

Pushed Ashore:

Coast Guard Screening on the Seattle Waterfront

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History 498

Winter 2011

Introduction: Controlling the Right to Work the Shore

In 1951, the United States Coast Guard published new guidelines for the security of American ports. The new port security procedures, entitled *Security of Vessels and Waterfront Facilities*, marked the beginning of the Federal suppression of radical labor in the Puget Sound maritime industry. The program, which allowed the Commandant of the Coast Guard to deny any maritime laborer access to their job, was built within the intersection of Federal and local fears that West Coast maritime unions were tainted by radicalism. While the Coast Guard had actively screened public-sector employees for communist ties during World War II, conservative politicians' sights quickly turned to the private sector as the United States was poised to enter Korea in 1947. The Magnuson Act - brainchild of Washington State Democratic Senator and University of Washington graduate, Warren G. Magnuson - combined local fears of radicalism in waterfront unions with national mechanisms of military port security. This legislation gave legal basis for the Federal-screening program of maritime labor that would remain in place until overturned as unconstitutional by the Supreme Court in 1968.

The processes and mechanisms of the Port Security Program gave the Coast Guard absolute discretion over which laborers had access to the Seattle shores. Beginning in 1951, all Seattle dockworkers and merchant seamen were required to apply for new security clearance passes. In order to be cleared for work, the Commandant of the Coast Guard on in Washington D.C. had to approve of the "characters and habits of life" of each applicant.¹ Seamen or dockworkers could be denied these documents if accused of being

¹ United States Coast Guard, *Security of Vessels and Waterfront Facilities*, 1951, 4.

recently affiliated or shown sympathy towards any organization that the Attorney General had deemed “totalitarian, fascist, communist, or subversive.”² Before 1956, screened dockworkers could appeal their denial for clearance before a local appeals board in Seattle. However, the appeals board did not make a decision on the security clearance of the appellate; they merely gave a recommendation to the Commandant.³ The bureaucratic structure of the Port Security Program gave the appearance of judicial proceedings, yet in practice it was a closed-loop process of refusing access to ports and vessels for laborers who were suspected of radical political leanings or ideological subversion. Although it is unclear the exact number of dockworkers and sailors that were screened from their jobs by the program in its entirety, by its sixth year the Port Security Program had denied 3,788 dockworkers and maritime employees security clearance in to their respective ports nationwide.⁴

While the Port Security Program aimed to break the strength of radical unions such as the International Longshore and Warehouse Union (ILWU) and the Marine Cooks and Stewards Union (MCS), it actually functioned to foment united and trans-coastal unions against conservative anti-Communist efforts. Local unions focused their initial efforts on publicly attacking the legitimacy of the Port Security Program, highlighting its hypocrisies and loopholes. When inciting public outcry against screening failed, local maritime laborers waged a war through the judiciary, battling the Coast Guard in a series

2 Ibid., 3-4.

3 *Report of the Commission on Government Security Pursuant to Public Law 304, 84th Cong., as amended, 1957*, (Washington, DC: GPO, 1967), 334.

4 Ibid., 333.

of cases that questioned the Constitutionality of the program itself. Furthermore, the lived experiences of local maritime laborers provide evidence that the Coast Guard Port Security regulations intersected with wider structures of anti-radicalism and racism in 1950s Seattle. Stories of local Seattle laborers screened from their jobs suggest that the program created a population of disenfranchised and unemployed maritime workers at odds with Federal policies. Case studies of local laborers Buster Higa, Frank Jenkins, Lonnie Gray, George Rogers, Guy Wickliffe, Milton Kairis, and Herbert Schneider together illustrate that the local experience of the Port Security Program in Seattle was not uniform. In each worker's case, racism, conservative unionism, anti-communism, and the tension between labor rights and Federal policy intersect in distinctive and individualized ways.

Ultimately, the experience of Coast Guard screenings of Seattle waterfront laborers served as a catalyst for the organization of local maritime unions while fomenting radical laborers' faith in the effectiveness of the judicial process. For local labor in Seattle, the stakes were high. When pushed ashore, dockworkers and seamen found themselves disenfranchised and unemployed. While the Port Security Program made claims to screen labor for Communism under the guise of protecting national security, in practice, the expansion of the Coast Guard's power created a structure in which pre-existing conflicts in Seattle were played out. Consciously, the Port Security Program was a deliberate effort to protect the economic stability of the port economy from the disruptions of local labor. Less deliberately, in giving the Coast Guard absolute agency in deciding who could be employed on waterfront, the Port Security Program created a

powerful structure through which underlying ethnic, racial, economic, and ideological struggles were fought on the terms of those in power.

World War II: Naval Anti-Communist Screenings and the Effects of Maritime Militarization

At the conclusion of World War II, the economic and strategic importance of Seattle as a port city met with growing political fears of Communism in maritime labor, making Seattle a locus for political subversion of radical labor. The Second World War had profoundly affected the composition of local labor markets on the Puget Sound. From 1940 to 1947, Seattle had experienced population increase, growth in organized labor, and the rise of an industrial economy focused on military production.⁵ Furthermore, increases in wartime military spending had formed new ties between the military, local business leaders, labor, and politicians in the Puget Sound region, all of whom had come to rely on “defense spending as a key component of the local economy.”⁶ As the United States moved from a hot to a cold war, the economic importance of the military to local business and political leaders heightened the perceived threat of radicalism in maritime labor.

⁵ Carlos Schwantes, *The Pacific Northwest: An Interpretive History*, (Lincoln: University of Nebraska Press, 1996), 412-28.

⁶ Brian G. Casserly, “Puget Sound’s Security Codependency and Western Cold War Histories, 1950-1984,” *Pacific Northwest Historical Review* 80, no. 2 (2011): 274.

Even before war's end, the Navy in Puget Sound had practiced the systematic screening of public-sector employees for communist activity. The Hatch Act of 1939⁷ and Smith Act of 1940⁸ laid the legal foundations for President Truman to enact the Employees Loyalty Program in the Executive Branch of Government in 1947.¹⁰ The local experience of the Employees Loyalty Program is illustrated by the case of Ardis Olsen, an optical instrument assembler at the Puget Sound Naval Shipyard in Bremerton. In February of 1949, Olsen received notice from the Naval Commander that she had been found in violation of the Hatch Act. The specific violations listed in the letter suggest that, apart from membership to the Communist party, the Navy was particularly concerned with radical intellectualism, accusing Olsen of a subscription to, and distribution of, the radical magazine *New World*.¹¹ Olsen enlisted the legal counsel of Seattle's John Caughlan. Caughlan, nicknamed the "commie lawyer" in the local legal circles, had a history of representing individuals charged with affiliation to the Communist Party under the Smith Act and would later become a staple in the legal defense of radical maritime unions against accusations of Communism.¹² At her hearing, Olsen was presented with the evidence

7 Section 9A. (1) It shall be unlawful for any person employed in any capacity by any agency of the Federal Government, whose compensation, or any part thereof, is paid from funds authorized or appropriated by any Act of Congress, to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States. *Hatch Act*, 18 U.S.C. 61i, 1939.

8 The Smith Act made it a federal crime to advocate, print materials for, or belong to any group who was against the security and safety of the United States government. *Alien Registration Act of 1940*, Title I, Section 2 (a), 54 Stat. 670, 1940.

9 Michal R. Belknap, *Cold war political justice: the Smith Act, the Communist Party, and American Civil Liberties*, (Westport, Conn: Greenwood Press, 1977), 28.

10 *Executive Order 9835, Prescribing Procedures for the Administration of an Employees Loyalty Program in the Executive Branch of Government*, March 27, 1947.

11 John Caughlan Papers, Box 32, Folder 11.

12 John Caughlan, "Albert Canwell," Interview, *Communism in Washington State History and Memory Project*, http://depts.washington.edu/labhist/cpproject/caughlan_interview.shtml.

against her, which included a photostatic copy of her signed Communist Party registration card, after which she was suspended without pay.¹³ As illustrated by Olsen's experience, Naval Screening practices in the Puget Sound under the Federal Employees Loyalty Program were clear, presented evidence, conducted in a timely manner, and ended in the termination of employment. When the Navy shifted to screening private-sector maritime employees in the Puget Sound, the procedural processes were stripped of clarity and formality. Furthermore, the Coast Guard compensated for the inability to directly fire employees with the creation of the security pass system, enabling the Navy to indirectly control maritime employment in the Pacific Northwest by controlling access to the shores.

