

Investigation of Communist Influence in the Bucyrus-Erie Strike. Hearings before a special Subcommittee of the Committee on Education and Labor House of Representatives, 80th congress, 2nd session, (US: GPO, 1948)

Background: In 1948, the House Education and Labor Committee (HELCO) came to Evansville, Indiana to conduct hearings on Communist influence in the strike at Bucyrus-Erie. While many movies and books have covered the role of the House Un-American Activities committee (HUAC) Congressional Committee in holding these hearings, the HELCO was controlled by conservatives who used the issue to political advantage. A number of Congressional hearings took place under various committees. In 1947, the HELCO initiated hearings at Allis-Chalmers in Milwaukee during a strike, claiming that the strike was caused by communist agitators. The hearings contributed to ending the strike, and helped Joseph McCarthy to see how effective the strategy of using the red scare for political advantage could be.

The hearing was chaired by Congressman Gerald Landis but most of the questioning was by Evansville's Congressman Edward Mitchell, who had been newly elected in 1946, and had run on a pro-business, anti-union platform. He wasn't a member of the committee but had called the hearings in the midst of the strike. He was also beginning his campaign for the 1948 elections on a campaign that emphasized the threat of Communists to the national security and the community of Evansville. Mitchell called the witnesses, both "friendly" and "unfriendly," not to "investigate" but to "expose."

Workers were advised by the union attorney to refuse to answer questions. This played into the drama of Mitchell's intent to use the hearings for political purposes.

p. 3 Testimony of John G. Kamps, Attorney for Bucyrus-Erie Co.

Mr. Reiman: Proceed with your statement.

Mr. Kamps: I understand that this committee is going to call other witnesses on the question of whether or not there may or may not be a communistic element in this union. I intend to show you how this union did operate in its affairs in connection with the strike, and the negotiations with our company, purporting to represent our employees. I thought that you might be interested to get, briefly some of the backgrounds...

Mr. Landis: All right.

Mr. Kamps: The UE-CIO was certified as the bargaining representative in our plant on May 22, 1947. . . One of the outstanding things that impressed us was how the union seemed to run true to form on some of the things we had been led to believe would be their tactics. We understood that it has always been the policy of this union, in its affairs in Evansville, to insist on a control of the plant and an interference with the actual operation of the plant that was beyond that ordinarily demanded or requested by unions. I believe that there are other witnesses in town who can tell you of their experiences along that line in their plant. Since they never did have a contract with us, it did not develop with us. I am referring to such things as interfering with what was actually known as

management functions, seeking to dictate whether or not an employee shall work overtime, or what hours eh shall work, and things of that kind without regard to the necessities of operation of the plant, no matter how reasonable the request might be. . .

(Continues to discuss aggressive grievance procedures of the union for 2-3 pages) . .

p. 7. Mr. Kamps. The next phase of our relations with them was this strike. The strike was called by the UE, purportedly on the basis of a strike vote meeting. . . Now, we have a great deal of evidence as to what happened during the strike and the conduct of the strike. I think there are two things that are of interest here. No. 1 was that immediately after the strike started we received letters from our employees which, at first, were unsolicited, in which they advised us that they were confident the majority of the people in our plant did not wish to call the strike. It was just a well-organized little cell in local 813 that was carrying on the strike over the wishes of the majority. . . (continues to discuss the impression and presents letters from workers for 3 pages)

p.11 Mr. Kamps. Now, when the strike started, the UE had their pickets out that Saturday morning and immediately started the course of conduct which they pursued through the strike, which could be summed up by saying that they set themselves up there as the absolute dictators of who was to come into the plant and who was to come out of the plant, and that nothing was to be done in any of those respects unless they passed on it and OK'd it, , ,

p. 22 Testimony of James Payne, Business Agent for Local no. 813, UE-CIO, Evansville, Indiana

Mr. Payne. I would like to make a request of the committee. I would like to read into the record a telegram from the general counsel---

Mr. Landis. Tell us who you are and where you live.

Mr. Payne. I have placed the name on the record.

Mr. Reiman. We would like it in the record.

Mr. Payne. It is on the subpoena that was issued to me, so apparently it is in the record.

Mr. Mitchell. He is business agent for local 813; his name is James E. Payne, UE-CIO. Where do you reside?

Mr. Payne. That is also on the subpoena.

Mr. Mitchell. He evidently does not want tot ell where he lives, so we will take it----

Mr. Reiman. You are refusing to testify as to your name and where you live?

