisted of books, books, books. Books were being tried; when the jury retired to take the exhibits with them into the jury room the bailiff had to carry armfuls of books into the jury room. That's what they were trying. The jury brought in a verdict of guilty; I recall that it was a kind of shaken-up jury. I remember one of the jurors - one of the women - was weeping when they brought in the verdict, but they brought in the verdict of guilty.

Ward: Had she been shouted down in the jury room?

Leonard: I don't know - I just know that she was obviously disturbed and upset by what the jury did, but she went along too, because it had to be a unanimous verdict.

There was a very important incident that might have contributed to that feeling on the part of the jury. In presenting the defense, we had planned to put several of the defendants on the witness stand to explain their understanding of Marxism-Leninism, along the lines that I just discussed with you.

The Woman Debater

Leonard: The first witness we put on to do that was Oleta Yates. Oleta was a very, very knowledgeable woman on Marxism-Leninism and on social conditions generally. Under the questioning of her counsel, who was Ben Margolis, she was going to explain what Marxism-Leninism meant to her. This was important because one of the elements, of course, in the offense was intent, whether any of the defendants had the intent to do the forbidden acts; she was going to explain what her understanding of Marxism-Leninism was, and what her intent was in the activities in which she engaged, which were the official activities of the Communist Party. She did a brilliant job of that in her direct examination. Came the cross-examination and for a day or so the government prosecutor, a fellow named Norman Neukon, who was cross-examining her, tried to parry with her on this theoretical understanding of Marxism-Leninism; of course, he got absolutely nowhere.

Ward: Well, she was a debater in college - on the Women's Debating team at U. C. Berkeley.

Leonard: I didn't know that.

Ward: She was known as Oleta O'Connor at that time -

Leonard: Later she married a seaman named Alan Yates. I did not know about her debating; I didn't know her at Berkeley when she was a student, but she certainly learned her skills; she had no difficulty under Mr. Neukom's cross-examination, when he examined her with respect to the theoretical matters which were the subject of the lawsuit.

But then, not getting anywhere with her on that, he began to shift his ground to asking her to identify people. Naming names was the name of the game and Oleta steadfastly refused to do that. She said she would talk about herself, about anything she had done and her understanding thereof, but in that hysterical period of McCarthyism of the early 1950s she was not going to put the finger on anybody else.

Leonard: The judge directed her to answer such questions and she continued steadfastly to refuse to do so, and he cited her for contempt of court. In the very midst of her testimony, while she was still on the witness stand, she was ordered into custody. She was taken to the County Jail and she was brought back to court in the morning to continue to testify. When Mr. Neukom got back to some of the theoretical questions, the judge indicated his impatience; he wanted them to get on with the naming names business, so he could pile up the contempts. I think Oleta finally ended up with oh, a half dozen or maybe more, contempt citations. She was just magnificent on the witness stand in refusing to name names.

Ward: Did she go back to jail?

Leonard: Oh, yes, every night she went back to jail - every morning she came back to court. She stayed in jail - I don't remember now for how long, but it was for a substantial period of time. We immediately filed notices of appeal from the contempt citations but it took a little time. My recollection is we had to go up to the Court of Appeals and get her released on bail, but she was in jail for quite a time -

Ward: What would you say? Two weeks? A month?

Leonard: My present recollection is that it must have been pretty close to a month at that time.* It was quite an ordeal; when she would come into court in the morning after having spent the night in the County jail, she looked like she had gone through an ordeal, and that is possibly part of some of the jury reaction.

*The contempt case against Mrs. Yates went up to the Supreme Court twice. 355 U.S. 66 (1957) and 356 U. S. 363 (1958). During much of that time she was not on bail. In the last cited case the Supreme Court said that she had had enough and reduced her sentence to time served: seven months.

Leonard: After all, the jurors were also human beings, and they saw what she was going through; I think at least one or more of them felt very unhappy about it. But under the pressures of the 1950s they did bring in a guilty verdict and it was necessary to take an appeal.

The Question Of Bail

Leonard: Incidentally, both before the trial began, right after the indictments were returned, and with respect to Oleta and then with respect to the matters dealing with everybody after the appeal, the judge ordered them immediately into custody after the guilty verdict. We had a kind of side struggle against Judge Mathes relating to the question of bail.

When the indictments were first returned bail was fixed; it sticks in my head that it was something in the neighborhood of \$50,000 a person. I may not be precisely correct on that figure but it was a very large, large sum of money.

Ward: That would be three quarters of a million dollars.

Leonard: It was a very large sum of money - it was a huge amount. We asked the judge to reduce the bail; he refused, so we took the matter up to the Court of Appeals. I remember shuttling back and forth into the Court of Appeals in an attempt to get the bail reduced. The Court of Appeals at first said the bail was too high but didn't fix the figure itself. It sent the case back to the judge and told him to fix "reasonable" bail.

Well, that was great for Judge Mathes, because he was a pretty smart person too. He was no dummy and he said, "Well, 'reasonable' - they're asking me to determine what's reasonable; they haven't told me what's reasonable. I think that the amount of bail that is presently set is reasonable, and I find it to be reasonable." And we had to go back to the Court of Appeals; and this happened two or three, perhaps four times.

Ward: Really?

Leonard: - - - before the Court of Appeals finally had to fix a figure itself.* They fixed a figure which the defendants and their friends and associates could meet, and they were finally released on bail. And incidentally, that too, at the very outset of the case, went up to the Supreme Court on the question of fixing the bail; the case was known as Stack vs. the United States.**

For some reason Loretta Starvus (Stack) -- Loretta's name led the list of the bail applicants, and so the case bore her name to the Supreme Court. The Supreme Court also said the bail had to be reasonable, but the Supreme Court also did not fix an amount. That gave Judge Mathes the opportunity to play around with it and, as I said, we had to go up to the Court of Appeals several times before the court finally fixed the amount of bail.

Ward: This would be the District Court of Appeals which fixed it?

Leonard: Not the District Court - the U. S. Court of Appeals for the Ninth Circuit; and so they finally were released. Al Richmond in his book A Long View From The Left has a whole section dealing with the bail struggle. As I recall it, we constantly had to be fighting with the judge, constantly taking him up to the higher courts, his constant reluctance to reduce the bail, but finally the higher court did reduce the bail and the people were released. I remember one time - - you know, a lot of friends of the defendants contributed to raising the bail money. I remember one time going with one of the friends of the defendants to the Hibernia Bank in the Mission District in San Francisco, where that friend had a safe deposit box and that person turned over to me bonds in the sum of \$10,000 to post bail for one of the defendants. They were kind of bulky; there was a lot of paper, just big, big things and there were ten of them or so to make up the \$10,000.

* The Appeals Court fixed the bail at \$5,000 for some of the defendants and at \$10,000 for the others. 193 F.2d 875 (9 Cir., 1951)

**342 U. S. 1 (1951)

Leonard: I wrapped these things up in some kind of paper sack or shopping bag, something like that. I got a plane and flew down to Los Angeles and walked with them into Judge Mathes' court room while Ben and the others were arguing the bail question and plopped the ten thousand on the desk for the release of one of the defendants.

Al tells the story that I came down -- it may have been the same occasion, and I posted some bail, and part of it was some security from George Andersen -- so I guess it was not on this occasion. Anyway, George Andersen advanced some money or somehow was involved in advancing the money, and Judge Mathes took a look at it (just to show what kind of a guy he was) and he said, "George Andersen, isn't he associated with Norman Leonard, who is counsel in this case?"

I said, "Yes he is my partner", and he said, "Well, under the local rules of court, attorneys are not permitted to post bail for their clients." I said, "But George Andersen is not an attorney in this case -- I am the attorney."

He said, "Oh, but he's your law partner and that is the same thing." So, he rejected that particular piece of bail. I think it had to do with Al Richmond, and Al had to stay in jail over the weekend while we got some bail for him that didn't come from George Andersen. That's the kind of thing we had from the judge.

Ward: It sounds rather petty.

Leonard: Well, he was -- rightly or wrongly, he believed that these people were a danger to the Republic. He truly believed it. He believed it was his duty as a federal judge to do something about it, and he was going to do anything he could to keep these dangerous people from spreading their pernicious doctrines.

It raises a nice question as to whether or not that's the function of a federal judge, as we saw in discussing what Judge Harris did in the Bridges case around the Korean War situation. The higher courts say that the judge is not supposed to function as an arm of the administration, but they sometimes do.

Leonard: Judge Mathes was very close to Tom Clark - - Judge Mathes came out of Texas.

Ward: Tom Clark was then the Attorney General.

Leonard: That's right, the guy who said that the indictment of Bridges had some beneficial effect on the strike in Hawaii.

So, all of this stuff: I suppose you could say that this was the establishment working through the judicial machinery; this is the kind of thing that we were fighting - well, the defendants were convicted and two cases went up on appeal. One was the conviction of the defendants themselves, and the other was the contempt case involving Oleta that I mentioned earlier. The Supreme Court reversed both cases. As far as Oleta was concerned, essentially what they said was that she had had enough - - - the penalties that Judge Mathes had imposed on her.

Ward: She had been punished enough?

Leonard: Yes, yes; and they also reversed the main conviction. As far as the principal action in the Smith Act case is concerned the convictions were reversed on two separate grounds.* As to some of the defendants - and these, my recollection is, were Richmond, maybe Slim Connelly and perhaps one or two others, I don't recall now - maybe Kusnitz and Dorothy Healey.

In any event the Supreme Court said there simply wasn't enough evidence to connect those people with any illegal acts. In Al's case, for example, the only evidence was that he was the editor of a newspaper, so there was a first amendment issue involved.

With respect to the other defendants about whom the court apparently thought there was some evidence that might connect them up with the Communist Party (and the Communist Party activities were presumptively illegal at this point) the court said that

*354 U.S. 298 (1957)

Leonard: Judge Mathes had incorrectly instructed the jury, principally on the question, again a technical one like in the Bridges cases, on the question of a statute of limitations and when the Communist Party was organized or created.

It was this: the indictment charged, as I said earlier, conspiracy to organize a group to teach and advocate the overthrow of the government, etc., etc. The conspiracy, according to the government's allegations, was the reconstitution of the Communist Party after the Communist Party had turned itself into the Communist Political Association and then, after some criticism from a French Communist by the name of Duclos, turned itself back into the Communist Party. The question then had to do with dates when all this took place.

Ward: That change in the name of the Communist Party to Communist Political Association took place due to the pressures of World War II and during World War II; isn't that so?

Leonard: That's my understanding of it. Somehow that question became important in terms of the indictment of these people, when the indictment was returned and what kind of instructions the judge gave to the jury concerning the beginning of this alleged conspiracy; and when the Communist Party was "organized" in the technical sense - that sort of thing. Based upon that, the Supreme Court ordered a new trial for oh, I guess, eight or ten of the defendants.

As I said, on several other defendants the court decided that there was not sufficient evidence at all as far as they were concerned; their cases were to be dismissed outright. As far as the eight or ten remaining defendants were concerned, the court said they were entitled to a new trial. The government never brought them to trial again.

By the time the Supreme Court decision came down, probably three years or so after the trial and convictions, the government had lost its stomach, I guess, for going ahead with these things.

Ward: The political climate had changed?

Leonard: It had changed a bit; there had already been some other Smith Act cases - there had been even a few acquittals in some of the cases in the East. The Hawaiian case had taken place.

Richard had gone to Hawaii to participate in the Smith Act trial there, in which one of the principal defendants was Jack Hall, then a regional director for the ILWU in the Islands: a man who had contributed greatly to the development of the ILWU and the smashing of feudalism in Hawaii.

That trial also ended in a conviction, but interestingly enough when the case got to the Ninth Circuit Court of Appeals on appeal, the Yates decision had come down. I remember Judge Chambers saying that the Yates decision had made a shambles of the Smith Act, that the Smith Act was really no longer a valid or viable tool for the government to use; the Hawaiian convictions were reversed as a result of that.

Ward: So, to all intents and purposes, that ended the case of the West Coast California-Nevada Communist leadership?

Leonard: That's correct. There was an interesting spin-off -- it really wasn't a spin-off of that case. It was a political case that we had in California, also involving Communists. That was the case of the people who harbored or sheltered or protected one of the New York defendants.

After the New York convictions, some of the defendants did not surrender after their convictions had been affirmed by the Supreme Court in the Dennis case.*

* 341 U.S. 494 (1951)

VII THAT CABIN IN THE SIERRA

(Interview 5: 18 October, 1985)

The Role of Chief Justice Warren

Ward: Norman, we were right in the middle of the final - on the trial of the fifteen Communists.

Leonard: Well, actually, I think we had pretty much completed that, Estolv. I was starting to talk about another case involving Communists in California which is known in the books as the Kremen case, named after the female defendant in the case, Shirley Kremen.

Ward: Oh, she was the woman who was bringing food to the guys who were underground.

Leonard: Yes, that's correct. One of the Dennis defendants in New York, a fellow named Bob Thompson, had refused to surrender and had gone underground. There was a second indictment of what were known as second string Communists in New York and one of those indicted people, Steinberg, did not appear. He went underground. I think it was in 1954.

The FBI swooped down upon a cabin in the Sierra country in California - Twain Harte was the name of the town.

There they found and arrested Thompson, Steinberg and several other people who were with them, including Shirley Kremen. The FBI swept and cleaned everything out of the cabin and brought the people down to San Francisco.

Leonard: Thompson, of course, was taken back to New York, because there had already been a guilty finding and sentence on him; all they did was take him back and incarcerate him in pursuance of that sentence.

The others - - of course, there were no sentences against them - - so they were tried on the charge of having harbored and concealed these fugitives from justice. The trial took place in San Francisco. Richard Gladstein and I were the defense counsel. The trial took place before Judge Goodman. There was one defendant - Judge Goodman conducted a very fair trial - a woman by the name of Patricia Blau - whom Judge Goodman acquitted because the government simply didn't establish enough evidence to connect her up with the trial.

The other defendants were convicted - but before we get to the appeals on the conviction, let me tell you a story that illustrates the kind of lawyer Richard Gladstein was. That has to do with the acquittal of Patricia Blau.

In order to establish Blau's participation in the proceedings, the government introduced into evidence some beer cans which they had also swept up out of the refuse, the garbage at Twain Harte; they brought a government expert, a fingerprint expert. I think the man was from the FBI, and he was a man with very impressive credentials as an expert in the field.

He identified a fingerprint on the beer can, which he then compared with prints that were taken from Patricia Blau. Then he went through the rigmarole of a whole morning on the witness stand, pointing out the similarities and where the little curved lines were the same on the beer can as on Patricia Blau's fingerprints.

Ward: Full or empty?

Leonard: It was taken from the refuse dump. This was probably the principal way the government was going to connect Patricia Blau with the case. Patricia had not been there at the time they arrested these people; but this was going to be the proof that she had been there - - had participated.

Leonard: He testified in the morning, but we knew (perhaps the government told us, or were required to tell us) - - we knew the night before what this fingerprint man was going to be testifying about.

Merle Richmond, who has been mentioned several times before in this oral history, was working in our office at that time. In anticipation I asked Merle to go to the library and get a standard text on fingerprinting and how fingerprints were identified, and all that sort of thing. She went through them and underlined and highlighted the significant portions.

Richard and I went to lunch after the man testified. I had studied the stuff that Merle had gotten the night before and I went over it with Richie in anticipation and preparation for his cross-examination.

I had some lunch while we were doing this. It was at the old Whitcomb Hotel on Market Street, a block or two up from the court house. I had some lunch - - Richard had three martinis. We came back to court, armed with the material Merle and I had collected for him, and Richard did an absolutely brilliant job of cross-examining this guy, at the end of which either the witness himself or Bob Schnacke, who was one of the prosecutors said - that's the Schnacke that we mentioned earlier - either Schnacke or the witness, I don't remember now which - but I do remember one of them saying, "What are you trying to do, Mr. Gladstein, are you suggesting that we planted that fingerprint?" That was the quality and the nature of Richard's cross-examination; by the time he got through with this guy, Richie had raised sufficient doubt so that it could be conceivable that the fingerprint was actually planted on that beer can by the government. It was a brilliant job.

Richard was a brilliant cross-examiner, probably the best lawyer that I ever had the fortune to work with - - no question about that. Anyway, at the end of the trial, Judge Goodman did acquit Patricia Blau, and I shouldn't be surprised if this fingerprint episode had a good deal to do with the judge's conclusion that Patricia Blau was to be released.

Leonard: The others were found guilty and we took an appeal; a very interesting decision came out of the Court of Appeals for the Ninth Circuit. The majority opinion sustaining the conviction was written by a judge named Dal Lemmon. Judge Lemmon, now deceased, had been a Superior Court judge in Sacramento, and had been involved in some of the earlier California criminal syndicalism cases in which Caroline Decker, later Caroline Gladstein, was a defendant.

Dal Lemmon was no friend of the labor movement or of leftwingers, and certainly not of Caroline Decker or the Gladsteins; and he wrote what can only be characterized as a vicious opinion.

Indeed, it was also anti-Semitic, certainly in its implications. He talked about this covey of New Yorkers - he didn't quite say "New York Jews" but he talked about this group of Easterners who came to Twain Harte and ordered cream cheese and ordered - - I don't know if he said "lox" and corned beef - - and they were there hiding from the FBI.* It was really a very, very unprofessional kind of opinion.

Judge Healey concurred and therefore made the majority - - the same Judge Healey who wrote that magnificent opinion in the Bridges Korean case that we talked about earlier. Judge Healey just wrote a very mild opinion saying that in his opinion the total evidence justified the conviction and therefore he also voted to affirm.

Judge Denman, who was the chief judge of the court, wrote a blistering opinion in which he took on Judge Lemmon's opinion and said characterizations like that had no place in judicial opinions and that the case should be tested by the indictment

*231 F² 155, 167 (9 Cir., 1956)

Leonard: itself and by the evidence received in support of the indictment. He found that the evidence failed to sustain the indictment and that the search and seizure at the cabin were unconstitutional* and he voted to reverse the conviction.

It was two to one, so we took it to the Supreme Court and I argued it in the Supreme Court. The Supreme Court reversed the convictions on the ground that the wholesale seizure of all the materials from the cabin where these people were arrested constituted a violation of the Fourth Amendment which protects against unreasonable searches.

It was a very interesting argument; let me give you an anecdote or two about it. When the case was still in the District Court before Judge Goodman, we had made a motion that the FBI provide us with a list of all the material that was seized at the time of the arrests, and Judge Goodman granted that motion. It was a proper motion and as a result we were given a list of at least a dozen pages, maybe more, single-spaced typed up - of everything that was in that cabin from Shirley Kremen's underclothes to Beethoven's sonatas (one of two of the people were musicians and they had brought music along with them; I think Sidney Steinberg was a violinist), to Marxist-Leninist books, to pots and pans and everything else. It was, you know - - they just cleaned out the house.

We attached that to our brief to the Supreme Court so that the Supreme Court could see what they had done. My argument went pretty well as far as I was concerned; I thought it went well. Then the government attorney got up to argue and to justify what the government had done and I'm sure it was the Chief Justice - - -

Ward: Who would have been - - - ?

* 231 F.2d at 178-182

Leonard: Warren, Earl Warren. He picked up that list attached to our brief, and of course each member of the court had a copy. This had to be '56 -

Ward: He was appointed in '53 - it must have been Warren.

Leonard: Oh, it was Warren - no question about that. I want to tell you a couple of things about Warren at that point. He picked up the list; I don't remember what the first item on the list was now, but it was something innocuous - it was not Das Kapital or anything like that, some innocuous thing, a sleeping bag, I think, and he said to the U. S. attorney who was arguing the case, "Does the government justify the seizure of this particular item?"

At that point the U. S. attorney lost his case, in my opinion, because he replied, "No." Obviously, he could have said "Yes" and then made an argument that might have or might not have stood up:

"Of course, we justify it; these people are being charged with harboring. In order to harbor a criminal or a fugitive from justice, you try to blend him into the environment, to look as innocuous as possible, you surround him with innocuous things."

But this guy was rattled and he said, "No, we can't justify that and we don't justify it." So, Warren took him down to the next item and the next item - oh there were probably a half dozen or more items, in which he had to say "No - no - no."

And then, in some exasperation, Warren said, "Well, is there anything here you can justify? After all, you just seized everything these people had. Suppose they were released on bail by a magistrate, as perhaps they should have been, they would have just come back to an empty cabin. The government had no right to do this."

And that was essentially the decision that resulted in a reversal of the conviction, with two dissents.*

* 353 U. S. 37 (1957)

Leonard: One, I believe, was by Tom Clark; I don't remember who the other judge was. Once again -

Ward: Wait a minute, was Tom Clark on the court at that time?

Leonard: I'm sure he was at that time; he was appointed by Truman and - - oh, yes, he was on the court. Oh, yes, it was Clark.

Now, because of the nature of the reversal, the court didn't order the case dismissed. They simply held that the government had committed an error in this unwarranted wholesale seizure of the property, and theoretically, of course, the defendants could be retried. The fact of the matter is that once again, when the case was sent back to the lower court for further proceedings, the government did not retry the defendants and the case was dismissed.

While we're on that, let me tell you an anecdote or two about Earl Warren. One or two years earlier I had also been in the Supreme Court on another case; this was a trade union case involving the MC&S, the Marine Cooks and Stewards; I had argued that case there. When I got back on the Kremen case, I ran into the Chief Justice, in this fashion: there is a cloakroom, or there was then, in the Supreme Court Building where the attorneys hang their coats and things of that kind - umbrellas, you know, if it is bad weather; a cloakroom for attorneys; adjacent to it at that time there was, and perhaps still is, a barbershop. As I was putting my gear in the cloakroom, the Chief Justice emerged from the barbershop.

Before I had gone to Washington for this Kremen argument, I had spoken to two of the Chief Justice's friends who were judges here. One was Judge Wollenberg and the other was Judge Sweigert. I had had some occasion in the weeks before I went back to Washington to be in their courtrooms on some other matters and I took the opportunity to mention to each of them - because I knew they were very close friends of Judge Warren's, that I was going to be in Washington. Each of them said to me, "Well, if you get a chance to see the Chief, say 'hello'."

Leonard: So, when I saw the Chief emerging from the barber-shop, I took advantage of that situation and I said, "Mr. Chief Justice" - and he stopped and I said, "My name is Norman Leonard and I am from San Francisco." As soon as I said "I'm from San Francisco", he beamed, a great big smile. Then I gave him the message; I said, "A couple of weeks ago I saw Judge Wollenberg and I saw Judge Sweigert and they both said to send greetings if I had the chance."

He said, "That's fine; I'm delighted, and say hello to them for me when you see them again." Then, he stopped and looked at me, and said, "Weren't you here a couple of years ago?" I thought that was kind of remarkable -- here was the Chief Justice; he undoubtedly had had hundreds of arguments in the ensuing two years. He had hundreds of lawyers appearing before him - there was nothing unique about me, but he had that kind of a wonderful, personal memory. He had unusual recall and could say something that made you feel so good. I am sure he did it with other lawyers.

Ward: I have personal reasons to know that he remembered everybody who had ever appeared before him in any case, and he could use that pleasantly like he did with you and he could use it devastatingly like he did with me.

Leonard: Well, that was a nice experience for me and then immediately following that he, of course, left and went into his chambers and I went to the attorneys conference room. Then our case was called, and it was kind of pleasant to walk into the Supreme Court and see the Chief Justice there after that little personal exchange which had taken place just a short time before.

And as I said, he took after the government and just jumped all over them on the proposition that they had no right to clean out that cabin when they arrested those people; he and the other members of the court reversed the conviction.

Frankfurter was on that court, I remember, and Felix Frankfurter was a very, very great advocate of following the Fourth Amendment and keeping searches and seizures reasonable.

Leonard: Justice Frankfurter was also very good on the question of the overreach of the government seizure; so with Warren and Frankfurter - - and I remember Douglas and Brennan participating with some questions on what was on that list and so on, - - - we had a very solid majority for the reversal, and we did get the reversal and the people were never tried again.

Talking About Judges

Ward: You seem to be saying pretty much all the way along, talking about judges large and small, that nobody changes his opinions or his nature merely because he puts on his judicial robe.

Leonard: Well, I don't know if that is what I have been saying.

Ward: I get that impression.

Leonard: I am sure that a person doesn't change his nature per se just because he puts on a judicial robe. After all, by the time a person gets to be a judge he has reached some maturity. Most people do not get to be judges until their middle forties or fifties, or something like that. (there are a few who are appointed younger).

By the time a man or woman reaches that stage in life, he or she obviously has a point of view, an outlook on life and a feeling about things that is very difficult to shed. On the other hand, I do think that there are instances where people who become judges do undergo a change in the sense that there is a realization that their function is now different from what it had previously been; a person who is responsible and conscientious recognizes that acting as a judge requires a different approach to things, possibly a different set of values, a different outlook on things, from the outlook he or she had when he or she was a lawyer and advocate.

Leonard: We've had situations where the appointing President in the federal judgeships got very disappointed; he expected certain things from his appointees and didn't get them. One of the classic examples, way back, was Oliver Wendell Holmes and the anti-trust cases. My recollection from reading history - not my personal recollection, of course - - is that Holmes was appointed by Theodore Roosevelt, the big trust-buster, and in one of the very early cases Holmes wrote an opinion which interpolated what is called the rule of reason in anti-trust cases, which gives a certain amount of flexibility.

Earl Warren is another example. I am sure, quite sure, that Eisenhower and his then attorney-general -- I believe it was Brownell -- did not anticipate the development that took place in Earl Warren after he got on the Supreme Court.

Ward: Yes, everybody noticed that.

Leonard: So, I do think that while a person obviously cannot shed forty or fifty years of life experience simply because he or she becomes a judge, conscientious people often recognize that they are stepping into a new role and into a new arena and that different outlooks and different approaches are required.

I don't want to make it personal, but from time to time I have been called upon by either the Bar Association or the State or Federal Courts to act as an arbitrator in cases. I have done some of this work and of course I have my own personal feelings about things because of my whole life experience.

But when I get into one of these cases - maybe it is not the easiest thing in the world to do - but I do try to put aside my own personal feelings and to look at what the parties are bringing to me and try to balance them. I think that is what happens to most people who become judges.

Ward: There is the political side to this too - very obviously, to me at least, in the Earl Warren case, once he was appointed Chief Justice of the U. S. Supreme Court, he no longer depended on the political support which had always been an enormous factor in his actions as a state official.

- Ward: The Joseph R. Knowland family was a tremendous political power in the state of California at that time, and right from the very start in Alameda County as District Attorney, Earl Warren almost literally owed his political success, particularly in the earliest stages, to Knowland. He must have felt free of something when he got up there to the United States Supreme Court.
- Leonard: Well, I don't have that personal knowledge that you do.
- Ward: I just wanted to comment that politics do enter into these things too, until you get up there where you don't give a damn about politics any more.
- Leonard: I think certainly that is the theory, and I think it kind of works out. At least, it is supposed to be the whole idea of the independence of the judiciary that is implicit here. Good judges, people who turn out to be good judges, will function that way. There are some people -- and we've indicated a few of them in this oral history -- who simply cannot rise above their own backgrounds and their own prejudices. It's too bad.

Raising A Family

- Ward: Norm, we've been talking about judges and courts and defendants and politics for a long time. In the meantime you were a family man, weren't you?
- Leonard: Oh, yes, yes. Of course, what we have been talking about was my professional life, or at least part of it, because after all while all this was going on we were still representing the union and we will want to talk about some of the union activities that were going on. But you're quite right --
- Ward: Well, you had two small boys.
- Leonard: As the years went by, they were growing and growing; Steve and Rick were growing. They both went to the grammar school and the junior high school in the neighborhood where we lived in San Francisco.

- Leonard: Then they both went to Lick-Wilmerding School in San Francisco where they were both pretty good students; both of them were active in sports, particularly in basketball -- they were on the school team.
- Ward: They were both tall like you.
- Leonard: Oh, yes, they are pretty tall guys. Then, they went on - of course, Steve always three years ahead of his brother. Stephen was the older, entering Berkeley in 1963, just in time to get involved in the FSM (Free Speech Movement) activities.
- Ward: Did you have any problems with the boys before the FSM? As young fellows?
- Leonard: No, I don't think so; they grew up normally and naturally. One thing that we did develop in the family, was a love of the outdoors - a lot of outdoor activity. You will remember - we did a lot of walking on Tam (Mt. Tamalpais). We introduced the kids to nature and the outside world. We began to do some skiing and we went up to the Sierra Club Lodge at Norden, California, and the boys became skiers. Marge and I made a stab at it. We never got very good at it. The kids were growing up in what I thought was a pretty wholesome California environment.
- Ward: Did you ever take the boys to court when you were doing something? To take a look?
- Leonard: I may have; I do recall Marge and the boys coming down to one of the un-American Activities Committee hearings, and I had to stay because I had a client who was coming up that afternoon. Oh, we were going to go to the ball game to see the Giants and Marge went with Frank McTernan and the boys because I was tied up.

Yes, that's another thing, we used to go to a lot of basketball games and a lot of baseball games. The boys were interested in that sort of thing. You know they just lived, I thought, a pretty normal life of growing up, young teenagers during that period of time. They were a great joy.

(Interview 6: 18 October, 1985)

- Ward: Did you ever have occasion to take the parental strap to them?
- Leonard: I can't remember that I ever did.
- Ward: Who did the disciplining, if any, in the family - Marge?
- Leonard: Oh, I think we both did, but I don't think we ever had to take out the parental strap, literally.
- Ward: You don't strike me as being a guy who liked to take his son to the woodshed.
- Leonard: I certainly don't feel that way, and we never did. Sometimes we laid the law down to them, told them what they could or couldn't do, maybe confined them to quarters; but the relationship we developed with the boys was pretty much on the certainty that they understood us and we understood them; we didn't have any major problem.
- Ward: You didn't have to go to work in the morning - - go to court - - with family problems in the back of your mind?
- Leonard: I think that's probably true; there may have been - there undoubtedly were some occasions which were upsetting or difficult. I don't mean to say that it always was smooth sailing; but by and large, it was and still is, even though they are far away now, a pretty good relationship.
- Ward: It obviously was a very close relationship between you and Marge and the boys.
- Leonard: Absolutely correct.
- Ward: Well, that's a nice note on which to leave the family alone for a while.
- Leonard: For a while, yes.

VIII UNION PROBLEMS GALORE

The MC&S Gets Swallowed Up

- Ward: Norm, let's go back a little bit to your first case before the U. S. Supreme Court.
- Leonard: All right. That was the case that involved the old Marine Cooks and Stewards Union. Actually to understand it you have to know something about the history of the MC&S. The MC&S was one of the maritime unions and as its name indicates it represented the stewards' department, the cooks, the stewards, the waiters aboard ships and it was one of the unions that participated with the long-shoremen and other maritime unions in the '34 strike and in the subsequent events in the Maritime Federation, and so on. And at the time we're talking about it was headed up by people who were liberal, friendly to and sympathetic with and working in cooperation with the ILWU; people like Hugh Bryson, Eddie Tangen and Nate Jacobsen, Joe Johnson -- people of that kind.
- Ward: Some of the members of that union - one in particular that I think of, became one of the rather famous chefs in Bay Region restaurants.
- Leonard: Oh, that's right -
- Ward: He was one of the guys at Ondine; what was the guy's name?
- Leonard: Yes - George Gudekuntz, that's right, he opened that restaurant in Sausalito.

Ward: And one of the guys -- Frenchy somebody or other (Rene Battaglioni) -- became a sort of a minor hero in World War II - he was parachuted behind the German lines into his old home town.

Leonard: I didn't know that - I didn't know that.

Ward: Frenchy was sent in to help organize folks he knew for the oncoming Allied invasion of the Normandy coast.

Leonard: Yes, there were some very interesting people in that union.

All right, about the union, as I say, it was very close to the ILWU. As a matter of fact, it was a union that, along with the ILWU and some others, were later kicked out of the CIO when they had that purge of the left unions. That was the Marine Cooks and Stewards, and that was their general outlook.

In order to break up that union, the government and some of the right wing unions engaged in at least two tactics. There were two things involved; the first one, early on, was an effort to take away the recognitional status of that union through an NLRB election.

The union had always been a separate entity from the other unions, and all the unions on the waterfront had legally been separate entities. The Marine Cooks and Stewards was the one representing the Stewards department, the Marine Firemen's Union represented the engine room personnel and there was the Sailors Union of the Pacific representing the deck hands; and there were also unions representing the officers.

Ward: Not the MM&P (Masters, Mates and Pilots)?

Leonard: Yes, they represented the deck officers just as the MEBA represented the engineering officers. Those two unions weren't involved in what I am about to relate.

In order to get rid of the leadership of the MC&S, to kind of swallow up the MC&S into the other two unions, a petition was filed before the

Leonard: National Labor Relations Board seeking an election in a bargaining unit that consisted of all unlicensed personnel -

Ward: That would have included the SUP?

Leonard: That would have included the SUP, the MFOW and the MCS, so they would all vote together. Obviously, if that happened (and it did happen) -- we anticipated that if such an election took place the MCS votes would have been swamped by the votes of the other two groups.

That was the strategy and that is what the NLRB ordered, in spite of the fact that the prevailing legal view and the prevailing decisions of the NLRB up to that point were that the past bargaining history was a substantial factor, probably in most instances a conclusive factor, as to what the bargaining unit should be.

The past bargaining history, of course, established that the MC&S was a separate bargaining unit and the MFOW was a separate bargaining unit and the SUP was a separate bargaining unit. It was alleged -- although I have no basis for knowing whether it is true or not -- it was always alleged on the waterfront that Lundeborg of the SUP had made a deal with the then Secretary of Labor whose name I think was Schwellenbach (L. B. Schwellenbach) - -

Ward: Something like Schwellenbach.

Leonard: - - - that there was a kind of a deal that if the NLRB, in spite of this history, would give them the single bargaining unit so that they could swallow up the MC&S, Schwellenbach would get some kind of support from those maritime unions.

He was from the state of Washington. What impact and influence he would have had with the NLRB I don't know.

Ward: That was in 1948, and it would have been Truman.

Leonard: Yes, it might have been a little bit earlier than 1948.

Ward: Even in '46, it would have been Truman.