Trouble Simmers on the Seattle Shore: The Initial Naval Screening of the ILWU

By 1949, the Federal Government had extended its scrutiny from its own maritime employees to the private sector, composed primarily of unionized dockworkers and seamen. Specific to the Puget Sound, the importance of defense spending on the waterfront made the security of local maritime structures economically vital to local businesses and organized labor.¹⁴ The Taft-Hartley Act, passed in 1947, was the first Federal strike at radicalism in organized labor, requiring all union leaders to sign "loyalty oaths" swearing no connection to the Communist Party under penalty of perjury.¹⁵ While Taft-Hartley was a broad strike at radicalism

¹³ John Caughlan Papers, Box 32, Folder 11, University of Washington Special Collections.

¹⁴ Casserly, 274.

¹⁵ Rick Fantasia and Kim Ross, *Hard Work: Remaking the American Labor Movement* (Berkeley: University of California Press, 2004), 50-53.

in American unions, after World War II the Federal Government had become increasingly concerned that the Communist Party had infiltrated West Coast maritime unions. The Marine Cooks and Stewards Union (MCS) and the International Longshore and Warehouse Union (ILWU) fell under the scrutiny of the national government.¹⁶ Even within organized labor, the lines between radical and conservative organizations deepened. While American Federation of Labor unions, such as the Seafarers International Union (SIU) and the Sailors Union of the Pacific (SUP), had been resistant to Communism for a while, the Congress of Industrial Organization's purge of radical unions, including MCS and ILWU, signaled the deep ideological factionalism within national maritime labor organizations.¹⁷ Thus, when the Navy screened fifty ILWU workers from the Seattle Port in 1950, the division was not simply between unionized workers and the military, but instead the beginning of a more complicated struggle between the Coast Guard, conservative maritime unions, and business interests against the threat of radicalism in local maritime labor.

In June of 1949, ILWU Local 19 of Seattle encountered what would be the first in a series of fights for the rights of union dockworkers to freely access local ports. It was the beginning of an extended process of curbing militant unionism through the exclusion of worker rights to Puget Sound docks and vessels. Local 19's initial response was to foster public support through the press while privately contacting local political representatives for answers. For weeks, Local 19 had suspected that the Navy was working on a "blacklist." In the last week of June, when fifty longshoremen were refused access to Seattle docks, Regional Director, William Gettings

¹⁶ *Report of the Commission on Government Security*, 333.

¹⁷ Bert Cochran, *Labor and Communism: The Conflict that Shaped American Unions*, (New Jersey: Princeton University Press, 1977), 319.

immediately set to work putting pressure on the Navy to make a public statement and enlisting the help of local unions to write their representatives in Washington D.C. and demand an explanation.¹⁸ Gettings, along with Local 19 President J.A. Hopkins, also wrote to Democratic Washington State Senator, Warren G. Magnuson, inciting him to pressure the Seattle Navy Security Office for answers.¹⁹ When more longshoremen were denied passes that August, the Local 19 went so far as to accuse the Local Naval Office of conspiring with foreign governments to break local unions.²⁰

While the Seattle Navy Security Office admitted they denied passes for procedural reasons, they stopped short of claiming the screening was for the protection of national security. The publicity efforts of Gettings and Local 19 quickly pressured the Navy in Seattle to release a statement assuring the public that the longshoremen were denied merely through “routine procedure” and “not for Communistic reasons.”²¹ Gettings wrote in response to the Navy’s press release: “Getting the Navy to make such a statement was quite a job, but it has sure put some BASTARDS on the spot.”²² Gettings had reason enough to celebrate the public scrutiny of the Navy’s denial of security passes. As of 1949, the Navy had no legal basis to implement port security measures. Historically, the Coast Guard had been given control over port security

18 William Gettings to Bob Robertson, June 30, 1949, in Shaun Maloney Papers, Box 16, Folder 16, University of Washington Special Collections.

19 Warren G. Magnuson to J.A. Hopkins, July 19, 1949, in Shaun Maloney Papers, Box 16, Folder 16, University of Washington Special Collections.

20 “ILWU Regional Office Press Release,” August 17, 1949, in Shaun Maloney Papers, Box 16, Folder 16, University of Washington Special Collections.

21 Paul Staples, “No Reason For Blocking Piers Given,” *The Seattle Times*, June 29, 1949, 1.

22 “ILWU Regional Office Press Release,” August 17, 1949, in Shaun Maloney Papers, Box 16, Folder 16, University of Washington Special Collections.

through Federal statutes on the basis of national security necessities during World War I and World War II. However, in the summer of 1949, a national emergency did not yet exist in any official capacity.²³

In September of 1949, the ILWU continued to publicly highlight inconsistencies in the Navy's policy while forming a united front of organized labor against screening. On Labor Day, the Navy had allowed fifteen longshoremen to work on the only active ship in the Seattle Port, and on the following day denied the same men entry to the pier.²⁴ Hopkins appealed to the highest tiers of the Federal Government, asking President Truman to secure a statement from the Navy addressing the denial of the passes, but still no answer came.²⁵ Fearing something larger was in the works, Local 19, along with 36 representatives of various maritime labor unions, passed a resolution on November 15, 1950. The resolution declared: "We are against the kind of security rules that take away the Constitutional rights of American citizens. We are against the kind of security ties which can be used to break unions."²⁶ In 1951, Gettings wrote to ILWU President Harry Bridges that, while local unions were organizing against possible screening measures, the Coast Guard was not demonstrating a visible "pattern" for screening procedures and were inconsistent in the issuance clearance.²⁷ While the initial Navy Screening of

23 Ralph S. Brown and John D. Fassett, "Security Tests for Maritime Workers: Due Process Under the Port Security Program," *The Yale Law Journal* 62, no. 8 (1953): 1169-1170.

24 "ILWU Press Release," September 9, 1949, in Shaun Maloney Papers, Box 16, Folder 16, University of Washington Special Collections.

25 J.A. Hopkins and William Clark to Harry Truman, September 7, 1949, in Shaun Maloney Papers, Box 16, Folder 16, University of Washington Special Collections.

26 Notes on the Security Regulations Protest Meeting of the ILWU, November 15, 1950, in Shaun Maloney Papers, Box 16, Folder 16, University of Washington Special Collections.

27 Bill Gettings to Harry Bridges, February 24, 1951, in Shaun Maloney Papers, Box 16, Folder 16, University of Washington Special Collections.

longshoreman in Seattle touched off shows of union solidarity against screening measures, larger political processes were in the works to ensure that a true Navy screening program of maritime employees would be based on legal grounds.

Seattle Politics and the Korean War: Magnuson Sets the Legal Grounds for Maritime Screening

Chief Justice Hughes once wrote: “While emergency does not create power, emergency may furnish the occasion for the exercise of power.”²⁸ In 1950, the United States’ entry into the Korean War created the opportunity for the exercise of power over the Seattle maritime economy while Warren G. Magnuson created the power through the legislative process. Magnuson - Seattle native and Washington Democratic Senator - was a man deeply concerned with radicalism in maritime labor unions as well as a proponent for the expansion of wartime defense spending to boost the West Coast economy. Thus, when President Truman extended American military aid to Korea in July of 1950, Federal policy intersected local interests in Puget Sound to maintain defensive spending at local ports.²⁹

The passage of the Port Security Act on August 9, 1950, created the legislative basis for the extension of Federal power controlling labor demographics of local ports and allowed Puget Sound politicians in to secure their economic military interests. President Truman was afforded the power “to institute such measures and issue such rules and regulations,” along the coast “to safeguard against the destruction, loss, or injury from sabotage or other subversive acts,” if the

28 John A. Garraty, *Quarrels That Have Shaped the Constitution*, (New York: Harper and Row, 2009), 243.

29 Casserly, 274.

security of the United States was found to be threatened “by reason of actual or threatened war . . . or subversive activity.”³⁰ Soon after the Magnuson Act was signed into law, Truman issued Executive Order 10176. The order declared that the security of the United States has threatened by “subversive activity” and vested the Coast Guard with the power to regulate national coasts.³¹ While preparing the Port Security Act, Magnuson asserted that Communism in radical maritime labor unions posed the deepest threat to the security of American ports:

In my opinion, the bill will have the dual effect of helping clear out whatever subversive influences may exist around the waterfronts and of protecting the country from sneak attacks . . . Some of the last strongholds of the Communist in this country exist in some of the waterfront unions, despite the efforts of patriotic maritime labor leaders to clean out some of those unions.³²

Because the creation of the Port Security regulations were created to specifically target radical maritime unions, neither ILWU nor MCS representatives were invited to National conference of ship owners, maritime leaders, and unions at which new security regulations were approved.³³ Furthermore, as argued by Ellen Schrecker, the primary benefactors of the new regulations were conservative unions who had been trying some time to purge their radical competitors from the West Coast shores.³⁴ As such, in Seattle, the new Port Security regulations effectively banned

30 *The Magnuson Act of August 9*, 64 Stat. 427, (1950).