Mr. Payne. I sure do not.

Mr. Reiman. You refuse—will you please give the reporter your home address?

Mr. Payne. My home address is 518 Maxell, which appeared on the subpoena.

Mr. Reiman. We merely wanted to get it in the record.

Mr. Payne. May I read a statement of my counsel, please? This telegram that we have received a copy....from our general counsel, David Scribner:

“The undersigned is counsel for many of you who have received subpoenas to appear before the subcommittee, House Labor Committee on Friday. As chief counsel, UE, now actively participating in convention, engaged in formulation of policy for union for the coming year, to protect 600,000 workers in the electrical industry represented by those unions, delegates from every industrial area in the county, including those from Indiana and also specifically from Evansville, area, are participating in work of the convention. We consider the calling of this hearing itself a dangerous interference in the affairs of

free labor unions. We request that hearings be called off and that in any event no hearing be held this week during our convention. Signed David Scribner”

Mr. Payne. I want to make it clear I am not refusing to appear before this committee; I am here. I am not refusing to answer question. I appear before this committee today and will do so whenever subpoenaed. All I am asking for is time for my counsel to be present, in accordance with my constitutional rights.

Mr. Landis. You can answer any questions we are going to ask you without having some lawyer answer them for you. How long have you been business agent for local 813.

Mr. Payne. I have already answered that question. I want to have my counsel present. . . (testimony continues along this line for quite some time)

Mr. Mitchell. You are just going to sit here and waste the time of this committee with the general pattern that you are following. I don't think we should let you waste the time of this committee.

Mr. Payne. I am asking for the advice of my counsel.

Mr. Mitchell. All right, we have heard that so much; you guys all quote that little line; you pull that same line all the time; hide behind the Constitution you are out to beat.

. . .

Testimony of Mrs. Smith, member of UE-CIO

Mr. Mitchell: Do you believe in God, Mrs. Smith?

Mrs. Smith: I want to make a statement for the record; Mr. Payne asked Mr. Landis this morning to adjourn the hearing until my counsel, David Scribner, could be present. . . . I want to make it clear that I am not refusing to appear before this committee. I am not refusing to answer questions--

Mr. Mitchell: Wait just a minute. Do you believe in God?

Mrs. Smith: I have appeared before the committee today and will do so whenever subpoenaed, but all I'm asking for is time for my counsel to be present in accordance with my constitutional rights.

Mr. Mitchell: Are you going to pay the fees of Mr. Scribner, or is that going to be paid?

Mrs. Smith: I have answered that question by saying I want my counsel present to advise me in accordance with my constitutional rights.

Mr. Mitchell: Are you a Communist?

Mrs. Smith: I have already answered that question. I want counsel present--

Mr. Landis: Are you now a member of the Communist--

Mrs. Smith: I have answered--

Mr. Landis: Wait until I ask a question. Are you now or were you ever a member of the Communist Party?

Mrs. Smith: I have answered that question.

Mr. Landis: I want you put on record now that you did not answer that question.¹⁷⁰

p. 59 Testimony of Ernest Upton

Mr. Landis. Give the reporter your name and address.

Mr. Upton. Ernest Upton

Mr. Landis where do you live?

Mr. Upton. Rural route 9, Evansville, Indiana

Mr. Landis. Your job with local 813 is shop chairman at faultless

Mr. Upton. I would like to state for the record that Mr. Payne asked Mr. Landis this morning to adjourn (goes on to repeat same sort of plea that Payne made, about postponement)

Mr. Mitchell. Do you believe in God

Mr. Upton. I think I have already answered that question. I want to have counsel present to advise me in accordance with my constitutional rights.

Mr. Landis. Your actual work there is that of a asset-up man, or one that decides what work others are to do. Is that correct? Is that your job?

Mr. Upton. I think I have already answered that question. I want to have my counsel present to advise me---

Mr. Landis. That is enough of that. Now, Mr. Upton, our investigation prior to this hearing has developed information that lukewarm union members have not been given an equal break in some of the plants. What do you say as to that?

Mr. Upton. I think I have already answered that question.

Mr. Landis. You won't answer that now when you---

Mr. Upton. I am not refusing to answer the question; I merely say I am requesting that my counsel be given an opportunity to be here to advise me in regard to my constitutional rights. . .

Mr. Landis. Are you now or have you ever been a member of the Communist Party?