Leonard: Yes, that's right. It was in the late 40s - it was certainly after Franklin Roosevelt died. In any event, we had some long hearings before the NLRB. Our position in representing the Marine Cooks and Stewards was that, as I said, they were a separate bargaining unit and they shouldn't be swallowed up by the other two groups. The Board ruled against us.

One of the issues we raised -- and it was very early on that issues of this kind were being raised, I believe -- one of the issues we raised for keeping the MC&S independent as a bargaining unit was racial. We sought to establish - and I think we did establish -

Ward: Was racial? Because they did not discriminate?

Leonard: That's right. The MC&S was clearly an integrated union. I don't recall now what the percentages were, but there was a very substantial number of black members of the union, black officers, I remember -

Ward: Asiatics?

Leonard: Yes. I remember Joe Johnson was a black man who was an officer of the union, and there were others; Wally Ho, an Asian. The other two unions which were trying to swallow up our MC&S group were lily white -- the SUP and the MFOW, at that time.

And so we raised the question. We argued it to the Board and said, "Look, you can't do this, because you are discriminating against minority people." We got Terry Francois, who was then a young black lawyer in San Francisco, who later became a member of the Board of Supervisors and who is now still practicing law here. We got Terry into the case as an amicus curiae on behalf of the NAACP on our side of the case, arguing that the Board should not permit this union to be swallowed up by the others because of the racial factors.

But none of this did any good and the board ordered an election of the entire group. The ILWU attempted to come to the aid of the MC&S prior to election. It organized under the direction of Bob Robertson (ILWU vice-president) something that was called --

- Ward: Didn't they take in the Marine Cooks under their jurisdiction as an affiliate?
- Leonard: I don't know that they ever went quite that far; they organized a Marine Cooks Organizing Committee, something like that, opened an office, and Bob Robertson headed it up.
- Ward: There was some way the MC&S was trying to get under the wing of the ILWU for protection.
- Leonard: That's right, both groups were working in that direction. The position of the MC&S and the ILWU at that time, in the face of the NLRB election, was that the people should vote "No" so that the MCS would not be swallowed up.

The results of the ballot probably were two-to-one against the MC&S. In other words the MC&S guys all, or substantially all voted "No", but the other two groups voted "Yes." That was the end of that at that time.

The other thing which came later, though not too much later, was the attack against Hugh Bryson - the personal attack.

- Ward: Oh, what was the issue, the exact issue before the Supreme Court? That they shouldn't hold the election or what?
- Leonard: Oh, no - no. I was giving you the background. The issue before the Supreme Court on my first case was kind of a spin-off from this whole organizational struggle we have been talking about.

There had been a strike up in Seattle around some of the issues (it's a little bit hard for me to recall specifics now because now we are going back forty years) and the local representatives of the MC&S had put out a leaflet. In that leaflet they listed by name a number of people, quite a number, maybe thirty or forty, who had scabbed during the strike.

They called them strikebreakers and scabs, and they were calling on the other workers to recognize them as scabs and treat them as scabs.

Leonard:

Well, one of them -- or perhaps a number of them -- brought a lawsuit in the state courts in Washington against the MC&S for libel -- that these statements were libelous and that they injured the complainants in their ability to get work, in their ability to get jobs.

The Washington state courts were sympathetic to this claim and a judgment was finally rendered against the MC&S for a very substantial sum of money, over a million dollars, a very substantial sum of money in damages for this group of people. The name of the lead-off guy (I guess they did it alphabetically) was Arnold, so the case ended up in the Supreme Court as Arnold vs. Marine Cooks and Stewards; the Arnold case.

That was the first one I argued in the Supreme Court, and the way it got to the Supreme Court was this: here was this judgment of the State of Washington, the Washington courts, for a million dollars or thereabouts against the MC&S. The lawyers for the plaintiffs, by the way, had been the same lawyers representing the SUP and the MFOW.

From our point of view, these plaintiffs were just pawns in the hands of the opposing unions. They were using this as part of their organizing technique against the MC&S. The problem was what to do with this big judgment against us.

We filed an appeal to the higher courts in Washington, and we made sure that there were no funds of the MC&S available in the state of Washington. I need not discuss how we did that, but there just was no money in Washington to enforce that judgment.

They attempted to enforce the judgment and they got a lower court order directing us to pay into the hands of a master or a referee, or to post a bond with a master or a referee, in the amount of the judgment pending the outcome of the appeal. The union officials either did not have the money, or they didn't have any faith as to what might happen to the appeal in the state of Washington, so they didn't post the money.

Leonard:

When the case got to the Supreme Court of the State of Washington, I went up to Olympia to argue it. I remember getting up when the case was called on the calendar, and local counsel introducing me to the court -- a matter of formality because I was not a member of the Washington State Bar -- and the Chief Justice of the Washington State Supreme Court said, "Mr. Leonard, your client has not posted the money the lower court ordered it to post, is that not correct?" I said, "That's right, Your Honor." "Then your client is in contempt of court and we will not hear you." And they refused to hear us and they dismissed our appeal. That was the sanction - they were not going to permit us to take an appeal until we posted that money.

Well, we took it to the Supreme Court of the United States; it was the first case I argued there, and we lost it. The Supreme Court of the United States said that the State of Washington had the right to dismiss our appeal.* We were bad boys and didn't post the money.

I always felt I had to be right in that case because the two dissenting judges -- the ones who voted on our side of the case -- were Justices Black and Douglas. I always felt that if I could get Black and Douglas I must be right. But I couldn't get anybody else.

Well, the upshot of the case was they never collected any money. The money was gone - they couldn't get it. Our appeal was dismissed, the judgment remained against the MC&S, but as a practical matter they never collected on it.

Ward:

That was the only case you ever lost?

* 348 U.S. 37 (1954)

Leonard:

No, that's not true. I argued three cases in the Supreme Court, the one we have just been talking about; the Kremen case which I won, and a case much later on involving the Federal Maritime Commission and the ILWU-PMA collective bargaining contract relating to containerization. I suppose we'll talk about this later on.

It was a very technical case; again, with a split court. We argued that the Federal Maritime Commission did not have jurisdiction over collective bargaining contracts. The PMA was on our side in that case.

The off-dock operators were asserting that the commission did have jurisdiction; they wanted to ding our contract. The Supreme Court in a split decision said the commission did have jurisdiction.* But later on Congress amended the statute to take care of that Supreme Court decision. Those were the three cases.

On that last case and on the question of the personal things that we've talked about: when that last case was argued in the Supreme Court in 1977, Steve was already a member of the Bar. He had passed his Bar exam and had been admitted and was practicing in Boston in the Massachusetts Attorney-General's office. I called him when I got to Washington and said I had just spoken to the clerk, and "if you can get down here tomorrow," which was when my argument was scheduled, "the clerk will expedite papers," (the clerk was very cooperative and very kind when I discussed it with him.) "He will expedite the papers and you can get admitted to the Supreme Court, and I'd kinda like that." You know, the father moving his son's admission. And Steve did that; he flew down the next morning, the clerk had done the necessary paper work and just before my case was argued, I was able to get up and make a motion to have my son admitted to the Supreme Court, which was kind of nice.

* 435 US 40 (1978)

- Ward: That happened in the California Supreme Court when Jesse Carter moved that his son, Oliver, be admitted to the State Bar here.
- Leonard: Yes, it was a very nice feeling.
- Ward: And both of them - Jesse went on to the California Supreme Court and Oliver Carter - - -
- Leonard: Oliver was U. S. District Judge. In the later years, he was the chief judge of the district for Northern California and we worked with him in the Vietnam cases, which we will be talking about too. He was a fine judge, Oliver; I didn't know the old man.
- Ward: All right. We're through with anything that happened in the forties.
- Leonard: I think that's probably true, Estolv. You know, I just can't be sure. I go back and think about it - I think we've covered about everything.

Full Partnership In The Law Firm

- Ward: Up to this point in your career you had been a junior partner. Before that you were just one of the boys that worked there. Then, what happened in the late Fifties?
- Leonard: It was not quite the late Fifties; it was probably the earlier Fifties.
- Ward: I think you told me 1958 once.
- Leonard: Oh, no. Let me see, Herb (Resner) left our firm in 1955, and it was prior to that. A lot of changes had taken place in the firm. Harold Sawyer was getting on in years and was not working so much; Bert Edises withdrew from the firm and moved over to Oakland and established his own practice. Ben had gone down to Los Angeles. So for a while there (and this had to be in the earlier Fifties) the active people in the firm were Richard and George, (Andersen) Ewing Sibbett and me.

Leonard: At some point in that period (I can't recall now the precise date) I became a full partner and the firm name became first, Gladstein, Andersen, Resner and Leonard; then when Herb left it became Gladstein, Andersen and Leonard, and it stayed that way for quite a while. The three of us were the principal partners. After some years, Ewing became a partner and his name was added to the firm, too. In later years, George died and Richie left. Dick Patsey* and I then ran the firm, but that was much later on.

The Palace Hotel Sit-In

Ward: Much later. Okay, and the Palace Hotel sit-in occurred in 1963, I know.

Leonard: Okay, I don't recall the date, but I do remember that there were sit-ins at the Palace Hotel, there were sit-ins on Auto Row. This was part of a whole movement that was taking place on the part of black people to assert their rights to equal employment, and so on.

Ward: Well, what was Auto Row about?

Leonard: The same thing - - - black people who wanted employment as salesmen and in other similar capacities in the automobile sales industry. There were a number of sit-ins and strikes and picketing activity on Van Ness Avenue in San Francisco and around the city on this issue, but I was not involved in the Auto Row thing.

* Richard L. Patsey is now a Superior Court Judge in Contra Costa County, California. It should be noted that the firm has produced two other Superior Court Judges: Richard A. Bancroft in Alameda County and Richard H. Breiner in Marin County. NL

- Leonard: I just mentioned it to indicate that it was part of the whole movement that was taking place at that time. I was involved in the Palace Hotel sit-ins. I don't remember now how many people were arrested; it ran into several hundred.
- Ward: But the leader was somebody named Tracy Sims?
- Leonard: The leader was a young woman named Tracy Sims, a very charming and remarkable young woman who was only seventeen or eighteen years old -
- Ward: Was she white or black?
- Leonard: Oh, she was black. She was really great. Some of the people in the city government were involved. I think at that time Terry Francois was involved, and he was a supervisor; and maybe Willie Brown, who then didn't have any official government position; he was just a young lawyer in San Francisco.
- In any event, they were trying to get the hotel industry and specifically, the Palace Hotel, to recognize the need to employ black people in other than menial positions, to upgrade them; that sort of thing. To make employment opportunities available to them, negotiations were taking place. Finally, as a result of frustrations and inability to get anywhere, (I recollect the employers and the employers' attorneys breaking off the discussions with the Tracy Sims group after she thought they had reached an agreement) a group of the people sat down in the Palace Hotel.
- Ward: In the lobby?
- Leonard: In the lobby, and they were arrested for trespassing - - - or some misdemeanor violation.
- Ward: How long did the sit-in last? Overnight?
- Leonard: No, I think it was a relatively short time. I remember Tracy was up in the board room or wherever it was, negotiating along with the other people, perhaps with Terry. But anyway, the negotiations broke off. The people sat down.

- Leonard: I think the police issued an order to disperse; they went through the usual routine and very shortly after they started picking people up, bringing up, you know, the paddy wagons.
- Ward: Any picketing?
- Leonard: They arrested them and started picking them up.
- Ward: Was there any picketing?
- Leonard: Oh, there had been some picketing out on the street earlier, but when these negotiations broke off and when the people decided to sit in, I guess all the pickets came inside and sat in; that's my recollection.

I hadn't been involved in these negotiations, in this activity. My personal involvement came after the people had been arrested and were charged; they were going to be tried. I think there were a couple of hundred defendants, and they were broken up by the district attorney's office into groups of ten or twelve. They were going to be tried that way; perfectly arbitrary groupings, they would just take ten guys here, ten people there, fifteen people there. They were assigned to different courtrooms and different assistant district attorneys who were going to do the prosecuting.

And there was at this time, because of the ferment around racial issues, the activity that was taking place in the South, the voters' registration drives that were taking place - this caused a lot of lawyers to become interested and to participate in representing the defendants. There was a substantial crew of ten or fifteen, or maybe more, San Francisco lawyers who volunteered their services to defend in these cases and I, of course, also did.

It just so happened that the group I was asked to represent included Tracy Sims, so I happened to end up having Tracy in the group I defended. A young lawyer who also volunteered at that time and was assigned to the same group was a fellow named George Martinez.

- Leonard: George is a very fine lawyer and is still practicing in San Francisco. He was then a pretty young man. We worked together on the case. There was a very interesting outcome. The prosecution's evidence was pretty shabby and all but one of the defendants that we represented were acquitted.
- Ward: Norm, we were just finishing up on the case of Tracy Sims et al in the Palace Hotel problem in 1959.
- Leonard: That's right. All of the defendants in the group that George and I represented were acquitted except for Tracy Sims. It always seemed to me that it was kind of a weird jury verdict because the evidence against all of them was very, very thin and I always thought it was particularly thin against Tracy, who had actually made efforts to disperse the group, and was really very cooperative at the time in trying to keep things calm and cool. I suppose the jury had a feeling that somebody had to be convicted and clearly Tracy was one of the leaders.
- Ward: Were all of the defendants black?
- Leonard: No, oh, no - no.
- Ward: Was she the only black defendant?
- Leonard: I can't remember if there were any other blacks in my group. Most of the defendants were students -- many of them were students who had come over from Berkeley and from City College to assist and lend their voices and their bodies and their presence to the protest against discrimination. I don't recall if there were other blacks in that particular group of defendants.
- Ward: You don't think Tracy was being picked on solely because she was black?
- Leonard: I wouldn't think so. Of course, you never could read the subjective feelings of jurors. My feeling always was that she was probably singled out because she was the spokesman of the group.

Leonard: The fact that she was black might have had an influence - I don't know - but I have always felt that it was the fact of her leadership that singled her out. In any case, we took the matter up through the appellate courts, but we were never able to get that conviction reversed. I don't know where Tracy is now - - she disappeared shortly thereafter.

Ward: Well, what was her punishment?

Leonard: There was a jail sentence - - it may well have been the maximum. The charge was a misdemeanor, and it might have been a six month sentence. It was something like that.

Ward: That much?

Leonard: I'm not sure.

Ward: You don't know if she served time or not?

Leonard: I'm sure she did not; as I say, she disappeared. She went back East and the last we heard she was in Harlem some place; although the appeals were fruitless, she never did show up. As far as I know, she never served any time.

The last interesting thing I would like to observe about the Tracy Sims case is that the prosecutor of our group (as I said there were so many groups with different defense lawyers and different assistant prosecutors) - - the prosecutor in our case was a fellow named Tom Norman. The thing that is interesting about that is that Tom Norman was also the prosecutor of Dan White, the man who shot Mayor Moscone and Supervisor Milk - Dan White who just recently committed suicide. It's kind of interesting that this thing now comes back with the same guy prosecuting both Tracy Sims and Dan White.

Ward: Norm, there were other cases involving idealistic young people trying to better the world in various ways. Can you talk about them?

Leonard: Yes, there were a number of those that came along roughly in about this same period of time. For example, one of the large cases that occupied a lot of time in San Francisco was the protest of the students, particularly the Third World students, at San Francisco State College.

Ward: About what year would that be?

Leonard: I believe it was after Tracy's case - it would be in the late sixties, '68 - '69, I think. It was after Hayakawa became president of San Francisco State.

Ward: Oh yeah, when he grabbed the protestors' mike - -

Leonard: Right. That's the incident, the development I'm talking about. As a result of which, again, a great number of students were arrested on the same kinds of charges - trespass and failing to disperse and so on. I may have been out of town when all this happened. I was not in on the actual trials in the courts themselves. After the convictions had taken place, I was asked to participate in handling the cases on appeal.

As a result of that we developed a very interesting and important point of law, in an opinion written by Ray Peters when he was on the California Supreme Court. It was this: the students obviously didn't have any money and the trials themselves were long and complicated.

There were complicated questions of fact as to who did what to whom, and there was a good deal of conflict in the testimony. There were also some important legal points about whether the trespass statute could properly apply, about whether Hayakawa did or did not, in a certain sense, incite the students.

There were a number of problems of that kind. In order to present the case properly to the appellate court, the lawyers for the defendants - - the trial lawyers - - had requested that they be given a transcript at the county's expense because they could not afford one. The lower courts refused to give them a transcript.

Mr. Justice Ray Peters

Leonard: At that point I was asked to get into the case, particularly around that issue. We fought over the question of whether or not the students were entitled to have a transcript so that they could properly appeal their case to the higher court, the contention being that unless they had a transcript the court could not properly understand what the issues were and their attorneys couldn't properly present the issues to the court. The lower courts having denied them a transcript, we took it on appeal that ended up in the Supreme Court of California; in a very good opinion by Mr. Justice Peters, they reversed the lower courts.* Peters said that the defendants were indeed entitled to a transcript at the county's expense in order that they could properly present their appeal.

There's one other thing I'd like to say about the San Francisco State case. As a result of my involvement and participation in the case, I got to know a young man who was then a leader of the Third World student movement at San Francisco State College. The young man's name was Roger Alvarado; he was really an extraordinary, fine young man. I've kind of lost track of him now.

Ward: Chicano?

Leonard: Yes. Some years ago, I believe, he was working first as a hospital orderly and maybe as a carpenter. He's gotten into industry now.

With the connection that I had with Roger in those cases, I later got to represent him -- and we'll possibly want to talk about this whole situation a little bit later on. I got to represent Roger when he was a conscientious objector during the Vietnam War and that is a whole situation that I think needs exploring later - but it's kind of interesting, you know, how one thing just leads to another.

* 7 Cal. 3d 422 (1972)

Ward: Going back to Ray Peters for a moment, I knew him very well before he became a justice; he was sort of a key advisor and political expert for the justices of the Supreme Court, and I knew him well at that time. His decision that you just mentioned seems very natural. He was the kind of a guy who always rose to the defense of the poor but honest.

Leonard: That's what he wrote - - a very fine opinion; a fine opinion by Peters in which he said people who couldn't afford a transcript were entitled to one at county expense, in order that they could perfect their right of appeal. He said, quite correctly, that appeal rights would be meaningless if only rich people could afford appeals because they could pay for the transcript; poor people are entitled to the same rights and therefore they are entitled to have a transcript for free.

What happened finally in that case was that when it went back down, the county had the choice of paying for the transcript or not pursuing the matter further; my present recollection is that they just dropped it. And, like in some of the other cases that we have been talking about, when you get a reversal from a higher court, even if it is on some kind of a technical ground, that often takes the wind out of the government's sails and they let it go. What happened in the San Francisco State cases was that when the orders from the higher court came down that the county was to provide the transcript, I think there was some manoeuvring going on down below for a short while, but ultimately the matters were dismissed.

Ward: Any other cases of that nature?

The Free Speech Movement At Berkeley

Leonard: Well, yes, the last one, I think, of that general nature of course was the very famous situation over here in Berkeley with the students during the Free Speech movement.

Ward: That was in 1964, the Sproul Hall sit-in.

Leonard: That was in 1964 and that is correct. I was interested in that case.

Ward: Well, for a very good reason.

Leonard: Well, I would have been interested anyway, as my whole history demonstrates, but one of the reasons, of course, is the fact that my son, Steve, was one of the people who sat in at Sproul Hall and was arrested and was one of the defendants. That case was interesting, exciting.

There were about eight hundred defendants. We had a long series of meetings with the defendants and with a team of defense lawyers as to how to handle the case. I might identify some of the defense lawyers: Malcolm Burnstein, who I believe is still practicing in San Francisco; Stanley Golde, who is now a Superior Court judge in Alameda County; a fellow named Richard Buxbaum, who is a professor of law at the law school here in Berkeley, Boalt Hall; Henry Elson, a practicing lawyer in Berkeley; and there may have been one or two others whose names slip me now. We put together this team of defense lawyers; we had a whole series of meetings.

Finally, after a great deal of anguish, some of which is not yet resolved as to the wisdom of the choice we made, we decided with the defendants' consent and understanding, (some of it perhaps a little reluctantly), to waive a jury trial and to try the case before a Municipal Court judge named Rupert Crittenden, who later became a Superior Court judge in Alameda County, and very shortly thereafter died. Rupe Crittenden was a very, very decent guy. As a matter of fact, before his appointment, which I think was made by Governor Pat Brown, he had been a civil liberties lawyer in the East Bay - - I believe he represented the ACLU in some cases. So we had every reason to believe that we would get a fair shake from the Judge, and I suppose, technically, we did.

There were two or three charges against each of the defendants: trespassing for coming into Sproul Hall; refusing to disperse for not leaving when they were read the riot act, and so on. And the judge found them guilty of only one of the

Leonard: charges -- and probably technically he was correct -- but he found them "not guilty" on all of the others. And on the one where he found them guilty he imposed suspended sentences with some light fines. He understood, I believe, what the motivation of the defendants was; he felt, however, that in his position as a judge, he had to find the technical violation of the law and he did so.

I might say about that case a number of things. There was no disputing the facts; obviously the students did sit in in Sproul Hall, they did fail to disperse when they were ordered to do so. Our whole approach to the Judge and to the community at large was not what they did, but why they did it. We tried to make it clear what their motivations were. It raises a nice question which sometimes comes up in the current anti-nuclear cases that take place from time to time.

Out at Livermore, for example, and other places the question is whether or not bona fide motivation is a good defense in criminal law. And that's a question which is far from settled yet.

Ward: When you and the students - your clients - and the other defense lawyers all agreed to waive the jury, was it known to you or most of you at that time that Crittenden would be the Judge?

Leonard: I'm sure it was.

Ward: Was that the reason you decided to waive the jury trial?

Leonard: I can't say that that was the only reason.

Ward: Evidently, Crittenden had a reputation - - -

Leonard: He did, and we knew that he would be a fair and decent judge; I'm sure that that was clearly a factor. I don't know that it was the decisive one. The problems we faced were practical problems.

One approach in cases of this kind, with mass arrests and so on, is for the defendants to say, "Good! We'll just clog the courts, we'll demand jury trials and they will have 800 jury trials

Leonard: or they are going to group us in groups of ten or fifteen and have eighty jury trials and foul everything up." Well, that's one approach and sometimes it's taken.

We had reason to believe, and I think good reason, that the prosecution was prepared for that kind of thing. They were prepared to bring in judges from other counties to try the cases if we were going to have a whole series like that; although it would be a great strain on them, they had set up the logistics to do it.

On the other hand, we had our problems. If there were going to be thirty, forty, fifty, sixty or a hundred trials, bearing in mind that you had 800 students, there was the problem of finding enough lawyers to handle them. As it was, the trial before Judge Crittenden - - for all of them in a single trial - - lasted over six months.

Ward: And all of you serving without a fee, I guess.

Leonard: That's correct, of course.

Ward: Lawyers have to eat, too.

Leonard: That's right - that clearly was a factor and the fact that we had assurances that if we would waive the jury, we could go to trial before Judge Crittenden. As I said, there were hotly contested questions as to which way we should go.

Just recently, last year, the veterans of the FSM put on a series of events to commemorate the twentieth anniversary of that historic occasion. There was a forum in which the lawyers who participated, and others, took part; one of the questions that was raised was directed at me at that forum; it was about the wisdom of having waived the jury trials.

The question is still a live one. I cannot say that our decision was absolutely and incontrovertibly the best decision. It was a decision that we made, weighing all the factors under all of the circumstances at that time. The upshot of it was, as I say, the judge imposed suspended sentences on the people, and he did it in such a manner that

Leonard: those who were under twenty-one could file appropriate motions later on when they reached their majority to have the conviction expunged from the record; many of them did. I know my son, Stephen, did.

I remember throughout the years thereafter getting communications from various defendants asking about this, because they were applying for civil service jobs. I remember the case of a young man who was making application to go to law school down at UCLA. They raised the question and our advice was to tell them to say, "Yes, I was a defendant in the FSM case, and yes, I was convicted, but the conviction has since been erased from the record and expunged." As far as I know, none of these students ever suffered any ill consequences as a result of those convictions afterwards.

Ward: Now, did all the eight hundred go down to Santa Rita for a spell to the prison farm?

Leonard: As far as I know they did. When they were pulled out of Sproul Hall they were taken down to Santa Rita. I might say that one of the aggravating things about that situation was, if we can use the term, the police "raid" on Sproul Hall. The reports that we got indicated that the police handling these students was - - maybe brutal is too strong a word - - but they were pretty nasty, pretty rough. They bounced the kids around.

Ward: Those were University cops?

Leonard: Oh, more than just University police, and we should get into who they were and who was largely responsible for it: the University cops, local city police, the California Highway Patrol, policemen from a number of communities all around Alameda County -

Ward: County sheriffs?

That Man Meese

Leonard: County sheriffs. This was a force that as far as we could ascertain - - and I believe it to be a fact - - was assembled by Ed Meese.

Ward: What?

Leonard: Assembled by Ed Meese. I'm sure that any examination of the local press at that time will confirm this. Meese was the architect of those arrests and the subsequent prosecution. Ed Meese at that time was an assistant district attorney in Alameda County. He came from a family that had political connections in Alameda County. His father, I believe, had been the county treasurer or county auditor for many, many years.

I believe there was a close connection between the Meeses and the Knowland family in Alameda County. Incidentally, a good deal of what happened, and the whole development of the Free Speech Movement, had to do with the Knowlands' concern about the issues that were being raised by the students on the campus in 1964.

My view always has been that Meese strong-armed Pat Brown into permitting the arrests and the evacuation of Sproul Hall. There was testimony in the trial; we subpoenaed, for example, President Clark Kerr of the University, together with his secretary who clearly indicated that the students' "occupation," if I can use that term, was a peaceful one. The students were not being disruptive; University officials were not concerned about safety of the building, or things of that kind; they thought they could handle it, but through the evening, through the night, as I understand it and as the local press at the time reported it, Meese kept pressuring Brown to give him permission to turn this militia that Meese had assembled loose on the students.

Brown kept resisting, but at some point - - one or two o'clock in the morning - - Brown gave in to Meese's entreaties that the students were going to, I don't know what, burn the building down, destroy it or wreck it.

Leonard: Brown said okay and kind of turned it over to Meese, and Meese turned the cops loose on the students. I always felt that that was the beginning of the political rise of Ronald Reagan. Brown was a very popular governor who had been elected twice, but as a result of those activities Reagan beat him in the upcoming election. One of the issues was the liberality with which the Brown administration treated the protestors and dissidents.

Ward: One of the issues on which Reagan beat Brown?

Leonard: That's correct. Meese played an important part in Reagan's administration as governor of California, and of course we know where he is today. I've always felt that FSM was the springboard for the political rise of both Reagan and Meese.

Again, we went through the usual appeals in the FSM cases and were turned down, but as a result of the kind of sentences imposed by Judge Crittenden and the fact that, later, those convictions essentially were expunged, the students really didn't suffer any significant harm.

One last thing about that, we also broke the defendants up into clients so that each lawyer had a group of them. And my group included Mario Savio, one of the leaders of the group. I put Mario on the witness stand to testify for the defendants on the question that I mentioned earlier - - the reason, the motivation - - because nobody denied the physical facts.

And he was brilliant, just magnificent. We went through the whole history from day one, from the day the first student tables were set up outside Sather Gate until the time of the arrest. He explained in remarkably clear and lucid language the position of students, what they were striving for, which was essentially in brief words what the name of their movement indicated, free speech.

They were fighting for free speech on the campus; much of the difficulty related in Savio's testimony - - and this was also documented - - came from the intransigent attitude of the administration; perhaps not so much Clark Kerr, but after all he was the president and as Truman once said, "The buck stops here."

- Leonard: So, it had to stop at Kerr's desk. However, the administrator or the chancellor, a fellow named Strong, Chancellor Strong and some others were very, very intransigent when it came to meeting the students' demands. The whole history showed flexibility on the part of the students and intransigence and difficulty on the part of the administration which finally resulted in - - -
- Ward: But then the chancellor lost his job over all this.
- Leonard: Oh, yes, yes; there were subsequent administrative changes. I think the university administration recognized that there had to be some changes, and there were some.
- Ward: Would you say - - do you see any connection between what Meese did that night and what Meese is doing now as Attorney-General of the United States?
- Leonard: Sure; Meese has always been a hard line law-and-order man. What he is doing now is simply a reflection of the attitude of the young Ed Meese; I don't think it has changed in the last twenty years; if anything, it probably has hardened. Now that he's in the position of Attorney-General of the United States he can be, and is being more effective in what he is doing.
- Ward: He has much more power.
- Leonard: Much more power and therefore much more effective. Just a couple of weeks ago he made a speech in which he attacked some of the very basic propositions that the Supreme Court of the United States has been laying out, not only the Warren court, but even the Burger court, in such areas as abortion, school prayer and that sort of thing.
- He's attacking the position of the present Supreme Court, carrying out the real reactionary policy of the Reagan administration; he's an ideal man to do it. He and Reagan see eye-to-eye and work hand in glove, as they have for the past twenty years.

Leonard: I think it is just too bad, but I suppose it is an indication of the state of our society today. It is too bad that a man who did what he did that night at Sproul Hall back there in 1964 is now the chief law officer of the United States. But there it is.

Ward: An indication of many unpleasant things.

Leonard: Oh, yes. I think it clearly is. I suppose the solution to problems of that kind, the resolution of the unpleasant things, is in political action to replace leaders like that with persons who are more sympathetic and understanding of the needs of the people.

Ward: We can hope.

IX THE VIETNAM WAR

(Interview 7: October 25, 1986)

Problems of Conscientious Objectors

- Ward: Norm, by the time the Sproul Hall incident had begun to simmer down, another situation of even greater import was coming to the fore - the Vietnam War. This created, among other things, large groups of conscientious objectors who in the final analysis turned out to have been right. Do you want to discuss their problems?
- Leonard: Well, I want to discuss them in the sense that they impacted on our legal work. Generally speaking, of course, those people I was dealing with were of the view that that war was an improper war and we shouldn't have been in there at all. That would be one's general attitude and one's political and social observation. Specifically, as far as our law practice was concerned, the impact was essentially that many of these young people were in fact conscientiously opposed to war in general or sometimes specifically to that particular war.
- Ward: They weren't raising hell just for the fun of it.
- Leonard: Oh, no - no - no. Well, we know what a lot of people did - a lot of young people picked up and went off to Canada and places like that to avoid the draft; but others stayed here and fought the draft on the grounds that they were conscientiously opposed to the war and the statute provided for exemption for persons who were conscientiously opposed to the war.

- Leonard: This had been initially interpreted, essentially, to mean a religious conscientious objection; the struggle was to attempt to broaden that out so that even though it wasn't in form a religious objection, if in fact the objection was based upon a good faith honest belief, that should qualify.
- Ward: If I remember, some students in the Pacific School of Religion here in Berkeley participated in some of those protests.
- Leonard: I think that is so, even though I was not directly involved with the students of the Pacific School. However, the way we got involved, and I particularly got involved, was that a number of students - - not only students - - a number of young people, some students and some who weren't, young workers in industry - - who were conscientiously opposed to the war and therefore refused to be inducted were indicted for violating the Selective Service Act. They came to us and to other lawyers for legal assistance to fight the indictments. There were a great many such cases, and the problem was how to represent them in the sense that the courts would recognize that their representation was valid; here Aubrey Grossman was very helpful.
- He arranged through Judge Oliver Carter, who was then the chief judge of the U. S. District Court, that a panel of attorneys would organize themselves to defend these conscientious objectors, and the lawyers on the panel would be recognized by the court as the official representatives - the legal representatives - - of these people; cases would be assigned to them. That's the way we got involved.
- We organized a Selective Service Panel of lawyers who were interested in performing this service. The panel was recognized by the federal courts in San Francisco. Marjorie played a very important role as secretary of that panel. We collected a legal library in which we kept briefs and memoranda and all sorts of things which lawyers exchange with each other, so that each of us could have the benefit of the experiences of the others. We had a centralized place where these documents were available to lawyers who wanted them and we did represent a number of these people in these cases before the United States District Court in San Francisco.

Leonard: I mentioned a little bit earlier when we were talking about the San Francisco State cases that one of my clients there - - one of the people I got to know - - was Roger Alvarado. He later became a client in connection with the conscientious objection defense. I remember his case was tried before Judge Weigel in the United States District Court. We must have handled dozens of such cases. When I say "we" I don't mean just Norman Leonard alone. Other people in my office participated, and other lawyers, there must have been oh, a dozen or more who regularly went in and handled these cases.

Ward: Were these cases more or less alike?

Leonard: Well, they were alike in certain particulars. Alike in the sense that, number one, they all involved the same statute that people were charged with violating, so that was basic. Number two, they were generally alike in the proposition that the defense essentially was that the person was conscientiously opposed to war. There were various modifications and changes in cases, because the basis of the conscientious objection was sometimes different.

Sometimes it was purely religious, like the students at the Pacific School of Religion and other religious groups. In other cases, the individual, for example, would not necessarily have been affiliated with a formal religious group like the Friends, (Quakers). If not so affiliated, he could not point to that as the basis for his belief.

Then he had to explain a kind of philosophic, humanistic approach and try to persuade the court that that was the equivalent of a religious conscientious objection. So you had to work with each individual and develop with him his own approach, his own outlook. Also occasionally there were technical defenses. Sometimes the Selective Service boards did not follow the proper procedures, and we naturally looked for any kind of defense that we could use for each of these people.

Leonard: We would analyze the facts of a given case and review the files; we would obtain the files from the United States Attorney's office or the Selective Service Board by subpoena and then we'd review them. If we found any holes, we would exploit them to the extent that we could.

San Francisco Judicial Atmosphere

Leonard: What generally happened was that as a result of our activities - - and I probably should say that as a result of the attitude of the Federal District judges in San Francisco, by and large - - it became known throughout the country that San Francisco was the place, if you were going to be tried for Selective Service violation - - was the best place in which to be tried. The statute provided that the venue, the legal term for location, the venue of a trial would be in the place where the individual had refused to be inducted. After a while - - I won't say it was a mass movement - - but after a while a good number of people throughout the country tried to get their cases, their induction orders, transferred to San Francisco, so that if they were going to refuse to be inducted, were going to refuse to take that symbolic step forward when the Army called them to step forward, San Francisco was the place to do it in. That was the jurisdictional line - - once you stepped forward and were sworn in, you were subject to the military. If you refused to step forward and get sworn in, then you were subject to the civilian procedures.