31 *Executive Order 10176*, Reg. 7005, (1950).

32 Brown and Fasset, 1187.

33 “Report of the National Offices to the Fourth Biennial Convention May 1-5,” Marine Cooks and Stewards Union, 1951, in Peter Patrick Mendelsohn Papers, Box 2, University of Washington Special Collections.

34 Ellen Schrecker, “McCarthyism: Political Repression and the Fear of Communism,” *Social Research* 71, no. 2, (2004): 1050.

dockworkers and seamen seen as subversive, or a threat to anti-communist interests from working within their trade.

The Port Security Program: A Procedural Quagmire

The procedural mechanisms of the Port Security Program were constructed to concentrate power over waterfront employment in the Coast Guard. On January 15, 1951, The Coast Guard published *Security of Vessels and Waterfront Facilities*, new regulations that used the national security threat provided by Korea to enact a program of controlling the employment of dockworkers and seamen.³⁵ Under the new regulations all dockworkers and merchant seaman in Seattle were required to apply for security clearance through the Coast Guard before they could access local ports for work. In order to be passed for clearance, the Commandant of the Coast Guard in Washington D.C. was given complete discretion on the issuance of security documents. Commandant was required to approve that “the character and habits of life” of the applicant were not a threat to national security before security clearance was granted. Workers could be denied these documents if accused of being recently affiliated or shown sympathy towards and any organization that the Attorney General had deemed “totalitarian, fascist, communist, or subversive.”³⁶ Men and women in Seattle who found themselves unable to attain access to the waterfront, were given the opportunity to request an appeals hearing in the downtown New World Life building. Presided over by the local chairman, James M. Donahue, the Seattle Coast

³⁵ *Security of Vessels and Waterfront Facilities*, 4.

³⁶ *Ibid.*, 3-4

Guard hearings in had the façade of judicial proceedings yet proved to be a uniquely frustrating process.

The appeals procedures of the program stripped screened dockworkers and seamen of the ability to fight against their forced unemployment in two ways. First, the procedures placed the burden of proof on the screened worker to prove that they themselves were not a security threat. Operating on the premise of guilt, the Appeals Board held that “the technical rules of evidence shall not apply,” and any evidence against a screened worker could be withheld under the assertion that its disclosure would be adverse to the security of the United States.³⁷ Second, the Commandant of the Coast Guard decided the outcome of the appeal at every level of the process. A 1953 analysis of the program in the *Yale Law Review* critiqued the “seemingly elaborate” procedures of the program as being “shot through with inadequacies.”³⁸ John Caughlan’s illustration of the Port Security appeals process details the frustrating closed-loop system; for the outcome of each appeal rested in the hands of the Commandant (Fig. 1). The inherent ambiguities in the processes were not lost on local labor leaders in Seattle. While considering the screening procedures, one MCS Seattle Port Agent demised that union members who were screened of ships were “considered Guilty until they proved themselves INNOCENT – an unusual procedure. You can appeal to the Commandant in Washington, but he is the same guy who screened you originally! What kind of fair setup is that?”³⁹ While the Navy claimed that security risks were at the forefront of the procedures, the experience of rejected applicants in

37 Ibid., 5.

38 Brown and Fasset, 1179.

39 Emphasis in original document. “Report of the National offices to the Fourth Biennial Convention May 1-5.”

Seattle proves that underlying racial and ideological motives bolstered the mechanisms of the screening process.

Buster Higa: Nationalism, Xenophobia, and the Threat of Ideological Subversion

Although the Magnuson Act and the Port Security Program were specific responses to the threat that radical labor posed to the Northwest maritime economy, pre-existing ethnic and racial conflicts in Seattle were played out through the power structure of the screening program. In 1950, a Hawaiian-Japanese MCS member named Buster Higa was denied his validated Merchant Mariner's Document, screening from his employment on the *Hawaiian Planter*. Although officially, the Commission of Government Security claimed in 1957 that the Port Security Program did not prohibit individuals from working within their trade, Higa had found it exceedingly difficult to find work after being barred from continental ports.⁴⁰ The following year, Higa was denied clearance from the Seattle Port, dissolving his already few employment prospects. Now, out of a job and unable to legally sail out of Seattle, Higa found residence at the Maritime Hotel on First Avenue in Seattle and enlisted the help of John Caughlan and Siegfried Hesse to argue his case at the local appeals board.⁴¹

As a Hawaiian-Japanese immigrant to Seattle, Buster Higa was already living within a society adverse to his employment as a seaman. After the summation of WWII, anti-Japanese sentiments sent chills through Northwest labor markets as interned Japanese returned to compete

⁴⁰ *Report of the Commission of Government Security*, 344.

⁴¹ "Transcript of Local Appeal Board in the Matter of Screening Rejectee Buster Teijun Higa," 1952, in John Caughlan Papers, Box 13, Folder 10, University of Washington Special Collections.

for local jobs.⁴² Furthermore, conservative unions had also been pushing against the competition of foreign emigrants in the maritime trade. In July of 1950 the National Maritime Union, CIO, began a policy of forcing non-citizen workers off of merchant ships and two years later, the MCS protested the introduction of a bill to Senate denying anyone unable to speak or illiterate in English above the most basic level, the right to work as a merchant mariner.⁴³ The local appeals process provided a structure of power through which the ethnic tensions could be released on the terms of those in power. At Higa's appeal, national suspicions of the Japanese intersected with local fears of labor competition and emerged as racial undertones in the screening program that tainted the decorum of appeals proceedings in Seattle. Although the Coast Guard regulations insisted that proceedings "be conducted on orderly and decorous manner with every effort made to protect the interests of . . . the appellant" and that "members of the Board should at all times avoid the attitude of prosecutor," the Board directly addressed Higa on the basis of his Hawaiian-Japanese race two times. First, Higa was asked if he remembered where he was when Pearl Harbor was bombed, presumably to test his nationalism and loyalty to United States interests. The Chairman, James M. Donahue, also found it opportune to make a slight of Higa's Hawaiian origins. Higa, in a severely vulnerable position in front of the board, attempted to explain an interaction between him and a member of the Communist Party in San Francisco:

Higa: "I just walked in and say 'hello' and just come right back..."

Chairman: "Go in and say 'Aloha'?"

42 Schwantes, 419, 422.

43 "Alien Seamen Deserted by National Maritime Union," *The Lamp*, August-September, 1950. "Threat of a New Kind of Screening," *MCS Voice*, March 3, 1952.

Higa: “No, just say ‘Hello!’”⁴⁴

Donahue, in a position of economic power over Higa, publicly joked about the seaman’s ethnicity within a hearing that was to determine if Higa would be able to earn a livelihood in his chosen profession. Although the racial remarks by Donahue were administered lightly, they suggest a darker backlash of local politicians and labor leaders against foreign maritime workers.

Higa lost his second appeal. While under the Coast Guard regulations he had the option of appealing directly to the Commandant in Washington D.C. However, to travel across the country after his clearance had already been twice denied, must have seemed of little promise to an unemployed seaman living in a hotel on First Avenue.⁴⁵ The hearing process in Seattle was more than racially insensitive; it ignored the daily economic realities of the unemployed maritime laborer, setting up bureaucratic obstacles almost impossibly steep to overcome.

Frank Jenkins: Racism and the Federal Push Against Radical Unions

While anti-Japanese sentiments ran especially high in the early years of the 1950s, the Cold War also increased the friction between conservative labor interests and black maritime laborers. These underlying economic and racial conflicts emerged in Seattle through the mechanisms of the Port Security Program. During WWII, Seattle’s economic

44 Ibid.

45 Commandant of U.S. Coast Guard to Mr. Buster Teijun Higa, in John Caughlan Papers, Box 13, Folder 10, University of Washington Special Collections.

boom in military industries had attracted black migrants to the port city and by war's end, they were Seattle's largest racial minority.⁴⁶ While the Pacific Coast International Longshoremen's Association (which later became the ILWU) had adopted a practice of racial inclusion beginning in 1934, the status of black workers within maritime labor remained a matter of contention.⁴⁷ Leftist-unions already had a history of recognizing the racial implication of Federal legislation black constituents. One evaluation of the Smith Act by MCS observed: "From the earliest days of our country, the movement for the liberation and betterment of the Negro people has been falsely attacked as an effort to incite insurrection and their organizations have been denounced as conspiracies."⁴⁸ Thus, even before the Coast Guard was vested with the power of controlling access to local maritime jobs, maritime unions believed that legislative mechanisms could be used as tools against the rights of racial minorities.

