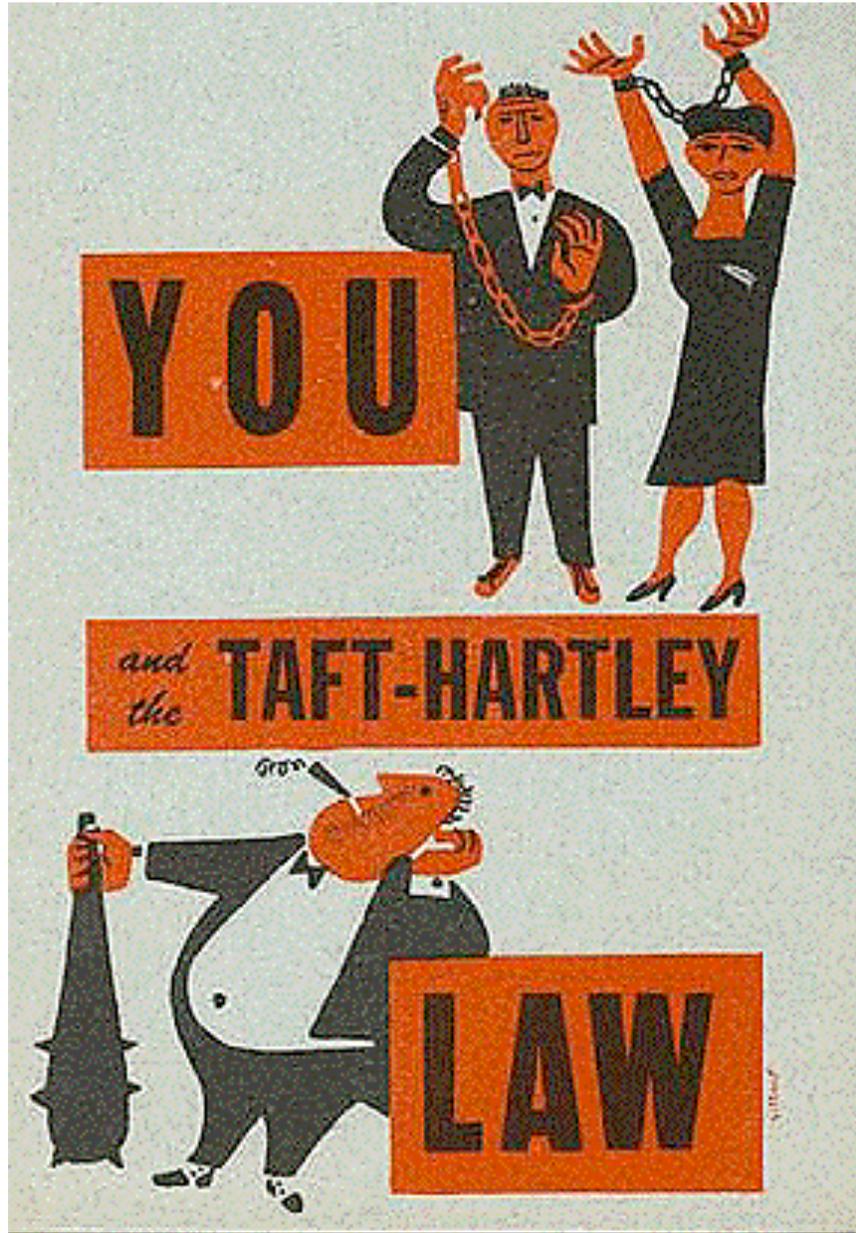


SPRING 2007

# Janus

The University of Maryland Undergraduate History Journal

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Spring 2007

# *Janus*

The University of Maryland Undergraduate History Journal

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## In This Issue:

- The Passage and Events Surrounding the Taft-Hartley Act: An Analysis  
BY JORDAN LUDWIG 1
- Maryland's *Mockingbird* Case  
BY PATRICK HUGHES 12
- "Socialism in One Country": Promoting National Identity Based on Class  
Identification  
BY IVAN SZPAKOWSKI 24