Ward: Did these non-Californians feel that the political - judicial atmosphere of San Francisco would be more favorable to them?

Leonard: They obviously must have - I don't know about the "political" in your question, but I think they felt the judicial atmosphere would be. The fact is that in San Francisco people were getting a better shake. Number one, probably, because of our panel; number two, because as a result of what our panel had done, some of the judges here were being educated - - if I can use that word - - and they were more sympathetic to some of these defenses.

Leonard: Occasionally they sustained the defense, and even in cases where they didn't they were much more lenient in the punishment. In many cases, it would be a suspended sentence.

In other jurisdictions, people who were found guilty of violating the Selective Service law were oftentimes given fairly substantial prison sentences.

I remember one case that illustrates what happened here in San Francisco. Judge Sweigert, a federal judge, was handling a tax evasion case and the evidence indicated that somebody was indeed guilty of tax evasion; the judge imposed a jail sentence on this person. This brought some consternation about imposing a jail sentence on a tax violator.

Judge Sweigert said, "Every day I sit here in this court" (I'm paraphrasing the judge now, of course, but this is essentially what he said), "Every day I sit here in this court and I'm called upon to sentence young men who because of their conscience are refusing to participate in the Vietnam War. If I'm going to have to sentence young men like that, I'm certainly not going to let a tax evader get away without imposing a prison sentence on him." And Judge Sweigert wasn't a particularly progressive guy.

Ward: Was that in written form, or just a comment from the bench?

Leonard: I think it was the latter. It was reported in the press.

Ward: It sounds like it.

Leonard: And Judge Sweigert wasn't a particularly liberal guy. As I mentioned much earlier, he was a friend of Earl Warren and as a matter of fact had been Earl Warren's secretary when Warren was governor.

He was a staunch Republican, but he was a decent human being and when he saw this contrast between young men of conscience on the one hand and tax evaders on the other he just put the two together.

Leonard: Well, that generally was the attitude of the judges here, so that's why young people wanted to get to San Francisco if they could, to have their cases tried here.

Ward: In other words, you feel rather proud of San Francisco on that score?

Leonard: Oh, I think we did a good job; I mentioned Aubrey and I mentioned Marge. I think it's important in this connection to give credit also to Ann Ginger, who is now with the Meiklejohn Library. Ann was very helpful and very creative in this whole area. As a matter of fact I think that one of the very first cases in which I personally was involved was one that Ann started to handle; then we worked on it together. We went into court and we got an injunction against the processing of a specific selectee because of some problem in the procedures that the Selective Service Board had followed in his particular case.

It was kind of remarkable because, as far as I know, it was the first case in which a federal judge enjoined the induction of somebody because of procedural errors. There were other cases later on, but I think in that one Ann and I blazed a trail. One of the cases we had did go up to the Supreme Court on the question of conscientious objection and we just continued to carry the fight as long as that Vietnam War was on and as long as there were people who were conscientiously opposed to it.

I might say in one of the trial cases - it was one of the last things in this general area that he did - - but in one of the trial cases I was able to persuade Richard Gladstein to come in and participate in the trial itself. Richard, as I said before, was a tremendous trial lawyer, and he was a great help. He wasn't doing much of that, but I did get him involved in one of those cases.

Ward: In the beginning when you joined this law firm, Aubrey Grossman was a member, a very active member. By this time he must have left the firm, because you mentioned how helpful he was in a slightly different matter?

Leonard: Yes, he had left the firm.

Ward: I just wanted to make that clear.

Leonard: By the time of the Vietnam War, he was not in the firm.

Ward: In other words, you were not partners.

Leonard: Not at that time. We worked closely together, but we were not partners.

X TROUBLE FOR OTHER UNIONISTS

Archie Brown and Hugh Bryson

- Ward: O.K. Now suppose we get back to unionism again. We have been concentrating on civil liberties and individual rights and protests and beliefs and so forth, but you were still doing work representing various unions, weren't you?
- Leonard: Oh, yes, yes. During all the times we've been talking about, we were also busy about our clients' work - the unions, principally the ILWU, although there were some others. This work we have been discussing for the last half hour or so was kind of extra, over and above what we were doing representing the unions.
- Ward: Kind of important, though.
- Leonard: Oh, yes, it was important, but obviously we could not neglect our union clients. In that connection, before we get on with straight trade union work, there were two other cases that involved both union activity and politics; beliefs in freedom and civil liberties, and so on. They were the Archie Brown case and the Hugh Bryson case. Archie Brown - we have to go back chronologically; these are considerably earlier than what we have been talking about - - Archie Brown was an open, well-known and notorious member of the Communist Party who was also a member of ILWU Local 10.
- Ward: He ran for governor of California once on the Communist ticket.

Leonard:

That's right, and there was never any secret about the fact; Archie proclaimed his membership in the Communist Party; no question about it. He was elected to the executive board of ILWU Local 10. At that time the Taft-Hartley law had a provision in it known as Section 9(h). It was a section of the statute which made it unlawful for a union to elect or have as an officer a person who was a member of the Communist Party.

I remember how the case originally developed. The Department of Labor wrote a letter to Bridges saying in effect that it had come to their attention that Mr. Brown, a member of the Communist Party, had been elected to officership in Local 10; Bridges should do something about it, calling his attention to the statute.

Bridges' response was that the members of Local 10 had the right to elect anybody they damn-well pleased from among their membership; he didn't have the authority or the power, and if he had it, he wouldn't exercise it any way, to upset a democratic election by the members of Local 10.

The net result was that Archie Brown was indicted. The government apparently decided not to take on the union or to take on Bridges, but they thought they could take on Brown. So, Brown was indicted for serving as an officer of the union while a member of the Communist Party. Obviously, again there was no question about the facts. Brown had been elected and had served on the executive board of the local and Brown was a member of the Communist Party. The government didn't have to go to any great elaborate trial to establish those propositions.

The questions, of course, were whether or not the statute was constitutional, whether or not it violated the First Amendment or any other provision of the federal constitution. We had a trial before Judge Wollenberg - Richard and I handled it.

Ward:

Al Wollenberg?

Leonard:

Al Wollenberg, who also had been a close friend of Earl Warren's.

- Ward: He wasn't too bad a guy, as I recall.
- Leonard: No, he was all right, but here he was, with the facts admitted; he found Archie guilty. He said the statute has been violated and if we thought it was unconstitutional, you know, he wasn't going to, as a lower court judge - - I don't know what his motivation or rationalization was - - he wasn't going to pass on the constitutionality. Go take an appeal. Interestingly enough, the prosecutor in that case was Cecil Poole.
- Ward: The black man; U. S. attorney, wasn't he?
- Leonard: Yes, he had been a deputy district attorney in San Francisco County, and then he was Pat Brown's clemency secretary when Pat was governor. Then he was appointed by (President) Carter many years later to the United States District Court, and finally to the U. S. Court of Appeals in San Francisco, where he is still sitting.
- Ward: Wait a minute; there was some connection that caused him to be in the new Federal building in San Francisco just behind the State building. I remember some big protest - - there was a big pool in front and they demanded for some reason to see Cecil Poole; and they couldn't do it so they danced in Cecil's pool.
- Leonard: I remember that, but I don't remember what the issue was.
- Ward: What was his position? It was a high position.
- Leonard: I don't recall, but the connections Cecil had with the Federal building were that he was at one time the U.S. Attorney and later a District Judge. Now he is on the Court of Appeals which doesn't meet in that building, but in the courthouse at 7th and Mission Streets. And I suppose, it was some kind of business about a case in which he was involved.

But in any event, as far as Archie Brown's case is concerned, Cecil was the prosecutor and of course on the facts he had no problem with this case. We didn't dispute the facts, but what we did have with him was a continuing legal battle about the constitutionality of that section of law that made it unlawful or a crime for a person to

Leonard: serve on a union executive board or hold any other office in the union while a member of the Communist Party. It ultimately went up to the Supreme Court. Richard argued the case in the Supreme Court; I wrote the briefs with him. The Supreme Court - - I think it was Black, it might have been Warren - - the Supreme Court wrote an opinion in which they analogized that statute to the classical bill of attainder in England which was outlawed by the Constitution; they said that to take a group, an identifiable group, such as members of the Communist Party and to proscribe them as such from holding union office or enjoying any other civil liberties was unconstitutional. They struck down the conviction of Archie Brown.*

Ward: Didn't Judge Black have a son who was also a lawyer?

Leonard: I think so, but I'm not sure.

Ward: I remember Richie telling at the time that in some connection with that case he was approached in Washington by Judge Black's son - I think had lunch with him.

Leonard: I don't know -

Ward: - in which the son was telling how his father admired Richie Gladstein.

Leonard: Well, I never heard that story, but I shouldn't be surprised if it were true.

Ward: I can't guarantee it, of course, but that's my recollection.

Leonard: Well, I haven't the slightest doubt that after Richard made a presentation in the Supreme Court of the United States, not only Justice Black but a lot of other justices must have admired him, because he was one hell of a lawyer. He was really great, so when he made that Brown argument, I'm sure that they all admired him.

*381 U.S. 437 (1965)

Leonard: It was a successful argument. That, of course, kind of bridges the gap between the union representation and the civil liberties problems.

Bryson and the Taft-Hartley Law

Leonard: Another one of the same kind, where the result unfortunately was not as good, was the case involving Hugh Bryson. Hugh Bryson had been president of the old Marine Cooke and Stewards Union, which was also a client of ours. In connection with the Taft-Hartley law - - -

Ward: Well, that was a little different; same law, but a little different application.

Leonard: That's right. What was involved in Hugh's case was the provision of the statute that said that a union could not utilize the facilities of the National Labor Relations Board, such as to be certified by the Board as a bargaining representative, unless all its officers filed what was referred to as the "Taft-Hartley affidavit." This was an affidavit which said that the person wasn't a member of or affiliated with the Communist Party.

For a time the labor movement was united in refusing to sign those affidavits. All segments of the labor movement were united. Then the break came, particularly because of jurisdictional squabbles; some unions, thinking they could take advantage of non-signing unions, would sign the affidavits and then raid the non-signing unions. The poor non-signing union couldn't get on the ballot because of this provision of the law.

The MC&S for many years refused to sign, or have its officers sign these affidavits, but then they got caught up in jurisdictional struggles with the MFOW (Marine Firemen, Oilers, Watertenders and Wipers) and the SUP (Sailors Union of the Pacific). As a self-defense measure and after consulting with his lawyers and revealing to them all of his political connections, Hugh Bryson was satisfied that he could indeed truthfully sign the affidavit, and he did.

Leonard:

The government prosecuted him for perjury; it was kind of an outrageous situation, as the case developed. The first outrage was that they brought in an outside judge to try the case. I can't speculate as to why they did that, what the court calendars were like and why the local judges couldn't try it. The outside judge they brought in was our old friend Mathes from Los Angeles, the judge who tried the Los Angeles Smith Act case and who was thoroughly conversant with all these problems.

The evidence against Hugh was essentially the same kind of stuff that they had in the early Bridges cases. Somebody would say he saw him at a meeting which the witness would then characterize as a Communist meeting. Hugh protested that it was not a Communist meeting at all - - it was a legitimate trade union meeting. That kind of evidence was very weak, very shabby.

The jury brought in what was obviously a compromise verdict. They found Bryson not guilty of having been a member of the Communist Party, but because of the very loose language in the statute of the word "affiliation" and the kind of instructions the judge gave them as to what constituted affiliation, they came back and said, "Well, if he wasn't a member, he was at least 'affiliated' with it."

That's all that Judge Mathes needed; one conviction was as good as another; he threw the book at Hugh. And Hugh served two years down at Terminal Island. We took appeals but the appeals were rejected, the court saying, "Well, there was enough evidence to support the conception of affiliation even though they couldn't prove direct membership." Hugh spent some time down in Terminal Island. He used that time to good advantage. He studied down there; he applied himself in the real estate field and became a real estate broker.

I remember when he got out we had a little bit of a hassle with the California Department of Real Estate to get him a license because of his conviction, but we finally did get him a license and he became a very successful and prosperous real estate operator.

Leonard: The last thing about Bryson's case - - after the Brown conviction was reversed by the Supreme Court, we made another effort for Bryson.

Leonard: We went into the United States District Court and took the position that, the Supreme Court having held Section 9(h) of the statute, the anti-Communist provision, unconstitutional as a bill of attainder, that Bryson's conviction should be set aside because he was convicted under the same law. The District Judge agreed with us - Judge Zirpoli - and entered an order setting aside the conviction.

Ward: Bryson had already served the time?

Leonard: Bryson had already served the time. But it was important to Hugh to get this done in terms of removing the felony conviction, to regain his right to vote and all that sort of thing.

Unfortunately, that was not the end of it. The higher courts reversed Judge Zirpoli. As I recall, the opinion in the Supreme Court was written by Abe Fortas. Although we would have expected something different from him, considering his own background and the fact that he had been appointed to the court by (President) Johnson, he took a stern position and said it might be true that the law was unconstitutional, but that didn't give Bryson any justification for lying about it. He accepted as fact that Bryson's statement that he wasn't affiliated with the Communist Party was a false statement.

He said there are ways to attack the statute if you think it is unconstitutional, but to lie is not one of them.* Unfortunately, from Bryson's point of view, that stood up and that was the end of our effort to get Bryson relieved from the effects of that conviction.

* 396 U.S. 64 (1969)

- Ward: But he did get his license to practice?
- Leonard: Oh, yes, yes. He practiced and operated a very prosperous real estate business down the Peninsula for many, many years. He died just a year or so ago.
- Ward: He had a quite successful career dealing in - mainly in motels.
- Leonard: That's right, and one last thing about Hugh before we leave it. It's true that he had a successful career, and I guess he made a substantial amount of money - he was doing very well. However, he never forgot his old friends. Whenever there was a meeting, a trade union activity, a gathering of old liberal and progressive people, Hugh Bryson was always there and made contributions to what he regarded as proper and worthy causes.
- Ward: That reminds me - the last time I saw Hugh, I was making a speech at a bookstore in Palo Alto about a book I had written on Tom Mooney, and among those present was Hughie.
- Leonard: Yes, that's the kind of a guy he was. I would expect that he would have been there. Well, I guess the only thing to add about Hugh goes way back. He was very active in the Progressive Party with Henry Wallace in 1948. That probably is one of the grounds that were being asserted against him for his quote affiliation unquote - - his activities in the Progressive Party in California in '48.
- Ward: One other thing about Hughie that I remember was when Congressman Dick Welch, who had been a left-wing Republican representing San Francisco for many, many years died, there was an effort being made by some of the left-wing local politicians to get somebody to run for the office. Among other people, Hugh Bryson was approached to run for Congress -- he turned them down flat.
- Leonard: Was that - - - ?
- Ward: That was when Shelley got elected, Jack Shelley. Norm, I think we are pretty well through with Hughie Bryson.

XI UP COMES THE M&M PROBLEM

Questions of Technology

Ward: Very good. As we have mentioned before, new problems were arising on the waterfront involving questions of technology. Talk began in the fifties about what came to be known as the M&M problem. That meant what?

Leonard: The letters M&M stand for modernization and mechanization; that was a concept that was developed to deal with the new technology on the waterfront. I think a good way to get into that discussion is to take a look at what happened as far as longshore jobs are concerned on the waterfront.

In anticipation of our discussion this morning I took a look last night at the 1984 annual report of the Pacific Maritime Association. The PMA puts out annual reports in which it reviews the industry and developments in the industry, and they usually have tables which reflect trends and tendencies.

I found some very interesting things. For example, in 1960 the total number of longshore hours worked on the Pacific Coast was twenty-four million -- twenty-four million manhours of work in 1960.

Ward: That was the whole coast?

Leonard: The entire coast. In 1984, twenty-five years later, that number was reduced to twelve million, so that in that twenty-five year period there was a fifty percent loss of jobs for longshoremen, clerks and walking bosses -- the entire longshore work force.

Leonard: During that same period of time, the container tonnage -- that is the number of tons of cargo handled in containers on the Pacific Coast -- rose from less than one million in 1960 to fifty-five million in 1984. There is a direct correlation between the loss of longshore jobs and the tremendous increase in containerization.

In the same set of figures, we find that the conventional cargo -- the normal bulk cargo that was labor intensive and required a lot of men as contrasted with container cargo -- dropped from about fourteen million tons on the coast to nine million. What was happening in that period was that more and more of the cargo was being handled in the break-bulk operation (the old-fashioned way). The direct consequence was a fifty percent loss of longshore jobs.

That, of course, presented a tremendous problem to the union and that is one of the most recent manifestations of the mechanization or containerization problem.

The Role Of Paul St. Sure

Ward: That is very illuminating, and I'm happy that you are able to provide those figures. One of the contentions raised by people who were in the middle of it on the union side was that the PMA's (Paul) St. Sure had a hell of a sight greater knowledge of what would happen under M&M than the union leadership and, therefore, took advantage through St. Sure of Bridges and company in the set-up of M&M.

Leonard: Well, it's important to go back I think, for an understanding of the whole situation. We need to have some conception of how longshore work was done, even as far back as 1934, even before '34. In those very, very early days cargo was moved on and off ships basically by manpower. Men would carry the cargo in their hands, or on their backs, in individual sacks that they would throw over their shoulders and walk up and down gangplanks to get the cargo into the holds of the ships.

Leonard:

As the years went by, larger units could be moved from the dock to the ship, and from the ship to dock, by the use of slings instead of by each man. For example, instead of carrying a single sack of something, they would be able to put three or four or five sacks into a sling, into a rope sling, and swing those aboard the ship using the ship's winches; similarly they used what were called lift boards.

They would put the cargo of whatever kind, the barrels or the sacks or the individual pieces of cargo, onto a board and the board would be lifted from the dock by the ship's winches and carried over into the hold where the longshoremen in the hold would then discharge the cargo from the board.

As more years went by, more powerful lifting devices were instituted. The ships' winches became capable of carrying larger and larger loads. Much later on shoreside cranes were utilized, and they could carry even bigger and bigger loads.

In the early years, for safety reasons and because of job preservation reasons, the union had insisted on load limits -- a load could not exceed two thousand pounds. This was probably because the gear couldn't handle it, because it would be unsafe to have heavier loads, and also because, as I said, of job preservation. The smaller the load, of course, the more work for the gangs to be doing.

As the years went by, technology came in; more efficient lifting devices were introduced and the loads got larger and larger. This created a number of problems, not the least of which were jurisdictional conflicts with other unions, the first ones of which arose in the Northwest, probably in the middle fifties.

By the middle fifties and early sixties the Operating Engineers in the northwest were raising claims that the shoreside cranes which were being used to move the larger and larger loads of cargo were really within their jurisdiction because operating engineers operate cranes. Longshoremen at least at that point, did not operate cranes.

Leonard: And we had a number of hearings before the National Labor Relations Board and before the courts up in the Northwest. We had arbitrations in which this issue was fought out. It ultimately was resolved in favor of the longshoremen.

Ward: That's news to me - about the Operating Engineers.

Leonard: Oh, yes; they were very vigorous, and there are still occasional little flare-ups. We recently had a case in the Northwest -

Ward: In Seattle?

Leonard: No, this particular case I have in mind was in Portland. The Operating Engineers, interested in preserving jobs for their people, took this position that the operation of cranes is an operating engineer's work; therefore it's within the jurisdiction of the Operating Engineers. The longshoremen's position was that it doesn't matter what kind of a machine it is, whether it's a crane or a ship's winch or anything else, it's the movement of cargo; it's the movement of maritime cargo on and off the ships and therefore it's longshore work. In this instance the NLRB agreed with us.

As I say, that's one example of the conflict. We can get into another example later on when we talk about stuffing containers.

But what you really have here is that mechanization, automation, advanced technology, reduces jobs. Each of the various unions is concerned with preserving the jobs of the people within its jurisdiction and these jurisdictional disputes, as they are called, really are a reflection of a shrinking labor market.

Obviously, if there are enough jobs to go around then there don't have to be disputes between the unions. Only when the jobs shrink do you get this kind of problem.

As the technology started developing in the early fifties, throughout the decade of the 1950s it became apparent - at least the employers began to insist upon it and I think it probably became apparent to the ILWU leadership in people like

Leonard: Bridges and (Howard) Bodine and Goldblatt - that something had to be done. The industry was very uncompetitive with other forms of transportation where technology had advanced.

Ward: You didn't have cargo airplanes then, and trucks.

Leonard: Ah, you began to have trucks and you began to have railroads moving cargo. I think the large planes probably didn't come in until later. In any event, it was a matter of concern, and the net result was that toward the end of the 1950s the ILWU began to do something about it, probably under pressure from PMA.

I need to say that at this point in the negotiating process, the lawyers were not directly involved. Bridges and his people always took the view that they would do what they needed to do, what they felt they had to do; the lawyers' job was to get them out of trouble afterwards. They didn't much rely on legal advice at that time in the early stages of M&M. I say this by way of explanation that we weren't directly involved in these negotiations. We, of course, went over the negotiating minutes afterwards, and when the cases arose we had to study them and to justify what had been done, but we were not directly participants in negotiations.

Ward: By "we" you mean the law firm?

Leonard: I mean my law firm; by this time, I was pretty much, although not exclusively, handling it; but I was pretty much the chief counsel for the union.

Gladstein had been involved in other things -- he was not as active in the direct, day to day relationships with the union officials as I was. George Andersen was, to some extent, but the responsibility was principally mine.

Ward: Well, George died somewhere in there.

Leonard: Oh, George died later -- he died in 1965, but he was kind of tapering off and doing other things. Whatever the circumstances were, it was my major responsibility.

Leonard: As I say, the union leaders would go ahead, legitimately, from their point of view, and justifiably; they were making the policy decisions, they were running the union, and they did what they felt was appropriate.

The choice they faced was whether they would take the position that they would stop the machine -- assuming that they could entirely -- or whether, as I think it was Goldblatt who formulated it, "The men would get a piece of the machine."

Ward: He used that phrase, I remember.

Leonard: And he and Bridges and Bodine finally came to the realization that they couldn't stop technology; they couldn't smash the machines the way the English textile workers had tried to do 200 years earlier.

Ward: The Luddite movement -

Details Of The Agreement

Leonard: Yes, when looms were first introduced they smashed looms. Well, that clearly was no solution to the problem, so the ILWU began to develop the concept of working out some arrangement with the employers whereby it could accommodate to the new technology that was developing, and as Louie said, "get a piece of it."

This was a process that went on for several years -- it wasn't something that happened overnight. There were many longshore caucuses that discussed it and there were arguments pro and con, but finally a consensus developed and the net result was the M&M agreement of 1959 or 1960.

Ward: Yes, it was pretty well formalized by 1959, I believe. And went into effect in 1960.

Leonard: The document may have been signed as early as 1960; it was right in that period of time and it went into effect in 1961. The essence of the agreement was this: number one, the employers would be free

Leonard: to introduce new technology; number two, longshoremens - people who were covered by the ILWU-PMA collective bargaining contracts - the longshore bargaining unit employees, would operate those machines thus taking care of the Operating Engineers problem that we talked about; and number three, to the extent that longshoremens were not able, or not skilled and didn't have the ability to operate those machines -- because the longshore work force had not been trained in that sort of thing -- the PMA would undertake a training program and train the longshoremens so that they could operate the machines; and number four, in order to get a younger, more efficient, more effective class of workers and to make attrition by retirement more attractive to the older workers, a pension program and money for early retirement would be provided by PMA. That was the essence of the program.

Ward: Those agreements were for five years each, weren't they?

Leonard: Yes, the initial agreement was from '60 to '65, and then there was another agreement in 1965 that ran to 1970. The net result of both those agreements was that ultimately PMA put up something in the neighborhood of sixty-five million dollars which went into the pension fund or the early retirement fund for those men who chose to retire earlier; that's what happened.

Who Knew What?

Leonard: Now, to get back to the question which you raised earlier - did PMA know what it was buying and did the union know what it was selling?

For the reasons I stated earlier, my non-involvement in the actual negotiations means that I can't categorically answer the question, but I can state several things about it. PMA clearly had a very competent, very efficient and very able research department and I am sure that they had all kinds of information concerning the impact of the new technology, probably had an inkling about containerization and how containerization was going to develop.

Leonard: I am not suggesting that the union didn't have a research department. Lincoln Fairley, at that time, was the research director and he's a very competent guy; I'm sure that Linc had some notion of what was coming. I think that just as a matter of money and availability that goes into research, PMA undoubtedly had much more than the union did and had greater access to industry sources.

While Linc might have had some indication of what was going on, he probably wasn't as aware as his PMA counterparts were. This was demonstrated to me -- not the fact about Linc, but the general picture -- very clearly in the first NLRB hearing that we had around containerization. It was down in Los Angeles and it was in the early 1970s, around 1972.

We'll get back to how we got to that hearing in a minute, but at the hearing a PMA representative was testifying on the witness stand. He was asked to compare the containerized operation with a conventional cargo handling operation, and he took as an example a Matson ship. He explained how the Matson ship was normally handled under the conventional operation, how many hours it would have to be in port to discharge its cargo, and how many more hours it would have to be in port to put on a new load.

Ward: Turn-around time?

Leonard: That's right - that's correct; the size of the gangs that were involved, how many men would be involved, how many man-hours would be involved, and I don't recall now the precise figures, but he came up with a figure that it would take - -

Ward: Compared to now, the turn-around time must have been sensationally different.

Difference In Man-Hour Time

Leonard: Oh, no question about that, but I'm thinking in terms of the man-hour time. As I recall, the ratio was just fantastic - 200 to one, or something like that in terms of hours; just as the figures I gave you earlier show the tremendous cut in hours.

Leonard: It was just fantastic -- the difference between the handling of a ship on a containerized level and handling it on the break-bulk level.

Ward: Was this information that you just have spoken about available to the union negotiators at that time?

Leonard: Well, no, the information that I gave you this morning ran from the period 1960 to 1985 - it obviously could not have been available at that time -

Ward: It wasn't on the record in '59 and '60?

Leonard: No, in '59 and '60 we were just at the beginning of this thing - at least from the ILWU point of view. Nobody knew quite where it was going. But the point I want to make about what the union did or didn't understand is that at this hearing when these figures came out - this great discrepancy between the containerized cargo and the break-bulk cargo; I turned to Bill Ward, who was then a member of the ILWU Coast Committee who was with me -- he was my expert at the hearing, he was advising me -- and I said to Bill, "My God, Bill, did you guys realize -- the first thing I said to Bill was, "Are these figures true?" And he said, "Yes, substantially they are."

This is 1970 we're talking about. Then I said, "Did you guys realize in 1960 when you went into the M&M program, how it would work out." Ward replied, "We had no conception that it was going to develop this way." And I personally am sure that that is true.

In that regard, you've indicated from one of your earlier questions that St. Sure was more savvy than Bridges about this, and to use a vernacular phrase, that he took Bridges in. I think there is a great deal of hindsight in that; it was very easy in the middle 70s to look at that development and say: Bridges, Goldblatt, Bodine should have known better.

It's very easy to say that, but the fact of the matter is that they were faced with a situation that existed in the late 50s. They developed a program that they believed at that time was a sound program for the union.

Leonard:

As I said earlier, the alternative was to resist and smash the machines, and that obviously wasn't in the cards; so they developed a program that gave a lot of guys a lot of good things.

It took a lot of the older fellows out and gave them a comfortable retirement; it boosted up the monies in the pension plan so that good pensions were available, and also improved the welfare plan. Facing mechanization, facing a shrinking job market, I think the whole program was a tremendous advance; they did the best they could do for the people under the circumstances. Criticism comes largely as a matter of hindsight. You know, smart people after the event are looking back at it and saying, we could have done it better. I doubt very much that anyone could have done it better.

(Interview 8: 1 November, 1985)

Ward:

Could you give us an idea of the benefits the longshoremen received, particularly the older men, to induce them to retire and the amount of their pensions, and so forth. What would the sum amount to, would you say, to the average elderly longshoreman?

Leonard:

My recollection now is that in 1960, they got a cash payout - each man who accepted the M&M program and retired got a cash payout of something just under eight thousand dollars, which was a pretty good chunk of money in the 60s, plus a minimum monthly stipend of \$100. Of course, the other benefits they got weren't an immediate cash payment, but as part of the whole program the pension plan was shored up. From this very modest pension back there in the early days, the men now who have twenty-five or thirty years in the industry are retiring at a rate in the neighborhood of eight or nine hundred dollars a month, for example.

Ward: Wasn't there a change after a year or two in the amount of the payoff? I think it was something like what you first said, but then it was raised; I remember a figure of thirteen thousand.

Leonard: I think that's true. As I said earlier, there were two agreements, the original one in 1960. Then in 1965 PMA put in some more money; somewhere along the line it went up from the initial eight thousand to a larger sum. I don't recall precisely -- \$13,000 sounds about right to me.

Ward: My impression of the earlier sum was that it was about seventy five hundred to eight thousand.

Leonard: I thought it was nine - something in that area.

Ward: Somewhere in there and then thirteen.

Leonard: And then it went up subsequently. That is right. That was something to take care of the guys who were stepping out of the industry. But you have to remember that the people who remained in the industry got benefits, first in training. A lot of people became skilled crane operators, and handled much more complicated equipment as it came in later on.

As you drive across the Bay Bridge and look over to the Oakland side of the waterfront, you see these monstrous pieces of machinery that lift these huge 40 foot containers twenty - I've forgotten what the weight is, but I think it's twenty tons. It's just fantastic - they're forty feet long and they just pack them - - -

Ward: One mistake and oh, boy!

Other Good Things

Leonard: Yes, so now we have many skilled operators who've been trained by PMA to do the work, not carrying stuff on and off ships on their backs or in those primitive slings or on boards. They've got a pension program that developed from the early days, where now a man is going to be retiring at eight or nine hundred dollars a month. They've got a

Leonard: welfare program that takes care of health, medical expenses, dental expenses for their children, things of that kind, survivor benefits for widows.

It's really a tremendous program and it's all part and parcel of the M&M thing, because as the industry prospered through improved technology the benefits to the men increased. All due to this understanding that the union had with the employers that the men would get a piece of the machine. That has continued, even since Bridges' and Goldblatt's retirement; perhaps it has accelerated a little bit -- that's a matter of opinion -- but under the leadership of Jimmy Herman and Rudy Rubio and Curtis McLean, the present leaders of the union, the program has continued and gone forward; in a way it has accelerated.

Ward: At the time, say around 1960, wasn't it part of the M&M agreement to allow an increase in the size of the slingloads?

Leonard: Oh, yes.

Ward: Early on, the slingloads had been held to a rather small amount per load when the men worked them by hand?

Leonard: Oh, yes. As I said earlier, I think the sling load limits before the M&M agreement were two thousand pounds - those limits were all eliminated. The contract did provide, of course, that the union could always raise questions of safety if they felt that the employer's load was dangerous.

Also there was a provision that is important: the union could raise as a grievance the question of onerousness; if the work was onerous to the employees, they didn't have to do it. So, there were those limitations that the union could press, but the old, rigid limits that had been written into the earlier contracts and arbitration awards were eliminated. The M&M concept was that the employers could and would introduce new machinery and no limits on what they did, except for safety or for onerousness. The longshoreman would operate the machines and do the work and their jurisdiction would be protected; and then, the financial payout.

Ward: I am interested in sling loads, having worked on the waterfront as a ship clerk a little bit. I knew what a sling load looked like on the Pacific Coast, and then in 1962, my wife and I took a trip as passengers on a freighter from Oakland to Le Havre, France. When we got over there, our ship didn't go directly to its final port of destination; we were in a couple of ports in France and I noticed with great interest the slingloads there.

Comparisons With French Longshoremen

Leonard: Were they different?

Ward: They were different -- they were piled right up to the last sack on the top of the sling and those longshoremen worked their tails off. I stood on the bridge with the captain of the ship and watched the work going on and he told me that -- he had reason to know -- ninety nine percent of those men working that load were Communists. It varied so much from what I have seen at home, I could hardly believe it.

Leonard: Well, the union certainly had previously established slingload limits, safety limits and all kinds of protection for the men. Some of them, it was claimed, were artificial and unnecessary. There was a notorious practice called "Four on and four off". Eight guys would be working in the gang, but only four of them would be actually working at any one time, but all eight of them would be getting paid -- things of that kind.

Those are the things the employers asserted, prior to M&M, were crippling the industry and making it non-competitive. Those were the sort of things that M&M was supposed to dispose of or correct. And so there it was.

What happened subsequently to M&M is also very, very interesting -- we have to talk about that a little bit. The M&M agreement of 1960 was consummated. Incidentally, it should be noted that it was highly commended throughout the industry and by all government agencies that ever had anything to do with it.

Leonard:

The NLRB referred to it as a forward looking, progressive effort to solve the very difficult problems on the West Coast waterfront. The Supreme Court, in one of the cases that went up to that court involving some aspect of the M&M program, took the same position and made some very laudatory comments. It was highly regarded as a very progressive move on the part of the union.

However, the technology didn't stop; indeed it accelerated, almost in a geometrical ratio, and what had been satisfactory in the early sixties became pretty unsatisfactory later on because of the increased technology. By the late 60s it became apparent that containerization was developing much more rapidly than had been anticipated in 1960.

The NLRB in one of its opinions on this problem made an interesting observation. It said that when the M&M program went into effect and the M&M contracts were executed, containerization was in its infancy. That is the Board's word and that is literally true. As I pointed out earlier, there were less than a million tons of containerized cargo being handled in 1960 on the West Coast, where now there are 55 million tons; so when they were dealing with it in 1960 perhaps they did not appreciate the magnitude of it. However, by the end of that decade it was pretty clear that the use of containers was making a substantial inroad -- a much, much greater inroad, perhaps, than anybody had anticipated -- in longshore work opportunities. Incidentally, perhaps a brief description of containerization on the waterfront and how it works might be helpful here.

Containerization Brings New Problems

Leonard:

Prior to containerization the shippers would send their cargo down to the waterfront in whatever lots they were going to ship them in. There would be bags of this and boxes of that and units of one kind or another and these units of cargo would be assembled on the dock; longshoremen would assemble them in whatever was the appropriate form for loading aboard ship, and they would be loaded aboard ship.