The Port Security Program on the Pacific Coast disproportionately affected black dockworkers and seamen. While black members of the ILWU constituted two-thirds of ILWU longshoremen denied Coast Guard passes, they represented the minority of union membership (in San Francisco, only 22% of members were black).⁴⁹ By 1951 in the Marine Cooks and Stewards Union, nearly every member who had held office and a

46 Schwantes, 450.

47 Victoria Johnson, "The Status of Identities: Racial Inclusion and Exclusion at West Coast Ports," *Social Movement Studies* 8, no. 2, (2009): 168.

48 *MCS Research: Facts and Figures*, (San Francisco: National Union of Marine Cooks & Stewards Research Department, 1952), 4-5.

49 Michael Torigian, "National Unity on the Waterfront: Communist politics and the ILWU during the Second World War," *Labor History* 30, No. 3, (1989): 424; Howard Kimeldorf, *Reds or Rackets? The Making of Radical and Conservative Unions on the Waterfront*, (Berkeley: University of California Press, 1992), 150; Lester Rubin and William S. Swift, *The Negro in the Longshore Industry*, (Philadelphia: Industrial Research Unit, Wharton School, University of Pennsylvania, 1974).

disproportionate number of black members had been screened from their ships.⁵⁰

Although the security program officially functioned to root out subversive threats to United States maritime interests, the union presses were quick to tell stories in which it appeared as if black workers were screened for overstepping the boundaries of power. After serving as delegate on the *Lurline*, a black seaman named Blair Payne was screened from the ship. Payne, in a spirit of revolt, went directly to the steamship office and purchased a ticket as a passenger for the same ship he had just been denied work on for security purposes.⁵¹ Union stories like these circulated in local and national labor papers, exposing the security program's goal of "security" as steeped in hypocrisy.

In 1955, Frank Jenkins of Local 19 was caught in the intersection of institutionalized anti-Communism and racism and subsequently disenfranchised by the Coast Guard. In 1955, Jenkins was called to testify at the Harry Bridges trial in San Francisco. ILWU President Harry Bridges was of particular concern to the framers of the Port Security Program for his "attempt to foist the Communist Party Line" among organized maritime labor.⁵² After Jenkins testified in the San Francisco courtroom on July 15, 1955, he stepped outside only to be met by a member of the Coast Guard who confiscated Jenkins' Port Security pass. Although Jenkins had lived at 1418 24th Avenue in Seattle for eleven years and port security regulations required rejectees to be notified in writing, the Coast Guard claimed that his pass had actually been revoked in 1953 and

50 Report of the National offices to the Fourth Biennial Convention May 1-5."

51 John O. Kykyri, "That Screening Plot," *Our World*, December 8, 1950.

52 *Report of the Commission on Government Security*, 329.

they had not been able to locate Jenkins until his testimony at the Bridges trial.⁵³ Even the San Francisco judge displayed shock at the targeted actions of the Coast Guard, saying “that he had never heard of anything happening like that” and he “didn’t like it worth a damn to be happening outside his courtroom.”⁵⁴

At his appeal in Seattle, Jenkins was asked by James Donahue whether or not he thought Communists should be allowed to work at strategic naval points such as the Port of Seattle. Jenkins replied that, “because he was a Negro he would not practice prejudice towards any person.”⁵⁵ Jenkins’ defiance illustrates that Seattle maritime workers found anti-Communism and racism in port security measures during the 1950s to be interconnected. While Jenkins’ was targeted for screening because of his support of the supposed ILWU Communist leader, Harry Bridges, Jenkins also felt that working rights of maritime laborers ran parallel to other denials of rights to black men on the basis of race.

Jenkins’ defiantly stood up to the power of the Coast Guard for because he was a member of the ILWU, the economic stakes were enormous. Later in life, Jenkins’ friend and fellow ILWU member recalled: “I remember when Frank Jenkins said he was talking to some guys uptown and telling ‘em what we had. They kept asking questions. Finally, Frank says ‘Yeah, when you guys

53 “Longshoreman Denies Red Ties,” *The Seattle Times*, September 13, 1955; *Security of Vessels and Waterfront Facilities*, § 125.27.

54 Frank Jenkins, interview by R.C. Berner, June 6 and 28, 1972, in University of Washington Special Collections.

55 “Longshoreman Denies Red Ties,” *The Seattle Times*, September 13, 1955.

were calling us Commies, here we were getting these good wages and conditions.’”⁵⁶ For radical, or accused radical and minority seamen and dockworkers in 1950s Seattle, the Port Security Program was perceived to be a Federal and conservative strike at union benefits. Because union benefits were on the line, the fight against the Port Screening Program eventually battled its way to victory through the judicial process, but not without push-back from the government, local politicians, business leaders, and conservative unions.

Gray, Wickliffe, and Rogers: West Coast Unions Gain Ground in the Ninth Circuit

Pacific Coast labor unions, especially MCS and ILWU, came under sharp criticism from military and maritime leaders accusing them of being rabble-rousers, un-American, and unnecessary hindrances to the West Coast maritime economy. By summer of 1952, *The New York Times* reported that 500,000 maritime employees had been screened and around 2,000 dockworkers and seamen had been denied security clearance. In evaluating the national Port Security Program, the Coast Guard publicly “praised the cooperation of most of the major maritime unions and management,” however asserted that “objections . . . [had] been fairly well concentrated in the Communist Party and in two West Coast unions.”⁵⁷ The Pacific Coast chapters of MCS and ILWU as well as other more radical unions were also targeted by Seafarer’s International Union and Sailor’s Union of the Pacific. Even before the Magnuson Act, local conservative union members

⁵⁶ Jerry Tyler, *Solidarity Stories: An Oral History of the ILWU*, (Seattle: University of Washington Press, 2009) 125.

⁵⁷ “500,000 Screened For Port Security,” *The New York Times*, August 30, 1952.

had been quick to cry “Communist” in efforts to eliminate radical rivals in the competition for jobs on the Seattle waterfront. During World War II, longshoreman Frank Jenkins recalled that to prevent a dockworker from getting a pass from the Army: “All you had to do was point at a guy and say he was a Communist . . . They thought they could eliminate me from the waterfront by pointing the finger at me as a spy. All they had to do was hint at it and that was enough.”⁵⁸ Furthermore, the use of anti-Communism against rivals by conservative union members was not unique to Seattle. Shelton Stromquist observes that in the autoworker and steel industry, after the outbreak of the Korean War, government officials fought Communism through economic control, such as wage freezes, while conservative workers took advantage of the red scare to “settle old scores.”⁵⁹ Union press articles also evidence that the propensity to cry “Communist” was wide-spread amongst conservative maritime unions. *The Seafarer’s Log*, official organ of SIU targeted the Seattle ILWU and Marine Firemen, Oilers and Watertenders as “commie” controlled while the local MCS was accused of being a “commie front union” whose goal was to “protect the interest of the Kremlin.”⁶⁰ Therefore, in the Port Security Program provided conservative labor leaders with the legislative and procedural mechanisms to strike at radical laborers and the post war competition for maritime jobs.⁶¹ However, while local Seattle unions were aware they comprised a targeted class, they were initially ambivalent on deciding upon the best strategy to fight back.

58 Frank Jenkins, interview by R.C. Berner.

59 Shelton Stromquist, *Labor’s Cold War: Local Politics in a Global Context*, (Urbana and Chicago: University of Illinois Press, 2008), 31-32.