# The Passage and Events Surrounding the Taft-Hartley Act: An Analysis

JORDAN LUDWIG

“Industrial strife which interferes with the normal flow of commerce and with the full production of articles and commodities for commerce, can be avoided or substantially minimized if employers, employees, and labor organizations each recognize under law one another’s legitimate rights in their relations with each other...”<sup>1</sup> This is the opening statement of the Labor-Management Relations Act of 1947, more commonly known as the Taft-Hartley Act, named for its two sponsors, Robert Taft, a Republican senator from Ohio, and Fred Hartley, a Republican representative from New Jersey. In a post-depression and post-war United States of America, “industrial strife” as is mentioned in the opening line of the bill had reached new proportions. Moreover, tension among labor unions, employees, and employers continued to intensify. The goal of the Taft-Hartley Act was to establish a concrete set of rights for employees and employers as well as acceptable and diplomatic means to resolve disputes that may arise.<sup>2</sup> Its goal of maintaining positive industrial relations reflected the interests of the masses. Nevertheless, the Taft-Hartley Act also contained many contentious provisions, and the true motives of both supporters and critics were questionable. This provided for an extremely paradoxical and contradictory passage of the bill in that both supporters and critics of the bill went against many of their traditional ideological beliefs. This can especially be seen in the weeks of committee hearings and debate that occurred in the U.S. House Committee on Education and Labor. The battle over the Labor-Management Relations Act was not merely over industrial relations, but rather a battle to define many fundamental citizens’ rights in the United States of America.

Legislators considered the Labor-Management Relations Act to be an amendment to the National Labor Relations Act of 1935, also known as the Wagner Act. Labor historians often cite the Wagner Act as the most important piece of labor legislation ever passed because it gave employees the right to join a labor union, the right to collectively bargain, and the right to go on strike.<sup>3</sup> These are three fundamental rights of workers that federal law never previously addressed. While this bill guaranteed the fundamental rights of workers to organize and collectively bargain, the Wagner Act was passed on the eve of a tumultuous era of industrial strife. Congressman Fred Hartley, elected to his seat six years prior to the passage of the Wagner Act, went as far as to say that the negative effects precipitated by the Wagner Act surpassed those predicted by its most vehement critics, a surprise to all of Congress.<sup>4</sup> The years leading up to the passage of the Taft-Hartley Act are some of the worst in labor history in terms of strikes. Following World War II, 14.5 million workers were members of a labor union. This was around

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<sup>1</sup> Labor-Management Relations Act, U.S. Code, vol. 29, sec. 141 (1947).

<sup>2</sup> Ibid.

<sup>3</sup> Steven Wagner, “How Did the Taft-Hartley Act Come About?” *History News Network*, <http://hnn.us/articles/1036.html>.

<sup>4</sup> Fred A. Hartley, *Our New National Labor Policy*, with a foreword by Robert A. Taft (New York: Funk & Wagnalls Company, 1948), 7.

35 percent of the total civilian labor force and the highest percentage of unionized workers in history.<sup>5</sup> The year 1945 yielded an estimated 38 million man-days of labor lost due to strikes. This number nearly tripled the following year when 116 million man-days were lost as a result of 4,985 strikes.<sup>6</sup> These staggering figures devastated productivity and efficiency. According to historian Elizabeth Fones-Wolf, business owners became timid in this wave of strikes because they believed it was a political, social, and economic crisis that left the nation's free enterprise system vulnerable to destruction.<sup>7</sup> Fones-Wolf cites a writer, who in 1946 correlated the ongoing labor-management battle with a civil war. In a New Deal, post-World War II society, she claims that this metaphor becomes highly relevant.<sup>8</sup> These strikes exemplify the ongoing battle between organized labor and management for control in a rapidly changing society.