- Leonard: With a container, you don't have to do that. The container can go up to some factory uptown or some agricultural place out in the country and it's loaded there and stuffed -- the kind of work the longshoremen would have done on the waterfront.
- Ward: And the loading of those containers, I mean filling them with goods, was not done by longshoremen?
- Leonard: No, of course not. It was not done by longshoremen. It was done sometimes by teamsters, very often by non-union labor - - -
- Ward: Like warehousemen - - -
- Leonard: Sometimes by warehousemen, but almost inevitably, without any question, in every instance by people whose labor costs, whose hourly wage rates, whose fringe benefits and contributions and so on, were substantially less than what the employers would have to pay for the longshoremen.

As a consequence, even the PMA members, because of the economics involved, were not encouraging work on the docks. They would just as soon have those containers stuffed away from the docks, off the dock, by cheaper labor, and then have them brought to the docks and have the longshoremen load the already stuffed container on to the ship. Similarly in reverse, they would prefer to take the stuffed container off the ship and move it to some off-the-dock freight station where cheaper labor would unload or unstuff the container. This was work that the longshoremen had previously done when the cargo was handled on the docks.

A Little Work Stoppage

- Leonard: This, toward the end of the 60s, became a real problem; it was a terrific inroad into the work opportunities, and there was much concern on the part of the longshoremen that their work was eroding. A number of longshore caucuses were held on the subject, demands were made on PMA to stop that sort of thing. Not very much progress

- Leonard: was made with PMA on that score in the late Sixties, so that in 1969, with the contract still in existence and for the first time since 1948, first time in twenty years, the union called a work stoppage. The men refused to work container ships unless and until PMA would sit down and talk about the problem with them.
- Ward: That was a strike?
- Leonard: You can describe it any way you want it - they refused.
- Ward: You're not referring to the 1970-71 strike?
- Leonard: No - no - this was in the middle of the contract, it was in '69. The contract was in full force and effect, and it was a refusal to work container ships. They would do everything else, but they wouldn't handle containers and container ships.

Because it was in the middle of the contract, the arbitrator, Sam Kagel, ruled that it was a breach of the contract - no question about that, technically - and he ordered the union to get the men to resume work. The issue was so important and significant to the union at that time that the union wouldn't obey the arbitrator's award, and PMA took the case into court. It got an order from Judge Peckham of the District Court in San Francisco directing that the arbitrator's award be enforced.*

And, even after the judge's order, there was some reluctance. I remember that this occurred during the course of the ILWU convention which was held down in Santa Monica that year; I remember going down to Santa Monica with a copy of the judge's order and discussing with Bridges and the other leaders of the union what they wanted to do about it.

*304 F. Supp.1315 (ND Calif 1969) aff'd
454 F.2d 262 (9th Cir. 1971)

Leonard: They were very reluctant; there was a lot of pressure from the rank and file to do something about containers. I went back and was called into the judge's chambers; he made it very clear to me -- he didn't want to have to do anything drastic if it could be avoided, obviously -- but he made it very clear that unless his order was obeyed he was going to have to impose some sanctions. I think he talked about \$5,000 a day fine.

If that didn't work, then, reluctantly, he might have to impose jail sentences. He didn't want to do it, but he gave me that message to take back. I did and contemporaneously the union people were talking with the PMA on how to get out of this impasse. PMA's position was: "We are not going to reopen the contract." The contract was in effect and was going to stay in effect, but they said, "We will sit down and discuss with you, at our option, but we promise to discuss these problems with you and see if we can work out something."

Ward: Was St. Sure on the job at that time?

Leonard: I was thinking about that the other day when I was anticipating that we were going to have this discussion. The principal guy we were talking with on the employers' side was their vice-president in charge of their off-shore labor relations, a fellow named Ben Goodenough. He was a very able, competent guy, personally a very nice guy, but a tough employers' representative. St. Sure died in 1966. Well, I'm talking about '69. The person I recollect having been involved on the PMA side -- in addition to my opposite number, Dick Ernst but from the operational, management labor relations point of view -- was Ben Goodenough.

They did agree to discuss the problem with us, and with that understanding with PMA and with the pressure coming from the court on the injunction order, the men went back to work and the discussions then commenced. PMA kept its word and the discussions went on for a year.

Ward: A year?

Leonard: A year -- well, they went on for a long time. The net result was the first CFS supplement -- the first container freight station supplement, agreed to in 1969. As I indicated earlier, the major problem was that this work which had previously been done on the docks by longshoremen was now being done off the docks by other people. So the concern was to try to get the work back, to get the PMA to agree not to send the work off the dock, but to bring it back and keep it on the dock where longshoremen could do it.

Ward: What about loading the container on the docks?

Stuffing And Un-Stuffing

Leonard: That was the position that the union was taking. The containers had to be stuffed somewhere, had to be unstuffed somewhere. The union said, "Let's do that work on the dock; bring the container on the dock and have it sit on the dock; have the cargo brought to the dock by the various shippers and we'll stuff the containers on the dock at longshore wages."

There were exceptions that the union recognized -- for example, a container that carried a complete load of one single shipper where the whole thing was unitized, a total full container. The union recognized that a shipper could stuff his container -- say, a furniture manufacturer who had a whole container full of furniture that he was going to send someplace ---

Ward: With that kind of a load at the point of origin --

Leonard: That's right, but for what was known as "less than container loads", where the cargo was of a mixed variety and it came from a lot of different sources, the union's position was that there was no reason why that should be stuffed at a container freight station across the street or a mile away from the docks by non-union people, or at any rate by non-longshoremen. It could just as easily be done, and should be done, on the docks by our people; bring this miscellaneous cargo to the dock, "Put the container on the dock and we'll stuff it."

Leonard:

The first container freight station supplement agreement essentially said that the work would be brought to the docks. It gave the employers six months to make the necessary adjustments, technical and mechanical adjustments, that would have to be made to do it. Also, to take care of any conflicting collective bargaining contracts that already were in existence with other unions -- sometimes there were Teamster unions involved -- it gave them that period of time to make an adjustment. When the adjustment time was over the agreement was to be put into effect. But it wasn't put into effect; it simply was not put into effect.

And the word went out - "Do not handle any containers that have not been stuffed by longshoremens under the Freight Station Supplement agreement." In Los Angeles that is what happened. A number of containers came from various places, principally an outfit called California Cartage Company.

It's important to remember that name because that's the company -- there were other off-dock companies taking the same position -- but Cal Cartage is the one that appears in all the cases. It was the lead company, so we refer to them as the Cal Cartage cases. Some containers from Cal Cartage Company which had not been stuffed by longshoremens under the CFS agreement if it had been carried out were brought to the dock and the longshoremens refused to handle them.

As a result there were NLRB charges filed by Cal Cartage and other people who were similarly involved against the union and against PMA. The charge against the union was a secondary boycott charge -- that we were seeking to induce our PMA employers to cease doing business with outfits like Cal Cartage -- which would be a violation of the National Labor Relations Act. The charge against PMA was having entered into the container freight station supplement with us on the ground that that was an agreement - - - -

Ward:

That had a similar effect?

Leonard: Well, the law makes it unlawful for an employer to enter into an agreement with a union which has the effect -- I'm using a shorthand phrase -- which has the effect of a secondary boycott. So the charges were against both of us. It was in that first Cal Cartage case that this evidence came up that I told you about before, with Bill Ward sitting next to me.

Well, in February, 1974, the NLRB agreed with the Cal Cartage people and held that the agreements were violative of the statute -- that the action of the union in attempting to enforce the agreement was violative of the statute and the union could not enforce it. This was in the early 1970s. The Board decision was in '74. We took appeals and got nowhere.

The Court of Appeals for the District of Columbia, where the case went, refused to set aside the Board order, and the Supreme Court refused to review the case. So, there we were with a final order of the NLRB saying that the agreements were illegal. The union tried in various ways to do other things about it but really didn't get very far. In 1977 --

Ward: Wait a minute -- are you skipping from the late 60s to '77?

Leonard: No, no, the Cal Cartage case runs us through about the middle Seventies. The CFS supplement was in 1970 -- '69 or '70 -- and then with the legal process it takes a long time. The NLRB order wasn't a final order until the Supreme Court acted, which was probably in 1974 - '75; that's how long that legal process takes.

Ward: But then it didn't bring on the 1970 strike?

Leonard: No - no; one of the issues in the '70 strike obviously was containerization, but the '70 strike was an economic strike. The contract had run out and they just couldn't reach agreement on a lot of economic terms. I'm sure the problems of containerization were there, but the '70-'71 strike was pretty much a standard kind of a strike around all kinds of strike issues.

- Ward: The impression has gotten around that Bridges was kind of lukewarm about that strike.
- Leonard: I don't know about that. The strike was on. I don't know what Harry's position was on it.
- Ward: You don't have anything to say on that one?
- Leonard: No; but I know that as a result of it, they came out with a pretty good contract, except again that this whole problem of containerization was still unresolved.
- Ward: And what happened, did you say, in '74?
- Leonard: By '74, the Labor Board order had become final and the container freight supplements were held to be unlawful. As I say, the union tried to work around this in various ways during the negotiations; in '77 the contract provided that PMA employers who were doing work on the docks would continue to keep their work on the docks. The flow away from the docks would be stemmed -- there would be no further flow, but we were still trying to get it back, and that struggle is continuing right until this very day.
- Ward: It still goes on?
- Leonard: Yes, there are cases now pending before the Labor Board which should have rendered a decision by now. They were submitted to them last July on the basis of decisions that were made in the ILA (International Longshoremen's Association) cases.

I think we need to talk very briefly about the ILA cases. While our situation was going on, the same kind of situation was developing on the East Coast with the ILA. Initially the decisions of the Labor Board and of the courts that were reviewing the Board decisions on the East Coast were the same as they were on the West Coast. The ILA contract was unlawful -- the ILA so-called 50-mile rule was unlawful. That was a rule that said that any containers which were stripped and stuffed within fifty miles of a port area would have to be stripped or stuffed by ILA labor. That was their effort to try to resolve the problem.

Ward: Did you have that 50-mile limit here too?

Leonard: In our second -- I have been talking about the first CFS supplement. In our second CFS Supplement, where we thought we might get around the decisions on the first one by changing it a little bit -- our second one didn't have a 50-mile rule per se. It wasn't just an arbitrary number, but what we did develop was something known as a port area concept as we described and defined it.

Leonard: This was negotiated at the end of the 1971 strike. We defined something called a "port area zone" for each one of the ports on the Pacific Coast, the four major ports. The contract provided that containers that were stripped or stocked in those zones should, with the exceptions I mentioned earlier, should be stripped and stuffed by ILWU labor. That, again, like the ILA contract, was held illegal.

The ILA cases went up to the courts some time after our cases; our cases were the first ones to go and initially the ILA cases had the same decisions from the NLRB and from the courts.

Finally, A Breakthrough

Leonard: Finally - oh, it must be now five years back -- about 1980, there was a breakthrough in the ILA cases. The Supreme Court in 1980 ruled in the first ILA case that the Labor Board had been applying the wrong standard throughout in that case and sent it back to the NLRB for further consideration.*

* 447 U.S. 490 (1980)

Leonard: The rationale was this: the unions, both the ILWU and the ILA, had argued that these contracts of ours were simply seeking to preserve the work of the longshoreman, work that they had previously done; work, to use the technical phrase, functionally related to or functionally the same as the work that they had previously done.

It is a legal defense to a charge that an agreement violates the NLRA, that it merely seeks to preserve work. A work preservation agreement is lawful. If you preserve - if all you are interested in doing is preserving your work - that is perfectly legitimate.

The Board had said this was not work preservation because after all not only did longshoremen do this work, but teamsters did it, non-union employees of companies like Cal Cartage did it, other people did it, so we weren't just trying to preserve our work. We were trying to get work that other people had. That was their rationale.

The Supreme Court said the Labor Board was looking at it through the wrong end of the telescope -- you aren't supposed to look at work that other people do, you are supposed to look at work that the longshoremen did. If you look at it from that point of view, it might well be work preservation. They didn't say it was, at that point, but that it could be. Therefore they sent the ILA case back to the NLRB to re-examine it.

When they did that in 1980 we immediately jumped on that bandwagon and filed a petition jointly with PMA in the Court of Appeals for the District of Columbia, which had jurisdiction of our case. We said, in effect, "Look at what the Supreme Court has done; they sent this back to the NLRB for reconsideration and we want you to do the same thing." And the Court of Appeals agreed with us. They remanded the case to the NLRB for reconsideration.

Ward: Could I ask at this point - - -

Leonard: Sure.

Ward: Apparently there was a similarity between the ILWU problem and the ILA problem. Any cooperation between the two unions; considering the long going problem between them?

Leonard: I can address it on two levels. (ILWU president) Herman had executed a document with Tommy Gleason of the ILA about their working together, about common understandings; it was a very loose kind of arrangement but it was there. On the legal front, we did to some extent participate in the ILA cases. I think at one point they asked us to write an amicus curiae brief and I think we did.

I had some meetings with their lawyers at which we discussed common problems, but nobody was hugging each other. There was no bear hugging on the thing. It was fairly loose and fairly indifferent, but our aims were the same. However, the ILA kind of stood a little bit aloof from us. I think that's probably the best way to describe it.

In any case, the NLRB finally said that in light of the Supreme Court decision the ILA agreements were okay. They were legitimate work preservation agreements and therefore okay; and that was approved by the Supreme Court last June, June of 1985.*

We immediately got back to the NLRB jointly with the PMA, and said in effect, "Look, here is now the final decision in the ILA cases; how about a decision in our case?" Well, that was June and this is November and we're still waiting. We haven't heard from the NLRB.

Ward: Well, anyway, it's a lot of work for the labor lawyers on both sides.

Leonard: Oh, yes. I might say to conclude this -- and not to leave any false impressions in this record -- that the off-dock operators on the West Coast, the Cal Cartage people, make an argument against us that they didn't make against the ILA.

* 473 U.S. _____, 87L. Ed 2d 47, 105 S. Ct. _____ (1985)

Leonard: This ties back to almost everything we have been talking about in terms of the development of the M&M program. They contend that on the West Coast this is not proper work preservation because we gave up the work in the M&M contract - that's their contention - that we in effect sold it -

Was It Sold Or Stolen?

Ward: They took it away from you -

Leonard: Well, you know, that's a matter of argument, but they do point to the M&M agreement.

Now, our answer to that is, from the Labor Board's own decision in our case, that containerization, at the time of the M&M program, was in its infancy; there were less than a million tons of containerized cargo in 1960 and now there are 55,000,000 tons.

You can't abandon or give away something that you don't even know exists. That may be the problem the Board is wrestling with now, and that may be why we haven't had a decision yet.

Let me add just one last thing on this argument of abandoning the work: the whole development of containerization in the decade of the 1960s to the 1970s was just tremendous. For example, at the beginning of the decade there weren't any container ships, and at the end of the decade (and now) there are container ships -- ships specially built to handle containers -- that didn't exist at the time of the M&M program. The technology just evolved at such a tremendous rate that we are in a situation now that simply wasn't anticipated at the time of the M&M program.

Ward: Do you think those ships were on the drawing board?

Leonard: Oh, I don't know. I have no way - - -

Ward: You have no way of knowing?

- Leonard: Now, you are going to ask me if St. Sure had any way of knowing; maybe he did, I don't know. But objectively, what we know, looking on from the outside, is that what seemed to be -- what's the proper analogy? -- a little cloud on the horizon back in 1959 and 1960 just became a monstrous monsoon. Then and now, that is what we're coping with.
- Ward: I have a question going back to the relationships between the two top guys on the original M&M agreement -- St. Sure and Harry. I think you said, quite frankly, they became close friends.
- Leonard: Yes, that's my understanding. I was not that close to either one of them, personally, but I believe so.
- Ward: I don't think Harry ever went over to St. Sure's house for dinner.
- Leonard: I don't know, he might have.
- Ward: I don't know, either.
- Leonard: He might have.
- Ward: In light of all the hoop-de-doo over M&M and St. Sure and Bridges, would you advise labor leaders of the future that it is not a good idea to become friendly with employer representatives? Respect, yes, but friendship, no.
- Leonard: I guess it depends on the personalities and the and the individual cases; obviously, you don't want what you call friendship to interfere with the discharge of your duties and responsibilities to your membership. If that happens, that obviously is a bad thing.
- Ward: Well, look here, friendship implies -- for instance, you and I are doing things right now that we might not be doing with a person we didn't know, or persons we didn't know so well.
- Leonard: Yes. I think we're getting into areas of psychology, and subjectivity. I suppose it's not impossible to have a warm relationship with another person and still maintain your position objectively as a labor leader.

Leonard: On the other hand, it may be; lawyers, for example, are adversaries on opposite sides of cases in court, but often times they can have a friendly relationship outside of court. I think possibly it's a question of appearances.

Maybe labor leaders ought to be very careful in the way they behave themselves, the way in which they relate to management people so that they don't give the appearance or the impression that they are permitting a personal relationship to interfere with the discharge of their responsibilities to their people.

You know, we have this all the time. Just now, the present president of PMA is a fellow named Bill Coday. He is charming, warm, a very personable guy. I don't know if Jim Herman has any kind of personal relationship with him. But, on the other hand, I'm sure Jim respects him, and they deal with each other in a civilized way.

Ward: That's my point -- the difference between respect and friendship.

Leonard: Well, again, I think it's a matter of subjectivity and I know, of course, that over the years Harry Bridges has been criticized for what some people regard as having had too close a relationship with St. Sure, to the extent that it affected Bridges' ability to represent his people.

I simply don't know. The M&M program is the focus of this, of course, and looking at it now it's awful easy in hindsight to be critical; but looking at the situation that faced the union in the late 1950s, I think a tremendous job was done. And some of the people, and I have to be frank to say, some of the people who were critics after the event were people who were deeply committed to the program when it took place. I guess Goldblatt is probably - - - -

Ward: Goldblatt was at the beginning.

Leonard: Goldblatt was deeply committed to the program - - -

Ward: - - - wrote a book, Men And Machines; more than a pamphlet.

- Leonard: A great book supporting the program. It's just too easy for people afterwards, if things don't work out precisely the way they want them to, to look back and say, oh, he should have done it differently.
- Ward: I know, but if you were teaching a class of aspiring young trade unionists who thought they would like to get somewhere in the officership of the union - - -
- Leonard: I think I would say essentially what I have been saying: that number one, you don't permit personal relationships to interfere with your responsibilities to your members. That's cardinal, that's basic. Number two, you don't permit a situation to develop where there is even an appearance of it, for you'd be subject to criticism, even if it weren't true. That is also cardinal. We haven't talked about it in these terms, but the fact of the matter is that there is a class struggle.
- Ward: Exactly.
- Leonard: There is a class struggle, and the employer wants to get everything he can in the economics of the situation, as we've seen with these PMA people taking their stuff off the dock to get it stuffed by cheap, non-union labor.
- As nice and sweet and lovely as they are, they do it, and the union has to fight every minute of the way to protect its people, their jobs, their security, their economic well-being. Personal relationships should not be permitted to interfere with that; and to avoid criticism a labor leader should just be very, very careful that it doesn't even appear that there is a personal situation involved.
- Ward: One small effort, in connection with M&M, that the unions made that we haven't yet talked about.
- Leonard: That's right. In the 1981 contract, the union persuaded PMA to agree to create something known as the Container Freight Station Fund. This was to help in some measure to alleviate some of the problems of containerization that we have been talking about.

Leonard:

To understand that, you need to have this much of a background. One of the largest portions of the hourly wage cost of employing a longshoreman -- by longshoreman I also mean clerks and walking bosses and the other people who are working on the waterfront -- one of the largest cost items is the funding of the fringe benefits. Not the direct wages but the money that goes into the pension plan, that goes into the welfare plan, dental plans, vacations, all the rest of it -- a lot of money is involved.

PMA is committed to raise those funds from its members to contribute to the various trusts that administer these programs, and it does so. The question of how it does so becomes important in this respect. PMA allocates to each of its members a portion of the share that is required to pay for these fringe benefits. PMA can do it in one of two ways -- or perhaps, there are other ways too -- but there are two principal ways that we're concerned with.

One is on a man-hour basis; in other words, each employer pays so many cents or so many dollars, or whatever it is that is required, for each man-hour that is worked. The other way to do it is on a tonnage basis -- they pay so many cents or so many dollars per ton of cargo that they handle.

The difference between the two is very important in terms of its impact on the work force. If it is done on a man-hour basis, then the cost to the employers who have not mechanized -- to stevedoring companies who handle break bulk cargo and who have lots of man-hours -- the cost is very high for them. But it's very low for the containerized operators, because they don't have so many men. They're working with machines, they are not working with men.

If they do it on a tonnage basis, then it is -- at least from the union's point of view -- more equitable because they are just spreading the cost over the cargo irrespective of whether the men are working on break bulk cargo or whether they're working containerized cargo.

Leonard:

The PMA formula up to 1982 essentially was a man-hour formula. Some small amount was assigned to tonnage, but basically it was a man-hour assessment. And the union was always of the view, and argued with PMA, disputed with PMA: "But, goddamit, by funding your fringe benefits on a man-hour basis you are really driving work away from the waterfront and you are driving it up-town; by doing this you are making it more expensive for on-dock operators to function. They just have to pay more money. We demand," said the union in the 1981 negotiations, "that you change your formula from a man-hour formula to a tonnage formula."

PMA flatly said "no", it's our business as to how we do it."

Well, after some heavy negotiations they agreed to compromise, a small compromise. PMA agreed that they would raise a fund, based on tonnage to which each PMA member, irrespective of whether he employed on-dock labor or not, would contribute a certain amount on tonnage. It would make the contribution based on each ton of cargo that he handled that went on or off the ship.

That fund would be used to alleviate some fringe benefit costs on-docks CFFS operators would have to pay. This would, to the extent that it operated that way and raised some money and relieved some of those costs, make the on-dock operators more competitive with the off-dock operators. The off-dock operators had a labor cost like maybe a third of what the on-dock operators, the ILWU operators, had. This would somehow reduce the gap a little bit.

Well, the off-dock operators, again led by Cal Cartage, filed charges, this time with the Federal Maritime Commission, claiming that this kind of agreement violated the shipping laws because it was discriminatory.

Ward:

Cal Cartage is a pretty feisty outfit, isn't it?

Leonard:

Yes, it is; as I said earlier we use its name all the time because it's the one that is the lead company. It obviously is very important to these guys

Leonard: because if we can prevail in the NLRB and the Federal Maritime Commission -- I'm not going to say they can be put out of business, but it is going to make a very significant dent in their business. It's going to move the business from those off-dock operators back to the on-dock operators. Cal-Cart has built up a big business with cheap labor and they want to keep it. And they have hired some first class lawyers to represent them and to fight these things.

Well, they filed this claim with the Federal Maritime Commission, claiming that the agreement violated the Shipping Act. The Federal Maritime Commission has recently, after long hearings, dismissed the claim. We're in the clear on that aspect as far as FMC is concerned right now. But Cal Cartage, being a feisty outfit as you say, has just filed a notice of appeal to the Court of Appeals, so that the question will still be going on.

Ward: I see; instead of going through the NLRB first, they went through the Federal Maritime Commission, is that it?

Leonard: Well, they have their NLRB case going and now they are taking another bite at the apple by going to the Federal Maritime Commission. They're covering all their bases. We and the PMA have made offers to them and other off-dock operators; they could participate with us. But their answer is "nothing doing."

They don't want to because they have this non-union or cheap union labor; they don't want to have to be subjected to the labor costs that are involved in hiring longshore labor, giving the great pensions that our guys have and all the rest of it. They have cheap labor and they're fighting to keep it, and that's what this struggle is all about.

(Interview 9: 22 November, 1985)

Guilt By Association

Ward: Norm, tell us the yarn of guilt by association.

Leonard: This had to do with money-raising -- a fund-raising party that a psychiatrist named Philip Shapiro in San Francisco was putting on - - -

Ward: A psychiatrist, was he?

Leonard: A psychiatrist, yes. He was putting on this money-raising party in connection with either support for the conscientious objectors or some project in connection with the Vietnam War. The big star attraction was Jane Fonda and the party was to be held at Phil's house.

Philip and the other people who were putting on the party got in touch with me, along with a lot of other people, and asked me if I would be one of the sponsors of the gathering. And I said that I would. So, they got out an invitation which was generally broad inviting people to come to the party; the list of names appeared and my name was on it.

Also, unbeknownst to me, but -- it really wouldn't have made any difference -- on the list was a man named Paul Jacobs. Now, Paul Jacobs had been one of the people, many years earlier, who had participated in or perhaps had been the chief architect of the expulsion of the ILWU and the other left-led unions from the CIO.

Bridges got one of these invitations, through the mail or however; anyway he became aware of it. I got a letter from Bridges which just blistered me, bawled me out. Didn't I know that Paul Jacobs was an enemy of the ILWU and had done the union a great deal of harm? What was I doing having my name on the same kind of a letterhead with Paul Jacobs?

Leonard: Well, I responded to Bridges; I think the correspondence is somewhere in our office files, and this is documented. I reminded Bridges, number one, that the purpose of the party had to do with a valid cause around the Vietnam War, that I supported it and Marge supported it. I think Marge's name was also on the letterhead, but in any event we thought it was a worthwhile objective and we supported it.

And then I went on to tell him that it didn't matter that Paul Jacobs name was on the letterhead as well as mine, because I didn't believe in guilt by association and I didn't think that Harry Bridges, of all people, should believe in guilt by association. I pointed out to him that that was one of the themes that ran all the way through his cases, and particularly in the Landis case; how Dean Landis had rejected the concept that just because Bridges in the '34 strike worked with leftwingers and with Communists, he therefore was a Communist.

I told Harry I thought it was pretty ironic after all those experiences that he should be indulging in the same sort of thing, associating me with Paul Jacobs just because the two of us were on the same letterhead and were supporting the same cause.

And I said to him that to me it was important that the cause was a valid one and therefore I supported it and was going to continue to support it. That was my little run-in with Bridges on the whole concept of guilt by association.

Ward: I remember another instance. Hubert Howe Bancroft was a wealthy man who literally founded the famous Bancroft Library at the University of California - - -

Leonard: For which we are doing this oral history - - -

Ward: Yes. And Mr. Bancroft had a son Philip Bancroft, who in adulthood became a wheel in the Associated Farmers, a very anti-labor organization of years ago. Bridges has often said that anything to do with the Bancroft Library was just anathema to him. This has been the case ever since I have

Ward: had anything to do with the Bancroft. It's - - - well, he has his problems.

Leonard: Well, he has his own strong individual personality -- there is no question about it.

Ward: Norm, now you were going to tell me about your experiences with Ruth Jacobs.

Leonard: Yes. Ruth Jacobs was Paul's wife. She was a lawyer in San Francisco - a very fine lawyer. Some time in the - it must have been in the late 50's or early 60s, our office was asked to represent a couple of people on Death Row. They had been involved in a pretty gruesome kind of a murder situation in Los Angeles. They were tried down there, and they were found guilty and they were ordered under the law, as it was then in effect, to be executed, and they were, in San Quentin.

Ward: Was that the Chavez-Bates case?

Leonard: That's right, yes, Chavez and Bates were the names of the two defendants. Our office represented Chavez and Ruth represented Bates and that's how we got to work with Ruth. It was an interesting case in the sense that it was a little bit out of the ordinary for us, of course.

We got out a federal writ of habeas corpus in the District Court in San Francisco in which we alleged that there had been a variety of errors in the course of their state court trial that were significantly important enough to warrant intervention by the federal court. There were some questions, the use of a coerced confession of one of the co-defendants and a number of other important federal questions. Ruth and I worked on it together. The upshot of it was that we didn't get any relief from the court, except in one very important instance.

A day or two before they were to be executed, perhaps the day before they were to be executed, we appeared with one of our petitions and motions - there were a whole series of them, but I remember

Leonard: this one particularly. We appeared in Judge Oliver Carter's court to argue the matter and, you know, it was kind of dramatic because - - -

Ward: Wait a minute, wait a minute - are you talking about the federal judge or his father?

Leonard: No, the federal judge, this was the federal court. There was federal writ of habeas corpus. All the state remedies had been exhausted and the conviction had been affirmed in the state court and the sentence had been affirmed by the California Supreme Court, so our only recourse then was to see if we could get the federal courts to intervene.

So, we were before Judge Carter and I can't now recall the specific incident because, as I say, there were a number of different motions over the years. The deputy attorney-general who was in charge of the case and was handling it for the State of California was Arlo Smith who is now the District Attorney in San Francisco county. Whatever the point was that we raised, it may have had to do with that coerced confession.

Judge Carter, after we made our presentation - Ruth and I were in Court - Judge Carter turned to Smith and said, "Don't you think the defendants at least have an arguable proposition to make? I can't decide it now on such short notice but don't you think - at least arguably that there is possibly merit in what they have to say?" and Arlo Smith, to his credit, played it straight and played it honestly with the court and with the defendants and said, "Yes, Judge, I think they may have a point here. I don't think it's valid, but it's not frivolous and it certainly is probably worth judicial consideration."

At that point Judge Carter said, "Well, if that's the case I obviously can't let the execution go forward. I have to study this point of theirs." So he directed Smith to advise the Warden that the execution was going to be stayed until he, Judge Carter, had a chance to review the matter more carefully and in greater detail.

Leonard:

The upshot of that was that after he had reviewed it, he decided our point wasn't well taken; but the time we were able to gain by forestalling the execution, of course, goes to the whole question of capital punishment and the death penalty. The time we were able to gain was utilized by pursuing an appeal for executive clemency before Governor Brown, that was Pat Brown, who was then the governor. His clemency secretary was Cecil Poole whom we talked about before. I remember going up to the governor's office in Sacramento with Ruth and arguing for clemency for these two people and Cecil was very, very tough. Well, that was his job and it was perfectly proper and he really probed us and pushed us about why these guys should or shouldn't be given clemency.

And Pat Brown finally commuted their sentence - it really wasn't very good from their point of view, but he commuted their sentence to life imprisonment without the possibility of parole. As I say it was a pretty ghastly murder, so I can't criticize him for having done that. But he did not permit them to be executed.

Last - oh, it must be fifteen or more years ago, I remember visiting Chavez at Folsom; Ruth and I went up to see him one time at Folsom. He was a very, very bright guy - very able. When we prepared our papers he would review them and he had all kinds of interesting suggestions - a jailhouse lawyer, but a real, real good one.

Another aspect of that case, to wrap it up - quite early in this oral history, we were talking about my writing and my briefing and so on. One of the things that came out of the Chavez-Bates case was an article that I wrote for a law review on the use of federal habeas corpus for state prisoners and how state prisoners could use the federal remedy of habeas corpus, if they felt they were unjustly imprisoned.

Ward:

You mentioned the lawyers union - was that the National Lawyers Guild?

Leonard:

Yes, it was an article for the National Lawyers Guild magazine.

Ward:

I see.

XII RUMPUS IN THE LONGSHORE LOCAL

The Role of Paul Jacobs

Leonard: One last contact that I remember while we are on the Jacobses was with Paul in connection with a case that is known in the ILWU as the Williams case.

Ward: Oh, yes, I have a note here.

Leonard: All right, the Williams case was a long, involved piece of litigation that went up to the Court of Appeals two or three times; to the Supreme Court at least once, maybe twice - not for argument because the Supreme Court didn't grant review, but petitions were filed in the Supreme Court.

The case was essentially this: a group of persons had been registered as longshoremen in - I'm pretty sure of these dates - in 1963. Some eight or nine hundred men - the list had been opened up and there was need for more men on the waterfront and eight or nine hundred men were registered as B's, limited class registrants. Some years later, in the middle to late 60s, it was decided to promote those men to A status; this is joint action by the employers and the union; all the registration on the waterfront is joint action.

It was decided that the records of the men would be reviewed and certain criteria were set up. If (I can't be sure that I remember all of them) but if there had been instances of complaints on the job, they hadn't done their work properly, if there had been incidents of intoxication on the job, if they had not made their

Leonard:

regular payments to the dispatch hall, if they had chiselled on the job, if they had taken hours of work that they shouldn't have -- things of that kind -- were set up as criteria.

The men who passed muster on these criteria were all to be promoted to A men. The men who didn't were to be deregistered. They were going to get rid of the people who were undesirable, and this is what happened. Among those who were thus gotten rid of was a man named Stanley Weir. Stanley Weir was a B man who had been critical of the M&M program and of Bridges and Bridges' participation.

Well, a great big hullabaloo was raised then, that all this was rigged up just to get rid of Stanley Weir. Eighty or ninety people, I think, were deregistered and Weir was one of them, but the opposition seized upon the fact that Weir had been a critic of Bridges and said that therefore this was just a big put-up job to get rid of Weir.

This is where Paul Jacobs came into the picture. He approached me and I understand several other people and said that if Stanley Weir were not promoted - was not taken off this deregistered list, there was going to be hell to pay, and he was going to see to it that there would be hell to pay.

We, of course, rejected any threat of that kind. The joint committee -- the employers and the union -- stuck to its guns and the men were deregistered, those who did not meet the standards.

They filed suit and it went on for a good long time, with a number of times going up to the Court of Appeals, and then back again, on various preliminary motions and so on. Finally, the case went to trial before Judge Harris, our old friend who had tried the last Bridges criminal case.

This was like twenty years later. It was a long and exhausting trial -- it must have lasted six months. It was probably the last major labor case that Richard Gladstein participated in. Richie was in the case, I was in the case. On the employers' side Richard Ernst was in the case.

Leonard: The plaintiffs -- the deregistered men -- were represented by a fine lawyer in San Francisco, a guy whom I got to know and like very, very much - a fellow named Arthur Brunwasser, who did a very good job.

Ward: Arthur who?

Leonard: Brunwasser - he is still practicing in San Francisco. He's done a lot of work for the ACLU and for the NAACP.

However, they simply couldn't prove their case. In each instance, the employer-union joint committee had carefully checked the records. In a couple of instances they discovered that mistakes had been made, and the mistakes were corrected. There were the minutes of the union meeting at which this was raised and people like Frank Stout and - - - -

Ward: Herb - - - ?