60 Paul Hall and Morris Weisberger, “Seattle, A Study in Union-Busting,” *The Seafarers Log*, November 4, 1949.

61 Schrecker, 1050.

In Seattle in the early 1950s, some local union members were deeply skeptical of combating the Port Security Program through the court system while others believed that it was the only way to effectively change a system which targeted workers rights. At the 1951 Northwest Conference on Blacklisting, a member of ILWU Local 7C illustrated his distrust of Congress and the Judiciary to other labor participants through use of a baseball analogy:

St. Peter challenged the Devil to a game of baseball, and collected a group of all-stars for his team. Then he went to the Devil and said he was ready. The devil replied he was ready too, but didn't think St. Peter had a chance. St. Peter questioned this, as he had all the best ball players he could assemble. The Devil answered, "You may have all the best ball players, but I have all the umpires!"⁶²

Distrust ran through the legal community as well. When ILWU Regional Director, William Gettings, reached out to a legal firm San Francisco in 1951 asking for advice on the possibilities of taking legal action, he was told that likelihood of effectiveness was weak. The firm asserted: "it is difficult if not impossible to get the courts to take a position in these matters, particularly where the government's action is surrounded with the smoke-screen of 'security'."⁶³ Despite misgivings, in 1952 three Seattle seamen brought the first judicial challenge against the Coast Guard Port Security Program.

MCS members Lonnie Q. Gray, George B. Rogers, and Guy J. Wickliffe initiated the first unionized dispute the legality of the Coast Guard's screening procedures. The appeals of the three men were combined because the court found them to be

62 "Transcript of the Northwest Conference on Blacklisting, Seattle, Wa, March 18," 1951, in Shaun Maloney Papers, Box 16, Folder 16, University of Washington Special Collections.

63 Gladstein, Anderson, Resner and Sawyer handled legal proceedings for both the National ILWU and MCS. Norman Leonard to William Gettings, August 4, 1949, in Shaun Maloney Papers, Box 16, Folder 16, University of Washington Special Collections.

representative of the average screened seaman in Seattle.⁶⁴ The men had received identical notifications of the revocation of their Merchant Mariner's Document, which consisted of mere generalities, in carbon phrasing from the guidelines of *Security of Vessels and Waterfront Facilities*. The Commandant had reason to believe their "character and habits of life" were such that their "presence on merchant vessels of the United States or on waterfront facilities would be inimical to the security of the United States" because they were believed to be "affiliated with or sympathetic to an organization, association, group or combinations of persons subversive or disloyal to the Government of the United States."⁶⁵ The next year, in 1953, Gray, Wickliffe, and Rogers were arrested on board a Grace Line ship for violating the Magnuson Act by working in the port without proper security papers.⁶⁶ Although the Seattle prosecutors pressed charges against both seamen, the shipping company was not indicted even though they hired the men with the knowledge that the Coast Guard had not cleared them.⁶⁷ The Seattle public saw observed the mens' case as representative of the larger battle between conservative attempts to control access to maritime jobs versus the agency of union members to work within their professions.

64 "Motion and Affidavit for Leave to File Memorandum as a Friend of the Court," June 1952, in John Caughlan Papers, Box 31, Folder 19, University of Washington Special Collections.

65 James M. Donahue to Lonnie Q. Gray, Seattle, July 18, 1951, in John Caughlan Papers, Box 12, Folder 11, University of Washington Special Collections; *United States v. Gray v. Wickliffe*, *United States v. Roger*, *United States v. Wickliffe*, 207 F.2d 237; 1953 U.S. App.

66 Brown and Fasset, 1184.

67 "The Violation of Trade Union Rights Under the Blacklisting Program in the Maritime Industry of the United States Government," March 23, 1952, in John Caughlan Papers, Box 31, Folder 19, University of Washington Special Collections.

By the time the three MCS members were arrested, union disruptions to the local maritime economy in response to Coast Guard screenings had grown large enough that it attracted a national backlash against organized activism on the Seattle Waterfront. In March 1953, The House Committee announced that they would send a sub-committee the next month to investigate maritime tie-ups and interruptions to the Seattle maritime economy. The local press stood firmly on the side of the government and local business interests and left the union perspective without a voice. *The Seattle Times* published an open call for statements on “labor-tie-ups, which [had] disrupted Seattle shipping in recent years,” while other references in the paper excluded laborers all together and merely mentioned “waterfront tie-ups.”⁶⁸ In short, *The Seattle Times* asserted that labor disruptions were bad for business. *The Seattle Post-Intelligencer* took a firmer stance on the side of local business interests. The paper hailed the investigation as “A Chance to Solve Our Waterfront Problems,” which included “[s]hipping tie-ups, pilferages and alleged Communist influences.”⁶⁹ For the Seattle press, union disruptions to local commerce were quickly dismissed as radical blockages to the growing maritime economy. Alternatively, from the perspective of the MCS, the conservative backlash against union activism produced a tangible fear which hung over the Seattle waterfront “like a pall – and [became] a weapon in the hands of certain anti-labor ship officers, company officials and some union officials to silence and kill the militancy of unions.”⁷⁰

68 Alice Frein Johnson, “Probe to Seek “Information, Not Headlines,” *The Seattle Times*, March 29, 1953. “Congress to Study Seattle Dock Tie-Ups,” *The Seattle Times*, March 25, 1953.

69 “A Chance to Solve Our Waterfront Problems,” *The Seattle Post-Intelligencer*, March 27, 1953; “Harbor Probe In Seattle to Open April 8,” *The Seattle Post-Intelligencer*, March 25, 1953.

70 “Information Bulletin,” Committee Against Waterfront Screening, May 1951, in Peter Patrick Mendelsohn Papers, Box 2, Folder “Clippings,” University of Washington Special Collections.

Despite the absence of support from the local press, the three MCS members, and by extension, radical Seattle maritime unions found support in the judiciary.

While the MCS members had similar experiences of revocation of their security passes, it was the experience of Wickliffe, the only black seaman of the group, that later focused the Ninth Circuit Court's inquiry into the retention of due process rights in the Coast Guard's appeals proceedings. At his hearing, much like the experiences of Higa and Jenkins, questions directed at Wickliffe were intentionally directed at the connection between his race and his ideological leanings. While James Donahue informed Wickliffe that he was "not in a position to inform [Wickliffe] of the charges against [him]," beyond notice that "it has merely been suggested by investigation apparently, some investigation somewhere, that [his] position on the waterfront is not to the best interest of the United States government."⁷¹ Despite such unabashed generalities, the local appeal board in Seattle paid special notice to Wickliffe's race. Wickliffe was "quizzed" on his membership to the Progressive Party in 1948. Wickliffe responded by asserting that he thought of Progressive leader, Mr. Wallace, as a "friend of the colored people," while his counsel responded with a general commentary on the position of black workers as targets of the screening program. While the board was more than comfortable in investigating the specificities of Wickliffe's political motivations on behalf of his race, any inquiry into the details of the accusations brought against him were quickly dismissed.⁷²

71 Paul Staples, "Port-Security Regulations 'Arbitrary and Unlawful,' Says Marine Cooks' Union," *The Seattle Times*, December 6, 1951.

72 *United States v. Gray v. Wickliffe, United States v. Rogers, United States v. Wickliffe*. Paul Staples.

Gray, Wickliffe, and Rogers' fight against the generalities imbued in the screening program on the West Coast created a momentary breach in the screening program in the Ninth Circuit. The ambiguities hidden within the appeals process were recognized and overturned by the Ninth Circuit Court of Appeals in September of 1953. In the majority opinion, Justice Healy asserted that the appeals process, as laid out by the *Security of Vessels and Waterfront Facilities*, stood in the face of the due process clause of the Fifth Amendment for two reasons: the notice of revocation was "totally devoid of helpful information," and the "information imparted by the hearing officer was so general in character as to afford virtually no opportunity for refutation beyond mere denial of the charges."⁷³ The criminal charges against Gray, Wickliffe, and Rogers were dismissed.

The dismissal of criminal charges against the three Seattle MCS members was the first judicial blow to Coast Guard screening procedures. The Seattle case also sent precedent for further judicial assertions against screening procedures on the West Coast. Lawrence Parker, member of the San Francisco MCS, was screened from his profession on the basis of unspecified charges like many other black seamen on the Pacific Coast.⁷⁴ Parker fought the legality of screening procedures to the Ninth Circuit Court of Appeals which ruled in Parker's favor in 1955. In the ruling, Justice Pope warned the court of the danger that the Coast Guard's screening techniques posed to the Fifth Amendment: "I have not been one to discount the Communist evil. But my apprehensions about the security of our form of government are about equally aroused by those who refuse to

⁷³ *United States v. Gray v. Wickliffe, United States v. Rogers, United States v. Wickliffe*. Brown and Fasset, 1185.