Mr. Upton. I have already answered that question

Mr. Landis. No you haven't

Mr. Upton. I want to have my counsel present to advise me in accordance with my constitutional rights.

Mr. Mitchell. Let me ask you a question. "Do you think it would be a violation of your constitutional rights if a group got together and hid behind the constitution and tarred and feathered you birds?"

Mr. Upton. I think I have already answered that question. I want to have counsel present to advise me in accordance with my constitutional rights

Mr. Landis. You are excused

p. 62 Testimony of William Favors

Mr. Mitchell. Were you in the service, Mr. Favor?

Mr. Landis. Give your name and address.

Mr. Favors. William Favors

Mr. Landis. Where do you live?

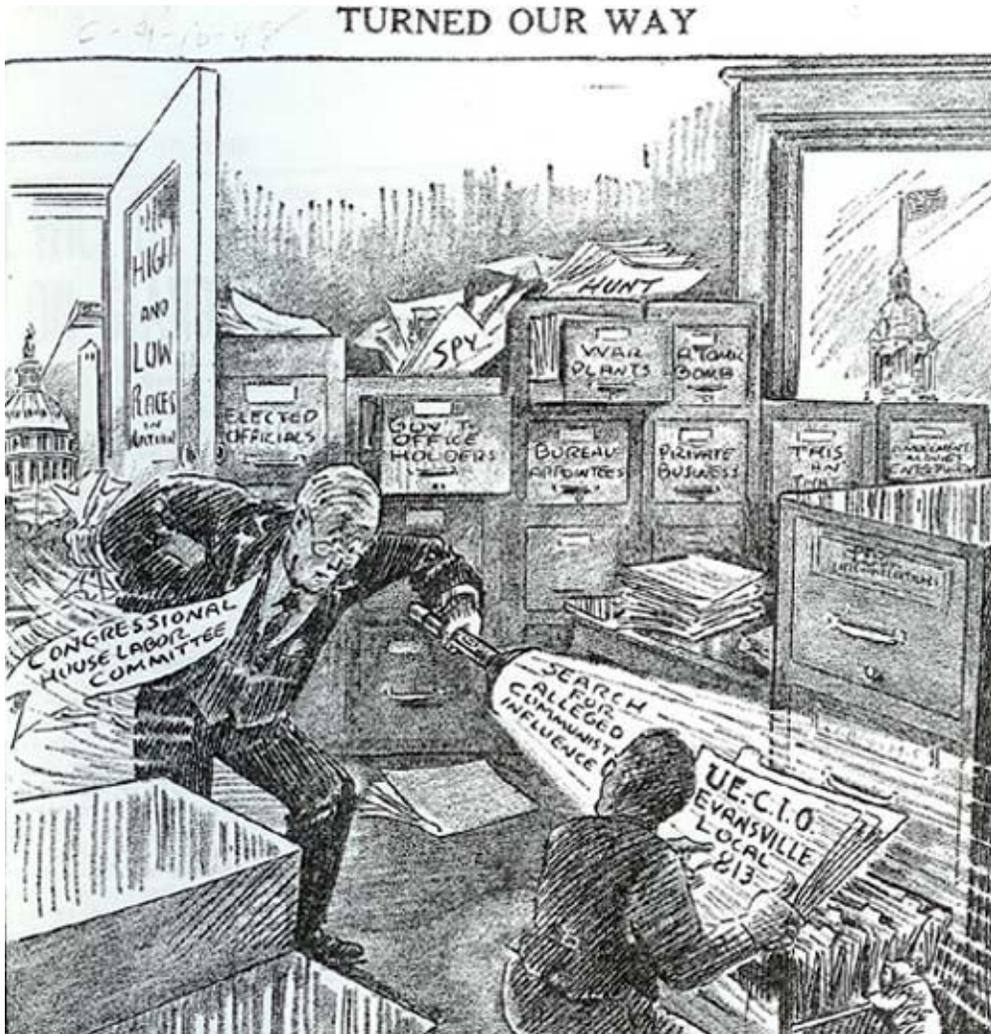
(No. Response)

Mr. Mitchell. You are in contempt.

Mr. Landis. He has refused to give his address. You are excused.

Mr. Mitchell. You are in contempt. You refuse to give your address before the committee. I hope the press representatives are getting the names of all these people and will give these people the proper publicity; the people next door don't know what kind of termites they are living next door to, and I hope the press representatives will give them a good job of exposing these people who are putting on this three ring circus, standing on their constitutional rights under the very Constitution that they are out to dishonor and overthrow by force and violence. We are not going to stop until we run them down.