Leonard: No -- but Stout and other people -- I can't recall them now -- raised questions; Asher Harer --

Ward: Yes, he was a Trotskyist - - -

Leonard: Well, a number of people who were kind of leftists in the union and I suppose were probably anti-Bridges, raised questions about this deregistration. Harry said, and we put it in the record, and it's in the minutes of the meeting, that if a mistake had been made it should be corrected. Mistakes, some were discovered, and they were corrected.

The upshot was that those who in fact were finally deregistered had records that justified the deregistration. They took the case to the NLRB and the NLRB said that the union's and employers' position was justified -- that these people had no basis for complaint.

Anyway, after a long trial Judge Harris also ruled in favor of the union and the PMA and said the deregistrations were appropriate and he would not upset them.

Leonard: They took the case to the Court of Appeals. The Court of Appeals sustained Judge Harris. They made an effort to get to the Supreme Court and the Supreme Court wouldn't even hear their appeal, so that ended the Williams case and that was my last contact with Paul Jacobs.*

A Phony Issue

Leonard: Talking about the Williams case though leads into what you and I were talking about off the record as possibly the next matter we want to talk about.

Early on in the Williams case the plaintiffs raised an issue of racial discrimination. Most of the plaintiffs, perhaps all of them, or if not all of them, 95 percent were black. So, there was a kind of intimation that black people were being picked out to be deregistered, a position, by the way, which they abandoned as the case went along, for perfectly obvious reasons.

The fact of the matter is that in the 1963 registration, practically 90 percent of the people who were all registered -- the total group -- were black. And we can talk about this later how the union is moving in that direction. So, what you were dealing with was a black population of B men. Then when you went across the board and applied these standards that I mentioned earlier to them, naturally they were going to fall equally on blacks and whites. Of those promoted to A status, 90 percent of those, 95 percent of those, were also black.

That was the population, so race didn't have anything to do with it, although because there were so many blacks who were deregistered that at the very beginning they set up an issue like that; but they quickly abandoned it when all the facts were developed. They simply argued that the standards weren't proper, that they weren't applied properly and the facts didn't fit.

Stanley Weir made a big argument about his own personal case, that it was not true that he chiselled, but the records of the Labor Relations

*617 F.2d 1321 (9th Cir., 1980) cert. den. 449 U.S. 1101 (1981)

Leonard: Committee showed that Stanley Weir had actually chiselled on work hours; that he worked when he shouldn't have, thereby depriving another long-shoreman of the opportunity of working which was a violation of the rules. He denied it, but the records supported the findings of the union and of the employer and Judge Harris found that that was in fact the case. The Court of Appeals sustained Judge Harris, so that was the end of that but it does lead, if you want to talk about it now, to the question of blacks and the relationship of blacks to the waterfront unions.

Ward: Well, there's another angle to it in which you may or may not have had to play a part after the act. There was an attack on the union hall led by Stanley Weir - - -

Leonard: I didn't know that - really? You mean a physical attack?

Ward: Oh, yes - beat up Frank Stout and whoever the other guy was.

Leonard: Well, if I did know about it - - -

Ward: - and one of their assistants who is now the president of Local 10, I think, or was recently.

Leonard: The president of Local 10 is - - - -

Ward: They tore the joint upside down and beat these guys up and the cops were called.

Leonard: Yes, I recall it now - I - - -

Ward: Did you have any part as their attorney in that?

Leonard: I don't think so. It's a dim memory that such a thing happened and then you mentioned the present president, or the most recent, Larry Wing is the president. Was Larry Wing involved?

Ward: Larry Wing was one of those injured.

Leonard: Yes. I begin to recall it now.

- Ward: That happened in the early Seventies because it happened the day before, the night before Henry Schmidt, then retired, gave the first session of his oral history to the Bancroft Library.
- Leonard: Well, that's a good reason for your remembering it. I now have a vague recollection that something like that occurred. I don't recall that there were any - - - -
- Ward: Were there any court proceedings?
- Leonard: That's what I don't recall. I don't think so; I think it was a kind of internal family affair. There was later on some court litigation, but that didn't involve the Weir people. There was a hassle that developed between Frank Stout and Bob Rohatch, who was president of the local back in the early middle Seventies, regarding the relationships between the union and the building association, and there was litigation around that question, which was also once again - - -
- Ward: That was BALMA, wasn't it?
- Leonard: Yes, Bay Area Longshoremen's Association, which has the legal title to the building there near Fishermen's Wharf. Some problems arose with respect to the nature and extent of the union's involvement as a separate entity from the corporation in regulating the affairs of the union.

As a matter of fact, in addition to the personal litigation which was resolved -- an action was brought in the state court and was resolved there. In addition to that, possibly as a result of that, the government got into the act and the Department of Labor brought an action against Local 10, claiming that Local 10 had not filed complete reports under the Labor-Management Relations Act which required the filing of annual financial reports with the Department of Labor. And Local 10 and its accountants had been filing these reports regularly for years.

After this little furor became kind of public, I guess the Department of Labor or the Department of Justice got interested in it. The government filed an action claiming that Local 10's reports

Leonard: were not complete because they did not contain any information concerning the Building Association. It was the government's position that the Building Association was a subsidiary of Local 10, and therefore Local 10 was under an obligation to include information concerning the Building Association in its financial reports.

Ward: The leadership of BALMA was the leadership of Local 10; different hats, that's all.

Leonard: Well, they may have been some times the same people -- they weren't always the same. It was our position as lawyers for the local that BALMA was a separate legal entity. It had been set up for that purpose by George Andersen originally and the reason was perfectly obvious -- no secret about it. Should there be a strike situation or a problem of any kind in which somebody might obtain a judgment against the local union, we wanted to be sure, as near as we could be sure, that the building would be protected; that was why it was set up that way.

Well, just let me finish this. When we got into this case in which the government took the position that Local 10 was required to include BALMA's financial records in its reports, we asserted that they were two entirely separate entities.

The case came to trial before Judge Sweigert in the District Court. Just before the trial he called us into chambers and in effect said "Look (just as you said a minute ago, Estolv) there's apparently a great identity of officers and a great identity of people." I don't know if he used the words "different hats", but that was the thing he was driving at. And he said to me in chambers in effect, "Look, Norman, if this case goes to trial I'm going to have to make findings like this. What's the problem? Why don't you file these reports? BALMA's got nothing to hide -- there is nothing secret about it."

"That's right, Judge, BALMA's got nothing to hide -- its records are open and public -- they're on file with the Secretary of State up in Sacramento, and so on.

Leonard: "But," I said, -- and I explained what our problem was -- I said, "We don't want to concede and we cannot concede and we do not concede that BALMA and Local 10 are the same." I explained to him, precisely as I did a moment ago, why we took that position.

He said, "Well, that's okay, we can take care of that - I understand that. I will make a finding that nothing in this record establishes that BALMA is or is not an affiliate or a subsidiary of Local 10, but simply for the purposes of disposing of the litigation, Local 10 will get the reports from BALMA and will file them."

That is exactly what happened and we have still-- it's in the court records - it's in our file that there is no finding that BALMA is a subsidiary of Local 10. We want to maintain that for reasons I have indicated, and we hope to be able to continue to maintain it in the future.

Now, where were we before we got off on this BALMA thing? I don't remember, do you? Where were we?

Ward: Norman, let's go back to Ruth Jacobs for a minute, even though she was the wife of a man who had been a great nuisance to left-wing unions. How did you find her to work with?

Leonard: Oh, I found her fine. In the Chavez and Bates case, we worked very well together. She was a very nice person, personally -- a lot of fun to work with, too.

Ward: She was capable?

Leonard: Oh, yes, she was capable and she was active in San Francisco in the ACLU and generally in liberal causes.

By the way, in respect to Paul being a nuisance to left-wing unions, he clearly was and he clearly was involved in the expulsion of those unions from the CIO. But in later years, although Bridges never recognized it, as indicated by what we said earlier, Jacobs acknowledged that that was a serious mistake on his part and - - -

Ward: He tried to make peace with Harry?

Leonard: He tried to make peace and he admitted he had been wrong, but I guess Harry was pretty unforgiving.

Blacks In The Union

Leonard: Okay, I think that kind of wraps up that aspect of it, but I think it leads to the next thing you and I want to talk about because of the intimation or suggestion in the Williams case that there was some kind of racial discrimination. I think that opens up the whole question of blacks in the union.

Ward: Well, let's talk about that, then.

Leonard: All right. In Henry Schmidt's oral history, which I have just recently read, he talks about the fact that there was a handful of black longshoremen in '34.

Ward: One gang -- one or two gangs -

Leonard: There were just a few. Also, there were black strikebreakers.

Ward: And they were pretty well segregated from the whites, too.

Leonard: Oh, I'm sure that was true in the early 30s and probably it went on for a good while. We were talking about the Marine Cooks and Stewards -- that was an integrated union, plus that was the kind of work those people were doing; it was the work of being waiters and cooks and so on. That was a field that black people did get into early on, but as far as the waterfront was concerned it was kind of a long time coming.

Two or three weeks ago I was at the memorial service for Bill Chester. Bill Chester was a black man who was until his retirement some years ago a vice-president ---

Ward: International Vice President - - -

Leonard: - - - of the ILWU, an International Vice President and assistant to the President. He was Harry's assistant. At that memorial service tributes were paid to Bill for the fine work he had done on the waterfront over the years. One of the speakers who impressed me perhaps more than the others was a man named Cleophus Williams.

Cleophus Williams is now a retired longshoreman --- a black man. He had been on a number of occasions prior to his retirement, probably fifteen years ago, a president of Local 10, and he had held other offices too in Local 10. Cleophus reviewed the development of black involvement on the waterfront and, of course, on this occasion he emphasized, and quite correctly, the very positive role that Bill Chester played in that development.

It appeared that during the war, with the need for increased manpower - I'm talking about World War II -- in the middle 40s, early middle 40s -- many black people came to the area and were employed on the waterfront. When the work tapered off after the war, it became necessary to cut back, by applying the principles of seniority -- last hired, first fired. This meant that many of the black people who had recently been hired were going to be laid off.

A whole effort was developed with Bill Chester and others, including Jim Herman, who is now president of the International Union and who at that time was president of the Ship Clerks, Local 34, on the waterfront. These people, along with others -- Leroy King who is now an international representative who was then an officer or business agent of Local 6, the Warehouse Union -- began to devise programs to get blacks into jobs on the waterfront and to start up-grading them. It was a slow and gradual process, but it has reached the point now, as far as Local 10 is concerned, the Longshore local, that a majority, maybe as much as 60 percent of the membership, is black.

Ward: Norman, you had a comment to make.

Intra-Union Rivalries

Leonard: Well, we were talking about the racial composition of Local 10. In addition to having about 60 percent of its membership black, over the recent years there have been many black officers, black business agents, dispatchers. There's no question that the efforts of people like Chester, Herman and others were successful in attracting blacks to the waterfront, particularly to the longshore aspects.

Ward: In Jimmy Herman's local 34, were there blacks in that local?

Leonard: Well, there are now. The Clerks' Local was admittedly slower than the longshore local in that regard, but certainly for the past -- oh, five or six years, maybe for the past decade -- the statistical figures regarding the black membership in Local 34 comport at least with the black population in the area. They are nowhere near 60 percent, but probably more like 20 percent.

I remember we had an arbitration before Sam Kagel, the Coast arbitrator involving that question. It was a little bit complicated. The employers have the right to choose supervisory clerks; because of the responsibility and the kind of work they do, the employers don't have to take a supervisory clerk sent from the hall, they can designate a man by name and the union has to send him. The man will stay on that job as long as the employer wants him. If the employer no longer wants him he will be sent back to the hall and he will take his chances with everybody else.

There was a black chap who had been working as a supervisory clerk designated as such by Matson Navigation Company. After he had been with them for a while the company, for whatever reason, became dissatisfied with his work. This was a black man and they said, "We are not going to designate you anymore and you just go back to the hall, take your chances."

Leonard:

The union could do nothing about that because that was the employer's right under the contract. However, the man also made a claim that the reason they were doing this was because he was black and so he filed a lawsuit against Matson, and also against the union because he said the union was letting Matson get away with it - - wasn't fairly representing him because he was a black man. The case was before Judge William Schwartzer in the United States District Court here in San Francisco.

One thing always leads to another, at least in my case. I can remember Schwartzer when he was a lawyer before he was a Federal judge; he represented Columbia Steel Company. We had a big beef up in Richmond about some scab steel that Columbia Steel had brought around from the East Coast.

It was a big secondary boycott case and Bill Schwartzer was representing the employer and I was representing the union. But that was many years ago and he had since gotten to be a federal judge and this case I'm now talking about was before him. And he, as judges will frequently do in cases of this kind, where there is a collective bargaining contract which has grievance and arbitration provisions in it as the ILWU contracts do, he ordered the matter to go to the Coast Arbitrator, at least preliminarily, and to get a decision from the Coast Arbitrator. Then he, Judge Schwartzer, would look at it after the Coast arbitrator had done so.

The case went before Sam Kagel and the man couldn't establish that he was sent back to the hall by Matson because of his race. For a whole number of reasons -- Matson had other black employees and Matson had a record that showed up his deficiencies and that the real reason why they sent him back to the hall had to do with his deficiencies, not with his race. In connection with that in order to clear the union of any suggestion of racial discrimination, I had a survey made so that we could put it into the evidence. I had a survey made of the racial composition of the union -- percentage of whites, percentage of blacks, percentage of Asians and so on.

Ward: The Ship Clerks?

Leonard: Yes, Local 34, and we compared that with the population statistics for the Bay Area community and we were able to satisfy Sam Kagel and ultimately Judge Schwartz, who accepted Sam's ruling on it. We were able to satisfy Sam and the Judge that Local 34's racial composition in respect to minorities was at least as good, probably better, than the racial composition of the population from which that work force was drawn.

Ward: That was not by any means the case -- there was a time, if my memory is correct, when it was virtually impossible for any longshoreman to become a member of Local 34, and then that gradually changed, is that so?

Leonard: Oh, yes that's right. In the early days there is no question, and I think Jim Herman testified in one of the cases that in the early days of Local 34, the local was pretty lily-white.

Ward: Lily-white, but not only that, a longshoreman was a lower class person. There was a subtle distinction between the two locals and their memberships.

The Longshoremen And The Clerks

Leonard: Well - - -

Ward: Jimmy Herman had a lot to do with getting rid of that.

Leonard: That's right, that's right. Regarding transfer from longshore, the contract now provides that assuming that work conditions and employment opportunities justify it, or permit it, a longshoreman may transfer to a clerk's work and a clerk may transfer to longshore work. Of course, the individual just can't pick and choose. It's got to be approved by the joint committees and so on, depending on the work needs in the port, etc.

Leonard: Transfer is available in both directions and it usually, as you say, is from longshore to clerk and not vice versa. The contract at least makes it available in both directions, and when a man transfers, he takes with him all of his accrued seniority and his status in the industry and his pension rights and all the rest of it. More and more the clerks don't like it -- the clerks object to it -- but more and more there appears to be an amalgamation, a consolidation of the two crafts.

Ward: That subtle difference - that not so subtle difference is disappearing?

Leonard: Well, it's disappearing slowly. The clerks still insist upon their autonomy and they fight with the longshoremen about these things and they fight with the International and they fight with Herman when Herman tries to eliminate those differences.

You know, I guess they regard themselves as a higher class or classification of people and they just want to hang on to their traditional prerogatives. They don't want to be swamped by longshoremen and just become a segment of the longshore unit, and they still fight for their autonomy. The battle is still there. It is far from won; but on the racial question, the Clerks' local has cleaned up its act. There is no question about that.

Ward: I happen to know that many men -- white or black -- many persons, white or black, could not do ship clerks' work. They just are not mentally equipped.

Leonard: Oh, oh, yes and of course that is one of the things that the clerks say. The work is more than just the physical work that the longshoremen do -- it's record-keeping and it's being responsible for the cargo -- how it is stowed and where it is stowed. If the records get fouled up, it can cause all kinds of problems. They do have different kinds of tests for a man to enter the clerks field which they do not have for longshoremen. They have arithmetic tests and things of that kind to establish that the man is at least qualified to do that kind of work, so there are the differences and that's why the clerks kind of resist and resent

- Leonard: the efforts of the longshoremen to move in, but they are being eroded.
- Ward: That doesn't necessarily mean that a man may be stupid - it means that he just doesn't have the right kind of a mental apparatus for the work. I found that out myself as a once-in-awhile ship clerk; I really was not a good ship clerk.
- Leonard: Well, I guess - you mean, taking oral histories doesn't qualify you to be a ship clerk?
- Ward: No, sir.

And The Walking Boss

- Leonard: Let me talk for a minute about another local where we have similar problems. That's the walking bosses. Now, here if the clerks in Local 34 think for the reasons we have just stated that they are separate and in a kind of a higher class and should be recognized as such, the walking bosses certainly do.

Now, the walking boss is the man, of course, as his name and his title indicate, who is responsible largely for the whole loading and unloading operation of the ship. He's responsible; he's the employer's direct representative in terms of the work that the longshoremen and the clerks do. He's a supervisory person and of course he is paid substantially higher wages than the longshoremen or clerks. It is a very desirable job.

It is also a job which under the contract is entirely in the hands of the employer for selection. The longshore jobs and the clerks jobs, except for the supervisory clerk that I mentioned a while ago in connection with the Matson case, are dispatched out of the hall. The employer has something to say about the men who come. He can turn back men who are obviously incompetent, and so on, but by and large the employer takes the clerk or the longshoreman who is dispatched to the job. But not so the walking boss; the walking boss is the employer's man and he designates him; the union has very little to say, if anything.

Ward: But suppose, the employer wants to fire a walking boss?

Leonard: Well, the contract gives the walking boss certain protection. He's got to be fired for cause and there are grievance and arbitration procedures that can be invoked. You can't discriminate against him because of union activity or because of race or sex or age or any of those things.

He has the protection of the very fine pension and welfare programs that the union has negotiated for walking bosses, but the selection, the choice of the walking boss is largely the company's prerogative. Longshoremen who desire to become walking bosses are very unhappy about this. The employers from time to time have chosen people to act as walking bosses whom the longshoremen don't like, or whom the longshoremen think have been promoted over their heads.

A couple of years ago, it must be three or four now, Local 10 undertook some job action in the Bay Area, when the employers designated three or four longshoremen to be acting walking bosses. The reaction of the Local 10 membership to these particular individuals was, number one, they didn't have seniority, there were more senior longshoremen who should have been designated over these three guys; and number two, there may have been a racial factor - yes, there was, maybe one of the guys who was designated was black but the others were not black.

The contention was that there was discrimination against blacks - they were picking out one black as a kind of a token, but that was all. That was the position of Local 10. They took this job action in protest. There were arbitrations and the Coast Arbitrator, Kagel, ruled that since the contract did not give the union the right to participate in the selection of walking bosses this was an employer's function. This was the argument that we had with PMA. PMA insisted on this - this was an employer's function; the union had no right to complain and the strike was therefore in violation of the contract and Kagel ordered the men back to work.

Leonard:

Once again, the issue was so deeply felt that the men didn't obey the arbitrator's award and the PMA was forced to take them into court and get a court decree directing them to obey the arbitrator's award, which they ultimately did. However, they were sufficiently concerned that they consulted with us and said, "Can't we do something about this - there's got to be some way to break through." So, we filed a lawsuit on behalf of Local 10 against PMA in which we asserted that PMA's method of selecting walking bosses had resulted in racial and age discrimination. These were the only two handles we could find. It had been held that it wasn't a violation of the contract, it wasn't a breach of the contract so we were looking into federal laws to see what we could find to hang our hat on.

Walking bosses being supervisors, we couldn't go to the NLRA because as supervisors walking bosses are excluded and are not covered by the NLRA, but we did have the Civil Rights Act and we had the age and discrimination statute. We filed a lawsuit claiming that the action of the PMA in selecting walking bosses in the manner complained of had resulted in discrimination against black longshoremen and against older longshoremen because PMA was taking young guys. The employer wants younger fellows. Incidentally, this case was handled by my now partner who was then just coming in as a younger associate - Bill Carder. Bill did a very, very good job.

Ward:

How long ago was this?

Leonard:

Oh - four years ago, three or four years ago. Bill did an excellent job. PMA denied everything and asserted its right under the contract to choose and select its walking bosses; it denied racial discrimination and it denied age discrimination. Bill assembled the facts, which could have been argued either way; he put together a pretty good presentation. I believe the judge was Peckham, yes it was, Judge Peckham, the chief judge of the District Court over there now. The net result was - - -

Ward:

Federal or state court?

Leonard:

Federal court, this was under the Federal Civil Rights Act. The net result was that PMA and the union entered into a consent decree approved by the judge. The essence of the decree was that while PMA denied any discrimination, it would agree to advance, I think it was half a dozen men to walking boss status. They were to be taken off of a list depending on their qualifications -- a list that the union presented.

The list the union presented was substantially all blacks and I think that the upshot was that all the guys who were found to be qualified off of that list were black people, so that we got some black walking bosses out of the deal. And also, there would be a supplemental walking boss list. From time to time the employers require supplemental walking bosses if there is a lot of work in the port. If there is a lot of cargo and a lot of ships that need unloading, they have to call for additional walking bosses, and the PMA and the union agreed to a supplemental walking bosses list based on seniority, age, experience.

They developed a formula where all of these factors were given certain percentage points so that a man would end up with a certain position on the list, based upon these factors. When they needed supplemental walking bosses they would go to this list. Again the list was probably pretty heavily weighted with blacks, mostly because by this time the blacks who had come in, as we discussed earlier, in the 50s and early 60s are now pretty much the senior members. So, if you take that factor into account, you are going to get a lot of blacks on the supplemental walking bosses list.

Also, there was a slight, not very great, but a slight monetary adjustment for some of the people who claimed they had been discriminated against. Like all of those decrees, they never satisfied everybody. Some of the people who didn't make the list continued to complain, you know.

But it was, we thought, the fairest thing that could be put together and for the first time it began to breach the wall -- PMA had been saying that the union had nothing to do with it.

Leonard: Now they are working with the union on it and it gave our members some slight redress for the past discrimination and it gives some indication that maybe the walking boss local, like the longshore local before it and the clerks local now, will be pushing, moving in that direction.

Ward: What's the number of that Local?

Leonard: Ninety-four, San Francisco. One last word about that. As recently as yesterday - on that very decree we're talking about, as recently as yesterday, I got a telephone call from the secretary of Local 10 asking me a question about the decree because some of the men had complained to him that the decree isn't being enforced fairly and that a number of the men on that supplementary walking boss list are getting all the walking boss jobs and some of the guys aren't getting them at all. It's constantly an on-going thing. I told Tom (that was Tom Luther of Local 10) to get the facts and get them up to me to see if it really was a major serious problem and not just some personal beefs and gripes. You never know until you look at the facts. If it was a major problem, we would have to take it up with PMA and if necessary go back to Judge Peckham to enforce the decree. The problems are far from solved -- they are still going on.

One last word about that. In connection with the monetary distribution to the men, a sum of money was set up and it was necessary to allocate it among the various plaintiffs and the judge agreed with our suggestion, which was also concurred in by PMA, that Lincoln Fairley, who used to be the Research Director for the ILWU, be appointed as the master or arbitrator to handle any claims or any disputes over this money. A number of cases went up to Linc and he had to make some decisions about who was or who wasn't entitled to the money. But, it's an example, perhaps, of the kind of atmosphere that when the union suggested Linc - - -

Ward: That the PMA was willing to go along?

- Leonard: Absolutely. Well, as a matter of fact, for a while Linc Fairley after he retired was an area arbitrator in San Francisco between ILWU - - -
- Ward: And Harry was a little disappointed because sometimes Linc would rule against the union?
- Leonard: Well, Linc called them the way he saw them - that's what an arbitrator is supposed to do.
- Ward: Ah, well, speaking about the headaches of being a union's lawyer - - -
- Leonard: Well, what I was really talking about was headaches not necessarily from being the union's lawyer; I was thinking of the headaches the union officials have. We have been talking about the problems that are presented, largely about problems presented by black people claiming that they have been discriminated against and not fairly represented by the union.
- But it isn't only black people. We have had over the years claims by women, claims by other minorities - Asians, American Indians and so on, claims by handicapped people, all of whom take the position that the union has a duty, and it does under the law, to represent them fairly - that all segments of the bargaining unit ---
- Ward: Is there such a thing as a woman longshoreman?
- Leonard: Yes, there are women now working as longshoremen.
- Ward: Well, they don't handle cargo?
- Leonard: Uh ---
- Ward: They run winches or what?
- Leonard: Some of them may actually handle cargo. I know we have women working now as longshoremen. There are women working as clerks. I don't believe we have any women walking bosses, but there are women who handle the machinery on the front and actually may do cargo. We have a lot of women, for example, in another local, Local 2, which is the Shipsalers local, involving a lot of dirty, heavy work, and we have women doing that.

Ward: That's about the dirtiest job there is.

Leonard: That's right; the present president of that local is a woman. But what I was saying -- it's a little bit ironic -- the jobs on the waterfront now, because of what the union has done in the last fifty years, are so good, they are so desirable -- the pension benefits, the welfare benefits, the whole package -- that people really want these jobs. For example, within the last year or so, down in Long Beach when the union and PMA announced publicly that there would be an opening -- I think it was for about five hundred "B" men, something like 25,000 people showed up and made application for those jobs.

Ward: 25,000? For 500 jobs?

Leonard: That's right. I suppose that also reflects something about our economy overall, but it also reflects the great desirability of these waterfront jobs. So, we have groups always coming in and saying "Hey, you didn't treat me fairly."

American Indians; we had some cases up in the Northwest, Portland and Seattle - it was said, "You are discriminating against American Indians." It was also claimed, "You are discriminating against Asians, you are discriminating against blacks, you are discriminating against women."

The most recent twist was in a case down in Los Angeles, and we have a little spin-off up here in the Bay Area, in the clerks' local, about disabled people. There's a federal statute that says you shall not discriminate against people because of their disability providing they can do the job, or you can make a reasonable accommodation for them to do the job. And in one of the cases in Los Angeles a group of disabled people came in, represented by a very fine lawyer whom I'd known many years ago, fellow named Stanley Fleishman who himself suffers from a disability and is taking this on as a kind of a cause. He came into the court where we were handling a woman's complaint - a complaint of some women who said they were being discriminated against and Stanley Fleishman came in with a group of disabled people and said, "Hey, me too" in effect. And I remember getting up before Judge Takasugi, a Japanese judge down there.

Ward: Who?

Leonard: A federal judge down in Los Angeles - his name is Takasugi, Japanese. I remember getting up before the judge and saying, "Look, Judge, here we are - we've got women complaining and we had some casual clerks in there complaining. We had three or four groups complaining and here come the disabled people and I said, "What are we supposed to do? We have a finite number of jobs -- all these people want them. Would you like to run the registration system?"

He said, "No, he wouldn't like to run it, but the parties better get together and see if they can work something out fairly." Again, we did - PMA's lawyers and our lawyers and the lawyers of these other groups sat down together and nobody was totally satisfied because it was a finite number of jobs and we said, "All right, we are going to allocate a certain number to the women, so many to this group, so many to that group," and we presented it to the judge and he approved it, which was probably the only thing he could do.

But that wasn't the end of it because those who were dissatisfied, who didn't think they were properly accommodated, are still complaining, taking appeals and so on. It's just a headache. And one reason it is a headache - and you can see why it is a headache for the lawyers, because we get involved in all this stuff. It's a headache for the union officials and the Coast Committee because they get involved. Sometimes, I've heard Jimmy say - (I'm sure he's not serious about it) - I've heard Jimmy say sometimes when we get caught up in these things, "Goddammit, let's get out of this registration business; let PMA register whoever they want and we'll just get a union security contract - let them have the headaches." I don't think he really means it, but sometimes when it - it just seems to be so overwhelming, he just kind of says, "Give it to PMA and let them worry about it."

Ward: I don't think he can get away with it.

Leonard: I don't think he means it and I don't think he could get away with it. The men wouldn't stand for it. Getting that participation in the registration was one of the big issues of the '34 strike and I don't think they are going to turn around now, but it is a headache.

Ward: Well, I see, I think we could quit here.

XIII PROBLEMS, ALWAYS PROBLEMS

(Interview 10: 30 November, 1985)

Peering Into The Future

Ward: Norman, just to change the chronology a bit more, something has happened on the front page of the Business Section of The Chronicle yesterday that you would like to talk about.

Leonard: Yes, on the front page of the Business Section of The Chronicle on November 29, the lead story is entitled "Wage Sacrifices Saving Lumber Jobs" and what it deals with is the recent negotiations in the lumber industry in the Pacific Northwest. It points out that one of the unions that represents the lumber workers up there had agreed in order to save jobs and after a very lengthy and difficult strike - had agreed to accept an almost \$4 an hour wage cut. The article said that this deal is expected to save the company some \$11 million dollars.

That is an example of what we were talking about some weeks back when we were discussing the problems in our own industry, particularly in ILWU Warehouse. The employers are getting tougher and tougher and they are negotiating take-aways from the union. Local 6 just recently has had to sign a contract with an outfit in Richmond, California -- Bio-Rad -- which contained not quite as severe a wage cut as that for the lumber workers, but which contained lots of take-aways. A very unsatisfactory contract, but in order to hang on to the jobs and protect the workers, they had to do this.

Leonard: This seems to be the pattern going on, and here we see it in the lumber industry. The other interesting thing about the article relating to the lumber industry, and it is something that we also talked about in the past, is that this is likely to generate a jurisdictional dispute, because there is another union that represents workers in that industry. That union is called the Paper Workers International, something like that. That union has not agreed with the employers in that industry to make those concessions.

I am just as sure as shooting that the employers whose workers are represented by the Lumber Workers Union, as contrasted with the Paperworkers Union, are going to be pressing the paper workers union to make the same concessions that the other union made. If they don't, I would be almost certain that in some fashion those employers would bring in the union that has the lower wage rates and you will see a jurisdictional war between the two unions, unless they can work out something.

The whole pattern that we saw in the longshore industry with the crane operators and the shrinkage of jobs and all the rest of it is being reflected in this article that dealt with the lumber workers in the Northwest. This is the pattern that seems to be going through American industry. The employers are taking advantage of the weaknesses in the labor movement and of what they can expect from the Reagan administration, what they can expect from the NLRB. More and more, we see unions giving up positions that they worked so hard over many years to win. When I saw that article yesterday, it occurred to me that it would be interesting to make a comment about it at this point.

Ward: Does this bring back memories of the 1930s?

Leonard: Well - - - -

Ward: Not exactly; in my case it makes me recall the Thirties - - late Twenties and the early Thirties -

- Leonard: You're talking about the economics of the depression period. Yes, to that extent, that's true and that is one of the reasons, for example, after the '34 strike, why Bridges and people like him tried to put together a maritime federation, tried to unite the various unions in the maritime industry, so that you wouldn't have this kind of thing again; that you'd have united strength, instead of unions fighting one another.
- Ward: Well, again, no two depressions are alike, of course, but do you get any feeling of connection between the wage cuts and the stock market and its boom right now?
- Leonard: I suppose there must - - I don't purport to be an economist. But it's a little bit strange, isn't it, that you've got wages going down, there are wage cuts taking place, and more companies are laying people off, as the daily press constantly tells us, yet the stock market, stocks are going through the ceiling. I don't understand it.
- Ward: I do recall, and Angela has brought it sharply to my attention, that the stock market boomed to beat hell just before the crash of '29.
- Leonard: Well, I guess we'd better keep our fingers crossed.
- Ward: But you were a bit young at that time.
- Leonard: I was but I guess we'd better keep our fingers crossed now. It's booming and who knows what next month or next year is going to bring.
- Ward: Well, the times are iffy.
- Leonard: Right.

Homosexuals - Another Minority Group

- Ward: We've been talking about unions and their problems. Now, you've had a bit to do with minority groups, too.

Leonard: Well, we've talked about other minority groups throughout this oral history, about the blacks and the women and the handicapped people in the longshore industry, and the political minorities. But there was a minority group that was not at all connected with the waterfront that we represented for a good many years, and that was homosexuals.

We represented quite a number of people of that particular sexual persuasion who were having difficulties with the government. This was back in - oh, the early Sixties, probably. I know it was before 1965 because we moved our offices from Montgomery Street to Market Street in '65 and some of the cases that I recall took place down on Montgomery Street.

The first of them that I distinctly remember had to do with the Immigration Service. I think I mentioned earlier about some of the problems of the political minorities with the Immigration Service, but one of the clients I had was a homosexual, a guy who conceded, admitted that he was homosexual -- that was his sexual persuasion.

Ward: Were they being persecuted just because they were gay?

Leonard: The statute, the Naturalization and Immigration statute, provided that an alien could be excluded from this country, or if he was in this country, could be deported, if he was or if he had (I think the statutory language was) if he had a "psychopathic personality"; that was the statutory terminology.

Ward: That's the language?

Leonard: "Psychopathic personality." The Immigration Service interpreted that, through its various regulations, to mean that a homosexual was a psychopath. You know, utterly ridiculous in terms of modern knowledge and understanding of the problems of homosexuality and psychiatry and all the rest of it. But he was treated as a psychopath.

Leonard:

I had a case for this chap who had been in this country for many, many years - a very nice man, a very decent fellow. All of a sudden the Immigration Service picked him up - I don't recall now how they got the lead into his homosexuality, but they picked him up and he admitted that he was a homosexual -- there was no denying it. They proceeded to commence an action against him to have him deported, and they ultimately succeeded.

We took the case through the Immigration Service and lost it there and took it into the courts and got it up to the Court of Appeals for the Ninth Circuit. The Court of Appeals for the Ninth Circuit considered itself bound by an earlier decision of the Supreme Court which had held that homosexuals could be excluded as psychopathic personalities, and they affirmed the decision of the Immigration Service and ordered the man deported.

We asked the Supreme Court to review the case but the Supreme Court adhered to its original position that the Immigration Service could interpret the statute as it applied to homosexuals and they refused to review the case. The man, who was a Canadian, by the way, was sent back to Canada. From time to time after that I would get a note from him telling me how he was doing. He was doing all right in Canada, but he much preferred to be in the United States where he had lived for some ten or fifteen years before this incident happened, but we never could get him back.