⁷⁴ Schrecker, 1042.

recognize the dangers of Communism and those who will not see danger in anything else.”⁷⁵ Justice Pope concurred, asserting that the screening system was “a violation of due process,” under which “a doubtful system of secret informers [would] likely bear upon the innocent as well as upon the guilty and carrying so high a degree of unfairness to the merchant seaman involved cannot justify an abandonment here of ancient standards of due process.”⁷⁶ The appeals procedures of the *Security of Vessels and Waterfront Facilities* were ruled void for the West Coast. However, the Ninth Court ruling for Parker was in some sense a “paper victory,” for while screened seamen and dockworkers were reinstated, by 1955 most of the jobs they had been pushed out from had been filled by their anti-Communist rivals.⁷⁷

“Here We Go Again”: Screening Continues on the West Coast

Public reactions to the Ninth Court ruling suggest that the Federal Government, targeted labor unions, and individuals in political power viewed the screening program through vastly different lenses. After the case of Gray, Rogers, and Wickliffe was determined, the Coast Guard responded in spite, publicly suggesting that they interpreted the ruling as giving them the right to re-screen every denied individual under the new regulations.⁷⁸ In reaction to the Coast Guard’s assertions, the front page of the *MCS Voice*

⁷⁵ *Parker v. Lester*, 227 F.2^d 708, U.S. App., 1955.

⁷⁶ *Ibid.*

⁷⁷ Schrecker, 1042.

⁷⁸ “CG Will Screen the ‘Screenoes’,” in Peter Patrick Mendelsohn Papers, Box 2, University of Washington Special Collections.

printed a telling illustration of union understandings of the screening program. “HERE WE GO AGAIN!” sighs a maritime worker as he descends into the Coast Guard “screening hopper.” From the bottom of the apparatus emerges a close-eyed but pristine worker (Fig. 2).⁷⁹ For the MCS, the screening program function as a mechanism through which the Coast Guard could sift through the potential labor pool and select individuals willing to shut their eyes and acquiesce to subdual. This interpretation of the processes of screening extended to the official view of the ILWU as well. At the 1955 convention of the ILWU, the proceedings declared that the attack on maritime unions was not a “frontal assault.” Instead, the legalistic attacks were “subtle . . . less intended at destroying than at molding or reshaping [unions] into compliant, rubber-stamp organizations.”⁸⁰ The ILWU also interpreted the functions of the Coast Guard screening program as intended to homogenize and subdue the very structure of radical labor organizations by picking out their radical factions. However, conservative labor unions such as the SIU continued to publicly claim that those fighting against the Port Security Program were the agents of a Communist agenda.⁸¹

Furthermore, Chief Justice Earl Warren provided a new discourse to the public opinion of the screening program. Following the 1955 Ninth Court ruling, Justice Warren warned the American public to resist “the temptation to imitate totalitarian security

79 “New hearings for all screened seamen,” *MCS Voice* 11, no. 42, November 20, 1953, in Peter Mendelsohn Papers, Box 3, Folder “Clippings,” University of Washington Special Collections.

80 International Longshoremen’s and Warehousemen’s Union, 1955, *Report of the Officers to the convention of the International Longshoremen’s & Warehousemen’s Union, CA*: International Longshoremen’s and Warehousemen’s Union, 64.

81 “Information Bulletin,” Committee Against Waterfront Screening, May 1956, in Peter Mendelsohn Papers, Box 2, Folder “Clippings,” University of Washington Special Collections.

methods,” in its effort to wipe out the threat of domestic Communists. By this time, the security screening of the Federal Government had expanded to include over eight million citizens and “[as] the system expands,” Warren digressed, “everyone is more closely affected by the balance we strike between security and freedom.”⁸² Thus, while the Ninth Court rulings were in part celebrated as judicial victories against the screening program, the Coast Guard, labor organizations, and representatives of the judiciary realized that the tenacity of the mechanism which the Coast Guard had created.

While the Ninth Court rulings in 1953 and 1955 marked a limited victory for labor activists against screening procedures on the West Coast, the second half of the 1950s saw little change in the program’s established mechanisms of removing maritime workers perceived as different or threatening from their livelihoods. The new screening regulations that the Coast Guard released in compliance with the Ninth Court were marked by limited changes and new tactics to screen employees. Now, notices of denial or revocation of security documents were to be “as specific and detailed as the interests of national security shall permit and shall include pertinent information such as names, dates, and places in such detail as to permit a reasonable answer” and at the appeals hearings screened workers were allowed to gather evidence in their defense. However, final say in the determination of a worker’s eligibility still rested with the Commandant.⁸³ Moreover the regulations also added two new requirements: a full-faced photograph of

82 “Warren Warns Against Wild Security Measures,” *The San Francisco Chronicle*, October 27, 1955.

83 *Title 33 – Navigation and Navigable waters, Part 125 - Identification Credentials for Persons Requiring Access to Waterfront Facilities or Vessels*, United States Coast Guard, 9-10, in John Caughlan Papers, Box 20, Folder 16, University of Washington Special Collections.

each applicant and fingerprint records (Fig. 3).⁸⁴ While racial profiling had already played a distinctive role in screening patterns before 1955, the new regulations created a system in which the threat of a dockworker or seaman would be determined at face-value.⁸⁵

At a local level, the Coast Guard in Seattle continued to target laborers, not through a process of “ratiocination,” but using the powers of the program to materialize nationalistic interests against un-American ideologies.⁸⁶ John Caughlan continued to represent the interests of screened laborers and began to push back even harder against the thinly-veiled practices of the Coast Guard. In 1958, the Coast Guard denied longshoreman Milton Kairis a permanent Port Security Pass.⁸⁷ Like so many dockworkers and seamen before him, Kairis found himself, in Caughlan’s words, “severely curtailed in his ability to earn a living to support himself and his family.”⁸⁸ During the application process, Kairis had been asked; in addition to if he had ever been a member of the Communist party, whether he had ever been a member or attended a party of the

84 Ibid., 5.

85 Refer to page 16.

86 *Lester v. Parker*, 237 F.2d 698; 1956 U.S. App., 1956. Lloyd McMurry to Commandant of US Coast Guard, April 3, 1957, in Peter Patrick Mendelsohn Papers, Box 1, University of Washington Special Collections.

87 John Caughlan and Opendack to Commander 13th Coast Guard District, March 10, 1958, in John Caughlan Papers, Box 20, Folder 10, University of Washington Special Collections.

88 John Caughlan and Opendack to Commandant, U.S. Coast Guard, March 10, 1958, in John Caughlan Papers, Box 20, Folder 10, University of Washington Special Collections.

American Lithuanian Workers Literary Association.⁸⁹ Caughlan struck at the underlying motives of requirements of the Coast Guard to the Commandant:

I am at a loss to understand how the possible association of Mr. Kairis with the Communists or the Communist Party, his subscribing or reading a newspaper or his association with a Lithuanian Literary Society could have any effect whatsoever on his ability to carry on his job as a longshoreman, or could have any conceivable relationship to the protection of port facilities by the Coast Guard.⁹⁰

Thus, while gains had been made in shifting the procedural mechanisms of the Port Security Program, in practice, the program still functioned as a tool to subvert ideologies perceived to be dangerous to national interests. As with Buster Higa six years prior, the Coast Guard in Seattle actively screened local maritime workers for seemingly un-American ideologies under the guise of hunting for Communism.

The final years of the 1950s were characterized by limited information gained and few battles won against the Port Security Program by labor factions. Locally, Seattle Unions continued to present a strong and united front against screening measures while reaching out to other labor organizations. For example, in 1956 the Seattle branch of the Marine Firemen, Oilers, Watertenders and Wipers Union of the Pacific Coast distributed a resolution to all West Coast unions, resolving: “the membership of the Marine Firemen’s Union . . . condemn the said screening system and recommend that it shall be discontinued, and be it further.”⁹¹ However, it appears that labor organizations in

89 J.R. Stewart to Mr. Milton Kairis, January 16, 1958, in John Caughlan Papers Box 20, Folder 10, University of Washington Special Collections.

90 Ibid.

91 “A Resolution on Screening By the Seattle Branch of the Marine Firemen, Oilers, Watertenders and Wipers Union of the Pacific Coast,” 1956, in Shaun Maloney Papers, Box 16, Folder 16, University of Washington Special Collections.

opposition to the Coast Guard did not truly understand the extent of the program which they were fighting.