In 1946, the Republican Party took control of both houses of Congress. This was a crucial step for the passage of new labor legislation, which many Republicans believed to be necessary. According to Senator Robert Taft, one of the co-sponsors of the act, excessive strikes and restoring equality between employees and employers were salient issues in the 1946 congressional elections.<sup>9</sup> In saying that equality needed to be restored between employees and employers, Hartley insinuated that employers have lost the control and authority he believed they deserved. Many Republicans made enacting new labor legislation a major plank of their campaign platforms; ostensibly, that was a reason behind their victory. The Wagner Act proscribed many common employer practices that were deemed unfair, such as the "yellow-dog" contract and the refusal to collectively bargain. The bill made no mention of unfair labor union practices, however. Proponents of the Taft-Hartley Act hoped to amend the current policy in order to proscribe unfair union practices as well. This naturally generated significant controversy from labor unions and other advocates of the existing policy.

On 5 February 1947, the United States Committee on Education and Labor convened with intent to amend the National Labor Relations Act. They began the daunting task of gathering witnesses to testify and speak before the committee in order to learn firsthand what did and did not need to be done. The goal of the committee was, "to hear from the individuals across the land that had factual, first-hand knowledge of the facts of the labor situation as it was."<sup>10</sup> Fred Hartley's wording begins to hint at his biases. Many citizens did not even believe there to be a "labor situation," and workers had every right and justification to participate in the strikes, regardless of how numerous or economically detrimental they might be. In his analysis of the Labor-Management Relations Act, Representative Charles A. Halleck described the committee hearings as days with long hours for six continuous weeks, hearing opinions from both ends of the spectrum.<sup>11</sup> In the end the committee compiled two massive tomes totaling nearly 4,000 pages of statements and testimonies of witnesses giving their feedback on the proposed legislation, a valuable for the analysis of labor relations in mid-20<sup>th</sup> century America. First and foremost, the transcripts showed the determination of the committee to hear varying opinions in

<sup>5</sup> Robert H. Zeiger and Gilbert J. Gall, *American Workers, American Unions* (Baltimore and London: The Johns Hopkins University Press, 2002), 144.

<sup>6</sup> Fred A. Hartley, *Accompanying Report - H.R. 3020*, Report No. 245, 80<sup>th</sup> Cong., 1<sup>st</sup> session, 4.

<sup>7</sup> Elizabeth A. Fones-Wolf, *Selling Free Enterprise* (Urbana and Chicago: University of Illinois Press, 1994), 15.

<sup>8</sup> *Ibid.*

<sup>9</sup> Fred A. Hartley, *Our New National Labor Policy*, with a foreword by Robert A. Taft (New York: Funk & Wagnalls Company, 1948), xii-xiv.

<sup>10</sup> *Ibid.*, 38

<sup>11</sup> Congress, House of Representatives, Representative Halleck of Indiana speaking on the Labor Management Relations Act of 1947, H.R. 3020, 80<sup>th</sup> Cong., 1<sup>st</sup> sess., *Congressional Record Appendix* (7 July 1947): A3345

order to gauge how much change was actually necessary. Moreover, they demonstrated the biases and predispositions of not only the witnesses but also the legislators on the committee as well. The testimonies of various individuals range from fewer than ten pages to more than one hundred. Two of the most important testimonies came from Abraham Norman, representing Norman Dairy, Inc., a small business from New Canaan, Connecticut, and from William Green, the president of the powerful American Federation of Labor. These two men's positions in the field of labor are diametrically opposed, and their testimonies exemplify the differing opinions from both sides of the labor ideological spectrum. More importantly, these hearings help to give an understanding behind many of the underlying principles of the act, the differing definitions of essential ideas and rights, and lastly, the controversy that arises from these conflicting ideas.

The statement and testimony of Abraham Norman, the treasurer of The Norman Dairy, Inc., was eagerly anticipated by all supporters of the proposed legislation. His pitiable anecdote paralleled the battle of David versus Goliath in the labor world; however, in this case, Goliath emerged as the victor. According to Mr. Norman, Norman Dairy, a small family operated business founded by his father, never had any problems with employee-employer relations. However, this all changed when Norman Dairy's ten drivers joined the Local 338 International Brotherhood of Teamsters, a union based in New York City and far from the small town of New Canaan, Connecticut. The small company was coerced, by threats of strike, into signing a contract in which they had no say. Norman pleaded with the union's legal representative to alter the contract in order to make it more viable for his small company, but this request was refused. Just two months into this contract, the union demanded Norman sign yet another contract, one that, if signed, would indefinitely cripple the business. Shortly thereafter, the ten truck drivers employed by Norman went on strike, with intent to put Norman Dairy out of business. According to the statement, not ten, but at least 300 men picketed the factory, many described as intimidating thugs and goons from New York.<sup>12</sup> These imported men continuously threatened the family with violence, and in one instance they severely beat a replacement driver. After this attack, not wanting to risk further harm to the family, Norman Dairy shut down, sealing its tragic fate. This dramatic story had exactly the intended effect, portraying the Teamsters as an almost mafia-like organization.