That was one aspect of our problems with the homosexuals - the other aspect had to do with the California Alcoholic Beverage Control Board. The Alcoholic Beverage Control Board licenses bars throughout the state - you have to have a license from the board in order to operate a bar. Many bar operators, homosexual people who are involved in the operation of bars, came to our office because they got into trouble with the Alcoholic Beverage Control Board.

The statutory standard there was something very vague and general like "good order," or "proper decorum" in the interests of the health and well-being of the community; very broad statutory language in the California legislation.

Leonard: The Alcoholic Beverage Control Board took the position that the mere presence of a homosexual bar would violate the statutory commands and they would institute proceedings to revoke the licenses of bars where homosexual people would gather. We would have hearings before a referee or an administrative law judge where the evidence with respect to the operation of the bar would be produced.

It's interesting that in these cases, just like in the political cases, they used informers and provocateurs, although it was not on a political level; it was on a sex level. The modus operandi was exactly the same. What they would do when they suspected that a bar was being frequented by homosexuals would be to have some young and, from the point of view of a homosexual, I assume attractive police officer, a member of the vice squad, go into the bar, act as though he were one of the boys, so to speak, proposition somebody at the bar. When he got the right kind of response - the kind of response they thought would stand up in court - bang - down would come the arrest and the bar owner/bar operator would be cited for operating a homosexual bar.

Ward: That brings up the question in my mind, how do you define a homosexual bar; what makes it homosexual per se, legally?

Leonard: Well, I suppose it's one in which the patrons are of the same sex; we were essentially talking about males. I don't recall that we ever represented any lesbian - - -

Ward: Well, bars of any kind are most frequented by men.

Leonard: Well, I remember having some discussions around this issue with the man who was then the chief law enforcement officer for the Alcoholic Beverage Control Board, at least in this region and area of their work. He later became a judge and a very respected judge in the California state legal system.

I remember talking to him and saying, "Look, you are not enforcing the law fairly." I used this as an example: you go up to the Top of the Mark and a young man and a young woman are sitting

Leonard: in a corner having a drink and kind of nuzzling each other, you know the way people will do. You are not going to take the license away from the Mark Hopkins. There's a kind of sexual activity going on, but you close your eyes to it.

But if it were two guys in a bar down on Market Street, bang! you move right in." "Well," he said, "that's the way it is - what they are doing up there at the Top of the Mark is normal; you see, heterosexual is normal." And then he turned to me and he said, "How would you like to have your son approached by a homosexual?" In other words, it was his and the department's personal, subjective reaction to what they didn't like that they translated into law enforcement, and they had the power to do it.

Ward: Many young men -- I remember having been approached by a homosexual and saying, "The hell with you," and walked away. Just not interested.

Leonard: That's a matter of personal preference, but what they did - what the government agents were doing was enforcing their own feelings about this, and the thing that was interesting and disturbing was the way in which they did it -- as I said, by creating very provocative situations. They would send their own agents in to provoke homosexual reactions and then they would use that evidence to revoke the bar license. Of course, the whole pattern is changed completely now and it doesn't exist in San Francisco any more, obviously.

Ward: I was going to say, I understand that there are quite a few so-called homosexual bars these days.

Leonard: Oh, yes, the whole story of course is now different as a result of the development of the political consciousness of the homosexual group. Harvey Milk, (a former San Francisco official) and even before Harvey Milk, it became a fairly open community and politically quite important. In the days I'm talking about, in the late 50s and early 60s, most of those bars, when you approached them from the street side, had a big black curtain over the front. They were dark and they were dingy and it was really like a kind of an undercover operation.

Ward: Suspicious.

Leonard: Yes, and it was more than looking suspicious. I think the people who frequented those bars felt the need for some kind of protection -- some kind of isolation -- because they were anathema to the community and they had to get together in these places where they could enjoy each other's company without the intrusion of the public.

I remember being asked to go down to Los Angeles and defend a case in the court involving one of these homosexual bars, off Sunset Boulevard, and I went to the bar to get a look around, to see what it was like -- what the lay of the land was like, so that I would know what I was talking about when I got into court-- it was a criminal prosecution in the Municipal court.

I had to go through a curtain and it was dark and I really felt sorry for these guys, whatever their sexual orientation was; they had to express it in these confined and cramped quarters. It almost made me think of the early Christians in the catacombs; you know, they too were a persecuted minority and they needed to be together and they needed to be protected.

That went on for a while but, as I say, the opening-up came later. There probably still is the persecution of homosexuals and possibly more of lesbians. Today we read about it from time to time. But the picture is entirely different from what it was twenty-five years ago when we handled some of those cases. I was always impressed with the parallel between political persecutions and those homosexual persecutions. The modus operandi was exactly the same - the use of infiltrators and provocateurs.

Ward: That reminds me of a somewhat similar situation between sex and liquor. In earlier days when I was trying to go into a saloon and buy a drink, there was such a thing as a Ladies Room and that doesn't mean the ladies' toilet. That was a separate part of the bar, separate rooms where women drinkers could go. Men could not go in there and women did not come into the main saloon, but the women who liked their drink went into this women's bar, via a separate entrance.

- Leonard: That was before my time.
- Ward: You wouldn't remember that. Did you ever hear of the Old Waldorf, at the corner of Third and Market, which used to be in the Chronicle Building on the ground floor; now I think it is some savings and loan place. This Waldorf Bar was famous for its Waldorf Fizz and I went in there when I was about seventeen and tried to buy a Waldorf Fizz and got chased out. Ever been slapped with a wet towel?
- Leonard: No.
- Ward: That hurts at the hands of an expert bartender. That was the way it was.

Aubrey Grossman And The Indians

- Ward: Okay. Another backward look of great interest to many progressive people in San Francisco. The original name of your firm was Gladstein and Grossman - that was Richard Gladstein and Aubrey Grossman. As the years went on, things changed a bit and Aubrey went otherwise to practice law. However, his connection with the old firm was very friendly.
- Leonard: That's right.
- Ward: And he got into some difficulties and you represented him. Could you tell us about that?
- Leonard: Yes, it must have been maybe eight years ago. He continued his interest in the kind of liberal, progressive, public work that he had been doing earlier with us. One of the things he undertook, one of the things he got involved in, was the representation of Indians in California, and the representation of Indian rights. He brought a number of actions and participated in a number of actions involving Indians.
- Aubrey was always a very vigorous and outgoing spokesman and a very strong advocate, a very tough adversary in court. As a result of this, he ran afoul of a couple of judges, at least two, and there may have been three.

THE STATE BAR OF CALIFORNIA
BEFORE LOCAL ADMINISTRATIVE COMMITTEE NO. 6

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In the Matter of
AUBREY GROSSMAN
a Member of the State Bar.

No. SF 2222

REPLY BRIEF FOR RESPONDENT

NORMAN LEONARD
1182 Market Street
San Francisco, CA 94102
MA 6-3077

Attorney For Respondent

ATTORNEYS AT LAW, 1182 MARKET STREET, SAN FRANCISCO 94102, PHONE 929-3077

Leonard: One of them was up in Shasta County where a group of Indians who became his clients were arrested for trespassing on land that was presumably or legally owned by PG&E (Pacific Gas & Electric Company). The Indians took the position that this was their original, native tribal land and that it had been taken away from them improperly, illegally; to protest this sort of thing they went on the land.

Ward: That was up in Shasta County?

Leonard: That was up in Shasta County and the case was before a Justice of the Peace who, incidentally, was not a lawyer and as a result of this case, I might also say, the law has since changed because of the fight Aubrey made there; now when constitutional questions are involved in a case, the judge has to be a lawyer. Aubrey raised the question that a non-lawyer just did not have the competency to pass on such questions.

But in any event, as a result of the court activities, Aubrey's protests and Aubrey filing motions and various other things he did in court, he was cited by the California State Bar for conduct unbecoming a lawyer. At or about the same time, he got into a hassle during the course of the trial with a Municipal Court judge in Sonoma County.

He got into a hassle with a judge up there. He felt that the judge was being partial to the district attorney and was being unfair to his clients. And Aubrey being the kind of outspoken guy that he is, let the judge know exactly how he felt about it; he made his protest. He made it in a perfectly proper, lawyer-like manner - - he was protecting his record - - but he wasn't bashful about it either. As a result of which the State Bar also took this incident up, and there may have been one other.

In any event, these two or three incidents were the basis of a charge by the State Bar of essentially unprofessional and unlawyer-like conduct. They set up a hearing following the normal State Bar disciplinary procedure and Aubrey asked me to represent him in that hearing.

Leonard:

Of course I undertook to do so and it was a very interesting hearing. The evidence that the State Bar prosecutor put in was essentially what I reviewed for you. They had the transcripts of Aubrey's conduct in the various courts where these incidents took place and their position was simply that this was unlawyerlike conduct and on one of the charges, to buttress the record, they brought down a Superior Court judge from Sonoma County, who had just happened to drop into the Municipal Court where the trial of Aubrey's clients was taking place.

I had the delightful and enjoyable task of cross-examining this Superior Court judge because, as far as I was concerned at that point, he was just a witness. He was just like anybody else. He was telling a story and he had to be cross-examined which I did.

In addition as part of Aubrey's defense we accumulated what must have been between 50 and 75 or maybe even more declarations and affidavits from lawyers throughout the state who had had contact with Aubrey and had worked with him and against him in litigation for all the years that he practiced.

All of them said essentially that he was a brave and courageous lawyer who fought for his clients' rights but always within the framework of the accepted legal system. He was perhaps more vigorous than other lawyers. That wasn't to be condemned. In addition to comments of this kind from lawyers we got comments from judges before whom Aubrey had appeared. I remember one -- there were others -- I remember Judge Avakian in Alameda County appeared personally for Aubrey. Judge Lazarus of San Francisco gave an affidavit as did other judges. We had some other people we called in as witnesses who appeared personally for Aubrey. My recollection is that (former Governor) Pat Brown gave a declaration in Aubrey's behalf.

It was really a very impressive set of credentials that was developed. The State Bar was pretty uncomfortable about it and at one point they kind of made it clear to me -- off the record,

Leonard: you know, while we were talking in corridors and so on, in a recess -- if Aubrey would just say, "Oh, maybe I overstepped the line a little bit and I'm sorry and I'll apologize" that they would be very happy to forget the whole thing.

I put it to Aubrey -- after all, he was my client and I had to tell him what was being said; it was up to him to make the choice. And I still remember it, the way I put it to him; I said, "Aubrey do you want to get this case dismissed or do you want to make a big political issue of it?" And Aubrey's answer was very simple and very direct, he said, "Both." I will never forget that. I said, "All right, we'll see what we can do."

Came time for the defense to go on. Aubrey demanded and obtained, not just a teeny, little formal conference room in the State Bar where these things are always held; you know, kind of in secret and quiet, behind closed doors because lawyers don't want people to know that they are subject to a disciplinary proceeding. Not Aubrey! Aubrey wanted the biggest hall they could get for him. He waived his right to secrecy and they got a room in the California Building on Turk and ---

Ward: The old California Hall across kitty-corner from the Federal Building?

Leonard: Yes. They set a hearing for Saturday morning. I remember going down on a Saturday with him and he must have had one hundred Indians - one hundred Indian people. He brought his clients down so they could see what was being done to him as a result of his defending them.

The upshot of it was that the State Bar Committee -- there was a three-man committee -- issued a report that while technically slapping Aubrey on the wrist was a great commendation for him and the kind of work that he was doing and for the great advocacy that he was engaged in on behalf of his clients. One of the members, I remember, who was a lawyer from a downtown conservative law firm - a Montgomery Street financial concern wrote a special section in the report, commending Aubrey and in effect, not in so many words, but in effect being very critical of the system and

Leonard:

the manner in which it stifled free advocacy. It was a very interesting report, coming from a conservative Montgomery Street lawyer, but he was concerned about the rights to protect minority people, particularly because Aubrey was a lawyer and this was a legal proceeding in the State Bar. This member as a lawyer himself was concerned about punishing lawyers for representing unpopular clients.

I was saying that there was a report from one of the three men on the committee which was particularly good - the main report was fine too. This chap, who was from a downtown Montgomery Street law firm, conservative business lawyer, whom I ran into later around some business litigation, was very concerned about the need to protect lawyers who had the guts that Aubrey had. Others had to represent unpopular minority people, and this lawyer expressed himself very, very strongly about it.

The upshot of the whole thing was that they gave Aubrey a slap on the wrist. They found that in one or two instances he had overstepped the bounds, but on the whole it was really a commendation to Aubrey for the kind of work he was doing and the courage with which he represented minority peoples.

I'm sure that lawyers who were aware of it, and it was kind of generally known throughout the legal community -- a lot of lawyers who would represent unpopular causes and minority peoples took heart from the fact that we were able to get that kind of result in the State Bar proceeding.

Aside From The Waterfront

Ward:

Well, Norm, again referring to your work with unions, I gather that you have represented at various times other unions than those representing waterfront people.

Leonard:

That's right. I think we mentioned very, very early on how we were involved with the Auto Workers, Rubber Workers -- that's ancient history -- but in more recent years we have represented other unions. For example, for many years we represented, and still do, a local of the hotel workers --

Leonard: the Hotel and Bartenders, the Restaurant Workers Union over in Marin County. The principal problems they have over there, because of the nature of the industry and the location is really to keep the union alive. In some of the bigger houses over there, the bigger restaurants where they have been well-established, there is no great problem.

Ward: Sally Stanford's Valhalla?

Leonard: Sally's was one of the places where they were organized. I was thinking of places like Sabella's, Marin Joe's - some of the big establishments, the Spindrift, a number like that. But the problem is that there are so many small establishments, with not too many employees, that attract casual workers, that attract part-time workers and students. It's extremely difficult to organize them and there is a great problem of keeping them organized.

The union has a fairly good pension plan and a pretty good health and welfare plan for the people. The difficulty is to get the employers to participate and make contributions. It's a very competitive industry.

Ward: Would you say that in these very small places part of the problem would be the actual closer relationship between the boss and his employee -- one or two or three?

Leonard: I'm not sure that that is true. Obviously, there is a closer relationship than there would be between the boss and a hundred workers, or a gang on the waterfront, and so on. So, that makes it difficult. The problem is that it is so hard for the organized houses to pay into the benefit funds when their unorganized competition does not.

One of the principal, not the sole but one of the principal activities we have engaged in over the years for the Hotel and Restaurant Workers was filing lawsuits against the employers who were not making their contributions to the various fringe benefit funds. That was the thing - that the union tried to keep these guys in line by making the contributions and we found that we were

Leonard: becoming a collection agency, filing lawsuits of that kind to protect the interests of our clients.

Ward: That wasn't so interesting, was it?

Leonard: Well, it was not uninteresting, and with the development later on of the federal law - in 1974, ERISA came into play - we began to go into the federal court. Interesting federal questions were raised in trying to keep the pension plan and the health and welfare plan afloat. That was the kind of thing that we were doing for the restaurant workers in Marin County, largely.

We did other things too there because there were unfair labor practice charges as a result of some of the unions' organizing activities, and we were before the NLRB quite a bit.

I remember that one of the very early cases involved a wage claim against one of the larger establishments which is still in business over there. In order to enforce the claim or to compel the employer to sign the collective bargaining contract, the union put up a picket line on the night the sheriff was to attend a big dinner there. Something like that recently happened in San Francisco, you may remember. The sheriff refused to go in probably because he was interested in labor support and it may have been close to an election; I don't remember. Anyway, he refused to go through the picket line and it caused a great big to-do. There were charges and counter-charges, so we were involved in that sort of thing over there.

Ward: Did the sheriff go through the picket line?

Leonard: No, he did not.

Ward: It worked?

Leonard: It worked, yes, and what happened was that the employer signed the contract, and then later tried to weasel out of it, claiming that he had signed it under duress, when we brought suit to collect some of the monies he was supposed to pay under the contract. That was the defense and it didn't get very far. He was thrown out of court on that and I remember he took an appeal; that didn't get

Leonard: very far either and we finally did collect the money for the union funds.

Another union that we are representing currently, have been for the last three or four years, is again quite different from the waterfront unions, but it's interesting and kind of refreshing to me personally. This is a small union, maybe 200 - 250 people, who are in turn employed by a larger union. Their employer is the California Teachers Association which represents thousands upon thousands of teachers in the State of California in their dealings with the various education boards and school districts and so on.

Well, this large union, the California Teachers Association, of course needs a staff to work for it. And it has two aspects to its staff. It has what is known as the Professional Staff Organization and those are the people who are business agents and negotiators; they are labor relations experts. Our office represents them too. I don't directly, but my partner, Bill Carder, is principally responsible for the work of the professional staff. But in addition to the professionals they have just ordinary clerical people - - stenographers, secretaries and so forth. This group known as the Classified Employees Association is my personal responsibility.

Ward: Norman, we were discussing this union or bifurcated union which consisted of the employees of another union. I think you were explaining the two different types of people in the employees union.

Leonard: Yes, that organization has two kinds of employees and they are in two different unions. They are not a bifurcated union.

Ward: Oh, I see.

Leonard: They are two different unions. One of them is called the "Professional Staff Organization" and it consists of the professional people who work for CTA -- the union organizers, the business agents and people of that kind. That union as I think I have previously mentioned is represented

Leonard: by our firm but the person in our firm who is principally responsible for the affairs of that union is my partner, Bill Carder.

The other group of employees that is involved consists of clerks, stenographers, secretaries and people employed in that category. Those people are organized into what is known as the "Classified Employees Association" and my firm also represents those people and I have the primary responsibility for handling their affairs.

Ward: Uh-huh, and you said that you find something about working with these people, particularly, personally satisfying to you.

Leonard: Yes, I do - they are a bright, alert, aggressive group of people. They are constantly on their toes in terms of taking care of the grievances of their members. They are constantly making certain that the contract provisions, the collective bargaining agreement which they have with the California Teachers Association is lived up to.

I find myself involved quite often with them in the processing and handling of grievances. I just had one, for example, last week. The headquarters of the Teachers Association is in Burlingame, California, though they do have a branch in Los Angeles. I find myself going down to Burlingame quite often in the handling of their grievances; occasionally, I have to go down to Los Angeles, too.

Though it is not unique, they have an interesting grievance procedure; when a problem arises they file a grievance at what they call Level One, which is the first level between the grievant and her supervisor. Most of the members of this particular union are women, although there are some men. They will file a grievance at that level; if it can't be resolved, then the grievance chairperson will take it up with the personnel officer of the California Teachers Association.

- Leonard: If it cannot be resolved at that level then it will proceed to arbitration; but they have a very interesting and what I think may be a unique provision in their contract. Prior to the arbitration actually taking place, there occurs what is known as a pre-arbitration conference. That's where I get involved. On the first two steps that I mentioned they don't usually need --
- Ward: They take care of themselves?
- Leonard: They take care of that themselves, they don't need legal assistance at that level, but if it gets to the point where they can't resolve it and it's headed for arbitration, they have a pre-arbitration conference with top management. At that point they usually ask me to participate. At the pre-arbitration conference we attempt, as a last step before going to the arbitrator, to resolve the grievance, and I must say that we have been quite successful. We've had over the last three or four years only one arbitration that I can recall. For the balance of it, we've almost always been able to resolve the grievance at the pre-arbitration conference, and they seem to do very well at that level.
- Ward: Well, here comes contract time and the clerical workers want a raise; what happens?
- Leonard: When their contract expires, they do what any other union does, they go into negotiations. The last negotiations that I participated in with them were in 1981. Their old contract had expired and we had a long, long series of bargaining sessions in Burlingame hammering out a new contract, not only on wages but on all sorts of other things.
- Ward: You mean the Teachers Association resisted the idea of giving a raise?
- Leonard: Oh, yes. The Teachers Association is an employer. One of the arguments we constantly used, of course, when we put forward a demand for a wage increase, or for some improvement in seniority or some improvement in pensions or some improvement in health benefits -- we would always argue with them; "Now, look, when you people are representing your teachers before the various school boards and

Leonard: before the various school districts, you are always pushing for this sort of thing, aren't you?" And their answer was "Yes, but you are not teachers." Or their answer was "Yes, but we can't afford it."

In that capacity, they are acting as employers, but a pretty satisfactory contract was hammered out when I participated in the 1981 negotiations. That was a three year contract and it ran to 1984. In 1984, they negotiated pretty much a wage re-opener and some additional wage benefits. They didn't re-do the whole contract as they did in '81; they were able to handle that and I wasn't involved. Now the contract runs until next year - until '87 - I don't know what will happen then, whether they will have a full dress review of the whole thing, or whether it will be just economic demands.

Ward: It must be rather inwardly amusing to you to see good union folk told they couldn't have a raise because the employer can't afford it.

Leonard: Well, yes, it is amusing. Of course, we throw it back in their faces. We point out what they do when they are talking to their school boards. But they have the same problem, I guess, that anybody else has. Their income is from their dues. I'm not privy to their finances, but they say, "Well, we've got just so much money -- we can't give you any more" - and then, as in any collective bargaining, we argue back and forth and finally reach an agreement.

Probably our CEA people do not get everything they want and probably the CTA people think they gave more than they should have, but in the spirit of good collective bargaining they are able to reach an agreement. It's a small union, the CEA; it only has a couple of hundred people, but they are very aggressive.

The chairperson -- who incidentally is a very charming woman -- just doesn't let anything go by her. If there is any situation that looks like one of the employees has been aggrieved, has not been treated properly, not been treated fairly,

- Leonard: she's right there filing a grievance, going through the procedures that I outlined before and getting me involved in these pre-arbitration conferences. There we never get a 100 percent of what we go in for, but I would say that our batting average in these pre-arb conferences has been settlements of 80 percent, or something like that, of what we wanted.
- Ward: In that regard, isn't that percentage more or less figured in when making your demands, in formulating your demands?
- Leonard: You mean at the bargaining table?
- Ward: Yes.
- Leonard: Yes, and of course that's one of the problems - -
- Ward: You're not going to get everything, but you try anyway.
- Leonard: Of course, that's one of the problems that we have in these pre-arb conferences like the one I just had last week. The employers' representative who is a very decent guy - you know, he has to be because he came up through the organization of the teachers. However, his position on these grievances -- while he is understanding and sympathetic and therefore we are able to resolve questions -- his position has to be "Here, here, we negotiated this out at the bargaining table two years ago and you got this, that or the other thing" - whatever the particular issue was - "and now you are pushing for a little more in the course of this grievance." Which, of course, is true.

Last week we had a situation where an employee complained that she was getting an extraordinarily heavy work load and something had to be done about it. The union's position was that we wanted her to be reclassified to a higher classification. Well, the employer resisted that for a number of reasons: number one, technically she was in the classification that was provided for by the contract; the employer didn't want to go outside the contract. Number two, he was concerned about the domino effect; he was afraid that if he reclassified this particular employee, a whole host

Leonard: of other employees would be right behind her. He said he could see them all lining up in the hallway asking for the same thing. So, with that situation and because he was probably technically correct about the contract classification, we were a little bit dubious about taking it to arbitration. We proposed a compromise and the compromise we proposed was ---

Ward: When you say "we" do you mean "I"?

Leonard: I mean our side of the bargaining table. Yes, I drafted it; but what we proposed was, number one, that additional assistance be provided in the particular department where this employee worked so that she wouldn't feel overworked and wouldn't in fact be overworked. They agreed to provide another secretary in the department.

Then, number two, we said that for the last three years she had been overworked and she should get some retroactive pay adjustment. We hammered out a formula which has not as yet been fine-tuned. The effect is going to be that she is probably going to get about two thousand dollars in retroactive wages.

And it is settlements of that kind that we are able to hammer out in these pre-arbitration conferences. As I say, the grievance chairperson is just very, very alert and you might even say that she is pretty feisty about things like that. Whenever the employees have grievances of this nature, she's sure that they are processed. We usually get something favorable and the employees -- like this one of last week, for example -- come away well satisfied.

Ward: Norm, has the situation ever arisen where the employing union wanted to fire a member of the employees' union?

Leonard: I don't believe so. There may have been one or two disciplinary cases of suspension for alleged misconduct or something of that kind. No, we've never had a discharge case.

Ward: It hasn't come up - the question has not arisen?

Leonard: That's right.

- Ward: That is a happy situation in any employer-employee relationship then, isn't it?
- Leonard: Yes, it is and I think this is particularly so because of the nature of the employer. The man that we deal with is the assistant administrator. He's high up in management but he's a guy who has come up through the union ranks himself; that makes him much easier to deal with than if you're dealing with a guy who is just a strict out-and-out boss who is only interested in making a profit. After all, CTA is not a profit making organization - it's a union itself -
- Ward: I've noticed cases where two employees whose work duties bring them into frequent contact with one another and they don't get along - - -
- Leonard: We've had some situations like that. There are always personnel and personality problems and they are very difficult to deal with. There is one that is brewing along now -- very difficult.
- Ward: What happens? Do you separate the two quarreling workers? Get them different - - -
- Leonard: Well, that's one of the things we did in one situation. A matter of transferring people. In other situations, we have tried to use psychology, to talk to the people and to make them understand that they have got to get along. It's a little bit difficult because these things are really outside of the contract provisions, they are outside of the collective bargaining relationships - - personality and ego conflicts. We have one now that's just been bubbling along and we've been trying to sit on it for a couple of years. We think it has quieted down and everybody is working harmoniously and peacefully, and then something breaks out again. And we try to calm it down. But those are just human relationships.
- Ward: We have a mutual friend who is in a situation very much of that kind -- a union man himself -- he's in charge of an office with numerous employees who belong to a union. According to him, there is always one row after another -- some kind of personality problem.

Leonard: There always are personality problems. They are enough to be bothersome, but we try to keep the lid on as much as we can.

Ward: Would you say that those personality problems are more likely to arise among white collar workers than among common laborers?

Leonard: I don't know why they should. Perhaps. I'm not really qualified to talk to that, Estolv.

Ward: It might be.

Leonard: Well, it might be. I'm thinking, for example, of the kind of stuff that Herb Mills (former officer of ILWU Local 10) wrote, I think, for the University of California. He did a lot of work on personal relationships on the waterfront, particularly before the advent of mechanization when the gangs had to work harmoniously together. Obviously, there were intermittent, occasional personality flare-ups.

But Herb concluded, or at least pointed out, that when the gangs had to work that way together to get the job done, and also because of the safety factors involved, there was a good deal of harmony and a good deal of mutual respect and inter-relationship. The guys would knock off for lunch and go out on their breaks and have a beer together.

Ward: Or they might have a fist fight.

Leonard: Or they might.

I don't know if you are familiar with Herb Mills' stuff. He has written a number of pamphlets on this subject and they are very illuminating.

Switching back to mechanization, he points out that this inter-relationship and mutual dependence and the respect that the guys had for each other in the pre-mechanization days doesn't exist now, or certainly doesn't exist to the same extent now, because so much of the work is a one-man isolated job. A guy who is operating a crane on the waterfront has got to climb up a ladder sixty feet high to get up to his job, and he takes his lunch with him in a brown bag.

- Leonard: He's not going to come climbing down and climbing up again. He's all by himself all day long, so that the contact, the relationships that existed before all these machines intruded themselves on the waterfront have kind of disappeared. It's a very interesting piece of work that Herb did on the psychology of the workers on the waterfront.
- Ward: Uh-huh. At any rate that seems to take care of the teachers and their employees for a while.
- Leonard: I think so. As I said, they are fun to work with and I enjoy them very much.
- Ward: Well, you're a sort of white collar person yourself.
- Leonard: And I may as well put the finish on it -- they are mostly women, they're intelligent, they're attractive and just very, very pleasant to work with.

XIV FELLOW WORKERS

In The Law

- Ward: Okay. Now, Norman, at the risk of some possible confusion, we have to go back on chronology, I think. We need to talk about lawyers of a certain type -- almost all of them members of the National Lawyers Guild, whose practices all had something in common, sort of a -- it has been called the "lawyers network".
- Leonard: Well, I don't think it was a network in any real sense of the word, but it is true that particularly in the Forties and Fifties and maybe into the early Sixties, there were lawyers throughout the country who had generally the same kind of practice -- a labor law practice, a practice representing political minorities and dissidents and foreign-born people, and so on. And we got to know each other through the Guild and through contact in various cases. We would communicate with each other quite frequently about the common problems. There were lawyers in New York -- I can remember some of them who were involved, a fellow named John Abt -- another was Vic Rabinowitz --

(Interview 11: 18 January 1986)

Ward: Norman, you were discussing the various members of an unofficial group in the Lawyers Guild. I think the last name you mentioned was somebody named Rabinowitz.

Leonard: Yes, that was Victor Rabinowitz; and just so the record is clear, it wasn't any kind of group in the Lawyers Guild. I think most of these people were members. I'm sure most of these people were members of the Lawyers Guild, but that wasn't the only thing we had in common. The bond -- and to the extent that there was a bond it was very loose and very informal -- was the nature of the practice.

Ward: If something came up, you'd call a guy who you understood knew something about that sort of thing, or that particular case.

Leonard: Exactly, which is certainly not uncommon. It's true in commercial law and so on.

Some of the people I recollect -- and I'm sure I don't recollect them all -- were those whose names I have already mentioned, plus Vic Rabinowitz' partner, Leonard Boudin, who was then, and continued to be, and still is a great and outstanding constitutional lawyer.

Lennie represented people like Rockwell Kent and Paul Robeson in their passport fights. He's now and has been for many years the general counsel for -- what do they call it -- the National Emergency Civil Liberties Committee. There were lawyers in Washington, D.C. who were very, very helpful because of their knowledge of Supreme Court practice and procedures.

Two lawyers I remember, a fellow named Dave Rein and also Joe Forer, with whom we would deal whenever we had problems in Washington. As a matter of fact, Joe Forer moved my admission to the Supreme Court of the United States when it was time for me to be admitted there.

Ward: Wasn't it Leonard Boudin, who himself, I understand is a man of impeccable reputation, who has had a personal tragedy -- a daughter who went underground for a long time?

Leonard: Yes, he did -- that's right. He is the father of Kathy Boudin who went underground, I guess, in the Seventies and was involved in some underground activities and was arrested. She is now, I believe, serving time in prison back East.

Ward: At any rate, he got some publicity he didn't need.

Leonard: Yes; he is a man of impeccable credentials. He has taught at Stanford. He was at the Harvard Law School for a while and he's just an outstanding constitutional lawyer.

Among the other people I dealt with during that period of time was John Caughlan, for example, in Seattle. We worked with John on many cases, particularly on some of the ILWU trade union cases up there in the Northwest, and the MC&S cases up there; also, specifically, in connection with a number of the immigration and deportation cases up there. There's a large -- well, at least there was then a large Filipino contingent in the Fishermen, the fish workers; I think it was Local 3 of the ILWU at that time. A number of their leaders were being subjected to deportation proceedings, analogous -- it was something like what they were trying to do to Bridges down here. John worked very closely with us, or maybe I should put it the other way -- we worked closely with John, who represented those people.

In Portland there was a lawyer named Irvin Goodman -- Irv was for many years a loner up there. All by himself, he was the civil liberties, trade union minority guy. As a matter of fact he represented early on, very, very early -- probably while I was still a youngster -- a man named Dirk DeJong in a case that went up to the Supreme Court of the United States. It was extremely important in establishing a constitutional base for peaceful picketing and invalidating either a city ordinance or a state statute, I don't recall which, that imposed serious restrictions on picketing rights. He defended De Jong against - - -

- Ward: Against accusations that he was a Communist.
- Leonard: Yes. He won in the Supreme Court on a First Amendment ground. Irv was one of the people -- as a matter of fact, during the Bridges criminal trial before Judge Harris we called on Irv to handle initially some of the early pre-trial motions that you and I previously discussed. We called on Irv to handle some of the constitutional questions and he came down from Portland and participated in the argument before Judge Harris.
- Ward: Irving Goodman, if I remember rightly, also played a very interesting role in the first major trial of Harry Bridges on Angel Island in 1939 because he was able to supply Bridges' lawyers, Richard Gladstein and Aubrey Grossman, with a transcript of the Dirk DeJong trial in which the key witness on Angel Island against Bridges testified for DeJong in the Dirk DeJong trial.
- Leonard: I don't recall that specifically, but I don't quarrel with it.
- Ward: Yes, and that was introduced as evidence in the Angel Island trial by Richie to completely deflate Major Milner when he testified that he knew and saw Harry Bridges as a Communist.
- Leonard: Okay, that's the kind of thing - - -
- Ward: The network - - -
- Leonard: If you want to call it that -- that we would do. There would be a hearing; a stool pigeon would testify about this, that or the other -- whatever it was, and there would be a transcript. If it became necessary or important to have that sort of thing, we could call on him, this guy who had been the defense lawyer in that particular case. Undoubtedly Richie and Aubrey called on Irv Goodman in the Major Milner incident. We would exchange transcripts, we would exchange legal memoranda - we just kept each other up on things as they developed.

Down in Los Angeles, Ben Margolis and John McTernan set up their office, and we were in constant contact with them. Our own office set up a branch for a while in Hawaii where Myer

Leonard:

Symonds and Harriet Bouslog were working, and we were in very close contact with them even after they severed themselves from our office and set up their own independent practice; they continued to represent the ILWU in the Islands. We worked very closely with them.

In Detroit there was a very fine firm we worked with and that was the firm the founder of which had been Maurice Sugar, who was, way back, counsel to the United Automobile Workers and the Reuther brothers. He founded a law firm that continued labor work and still does it. And I'll tell you a little interesting incident about that in just a minute. Among the people in Maurice Sugar's firm was a chap named Ernie Goodman. Ernie later became president of the Lawyers Guild.

To show you how the "network" still functions: About two or three months ago I received a letter from a lady in London saying that she had heard about some of my successes that we have already discussed with regard to obtaining naturalization for people who had been former Communists. Her father was a former Communist, and she wanted to know if there was anything I could do for him. I responded, asked her to give me some particulars and discovered that the father lived in Detroit, Michigan.

I got back to her and said that there was nothing I could do because an application for naturalization would have to be made in the court in Detroit. So she got in touch with the Goodman firm, the old firm of Maurice Sugar and Ernie Goodman. Sure enough, about two or three weeks ago I got a call from Bill Goodman, who is Ernie Goodman's son. Bill said that this lady had gotten in touch with him; her father, who was quite along in years did want to become naturalized.