Although for much of the population on the Puget Sound, the 1950s were years of relative economic ease, the Port Security Program promulgated economic hardship for laborers in the maritime industry.⁹² In 1957, The Committee Against Waterfront Screening addressed their incomplete knowledge of the figures of screened laborers, saying: “Whatever the number is, it is large, and many have suffered.”⁹³ The committee was correct, for the following year, the government study of the Port Security Program totaled 1,953 seamen and 1,853 dockworkers that had been screened from their jobs nationwide.⁹⁴ It would not be until 1960, that the Committee Against Waterfront Screening would report a “thaw” in the “ice cold war relations that have been in effect on the waterfront for the past ten years.”⁹⁵ Furthermore, the Committee reported that, while screening practices had eased, maritime employment was in “critical condition,” claiming that there was only one job for every two maritime workers and the situation was growing worse as screened seamen returned to the market.⁹⁶ Although numerical data on the full extents of the Port Security Program in the 1950s is severely limited, labor

92 Schwantes, 428.

93 “Information Bulletin,” Committee Against Waterfront Screening, March 1956, in Peter Patrick Mendelsohn Papers, Box 16, Folder “Clippings,” University of Washington Special Collections.

94 *Commission on Government Security*, 333.

95 “Information Bulletin,” 1960, Peter Patrick Mendelsohn Papers, Box 2, Folder “Clippings,” University of Washington Special Collections.

96 While this claim may be an exaggeration, it is important in evidencing that maritime employees felt deeply threatened by employment prospects in the maritime industry. *Ibid.*

publications indicate that the program created a population of disenfranchised dockworkers and seamen, pushed ashore and out of work.

Conclusion: “De te fabula narrator!”

“De te fabular narrator!” The story is about you! This is the answer Karl Marx gave to German audiences who did not believe that the condition of laborers in England was relevant to their lives.⁹⁷ In the same way, sometimes the distance of time may aid individuals in disassociating themselves from the realities of others. Thus, it is important to remember that the story of the Port Security Program on the Seattle Waterfront is not just a story of maritime laborers in the past; it is a story of how mechanisms of power may give strength and structure to targeted attacks on minority groups.

The Port Security Program was created in the intersection of national conditions, such as militarism in Korea and the perceived growth of communism, and local Pacific Northwest conditions, such as the post-war economic boom and the strength of radical maritime unions. While the Port Security Program, rooted in Warren G. Magnuson’s fears of communistic labor unions, was developed in order to protect national security interests and local economic interests on the Pacific Coast, the creation of the screening apparatus gave a structured form to pre-existing social conflicts in Seattle. In giving the Coast Guard absolute discretion over what workers had access to the shores, underlying ethnic, racial, economic, and ideological battles were fought within the mechanisms of a program designed to search for Communists. Moreover, because the Port Security Program was designed in order to ensure that the Coast Guard, political representatives,

⁹⁷ Karl Marx, *Capital, Volume One*, Robert Tucker, *The Marx-Engels Reader*, (New York: Norton, 1978), 296.

and conservative labor constituents remained in positions of power over subversive workers by disallowing evidence and information pertinent to a screened applicants case to be considered, the program ensured that when these battles were fought, they were fought on the terms of those already in power.

On the Seattle Waterfront in the 1950s the discourse of, ethnic, racial, class and ideological structure was overridden by the language of anti-Communism and subversion. In the early years of the Cold War, as argued by Fantasia and Voss, “social facts and social fictions tended to circulate in a reciprocally confirming manner . . . In the context of McCarthyism the language of class struggle was literally ‘unspeakable’.”⁹⁸ However, the “social facts” of Seattle in the 1950s, that the post-war economic boom had created an economy that fostered ethnic, racial, and ideological targeting as a method to control labor practices, emerged through the prevalent discourse of anti-Communism in the Port Security Program.

The Port Security Program was constructed to systematically push members belonging to minority workers and those suspected of communist ties, off the waterfront and onto the shore. While the language of McCarthyism was the only available dialogue with which its framers had to construct the screening program, (i.e. “subversive,” “Communist,” “inimical”) the program consistently targeted workers on the basis of race, political activism, and ingestion of un-American ideologies. Buster Higa found himself pushed off the *Hawaiian Planter*, at fault for his Japanese-Hawaiian heritage so close to the fresh wounds of Pearl Harbor and caught in the middle of a newly competitive labor

98 Fantasia and Voss, 57.

market. Frank Jenkins was caught in the clutches of the screening program at the intersection between racial profiling and union activism within the ILWU. Lonnie Q. Gray, George B. Rogers, and Guy J. Wickliffe, were caught between similar forces, pushed out by conservative unionized competitors and targeted for racial and political activism. Even after the mechanisms of the screening program were subdued by the judicial system, Milton Kairis found himself pushed off the Seattle docks for his interest in un-American literature. While these class struggles were carried out in relative silence in 1950s Seattle, in the historical record they once again gain a voice and the story of labor struggle becomes speakable.

Prologue: Seattle Defeats the Port Security Program in the Supreme Court

Two decades after the United States entered into the Korean War the Port Security Program of the United States Coast Guard was overturned as abhorrent to the constitution by the Supreme Court. While Ellen Schrecker asserts that the American Civil Liberties Union failed to “take on any Communist cases during the height of the McCarthy era,” she does not recognize that the ACLU helped win the largest battle on the West Coast for the rights of maritime workers beginning in 1968.⁹⁹ Although, coincidentally, much of the fight against the mechanisms of the screening procedures were brought by local members of radical Seattle unions, the final defeat of the program was won on the case of a man who had just decided to change careers and become a maritime engineer.¹⁰⁰ In 1964,

99 Schrecker, 1070.

100 “Curb on Subversion on Merchant Ships Voided,” *The Seattle Times*, January 16, 1968.

Herbert Schneider was sent a Coast Guard questionnaire concerning his political affiliations and loyalties. The application required Schneider to supply a list of particulars of all political and social organizations, including his attitudes towards them. It also required him to discuss his current attitude towards both the Communist Party and the “principles and objectives of Communism.” Schneider, with John Caughlan as council, replied that “it would be obnoxious to a truly free citizen to answer the kinds of questions under the compulsion that you require” and his application process was immediately cut.¹⁰¹ Schneider, now represented by both Caughlan and the American Civil Liberties Union, sought declaratory action, arguing that the Coast Guard lacked the right to require him to disclose his political attitudes, that screening had deprived him of his right to work, and that he had been disciplined without a fair trial.

The three-judge court in Washington upheld the constitutionality of the screening program under the Magnuson Act.¹⁰² Schneider, with Caughlan and the ACLU, appealed the dismissal to the Supreme Court, which agreed to consider the constitutionality of political screening of maritime workers under the Magnuson Act.¹⁰³ At the Supreme Court, years of militant struggle against the Screening Program was finally validated, and the constitutionality of the program was overturned. In the majority opinion, Justice Douglas asserted:

The Magnuson Act gives the President no express authority to set up a screening program for personnel on merchant vessels of the United States . . . The Purpose

101 *Schneider v. Smith, Commandant, United States Coast Guard*, Supreme Court of the United States, 1968.

102 “Coast Guard Screening Act Upheld,” *The Seattle Times*, January 25, 1967.

103 “Summary Actions Taken by the United States Supreme Court,” *New York Times*, October 10, 1967.

of the Constitution and the Bill of Rights, unlike more recent models promoting a welfare state, was to take government of the backs of people. The First Amendment's ban against Congress "abridging" freedoms of speech, the right peaceably to assemble and to petition, and the "associational freedom" that goes with those rights create a preserve where the views of the of the individual are made inviolate. . . . The present case involves investigation, not by Congress, but by the Executive Branch, stemming from congressional delegation. When we read that delegation with an eye to First Amendment problems, we hesitate to conclude that Congress told the Executive to ferret out the ideological strays in the maritime industry.¹⁰⁴

In a show of judicial unity, all eight justices ruled the Coast Guard acted outside the legal bounds of the Magnuson Act in implementing the political screening program.¹⁰⁵

Furthermore, the majority opinion ruled that the interrogations of the Coast Guard were abhorrent to the First Amendment. However, the victory won in the Supreme Court was not just for Seattle maritime workers, but part of a larger process of a judicial attack on creation, use, and misuse of anti-Communist legislation. *Schneider v. Smith* illustrates that a shift in had occurred in judicial opinion of the merits of anti-Communist legislation in the decade since the cases of Gray, Rogers, Wickliffe, and Parker during the height of McCarthyism in the mid-1950s. Although the judicial opinion came down on the mechanisms of the Port Security Program well after the systematic disenfranchisement of radical laborers on the West Coast had taken place, the symbolism of *Schneider v. Smith* should not be dismissed. Ultimately, it was in Seattle that the battle against the United States Coast Guard's Port Security Program began and ended.