Aftermath: The next day, the Evansville Courier listed the names and addresses of all the workers called before the committee who had refused to answer Mitchell's questions. Workers who had been called before the committee were terrified and harassed in their communities and in their workplaces. Some left Evansville.



Two Approving Cartoons from the Evansville Courier, which supported the idea that the Bucyrus-Erie strike was subversive September 1948



Most B-E workers had not attempted to cross the lines, and by September 4, only 30 percent of the regular workforce had done so. B-E workers took their cause to the Evansville neighborhoods, urging residents to shun scabs who were named in leaflets. An indication of the level of community support came when Gold Medal Dairy sent ten dollars to the local in apology because one of its drivers crossed the line. B-E worker Gaither West refused when called to cooperate with a county prosecutor investigating picket line incidents and instead called on a grand jury to investigate "eighty-eight cents an hour rates at Bucyrus-Erie and their effect on our community." Unable to staff the plant, the company sought to operate with prison labor, but the union exposed this and rallied its members. A major blow came on September 7 when the ECCS's own D. Bailey Merrill ruled in an injunction hearing to bar all picketing. Already the union had lost its representation rights because of the Taft-Hartley noncommunist affidavit issue. Then the local learned that a special subcommittee of the House Education and Labor Committee (HELC) would hold hearings in Evansville on "Communist influence in the B-E strike."¹⁶⁸ Recognizing the crisis they were now facing, the union ended the strike because of the "combination of forces" that had "joined hands with the union hating" B-E management.¹⁶⁹

Modeled after the interrogations of HUAC, the HELC had played a similar role in other strikes, starting with its initiation of such tactics in the Allis-Chalmers plant of Milwaukee, the home location of B-E.¹⁷⁰ The hearings were chaired by antiunion Republican congressman Gerald Landis and led by local Republican congressman Edward Mitchell, who was not even a member of the committee. Mitchell claimed that a letter from William Debes had prompted the hearings, making it appear that the request came from the rank and file. But Mitchell was a longtime associate of Merrill and Ruthenberg, and it is more likely that this hearing was designed with advice from Allis-Chalmers and NMTA. The key witnesses were Katherine Bell, the informant for the earlier *Courier* series about UE; Ernest Rutherford, a Seeger worker and UEMDA member who had run against Seeger shop chairman Clifford Haire and was an outspoken opponent against Local 813 leadership; and Arthur Robinson, the auto worker who identified himself as "a commander of the Spirit of Kilroy" veterans' group. These witnesses named twenty-six people who they claimed were members of the CP or had attended party meetings. Bell testified that she had been recruited to the party by Ernest Upton, the Faultless Castor shop chairman, and Charles Wright, former president of Local 813 and current district secretary of the UE. She claimed that Wright, Upton, and Briggs auto worker Alfred Smith (the first president of Local 1002, the predecessor to Local 813) formed a "three man secretariat" that controlled the party and the unions in Evansville. The dramatic presentation of a few signed membership cards she claimed to have saved from when she was membership director of the local party chapter lent credibility to her charges.¹⁷¹

Most of the workers called before the committee refused to answer questions until their counsel, the national UE attorney, could represent them. Regarding this as simply a ploy to evade the committee's questions, Landis and Mitchell attacked each uncooperative witness. At one point Landis retorted that "you guys all quote that little line; you pull that same lingo all the time; hide behind the Constitution that you are out to beat." Tiring of the refusal of witnesses to answer whether they had ever been in the party, Mitchell and Landis were determined to tarnish the character of the witnesses. Mitchell taunted them, "Do you believe in God, Mrs. Smith?" and "Are you a Communist?" And when they continued to respond that they were "not refusing to answer" but "wanted counsel," Mitchell egged them on by continuing to repeat the question, "Wait just a minute. Do you believe in God?"¹⁷² When shop steward Ernest Upton continued to refer to his right to an attorney, Landis railed, "Do you think it would be a violation of your constitutional rights if a group got together and hid behind the constitution and tarred and feathered you birds?" Landis assured reporters that "99%" of uncooperative witnesses at other hearings "have been communists" and asked the press to print the names and addresses of every uncooperative witness so as to "give these people the proper publicity" to "the people next door" so that they know "the kind of termites" they were. "We are not going to stop until we run them down." The names and addresses of the accused were listed in the newspapers. Some workers criticized the hearings, and even some anticommunists called to testify suggested that they did not want the committee's intervention. One worker criticized the Taft-Hartley Act because the government used it to "hurt the common working people" of America or harm "workers who did not want the AFL again." Occasionally a worker in frustration stated that he or she believed in God and went to church, frustrating Mitchell's portrayal of militant workers as under the influence of "godless Communists."¹⁷³