Forty or fifty years ago -- a long, long time ago -- he had apparently been a Communist. I don't know the details. Bill Goodman wanted to know how we had done and what we had done in some of those earlier cases that we mentioned, like the Yanish case and the Baylin case, and so on.

Leonard: And so we talked for a while and I told him what we had done and he asked if I could send him some documentation so he could follow through, and of course I did. So, that was the network. If somebody had a problem and he was aware that someone else had the same problem and had worked on it, he would call on us for help and we would call on him for help in the reverse situation.

Ward: You do not know yet the outcome - - -

Leonard: Oh, no - no - this was just within the last month. I sent him the material and I assume that he will file the necessary papers and take the necessary action in Detroit. Hopefully, he will get the old man naturalized so the old man can get a visa to visit his daughter in London. That's what really is involved there.

Ward: I suppose - wouldn't you think it reasonable to suppose that lawyers on the other side of the fence cooperate with each other in much the same fashion?

Leonard: I'm sure they do - - you know, all lawyers do. There are all kinds of very formal lawyers' organizations - there's an organization of what is known as the American Trial Lawyers Association consisting for many, many years of people who are interested in personal injury work.

Mel Belli is just one example, but there are just thousands of others and they have a very formal organization. They exchange information and publish bulletins and periodicals, give each other information as to the various cases; that's essentially in the labor law and the political field. We tried to work together and keep each other abreast of developments as well as we could. We did this for many, many, many years.

Later we did the same thing in San Francisco with our Selective Service Panel during the Vietnam War, which we have already talked about.

Money, Money, Money

- Ward: That raises an interesting question: is a lawyer a businessman too?
- Leonard: Oh, sure.
- Ward: Where cooperation and competition don't get in the way of each other?
- Leonard: Yes, of course, they do, but I suppose what the lawyers do is kind of balance - - -
- Ward: It's not like one airplane company versus another for flights or government business.
- Leonard: Well, I don't know about airlines, but I would not be surprised - - -
- Ward: Or nuts and bolts, or whatever?
- Leonard: I would not be surprised if they did exchange technical information. Maybe they don't but I would hope they would in the areas of safety and things like that. The lawyers obviously -- each individual lawyer is a business man in the sense that he has to run an office and pay his staff and so on; hopefully make a profit at it too.
- But there is a certain advantage even in that aspect of the work, not to have to re-invent the wheel every time you get a new case. If somebody has already done something and will make that experience available to you, usually on a basis of an understanding of reciprocity, it just saves a tremendous amount of time and effort. And of course in our practice and the practice of the lawyers I have been describing, all of us have to pay our rent and pay our staff, and hopefully earn some little money at it.
- Ward: Yes, I presume lawyers have to eat.
- Leonard: We had other motivations, too, that strengthened this bond of cooperation in trying to work together. It was a very warm kind of relationship that was developed.

- Leonard: We have just recently, as you know, moved our offices. In the course of moving we have looked over our accumulated files -- fifty years of them now. I've had to go through a lot of them to determine what to discard, and I was just awash in nostalgia as I went through this stuff; letters back and forth, from me to these other lawyers, and theirs to me, about a whole variety of cases. This brought things back that I had long, long since forgotten, but it was a very good, warm relationship, a very sound technical relationship. We did each other a lot of good.
- Ward: That's heartening to know - it does hearten me. All lawyers are businessmen and they compete to some extent, but it is more kindly and understanding, usually - - -
- Leonard: Well, yes, I guess - I don't know what - - -
- Ward: Among your own network?
- Leonard: Oh, yes, clearly, clearly - - -
- Ward: Something you can't handle, you turn it over to somebody that you know or know of, who would do the same thing for you.
- Leonard: That's right. I don't know if the big downtown law firms, the big commercial firms, do this sort of thing -- perhaps they do. Their motivations are -- well, our motivations were somewhat different from theirs and maybe they are not as cooperative with each other as we were, but we certainly worked together.
- Ward: Well, your type of lawyer, for instance, I guess many of the other lawyers whom you consider friends have taken more cases without fees than --
- Leonard: I know we have taken a lot of them without fees --
- Ward: I know that Richie did - - -
- Leonard: Oh, yes, our firm did a lot of things.
- Ward: You represented me without fee a couple of times.

Leonard: We obviously do that and we obviously are not going to turn down an important case that's meaningful, in either a trade union sense or a political sense, because the client cannot afford the fee. We try to do something -- as I said, we like everybody else have the problem of meeting expenses, so we've got to worry about that aspect of it, too, but never have we turned down what was an important, significant or worthy cause for financial reasons.

Having A Beer The Hard Way

Ward: That's a good thing to know.

Norm, you have a little story about the MC&S and that union's relationship with blacks in New Orleans -- so, could you tell us? It's out of chronology.

Leonard: Yes, it's out of chronology because it goes way back. It had to have been in 1948, very shortly after the Taft-Hartley Law was passed. It had to do with the '48 strike. An application was made in the United States District Court in New Orleans for an injunction against an MC&S strike down there, and Eddie Tangen and I went down in connection with that injunction proceeding.

After the court session we went to a meeting of the union to report to the membership what had transpired in court. As we all know, the MC&S was probably one of the first integrated unions -- it was a great racially integrated union. And the union meeting in New Orleans, in a small hall down on the waterfront, reflected that integration. There were white guys and black guys and there were some Asians - it was a great racial mix, what Jesse Jackson a couple of years ago called a rainbow coalition. We made our report and there were discussions from the floor. I remember a number of the black brothers being very articulate and participating.

After the meeting it was early afternoon, as I recall it, because we had been in court in the morning, we broke up and a number of us went to a

Leonard: beer joint right on the waterfront, just a crummy little nothing of a beer joint. It was a hot day and we were having some beer. I was totally unconscious of the fact that the only guys who came into this crummy little joint were white guys. Eddie was there and I was there and some of the other guys were there, and all of a sudden from the outside came: "Hey brother, psst-psst," like that. I turned around and there was this black guy, one of the black brothers who had been participating in the meeting -- articulate, a fine trade union guy.

"Can you get me a beer?" he says. Eddie buys a beer, walks to the door and hands it to him outside this crummy, lousy little joint. In New Orleans in 1948, a black guy wasn't permitted to enter the saloon. And I said to Eddie, "Jesus, is this what happens?" And he said, "Yes, this is the way it is down here." And it just turned my stomach. I'll never forget it -- here was, you know, a brother of ours - - -

Ward: That was in what year?

Leonard: Forty-eight. I have been down to New Orleans on a number of occasions since then and I don't believe, at least on the surface as I was able to observe it, that that sort of thing would exist now. You know, a lot of things have happened - civil rights legislation, the whole civil rights movement - I think that type of discrimination is dead.

Another little personal anecdote. One of the employees in our office at that time was - - -

Ward: Dick Bancroft?

Leonard: No, no - I'm thinking of a secretary - a receptionist - Marge Pogue. She was married to a guy named Norman, too - that was another Norm-Marge combination. Our receptionist, Margery Pogue was a black woman and this was in '48. I was going down to New Orleans with Eddie so I said to Marge in all innocence, showing what I knew about the state of the world at that time . . . oh, and she came from New Orleans, I said, "Marge, could you recommend a hotel where I could stay since I'm going down to New Orleans?"

- Leonard: "How the hell would I know where a white man could stay in a hotel in New Orleans?" she replied. And she was obviously right. The color lines were pretty sharply drawn; she didn't know anything about hotels where white people could stay.
- Ward: Her mother could have worked there as a chamber maid.
- Leonard: Possibly, possibly; but Marge put me in my place. One other thing that Marge did for me at about that time; I needed some dental care and I asked Marge; she recommended Dr. Goosby, Zu Goosby, a black dentist. He's been my dentist ever since.
- Ward: Is he a good dentist?
- Leonard: First class -- yes, he's been my dentist for all these years.

Finally, A Maritime Union

- Ward: Norm, let's get back to the waterfront and to maritime unions. You represented one which hasn't been mentioned very much before -- the Masters, Mates and Pilots; thus bringing things more up to date.
- Leonard: We assumed the representation of the Masters, Mates and Pilots Union on the West Coast in 1972.
- Ward: How did that come about?
- Leonard: Prior to that time, the Masters, Mates and Pilots Union on the West Coast had been represented by an attorney in San Francisco who also represented some other seafaring unions, particularly the SIU and groups of that kind.
- Ward: Oh, Seamen's International Union.
- Leonard: Yes, Seamen's International Union, the Sailors Union of the Pacific, groups of that kind.
- Ward: SUP - - -

Leonard: Right. The MM&P had been working very closely with those groups and it was perfectly natural that they would have a common lawyer. Sometime in the early '70s differences began to develop between the MM&P and the SIU, and it got to a point where this one lawyer could not in good conscience represent both the MM&P and the other groups, because there began to develop conflicts of interest. The MM&P was drawing closer to the ILWU in this inter-union struggle that it was having with the SIU.

Ward: I'd like you to explain that a little. What could be the connection, for instance, between a sea captain and the longshoreman on the docks.

Leonard: Well, that's pretty obvious.

Ward: I thought the walking bosses took care of that.

Leonard: Well, the walking bosses are part of the ILWU. Obviously the maritime unions, if they are engaged in an economic struggle or strike action or something like that, would want the support of the longshoremen so that the longshoremen wouldn't handle the cargo that is coming off struck ships.

And vice versa, the longshoremen engaged in an economic struggle would want the support of the maritime unions. For example, you have a problem where the longshoremen are on strike at a certain dock; they would want to keep the vessels from coming in to that dock, so they would call on the seafaring people to respect their picket line. Sometimes they would set up a waterborne picket line, so it would be just a natural area for cooperation.

So the MM&P, for whatever internal difficulties it was having with its then maritime allies, was turning more and more to the ILWU for assistance. When this situation came to a head in the early Seventies, the attorney who was representing the MM&P found himself in a conflict. The general counsel for the MM&P at that time, a chap named Marvin Schwartz, and the president of the MM&P, named Tommy O'Callahn, got in touch with Jim Herman who was then president of ILWU Local 34, with whom they had been working very closely. They knew each other and had a pretty good relationship.

Leonard:

They told Jim that they had to get new counsel because they could no longer use their old attorney, and Jim said, "I got the guy for you." Contact was made and I met with Marvin and O'Callahan in San Francisco and we began to represent them.

I remember our first chore for them was during the period of the Nixon wage freeze. They had negotiated an arrangement with PMA whereby PMA was going to pay a certain amount of money-- I think it was fifty cents per man hour, to go into the construction of a facility, which they finally built. This is a beautiful facility at Lithicum Heights just outside of Baltimore, a training school for ships' officers.

The question was whether or not that fifty cents an hour should be regarded as wages to the men. If it was, it would have been over the wage guidelines and would have taken away the wage increase which they had negotiated. So my first chore for those people was to prepare a presentation to the Wage-Price Board to establish that this was indeed not a wage increase that went into the pockets of the men, but that it was in the interest of the employer to have an establishment of this kind to upgrade the ability of its employees so they could perform their work more efficiently and properly, and so on; therefore it was not to be included in the wage increase. We succeeded in doing that. I remember going back to Washington, and my recollection is that Ed Flynn, who was then president of PMA, went back and together we made the presentation to the Wage Board.

The Wage-Price Board analyzed the thing, finally concluded in agreement with us that this was not to be regarded as an increase in salary and that it didn't violate the wage guide lines; it was okay, and so the men got their salary increase and the employers made their contribution to the building of the facility, and they now have an absolutely beautiful facility at Lithicum Heights.

There's a training school, there's a dormitory. The members of the union apply to become students in order to upgrade their skills and ability.

Leonard: The Coast Guard has recognized the facility and gives credit for the courses the men take. They take courses in navigation, cargo handling, radar technology, electronics and all kinds of technical things.

I remember going on a tour through the facility and, as a layman, being terribly impressed with what they have there. One of the things that was most impressive --- and this was developed by the man who developed simulated bombing programs during World War II, or simulated pilot training known as the Link Trainer -- is that they can simulate the bridge of a ship. The student gets on the simulated bridge of a ship and then they simulate harbors throughout the world -- Hongkong, Rotterdam, Tokyo, London, San Francisco, etc. The guy makes his approach just as though he were sailing into the real harbor, and it's just an absolutely fascinating development that they have there.

The union over the last fifteen years has had its problems, as other unions have, and we have handled them on the West Coast. They have a general counsel on the East Coast who kind of supervises the various regional counsel; we do the work here. They've had negotiating problems, jurisdictional problems with other unions, National Labor Relations Board hearings, court hearings. The most interesting one recently was the disaster that occurred on the S.S. Puerto Rican right outside the Golden Gate a little more than a year ago when that ship blew up. You remember that incident?

Ward: Yes, vaguely.

Leonard: Well, there was an interesting time relationship that got the union involved in this. That vessel was owned by the Keystone Shipping Company, with which the union was then having a labor dispute. The union had been picketing Keystone ships, including the Puerto Rican, and while there hadn't been any violence on the picket lines when she was right up here in the Bay Area, there were lots of verbal threats and lots of loose talk by people like "We'll get you," -- the sort of thing that goes on on a picket line. And by God, several hours after she sailed she blew up.

Leonard:

The FBI stuck its nose in and started talking about union sabotage and that sort of thing. The Coast Guard had a hearing here at the Alameda Naval Station which I attended to protect the union's interests. We established, pretty much to everybody's satisfaction that there was no union sabotage. Even the Coast Guard in its report, although it didn't approve of the union's making threats and noises like that on the picket line, concluded that obviously it wasn't a question of union sabotage. The problem was the bad maintenance of the vessel.

They determined that the cargo the vessel was carrying was highly inflammable; indeed, it was questionable whether she was authorized or licensed to carry such cargo. Then they discovered a hole or a crack in a bulkhead or partition that separated two of the areas of the vessel, through which apparently some caustic soda had been able to seep into an area that was highly inflammable.

This is a very, very rough summary. There's a Coast Guard report that's nearly a hundred pages long, but, in summary, the Coast Guard found that there had been a leakage of caustic soda into an area where there was highly inflammable cargo, and that's what had caused the explosion. The nonsense of the union sabotaging the ship was blown out of the water, to use an analogy.

Ward:

So, it was the condition of the ship and the nature of the cargo, rather than any union action or any employee's action?

Leonard:

That's correct. What's interesting about that case is that once more it reflects upon the FBI and the FBI's anti-union bias. Because there was a strike and there was picketing, and people pop off and make noises in such a situation, the FBI was right out there in the newspapers the next day declaring, "We are investigating union sabotage."

We responded to the FBI. The local vice-president of the MMP International and I sent a communication to the FBI and told them what from the very beginning we had suspected was the case, that they were barking up the wrong tree.

Leonard:

Our position proved out -- after the Coast Guard made its very thorough investigation that lasted oh, several months and involved all kinds of chemical experts and chemical engineers and all kinds of knowledgeable people in this area, they came up with the conclusion that we suggested and agreed that it was certainly nothing that the union had done. It was the defective condition of the vessel that permitted the leakage of the caustic soda that caused the explosion.

That was kind of a dramatic case; but other cases were straight Labor Board, court injunctions, plus some negotiations. In addition to representing the union, we also are co-counsel with the employers' counsel, representing their various benefit plans, their pension plans, their health and welfare program and all the rest of that sort of thing.

These plans have the kinds of problems that exist under ERISA: people making pension claims; whether they are justified, whether they are to be paid -- a host of problems of that kind. There's a case now pending that arises out of that Puerto Rican disaster; the pilot on the vessel, the harbor pilot who takes the vessel out to sea, was blown off the ship in the explosion and suffered very, very serious injuries. There is a problem now as to who is responsible for the payment of his medical bills and damages. There's a lawsuit against the welfare plan; so we're involved in that sort of thing.

Ward:

Defending who?

Leonard:

We're defending the welfare plan. As a matter of fact, in this particular case the plan has, as all of these plans do, insurance against this sort of thing. Well, we started out in the case defending the plan against what we regarded -- not as an improper claim, no, his claims weren't improper. (I can discuss that in a minute). In the meantime the welfare plan got the insurance company which would be liable for any damages to come in. This company retained a downtown San Francisco law firm that specializes in defense in these actions and we're working with them.

Leonard:

The interesting problem is not that the plan doesn't want to pay this guy's bills -- it has been paying them. The problem in this particular case is whether or not the plan should recover in what is known in law as subrogation against any recovery that this man may obtain. He has already obtained a very substantial settlement from the Keystone Shipping Company, which was responsible for the explosion.

Our position is that, sure he is entitled to be compensated by the plan for his medical bills, but if he recovers any money from a third party, then we are to be made whole again. It's kind of a technical dispute about subrogation. I mention this because it relates to the Puerto Rican, but that's not the main kind of thing that we do for the union or for the plans; it's the trade union work, consistent with what we have always been doing.

As long as we're talking about plans, let me mention the ILWU and PMA plans. We are co-counsel with the employers' attorneys on all the ILWU plans: the pension plan, the health and welfare plan, the Alaska plans and the watchmen's plan. They have problems of administration, and occasionally there are lawsuits that come out of these things -- people who think they are entitled to more than the plan administrator thinks they are entitled to, that sort of thing. So we get involved in representing the plans as well as representing the union.*

* While I neglected to discuss it on the tape, mention should be made of the fact that the ILWU-PMA Pension Plan has played a very significant role in setting up and financing in San Francisco both St. Francis Square Cooperative Housing Project - one of the first racially integrated projects in the city, and Amancio Ergina Village - a low to middle
(Footnote continued on P. 268)

Ward: Do you represent the MM&P in every port on the Pacific Coast?

Leonard: There are other counsel in Los Angeles and in the Northwest. We have principally represented them in the Bay Area and Northern California. We have been asked on occasion to go down to Los Angeles on a case or two.

I do recollect one in the Northwest: there was a big picketing operation which actually took place in Vancouver, British Columbia. Of course we are not licensed to practice up there, but I went up there with Bob Lowen who is now president of the MM&P union -- he was then secretary-treasurer -- and we got involved. And we got some local counsel. I got an attorney who represented the ILWU locals up there to represent the MM&P in the court in British Columbia. We went up and consulted with them.

There's good story about that too. The then Northwest representative or Seattle representative for the MM&P was a man named Rupe Soriano, a real wonderful guy, a real militant guy - I guess his name was Rupert, but we called him Rupe. He's retired now; a very decent, militant, progressive guy. He was the MM&P business agent in Seattle.

Rupe came up to Vancouver too when this vessel was there and was being picketed. The British Columbia MM&P counsel went into court and fought against an injunction, a restraining order, unsuccessfully, which is not surprising. The MM&P was enjoined and restrained from picketing

* (Footnote continued from page 267)

income housing project for first time home owners.

Also note should be made of the fact that the ILWU-PMA Pension Plan is responding affirmatively to efforts to remove its investments from companies doing business in South Africa. In this it parallels the position taken by the San Francisco longshoremen (ILWU Local 10) in striving to avoid handling cargo to or from South Africa. NL

Leonard: but that particular court's jurisdiction in Canada was somehow limited to a local area, or the injunction was limited, to the area around Vancouver.

We knew that the vessel was going about 800 miles further north. I can't remember the name of the port, but it was still in Canada. Anyway, it was going up to one of the far northern ports in British Columbia. So Rupe Soriano and his wife, who is really a great gal too, took those picket signs that they were enjoined from using in Vancouver, put them in the back of their car and drove 800 miles -- probably up the Al-Can Highway -- and they were there on the dock when that ship came in where the injunction didn't apply.

Ward: What happened?

Leonard: They had her tied up for a couple of days, but I guess she ultimately got away. It was one of those runaway ships - - -

Ward: Did the union win?

Leonard: No, I'm afraid not. It was one of those ships the company owned which had been under contract to the union and then pulled out. A lot of that is happening; they're having problems right now. Next week, early next month, I'm going to have to go back to Washington to take some depositions in connection with exactly that sort of thing.

At the last negotiations, a number of the employers, a number of the shipping companies, broke away from their bargaining unit and refused to deal with the MM&P. Also, at least one or two of them refused to deal with MEBA, the Engineers Union, so there is litigation that has developed over that sort of thing. It's a struggle for maintaining the life of the union. It affects these maritime unions just as well as it affects all the rest of the labor movement, as we talked about earlier.

Ward: The general public doesn't understand that; people think of the maritime unions as being thoroughly organized and making problems among themselves over jurisdiction, but not having so much difficulty with the employers.

Leonard: Well, I think that was generally true until quite recently. The unions were never 100 percent organized and there were always non-union companies; there always were gyppo outfits. No question, however, but that there was substantial recognition. The employers' associations here on the West Coast like PMA, and on the East Coast outfits like the Tanker Service Committee and other groups of employers bargained with the unions and multi-employer collective bargaining contracts were in effect that covered pretty substantially the entire industry -- not one hundred percent, but a very good segment of it. The unions were able to get along.

But in the last negotiations in 1984, at least on the East Coast, half a dozen or so tanker companies said, "No, we're not going to deal with the unions anymore; we're going to go our own way." And that fight is still going on and, as I say, a lot of litigation has spawned out of it. Next month I'll be going back to take some depositions in connection with some of that litigation. So the fight goes on.

Ward: You used the phrase "until recently." What's happened recently?

Leonard: Well, in '84 at least half a dozen companies decided that they were going to go non-union.

Ward: You mean a political turn against unionism?

Leonard: Well, I certainly think they were encouraged to take this position by - - -

Ward: The Reagan administration?

Leonard: - - their perception of the Reagan administration and what they could obtain from the Reagan administration, plus the whole general attitude toward labor in the last few years. I think that emboldened them to take this step.

Ward: And it has affected the maritime unions just as it has affected other unions?

Leonard: Well, it certainly has affected the MM&P, and to the extent that I am aware of it, it has affected the MEBA as well. In some cases we find that

- Leonard: these unions have interests in common; in some of the cases I'm working with MEBA attorneys to fight off this action on the part of the employers; not in all of them, but in some of them.
- Ward: Well, then it would seem that the success or failure of the maritime unions depends more now upon their own strength, or lack of it, than upon legal processes or administrative processes.
- Leonard: Oh, I think that's always been true, not only in the maritime unions but in the whole trade union movement. Its success depends upon its own strength. The legal aspects of the problem, the administrative aspects that you refer to, are important, but they are clearly incidental. A union will win or lose by the strength that it has to face up to the employers. There's all kinds of sparring going around on the periphery in terms of injunctions, NLRB hearings, and so on. They are not unimportant, because it's a legal arm that the employers can use and it has to be taken into account, but when push comes to shove, it's the strength of the union.
- I think of an example here -- three or four years ago the ILWU had a problem with an outfit up here in Richmond and shut down the entire port of San Francisco over the beef. This gets a little bit technical and I don't want to get into secondary boycotts; although the position of the union was from a legal viewpoint possibly doubtful, although there were arguments on both sides and although the employer went to the NLRB, and although it was kind of a close situation, the fact of the matter is that it was the shutting down of the port, it was the economic action by the union that resulted in a settlement.
- Ward: It reminds me of what my father used to say -- he was a lawyer too, at least technically -- that possession is nine points of the law.
- Leonard: Sure - sure. When I first went into law school a professor named Richard Powell, in the very first year, and probably in the very first or second lecture did an interesting thing. He said, "What is the law? What is it that you young people are studying? It is essentially

Leonard: a code of civilized behaviour that society tries to enforce to eliminate, if possible, probably never completely possible, or to minimize to the extent possible, the way in which conflicts between people are resolved; that's all it is."

Ward: Instead of shooting the other fellow with a bow and arrow, you go tell a judge.

Leonard: Yes; the fact of the matter is that the guy with the bow and arrow, or the union with the muscle, as they say on the waterfront, ultimately is going to prevail. You've had all kinds of rulings from all kinds of courts adverse to the unions in many situations, and yet the unions persist and persevere. In various ways they accommodate or adjust to those rulings, or get them knocked out as a result of their political power, get them reversed by Congress.

We've had a number of situations with the Federal Maritime Commission, for example, where rulings were made and even went to the Supreme Court that were disadvantageous to the union, but as a result of political action by the unions in Congress we got Congress to reverse those court decisions; or we adjusted with the employers in negotiations to negotiate around the decisions. You gotta have the muscle. If you have that muscle you can live.

I'm sure that in that MM&P situation we were talking about a few minutes ago, with those tanker companies pulling out and so on, whatever the outcome of the litigation, if the MM&P and the MEBA and the other unions that are involved hang tough, fight back efficiently and effectively, somehow they are going to resolve those problems. Those outfits just can't be non-union -- not for very long.

Ward: If I remember, weren't the Lykes Line one of those difficult outfits to deal with?

Leonard: Yes, it was. But there's always a give and take -- sometimes a union can help a company that is in difficulty. Just a couple of weeks ago, without mentioning any names, one of the companies that the ILWU and other unions deal with was the subject - and still is, I guess -

Leonard: of a takeover by an outside group. All the unions that deal with this company are concerned about this because they think the takeover group would be a non-union outfit. So the unions got together and petitioned the Federal Maritime Commission not to permit that kind of takeover, or at least to have a public hearing before authorizing the takeover, because they were concerned about the effect it would have on labor relations.

It's so recent that I can't tell you what the result is, because we haven't heard yet from the Federal Maritime Commission. This is an example of where a union can assist the employer because of a good relationship between the two. The union wouldn't do it, of course, for an employer with whom it didn't have a good relationship.

Ward: That was often the case between the PMA and the ILWU -- saw eye-to-eye and so acted.

Leonard: That's right. Well, in this particular case I got a call from one of the union officials saying that the company had requested assistance and would I get in touch with the company lawyer and discuss with him how we could be of some help. I did and we're on record with the Commission that we don't want any anti-union guy coming in there.

Ward: I see; what you have to say is very interesting. Any more along that line?

Leonard: I think that probably covers it, Estolv.

Ward: All right. Just one other question regarding things in the recent past. When the change in the International leadership took place in 1977, when Goldblatt and Bridges retired from office, has that caused any change in the relationship between your office and the top leadership? Or any difference one way or the other?

Leonard: Well, I think, probably basically not. Of course, the union officials in both administrations -- Bridges' and Herman's -- are the policy makers.



Norman Leonard addressing IILWU convention, April 26, 1979.
Left to right: Vice President George Martin, Vice President Rudy Rukio, President James Herman.



Leonard: They determine policy and they determine what needs to be done; the lawyers don't. That's kind of primary, and it always has been primary. I think if there has been a change, and perhaps there has been one, we find that our office is consulted more often now by Jim and Rudy Rubio and by the Coast Committee than it used to be.

Ward: You've said, I believe on the record here, that in many, many instances Lou Goldblatt and Harry Bridges were their own lawyers pretty much -- that they did not consult and went on to do things; then if something went wrong they called in the lawyers.

Leonard: Yes, that is kind of true -- but it may also be an overstatement. They were aware, Lou and Harry, that there were legal consequences. I think they were more prepared to take steps and consult with us afterwards. I don't mean to suggest that Jim Herman is running the union out of the lawyers' office, because that clearly is not true; but I would say that if there is any difference between the Bridges administration and the Herman administration with respect to the law office it's that Jim probably talks to us a little more often than Harry did. You might characterize it as saying -- I don't know if it's correct to say -- that he is more cautious.

Ward: I think that is the word.

Leonard: Well, you know, I want to be accurate. I want to be sure that I'm not saying something that may not be correct. There is also the matter of personality. Harry and Lou were the kind of guys they were and they did what they did, but they did talk to us. Jim and Rudy perhaps are more likely to pick up the phone and talk with us before they do something, but that doesn't mean -- and I want to make this crystal-clear -- that if we say, "Yes" or "No" they are going to do what we say. We'll tell them; but it has always been our position that it's not for us to make those decisions.

We'll tell them what the alternatives are; we'll say, you have two courses of action; you can go this way; and these are the legal consequences if you do so; or you can go that way

- Leonard: and these are the consequences if you do that. They do the deciding - that's clear. It may be that in Harry's case or Lou's they did not consult with us quite that often.
- Ward: You are called more often in an advisory capacity?
- Leonard: You mean now?
- Ward: Yes.
- Leonard: Yes, I would say that that is probably correct. And from my point of view, I think it is sound. You know, I think the policy makers ought to know what the choices are and what the consequences of one choice or another are. Then it's their job to make the decision, but they ought to at least have the information before they make it.
- Ward: Of course.

(Interview 12: 17 February 1986)

Something Old, Something New

- Ward: Norman, I believe you have a bit of unfinished business that you'd like to talk about.
- Leonard: Well, you never finish unfinished business -- it always goes on and on -- but we have reached a kind of interesting critical point in the struggle before the National Labor Relations Board involving containerization.

We talked about that in the past during this oral history, and you will recall that there were two concerns we had. One was that the NLRB should find that the work of stripping and stuffing containers was the equivalent of, or the successor to, the work the longshoremen used to do in the pre-containerization days when they would assemble cargo on the piers and disassemble it on the piers. The Labor Board found that that was indeed true and that the agreements therefore constituted what are known as work preservation agreements, which means that they are lawful.

Ward: In other words you won the case?

Leonard: Well, let me go on to the whole thing. You will remember - and it was a matter of some concern to all of us -- that we also talked about the argument that was being made by our adversaries that we had sold the work, or that we had abandoned the work or had given the work away, as a result of the M&M agreements.

Ward: The chief adversary was - - - ?

Leonard: Well, California Cartage Company, one of the main off-dock operators. The general counsel for the National Labor Relations Board also made that argument. But the board rejected that argument as well. They accepted our argument that the M&M agreements did not deal with containerization, that containerization developed in the decade following the M&M agreements, and that the union as we had argued, did not, by entering into the M&M agreements, abandon the claim to the stripping and stuffing of containers because that work really was not yet in existence.

The board said some nice things about the ILWU -- it doesn't usually -- but in this regard it said that the ILWU's various reactions as the years went by, in '59 and '60 and then later in the early 70's, were simply an example of flexibility, of good collective bargaining. So, to that extent the whole position that Bridges took in those years was vindicated by the NLRB.

But now, as I said, things never end; there is always a continuum. The board did an interesting thing here that we are going to have to struggle with; although it held that the agreements were lawful and valid, it also held that they could only apply to the members of the PMA; that the union had a right to put pressure on PMA, insofar as PMA members owned or leased the containers; if a PMA member owned or leased the container, the union had the right to strip or stuff.*

* 278 NLRB No. 20 (1986)

Leonard:

Unfortunately, there are shipping companies on the West Coast who are not members of PMA. This decision in this form is going to create all kinds of problems both for the union and for PMA; for the union in the sense that we thought we were getting all the container stripping and stuffing work and now we find that under this decision we are only getting the stripping and stuffing work on containers that belong to or are under the control of PMA members.

The other side of the coin is, of course, that the PMA members are going to have to give this container work to the ILWU and therefore pay ILWU wage rates. They claim they will find themselves in a difficult competitive position with the non-PMA members who will employ either Teamsters or non-union people.

Thus, even though the decision theoretically was a good one; even though it vindicated all of our legal positions, it does create some real, practical problems. The decision came down in the last week in January, about two and a half weeks ago, and both the ILWU and the PMA are approaching the future a little bit cautiously, in view of this problem.

Ward:

What percentage of West Coast shipping would you say is not PMA?

Leonard:

I don't know - that is one of the things they are going to make a survey of. I've had estimates that indicate that it isn't all that great. It could be as much as 25 percent. It conceivably could be more, I don't know.

The real problem that our people are starting to worry about is whether PMA members will become so alarmed by this situation that they will seek to withdraw from PMA to get out from under the decision. There are problems with that -- they just can't do it during the contract term, which doesn't expire until 1987. Furthermore, they have all kinds of commitments to the pension plan and so on, and under ERISA. Those companies might find themselves subjected to great unfunded liability obligations if they sought to withdraw.

Leonard:

It isn't that they can just send in a letter and say, "I hereby resign." There are many, many problems. ERISA -- the Employment Retirement Income Security Act -- is the federal statute that protects pensions and imposes obligations on companies that withdraw from multi-employer bargaining units. So it continues to be a complex problem, and as I said, the union and PMA are examining it very carefully.

Just last week the ILWU held a previously scheduled caucus of longshoremen, clerks and walking bosses from up and down the Coast, and one of the subjects -- there were others they were concerned about, of course -- but one of the subjects that took up a large part of the agenda was this problem of containerization and the Labor Board decision and what to do about it.

The union and PMA have entered into a memorandum agreement which provides that beginning tomorrow, February 18th, a joint sub-committee of the union and PMA is going to explore methods of implementing the new Labor Board decision and is to set out guidelines as to how it is to be implemented by March 17th.

Ward:

Isn't there some way of pressuring this dissident faction of shipping merchants to get into the PMA and cooperate?

Leonard:

Well, there are all kinds of anti-trust laws that you need to worry about. There are all kinds of secondary boycott problems. It was done on the East Coast by Gleason and the ILA. We are studying how they did it and we've been in contact with them; we're trying to figure out ways and means of doing it. The ILA decision preceded ours by a year or so, so Tommy Gleason has had a little time to work it out, and as I say, we are exploring what they did.

Let's get back to what the union and the PMA did last week, and as background for that let me say that last December, just two and one-half months ago, the ILWU sent a fact-finding committee down to the Gulf. The Committee spent a lot of time investigating the ILA situation there.

Leonard:

They found that despite the decisions which the ILA had won, despite the fact that they were able to get non-signatory members of the various shipping associations to sign on -- the ILWU fact-finding committee found that there were many areas where the work was escaping from the ILA. The ILA was having all kinds of problems.

Well, the ILWU-PMA joint sub-committee will start functioning tomorrow. It is supposed to have its procedures for implementing the decision in effect by March 17th, so they have about three or four weeks to try to figure out how they are going to do this, and from the union's point of view, at least, to avoid the problems facing the ILA in the Gulf.

As might be expected, there are interesting and differing points of view in the union as to how to do it. Some people urge full steam ahead -- we got a favorable decision -- never mind the non-PMA members: let's make those who are PMA members do the container stripping and stuffing work right now.