104 *Schneider v. Smith*.

105 Justice Marshall took no part in the decision.

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Figure 1. Seattle Lawyer John Caughlan's illustration of the mechanisms of the Coast Guard's Port Security program through which maritime workers were screened.

Source: John Caughlan Papers, Box 31, Folder 19, University of Washington Special Collections.

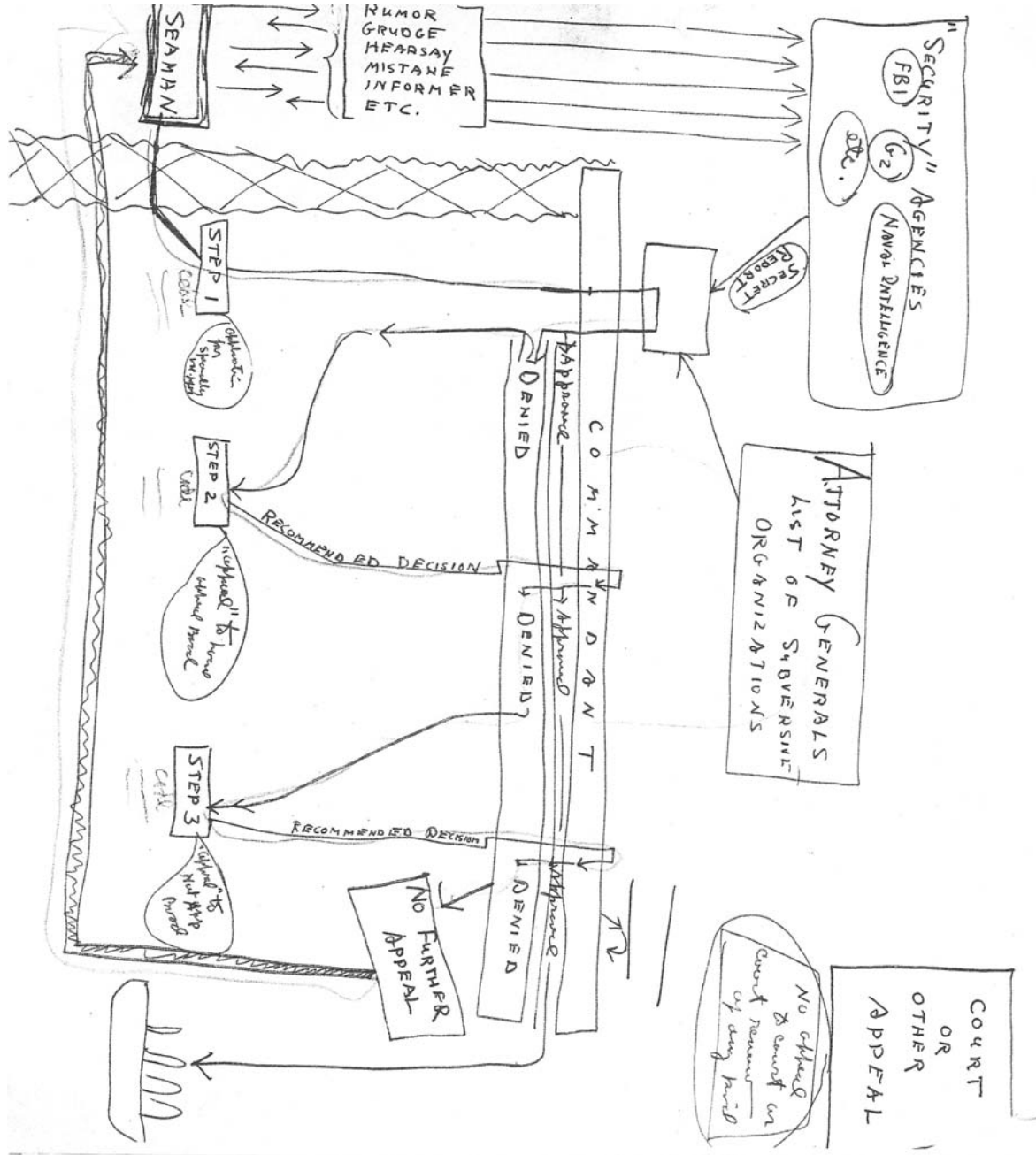


Figure 2. Image from the official paper of the Marine Cooks and Stewards Union that illustrates the union perspective of screening procedures.

Source: Peter Mendelsohn Papers, Box 3, Folder "Clippings," University of Washington Special Collections.

New hearings for all screened seamen

Deadline January 3

As a result of the court action by MCS members against present screening procedure the coast guard has published new screening regulations.

Consequently anyone who has already been screened has 60 days from November 3, 1953 in which to request a new hearing.

Upon making his request the coast guard must give him a statement of the charges against him and must specifically state why he was screened and give him an opportunity to present evidence refuting the charges.

The chairman of the local appeals board is required to set forth the "alleged acts or associations or beliefs or other data which form the basis for the determination that the appellant is a poor security risk or is not entitled to security clearance," according to the new coast guard regulations.

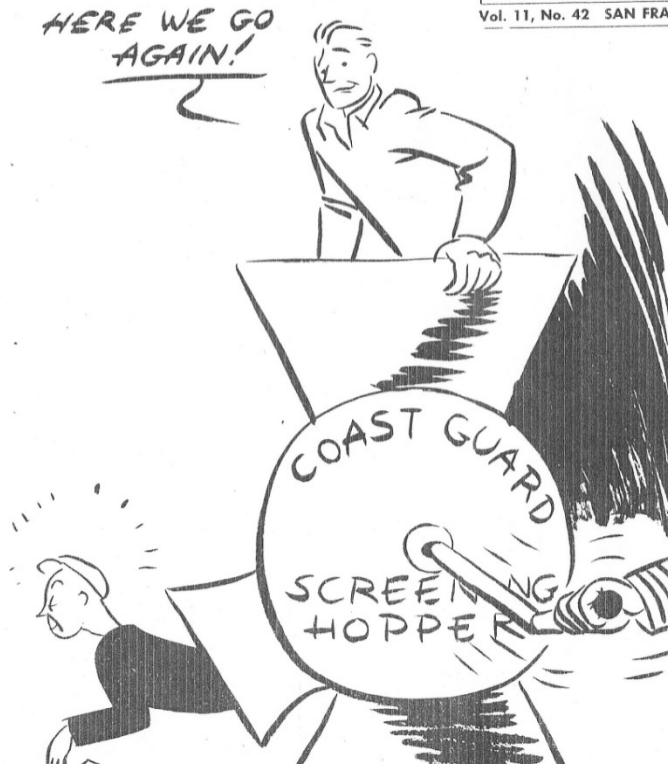
Within ten days after receiving this notice the screened man may file a written answer with the chairman if he desires.

Within 15 days after receiving the charges and unless the seaman requests a postponement the local appeals board will meet to hear any evidence he desires to submit. Forty-eight hours' notice will be given the seamen of this hearing.

The Union will provide forms in the various ports for seamen to sign and send to the



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Nominations for officials begin Dec. 1

Nominations for MCS officials to serve the Union in 1954-1955 will begin on December 1 and will continue through January.

Nomination forms will be available in the various ports.

Candidates for office must have served their probationary periods. They must have been active and

Convention is December 18

The MCS Convention will be held in San Francisco at the MCS hall, 86 Commercial St. on December 18, pursuant to the call to the Convention issued this year.

The Convention, originally scheduled for July 20, was postponed by vote of the branches upon recommendation of the General Council after an original motion for postponement by the crew of the President Polk.

Figure 3. Seattle Longshoreman Milton Kairis' finger-printed application for a Port Security Card in Seattle.

Source: John Caughlan Papers, Box 20, Folder 10, University of Washington Special Collections.

COAST GUARD

TEMPORARY IDENTIFICATION

Milton Kairis PSC #460483 whose signature and fingerprint appear hereon has filed an application for a COAST GUARD PORT SECURITY CARD.

Milton Kairis
SIGNATURE OF APPLICANT

RIGHT INDEX FINGER

Donald E. Daigle
U. S. COAST GUARD
Donald E. Daigle SN

EXPIRES

DATE NOVEMBER 30, 1957

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