What Sentner described as a "lynch spirit" took hold in Evansville. The *Evansville Courier* opined that a "real American citizen" would not "hesitate to answer" if asked whether he or she was a member of the party. As the accused returned to work, most were forced out by fellow workers acting in a "carefully orchestrated" manner, sometimes through physical threats and violence as the employer looked on or provided assistance. At Faultless, the company set up a "Taft-Hartley affidavit room, asking workers to renounce communism and ask[ing] for their religious affiliations as proof of loyalty," and then fired workers who refused. While few UE members actually participated in the purges, the effect was to silence many who supported the Left.¹⁷⁴ When told of these events, Mitchell responded that "I hope the workers will finish cleaning their own house and then keep it clean." While some of the workers "may not be Communists," he said, "they had their chance to clear their names . . . and wouldn't take it."¹⁷⁵ This sort of pressure led some of the accused to ask to be recalled to the hearings in order to reclaim their jobs. Some disputed Bell's claims that they had

been members while others admitted to having once been a member of the party or having attended meetings, but none confirmed the “grand conspiracy” voiced by Bell and the congressmen. Meanwhile, the entire leadership of the Faultless union, all accused of party membership by Bell, resigned in protest, despite having been elected overwhelmingly on the eve of the hearings.¹⁷⁶ At a meeting of Local 813, held one day after the end of the hearings, anticommunists took the lead. Logsdon claimed that during the entire meeting, Father Schoettlekoette was “out on the escape hatch looking in the window . . . [and] shouting at the people what to do.” The meeting revoked Sentner’s honorary membership in the local and voted to fire Payne, along with Sidney and Sadelle Berger and other office staff (although Bell had only named Payne). Albert Eberhard, the union president, refused to resign, commenting that he was determined to “pull this union together so we can go ahead and fight for a living wage.” Logsdon, reacting, appointed Payne “as field organizer in charge of that local. And you should have heard the hollering!”¹⁷⁷ Commenting on the events, the *Evansville Courier* predicted that the hearings marked “the end of Sentner’s influence in the UE at Evansville.” The *Post-Dispatch* commended workers for “showing Sentner the door.”¹⁷⁸ Meanwhile, B-E had fired sixty-five activists, who endured a local blacklist, but when the local sought to publicize it, B-E filed a libel suit to prevent its publicity. Within two weeks, B-E workers voted to join the AFL, and the company signed a four-year contract that ended its labor troubles for the moment.¹⁷⁹

Just as it seemed virtually certain that Local 813’s Left would be annihilated, the union leadership devised remarkable strategies to rouse the membership. Vernon Countryman, a law professor at Yale University, wrote to expose the illegitimate use of a congressional subcommittee (which was limited to investigations regarding law) to weed out union activists. Syd Berger and national UE attorney Arthur Kinoy filed a lawsuit for an injunction against “the congressional subcommittee, the congressmen and the companies,” using Reconstruction era statutes designed to protect freed slaves from former slaveholders’ conspiracies. Berger and Kinoy charged a conspiracy to destroy Local 813.¹⁸⁰ While they knew they could not win, the strategy encouraged workers. The union invited clergy and the public to its own “UE hearing” where it presented evidence that N. R. Knox, Fred Bender, John Griffith, Don Scism (*Courier* editor), Arthur Robinson, and Walter Hayden had conspired along with Mitchell and Landis to create “mob hysteria” to “black-list the B-E strikers who fought labor’s fight against 88 cent wage scales.” Through radio broadcasts, they exposed a blacklist that targeted some of the most militant workers at B-E. Ernest Upton, noting that he had been raised in Oklahoma and was from multiethnic “American” roots, remarked, “I’d like to have a greater share of the profits of the company that I work for. I’d like to give my children the benefit of a college education that I didn’t have.”¹⁸¹ Within a few weeks, the local was recapturing

segments of workers who had initially repudiated the leadership. Jim Payne was reelected president of Local 813. Then in early November, Congressman Mitchell, running on his role against “reds” in the HELC interrogations, lost his seat in the 1948 election.¹⁸²

But the events in Evansville convinced key leaders—especially Wagner Local