Other people take a more cautious view, saying we've got to examine the impact of this decision on the whole industry, not just on PMA members, and proceed cautiously so that we don't rupture the bargaining unit. And this kind of thing is going on. At the same time PMA is in the process right now of putting together a legal attack on the decision by pointing out to the Labor Board the artificiality of the distinction between members and non-members. While there are some shipping companies on the West Coast that technically are not members of PMA for whatever reasons -- tax reasons or corporate reasons, personal reasons they might have for not wanting to join the association - they are in fact members; they participate in all of the activities, they pay the assessments into the PMA, they use PMA stevedores, they use the grievance machinery, they sit on various PMA committees and participate in labor relations and so on, so that their non-membership is more of a technicality than it is a reality. The PMA is proposing to bring up those matters, which were never an issue in the case before.

Leonard: The only things which were an issue in the case were the two things I mentioned at the outset: is this work the equivalent of pre-containerization work, and did the ILWU sell it or abandon it by virtue of the M&M program? Both of which we won. This other thing was never an issue -- it was just an artificial distinction which this board made.

We have speculated whether or not it was a deliberate thing that it did. It doesn't like the ILA fifty-mile rule; it doesn't like our container rules. The decisions were forced on the board by the Supreme Court. It was a pretty bitter pill for the board to swallow to have to make the decision as it did, but it couldn't get around the Supreme Court decision.

And some of us have speculated that maybe it gave us what it had to give us, and then it tried to chop it right in half by making this artificial distinction between members and non-members. So when you started out today by saying that we had reached the culmination of this struggle, you see we reached it in one sense, but the struggle goes on now in another sense. I'm sure that this aspect of it is going to go on for quite a while.

Ward: You have been thinking of retiring some time soon. Does this put off your retirement in the future?

Leonard: I wouldn't say so, Estolv. I've discussed this with my partners, and what we propose to do is something like this; nothing is ever definitely firm, but this is as firm as we can make it now. Our present thinking is that I will continue essentially as I am now, full time for about the next six months through to the middle of the year; then the last part of this year I'll work part-time breaking the guys into the cases, and so on, and taper off.

Then, assuming everything goes as we plan, effective the first of next year I will be what is known in the legal parlance as "of counsel". I will continue to be a consultant to the firm. I will continue to be available to the firm and to the union and to anybody else who needs me. I'll be kind of on call.

Leonard: This containerization problem: the other guys can become familiar with it, no question about that. There is no great mystery about it, but I've lived it for the last fifteen years. So I guess they will have to look to me for guidance.

I was asked last week, for example, to go to the longshore caucus that I mentioned and to report on the decision and discuss a lot of questions. We had a whole morning on the decision. I suspect that I probably will be involved in whatever subsequent litigation or problem comes up as a result of this strange decision we got from the NLRB. So, I expect to be around.

Ward: You can't go live in Europe?

Leonard: No, no. I don't want to. I might want to take a trip or two.

XV THE LAST WORD

Looking Backward

Ward: I see. Norman, we seem to have come to the point where it would pay to do a little looking backward in your life. Could I ask this? When you were entering college at UCLA as a young man in your late teens, would you have done any different than you did?

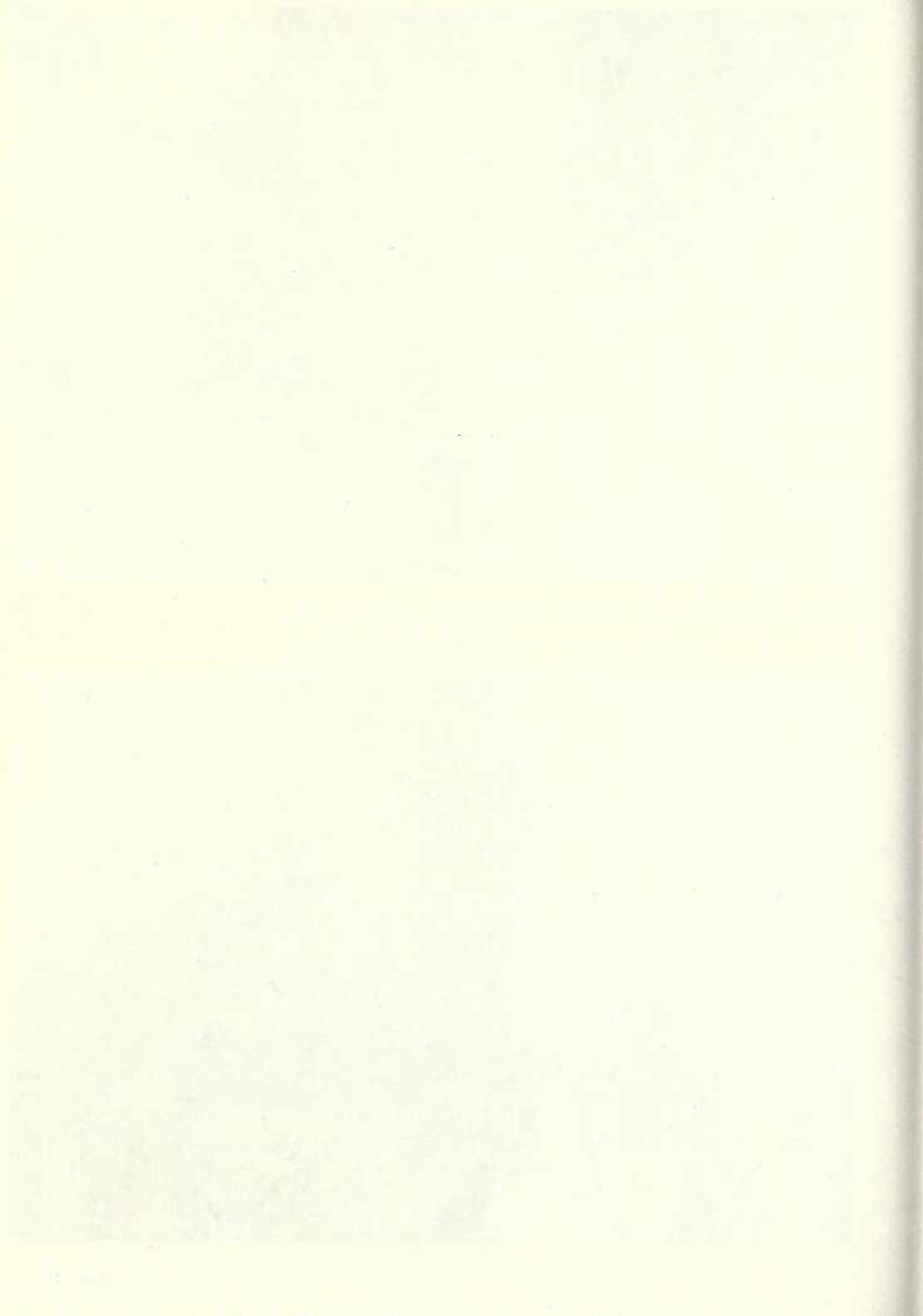
Leonard: I don't think so, Estolv. There was a time, and it it persisted for some little while, that I thought I might like to be an academic - that I might like to teach, that I might like to live, you know, the kind of quiet, ivory tower life. Every once in a while, when I come over here to Berkeley and go on the campus, I sometimes think of what I missed. I'm sure that there can be a lot of interest -- a lot of excitement in teaching.



Above, left to right: Norman and Marjorie Leonard, Estolv and Angela Ward, 1986.

Below, left to right: Norman and Marjorie Leonard.





Leonard: As a matter of fact, in that year that I spent at Columbia before I went to law school, working with Jessup (who just recently died) in the International Law field, I started toward a PhD. I did some preliminary work; I took the language exams that were required in French and German, and I was kind of thinking of moving in that direction, but two things happened. Number One, I didn't have any money. I made an application for a fellowship and, for whatever reason, it wasn't granted, so I didn't have any money there. Then, secondly, I think I already told you about my conversations with Jessup who told me - - -

Ward: Yes.

Leonard: - that I had to go to law school anyway. So that steered me away from the academic life into law practice, and I've been just happy with it ever since.

Ward: Did you think of some of the professors emeritus whose classes had loved them and who rode around the campus in their later years -- as used to happen very frequently, or rode a bicycle more frequently, and had the students tip their hats, bow and make haste to amble over and say, "Good morning, how are you?" and all that sort of thing?

The Proud Father of the Geologist Son

Leonard: Well, that was before my time, of course. I can see how that kind of life would be kind of enjoyable. It just wasn't for me.

My younger son, Eric -- I'm not saying he fits into that category -- but he's teaching at Colorado College and I know he loves to teach. He loves to be with young people, to work with them and see their minds develop. I'm not so sure that he particularly cares for anybody doffing his hat to the senior professor. It's a very informal school he is teaching at; I think the students call their professors by their first names. But he likes the academic atmosphere, and I can understand why -- but it just wasn't to be for me.

Ward: Perhaps he would like to be, in his later years, like Benjamin Ide Wheeler who was president of the university during its earliest and most formative days. He usually rode around the campus in his riding suit on his horse, or sometimes he went afoot. One day he was on the long walk between North and South Halls under the shadow of the campanile. A student approached, they met; the student tipped his hat and said, "Good afternoon, Doctor Wheeler."

"Young man, one moment."

"Yes, sir."

"Tell me young man, am I headed North or South?"

"Oh, you're headed North, sir."

"Ah, in that case, I've had my lunch."

Leonard: I don't read Eric into that. What Rick is doing is teaching on the campus and taking students on field trips. As a matter of fact, I'm not sure if he's back from one or not, but when last heard from he was taking a group of students down to Death Valley.

Ward: That's one of the things I wanted you to talk about - your sons. I was hoping to get around to it.

Leonard: Well, Rick is teaching, as I said, at Colorado College.

Ward: What's his subject?

Leonard: Geology. He's a geologist and he teaches, takes his students on field trips. During the last several summers, perhaps not last summer but the previous several summers, he has gone on exploratory trips; his principal field is glaciology. He studies glaciers and their formation, and I don't know what, I don't know the technicalities.

He inscribed his PhD dissertation to his mother and to me and got us a copy of it. Except for the introductory paragraph, which said what it was going to be all about, I couldn't understand

- Leonard: it. He measures glaciers and he does all kinds of things like that. He has been on summer field trips to Tierra del Fuego and around South America and along the coast of Chile and up in the mountains. He has had field trips in Canada; this is the kind of thing he is interested in. He did his doctoral work at the University of Colorado in Boulder where they do an awful lot of geology.
- Ward: Did he ever express an opinion to you after the South American trip, any strong opinions as to the political situation existing in some of those countries?
- Leonard: Oh, yes, yes. He's a very liberal, progressive guy. As a matter of fact, some years ago and it may be still true now, he belonged to a group of people known as the Association of Socialist Geographers. This, I believe, was when he was up in Vancouver, at Simon Fraser University, where he took the beginning of his graduate work and where he took his Master's Degree in Physical Geography. Oh, yes, I'm sure Rick would say, although he has to speak for himself, I'm sure Rick would say he's a very progressive person.
- Ward: In other words, coming from a liberal home, he's a liberal.
- Leonard: I guess he picked it up from us, but then of course he had his own exposure throughout his life, with his friends and his schools and so on. We didn't jam anything down his throat, but he certainly had all the stuff around the house to read, and he did.
- Ward: Well, let's get back to you now. So, you forgot the fellowship because - - -
- Leonard: No money - there wasn't any money - -
- Ward: So, you did take a look at the law through Philip Jessup's urging - -
- Leonard: - - - and Jim Gifford, as I think I mentioned, was able to scrape up some money for me to go to Law School, or at least he was able to get the tuition.

- Ward: Well, anyhow, then there was this flirtation with International Law. Could you see yourself standing up at the rostrum of The Hague and lecturing to the assembled multitude in various languages, or whatever?
- Leonard: Well, maybe when I was twenty-two years old back there in those days, I might have envisaged that possibility. It simply didn't come to pass. I barely squeaked by the German and French language requirements, and that was about as far as I went.
- Ward: Well, what was the appeal, in the beginning?
- Leonard: It's hard to say; probably I would have to hop all the way back to UCLA. There were some courses in international relations in the Political Science Department. I think I said that I majored in political science. I remember two professors there who made it sound interesting, a fellow named Graham and a fellow named Steiner, Arthur Steiner; they taught international law and international relations, and it just struck me as being a very interesting field. It's very hard to go back and remember. I was scraping around, of course, for something to do by way of graduate work after college. So much in your life happens by chance. I probably -- I must have made application to a number of different graduate schools and laid out my various interests, and the one that came back was from Columbia in the International Relations Department. They said, "Yes, we'll give you a scholarship," and I just jumped at it. Perhaps, if an acceptance had come from somewhere else in some other field I might have jumped at it too, but the Columbia one was there. I took it. You know, that starts you down a path and there it is.
- Ward: I see. Well, that didn't necessarily mean labor law?
- Leonard: Oh, no - no, it did not. We went over some of this earlier. It was a whole combination of things. Getting radicalized by just what was going on ----
- Ward: Your associations were leftist?

Leonard: All the associations; I mentioned Carol King and my good wife, Marge, helped move me and so did some of the students - - -

Ward: Did she dislike coming out here?

Leonard: No, she didn't, really. Her father didn't want us to come.* If she did resist, she never made it clear to me. No, I think she was perfectly happy.

Just a silly little incident; we were driving to California in that old Packard I told you about. Marge told me this later on - - - I had never realized it. She became alarmed because as we neared the California border, four out of five cars heading East, heading in the opposite direction, had California license plates on them. I'm sure they were people vacationing, taking trips, but Marge thought there was something wrong. She wondered whether there was a plague of some sort in California.

Ward: You never told me that before.

Leonard: No, it's something she told me many years later.

Ward: Well, all right, so you got here and you met one of the partners in the law firm with whom you had established contact earlier - - -

Leonard: That's right - - -

Ward: Through Carol King - - -

Leonard: That's right.

* Marjorie Leonard says: The statement about my father is incorrect. He was a lawyer in New York City. Norman, having received job offers from a government agency in Washington and from the firm in San Francisco, asked his opinion about them. My father, notwithstanding what must have been reluctance to see his daughter move across the country, recommended taking the position in private practice.

Ward: And from then on you were set.

Leonard: That was it.

Ward: And you have covered pretty thoroughly those experiences.

Leonard: I think so, Estolv.

And The Lawyer Son

Ward: Okay, we've discussed Rick a bit, your younger son. You have an older son, Stephen -- what about him?

Leonard: Well, for the last ten years or so Steve has been an assistant in the attorney-general's office in Massachusetts. He's been the chief of the Environmental Protection Division in the Attorney General's office there. His principal work has been the enforcement of the Massachusetts laws, the environmental protection laws in that state, which are quite, quite good. He built up that department from a small two or three-man department when he first came there to a fifteen or twenty person department which is one of the outstanding environmental protection departments in the United States.

Among the significant things that he did was his participation in the whole struggle and litigation around the Georges Banks, the great fishing grounds off the New England coast. He participated in the actions that prevented (what was the name of the guy who was the Secretary of the Interior?) - Watt -- that prevented Watt - - -

Ward: Oh, James Watt.

Leonard: Yes, James Watt, the former secretary of the Interior - - from leasing a lot of that fishing area out to the oil interests. There's an interesting book that was recently published called Oil and Water by - - what was the name of . . . one of Franklin D. Roosevelt's important people?



Eric Leonard, geologist



Stephen Leonard, attorney at law



- Leonard: This is his son -- by a guy named MacLeish who is the son of Archibald MacLeish. MacLeish deals with the whole Georges Banks struggle and he's got a number of very nice things to say in his book about Steve and Steve's contribution. Despite all of that, in the last - - -
- Ward: Norm, you were saying that Steve had reached a turning point in his career.
- Leonard: It's my understanding that he felt he had reached a point where he had done all he could do in the Attorney General's office and had gone as far as he could go; that it was time for him to strike out in new directions, so at the end of last year he resigned his post with the Attorney General and became a partner in one of the larger Boston law firms. He is going to continue, as I understand it, to practice with private clients in the environmental field. He may do other things too, but his knowledge and expertise in that field will obviously be useful to his clients.
- Ward: I think it's a firm with something like a hundred attorneys.
- Leonard: It's large - it's one of the larger law firms back there.
- Ward: How's he getting along in his new job?
- Leonard: Well, it's hard to tell. We visited him just a couple of weeks ago. Marge and I were back there to see the grandchildren. We visited with them and went up to Steve's office. And it's a huge place. He's only been there now about five or six weeks. I'm not sure yet how much he's shaken down into the operation, but he seems to be enjoying it and liking it. His office is still full of books on environmental law, and I think that's the kind of thing he is doing.
- I might say, just this bit of proud parental boasting, that a local newspaper -- I'm sorry I didn't bring it with me -- a local newspaper had quite an article when Steve resigned. The lead on the article was something like "State loses top attorney."

Ward: The Boston paper?

Leonard: Yes, the Boston paper; and there was a story about Steve's career and the things he had done and so on, comments from the attorney-general, and I think perhaps even the governor.

Ward: A picture?

Leonard: Oh, yes, there was a picture of Steve, and comments from people he had worked with including I think, Dukakis, the governor, and the attorney-general about what a fine job he had done and how sorry they were to lose him. It was, you know, kind of nice.

Ward: Well, I guess that didn't hurt your feelings.

Leonard: No, not a bit.

Ward: Well, you mentioned children -- he's been married quite a while, I guess.

Leonard: Quite a while - eight years.

Ward: And his lady is a personage in her own right.

Leonard: Debbie Waber is a developmental neuro-psychologist, interested in child growth and child development. As I understand it, she specializes in the differential rates and patterns of growth, and things of that kind. She's on the staff of the Harvard Medical School; she is not an M.D. - she's a Ph.D.

Ward: She goes around delivering papers here and there?

Leonard: Well, she has. As a matter of fact, just two weeks ago she was in Denver . . . and these are the nice things that do happen. She was in Denver at some kind of conference and Rick was able to get up from Colorado Springs and have dinner with her.

Ward: And there are grandchildren?

Leonard: There are two of them. Abigail is almost six years old and Samuel celebrated his second birthday just two days ago.

- Ward: And you take every excuse possible to get back there.
- Leonard: That's right.
- Ward: All right. That brings us pretty well up to date. Now, I'd like to hear something of your political feelings, not personally but as Americans.
- Leonard: Well, just a couple of weeks ago, I received my copy of the Bill of Rights Journal, which is a publication of the National Emergency Civil Liberties Committee, whose general counsel is my old friend, Leonard Boudin. In it there were a series of comments by people on where they believed we stood in America today and what the problems were.

Lennie concluded his comments with something that I think is worth recording and noting. I think it points up the situation as to where we are in this country today and clearly indicates by inference what we have to do. If you don't mind, Estolv, I'd like to read this little paragraph into the record.

- Ward: I hope you will.
- Leonard: Lennie says, and he is comparing the present with the Cold War and the hysteria of the Fifties, when he was a great lawyer fighting for people like Rockwell Kent and Paul Robeson, fighting the State Department to get them their passports.

He was leading counsel in those cases, which were very much like all the things we previously talked about that happened on the West Coast, so we both had similar kinds of experiences. He's comparing those years with the present time and he says, ". . . as against the hysterical and sometimes virulent government that we had in the Cold War period, today we have a government that is bland, cold, almost unemotional. This government is doing injury to basic constitutional concepts in a kind of structured way, which the old government, which was more hysterical, was not able to do.

Leonard:

"What is worse is that we have a period now of international danger, fed by a reactionary foreign policy which has us on the brink of nuclear destruction. From that point of view, it seems we are in a more dangerous situation than we were during any time of the Cold War.

"It is almost as if the Cold War was an Inquisition, and the current period is a plague. The Inquisition directed itself at particular individuals,^{1/} the plague is indiscriminate and widespread."

That's the end of the quote from Lennie's comments in the Bill of Rights Journal, and I think it is extremely well taken. We went through that period of the Cold War and hysteria. We did our bit to combat it, as I have related. The different cases that we handled were mostly of individuals; they picked on this guy or that woman, on this person or that person.

There were some institutionalized things. The Smith Act prosecutions, for example, had to do with a whole unit of people, Communists or the Communist Party. Aside from those specifics, the underlying constitutional structure itself wasn't challenged, because the government always contended that these people under attack were exceptions to the constitutional protections -- the First Amendment and so on. Somehow they were bad, evil people, but the underlying constitutional principles were still good.

Now, you begin to get attacks on the very philosophy of the Constitution. You get the attack against the separation of church and state, which, you know, is kind of basic. You get the attack with respect to abortion. You get the attack particularly with respect, as Lennie points out, to foreign policy.

^{1/} Bill of rights Journal, National Emergency Civil Liberties Committee, December, 1985. pp.30

- Leonard: What you've got is the whole attack by (Attorney-General) Meese on the Supreme Court's views. Even the conservative members of the Supreme Court, even Burger, he attacks. It seems to me that Lennie is correct when he says that what we have here is something that is really undermining, in a basic way, the whole philosophy on which our government is predicated.
- Ward: Your remarks seem to practically paraphrase what I hear Ed Meese quoted as saying. He comes out with these dangers you speak of - - -
- Leonard: Well, that is what I think is the problem - - -
- Ward: It's the White House!
- Leonard: Well, it's the White House. I also think it's a supine Congress that doesn't get up on its hind legs and fight these guys back. This is all coupled with the overwhelming foreign policy, the danger of some kind of eruption on an international scale.
- Ward: What can we do to prevent this eruption?
- Leonard: Organize - organize in all the ways we have learned in the past, and maybe learn new ways of organizing.
- Ward: Do you have any hope for the November elections this year?
- Leonard: Well, it certainly doesn't look very promising right now, does it?
- Ward: What about the Senate?
- Leonard: Well, I just don't have a crystal ball. I really don't know. I suppose in California, it's important that we keep Cranston in office. With all of the problems we might have with him, clearly he is much superior, particularly in foreign affairs, to any of his opponents. I think we are in for a difficult time, but as long as there are people who are still prepared to stand up and speak out on these issues, you know, the spirit on the people cannot ultimately be crushed. I don't have any specific panacea.

- Leonard: In terms of my firm, let me say that my partner, Bill Carder, has just taken a week off to go down to Nicaragua because he's concerned and interested and that's where he wants to focus. So we said, "Of course, Bill, take it off." He'll be down there all this week, and when he gets back I am sure he will be in a position to participate with groups who are concerned with foreign policy in Central America, and perhaps make reports and that sort of thing.
- Ward: You speak of a supine Congress. Don't you feel that Reagan would have or could have gone a good deal further if it weren't for the present Congress?
- Leonard: Oh, I'm sure that's true. I'm sure they have been some kind of a brake, but time after time in the last six or seven years of this administration I have thought to myself as I read the newspapers, "Why don't those guys in the House, why don't those guys in the Senate say something, do something and stop this guy from what he is doing?"
- Ward: You're talking about impeachment?
- Leonard: Oh, no - no.
- Ward: Well, what else would stop the guy? You mean, override his veto on important issues?
- Leonard: Yes, that's one example; of course well, take the business of Central America, take Nicaragua and the Contras. They take a position -- the Congress -- that they are not going to supply any aid to the Contras, so what does the Administration do? It slips around behind the good Congressmen and gets them to give -- I forget the number now -- \$1,700,000 dollars in quote humanitarian aid close quote.

Well, you know, anybody knows that's a crock of nonsense, but Congress, you know, swallows it hook, line and sinker. The CIA or whoever is handling those funds does whatever the hell they want with them. That's what I mean by not standing up. Why don't they just say "No" period, instead of being suckered in.

- Ward: What do you think of the political idea of saying to the public whenever possible, "Yes, Reagan is a handsome man, a charming man, a helluva good actor and a damn poor president?"
- Leonard: Well, those are my sentiments, but the question is how the hell do you get that across?
- Ward: Say, "Go ahead, love the man and put him on a pedestal, but not as president."
- Leonard: Well - - -
- Ward: Because people love the guy.
- Leonard: Oh, yes; and you know the sad part of it is that he really didn't deceive anybody when he got elected. His program was very clear and they voted for him. You know, last year when the farmers started raising a little hell because their price supports were being eliminated or threatened -- you don't get any joy out of it, but I almost kind of chuckled when I read those stories and said to myself, "Look, those idiots deserve what they are getting - he told them that this was his program - he told them." You know, there's a great educational need among the public. It seems strange after all these years -- your age and my age -- and the decades we have gone through, that the people still have to be educated.
- Ward: What single thing can you think of that would educate the average Reagan admirer in the way we have been thinking?
- Leonard: Well, I think the term "average Reagan admirer" probably covers such a great multitude of different people with different interests that I'm not sure that there is a single thing that will do it. I think that Reagan is probably sensitive enough to realize that laying any kind of a finger on Social Security would get tens of millions of Americans aroused.
- Ward: Do you think the farmer who voted for Reagan last time would vote for him next time, or for his supporters? For his type of supporters?
- Leonard: I'm afraid that's probably so.

Ward: Even though he lost his home? His farm? His money?

Leonard: Well, that's - it's hard to tell. I'm not a political forecaster.

Ward: He just gets the back of the hand from Reagan.

Leonard: Yes, I know, but it's just amazing. It's like selling snake oil; they do it and the people come back and buy it again, don't they?

That's an unhappy note to end this thing on. I don't mean to leave it that way, but I do mean to say that those of us who care about things like this continue to have a job of educating, propagandizing, or whatever kind of word you want to use to get people to change their points of view.

This comes back full circle to the First Amendment. That's why the First Amendment is important. It's not just important abstractly or theoretically; it's important so that voices like ours, and similar voices, can be free to be heard to try to influence people, to try to persuade them. To the extent that this administration is doing the sort of thing that Boudin talks about, really undercutting the very heart of Constitutional protections and guarantees; it's undercutting the ability of people with our point of view to speak out and to make it clear what's being done to the American people. This is not only affecting us but affecting people with other points of view and so is affecting the right of the people to hear as well as to be heard.

Ward: In other words, we can use Ed Meese's words; he wants to go back to the fundamentals of the Constitution. So can we; as you say, the First protects us and we can yell at him and his boss all we please.

Leonard: That's right. The interesting thing is that when you go back to the fundamentals you go back to a great, great Justice like Hugo Black. The story used to go around that Hugo Black kind of pushed all the law books aside; he didn't need all those law books, all he needed was a copy of the Constitution that he used to carry around in his pocket; he found it all there.

- Leonard: The First Amendment says, "Congress shall make no law respecting the freedom of speech." I'm paraphrasing now but he said, "By God, that means Congress shall make no law -- not Congress shall make a reasonable law or Congress shall make a partial law or Congress shall make some kind of a limiting or qualifying law. No law means no law." That was Hugo Black.
- Ward: I see - that is your rock.
- Leonard: That's the rock!
- Ward: Shall we end on that?
- Leonard: I couldn't think of a better end than that - yes, I think that's a good way to end.

Transcriber and final typist: Angela Ward

This is to Certify



THAT BROTHER Norman Leonard WAS, ON THE 14th DAY OF APRIL, 1941,
IN RECOGNITION OF HIS SERVICES TO THE

International Longshoremen's and Warehousemen's Union
UNANIMOUSLY ELECTED AS AN HONORARY MEMBER OF SAID UNION AT ITS
FOURTH ANNUAL CONVENTION HELD IN LOS ANGELES, CALIFORNIA.

In Testimony Whereof, WE HAVE HEREUNTO SET OUR HANDS
AND AFFIXED THE OFFICIAL SEAL OF OUR ORGANIZATION.



H.P. Bridges

PRESIDENT

Stan Sheela

SECRETARY-TREASURER

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Estolv Ethan Ward

Born 1899 in Los Angeles; father a Socialist lawyer out of Rhode Island; mother an ardent feminist, daughter of a San Francisco Quaker merchant, and possessor of a Ph.D. from Swarthmore and an M.D. from Boston Medical School. The infant was removed to San Francisco at age two weeks, and with lacunae has lived in the Bay Region, mostly Berkeley, ever since.

Three and a half years of institutionalized instruction; otherwise his education came through tutors, travel, and daily family discussions.

Became campus reporter at U.C. Berkeley for the Oakland Tribune, proceeding to top rewrite, general assignment, and assistant city editor. Covered the San Francisco general strike in 1934 and in those three days learned things that changed his life. Became a founder of the local chapter of the Newspaper Guild and was fired and blacklisted by his publisher, Joseph R. Knowland. Became bailiff and court reporter for the California Supreme Court, meanwhile being active on his leisure time in the burgeoning CIO labor movement. Resigned his court job to become founding executive secretary of the Alameda County CIO Council.

In the next eleven years, he became successively first vice-president, California State CIO Council; CIO legislative representative, Sacramento, 1939; executive secretary, Harry Bridges Defense Committee, Angel Island trial, 1939; executive vice-president, California Labor's Non-Partisan League, 1940; radio writer, Los Angeles CIO News, 1940-41; organizer, Mine Mill and Smelter Workers' Union, in Los Angeles and Southern Nevada, 1942-44; San Francisco CIO radio writer, 1944; CIO-PAC director, San Francisco CIO Council, 1945-48. Following that, odd jobs and labor journalism.

Author, Harry Bridges On Trial, Modern Age, 1940; a labor novel published only in Polish translation, Renegat, 1953; The Gentle Dynamiter: A Biography of Tom Mooney, Ramparts Press, 1983; numerous labor and travel articles.

Interviewer-editor, Louis Goldblatt, "Working Class Leader In the ILWU, 1935-1977," two volumes, Regional Oral History Office, 1980; Henry Schmidt, "Secondary Leadership in the ILWU, 1933-1966," Regional Oral History Office, 1983.

Angela Gizzi Ward

Born 1910 in San Francisco; eldest child of immigrants from Italy who became prominent citizens in the North Beach district. Graduate of the University of California at Berkeley.

Worked at Bank of America until fired for attempting to organize a union among bank and insurance employees throughout the Bay Region. President and organizer of United Office and Professional Workers Local 34, San Francisco.

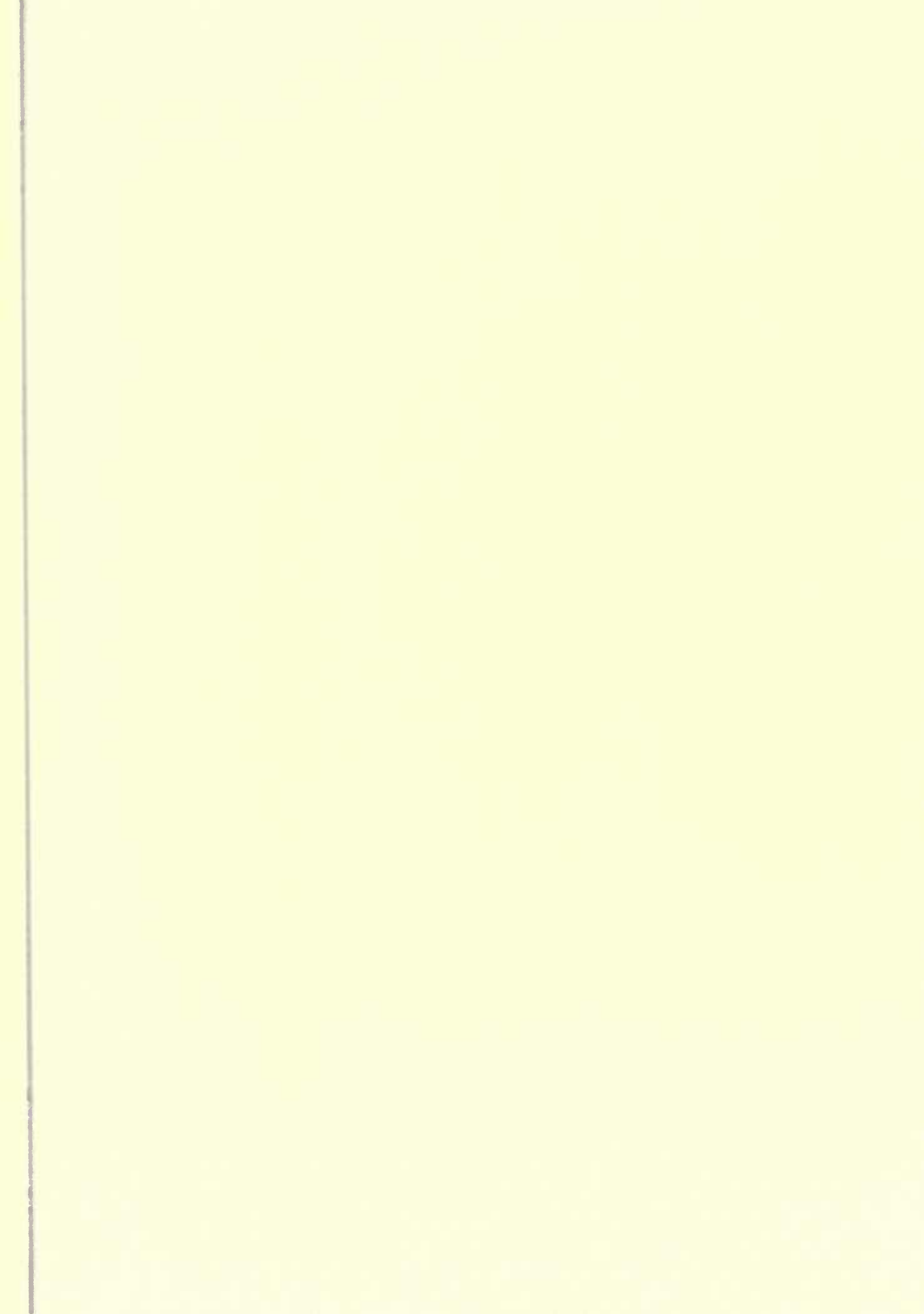
Later became secretary-treasurer of Local 700, Mine, Mill, and Smelter Workers, in Los Angeles; joined her husband in a dramatic but unsuccessful effort to organize workers for Mine Mill in war plants in Southern Nevada, 1943.

Returning to San Francisco, she became an organizer of clerical workers at the Pacific Gas and Electric Company, achieving a first major victory in the local office-worker field, with equal pay for equal work for women.

On retirement she has assisted her husband in the preparation of oral history and other manuscripts.

The first part of the report
 is devoted to a general
 description of the
 country and its
 resources. It is
 followed by a
 detailed account
 of the
 various
 branches of
 industry and
 commerce.
 The
 report
 concludes
 with
 a
 summary
 of the
 findings
 and
 a
 list of
 references.

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