Norman's statement was extremely important to advocates of the pending legislative reform. In his book, *Our New National Labor Policy*, Fred Hartley mentions this testimony and statement almost immediately in his discussion of various hearings in an attempt to evoke feelings of sympathy in his audience. Who would not feel anti-union sentiment after hearing about the small, innocent, family-owned business ultimately forced into submission by the violence and illegal methods of the Teamsters Union? Who would not sympathize with the unfortunate ex-marine employer who was brutally beaten solely because he chose to work during the strike? As seen in the transcript, Norman's statement did generate anti-union sentiment in nearly every congressman who questioned him. One representative, Graham Barden from anti-union North Carolina, stated, "It is so offensive to me to hear of these things that it makes me shudder to think that we have been sitting here year in and year out and letting a thing like this develop."<sup>13</sup> Barden's statement emphasizes the role he believes the government should take in this issue. These "things" he is refers to are not only the individual events of the Norman case, but also the increasing labor union power and activity. He did not want such power in the hands

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<sup>12</sup> Congress, H.R., Committee on Education and Labor, *Amendments to the National Labor Relations Act*, 80<sup>th</sup> Cong., 1<sup>st</sup> sess., 13 February 1947, 423.

<sup>13</sup> *Ibid.*, 430.

of unions and believed Congress needed to act immediately to suppress union activity. Barden saw the connection between the Teamsters Union and the mafia and goes as far as to correlate their behaviors with those of Al Capone. During this diatribe, Barden angrily exclaims that if a colored man were to be beaten in a southern state, “all of the powers of the Department of Justice and the Government are brought to bear.”<sup>14</sup> This prompted Chairman Hartley to ask the Representative to yield his discussion. At this point in history, conflict over civil rights was rising, especially in the Democratic Party. As a very conservative Southern Democrat, Barden was clearly against this idea and this is a reason for his allusion. Hartley, on the other hand, wanted nothing more than to get his legislation passed. He did not want to see the credibility or popularity of it diminished by allowing a known racist to bring an unrelated and contentious issue into discussion. Another representative, O.C. Fisher of Texas, claims that, “You have given us a good example of the need for Federal legislation to undertake to control the actual physical violence that you have described here as being practiced upon your employees.”<sup>15</sup> Representative Fisher referred to the practice of collective bargaining as “collective coercion.” Of all the representatives to question Abraham Norman, not one argued with him, questioned the legitimacy of his story, or asked what may have prompted the union to take the measures they did. However, the committee did ask for the names of the truck drivers who were harassed during the incident in order to call them to the stand to testify, although according to the index of witnesses, they did not wind up testifying.

While Norman’s story may have been completely legitimate and perfectly accurate, the fact that not one representative questioned him is an interesting one. Many representatives used their time merely making statements about Norman’s story. The intended purpose of their ten-minute speaking time was to question him as a witness, not express their sympathies and state how they felt. The following witness, another small business owner who was testifying against labor, began his anecdote by sending sympathy to Mr. Norman. It seems that the committee already had its mind made up about their desire to enact new legislation and they only had witnesses such as Abraham Norman there to substantiate their reasoning. As will later be seen in the testimony of William Green, nearly every representative argued with him, many times resulting in malicious conflicts. Moreover, it can be said that, although the case of Norman Dairy is an individual one, it was the “poster-child” case of why new labor legislation was needed. In his supplemental report to Congress, Representative Hartley mentions of many issues seen in this case. For example, “He [the employer] has been required by law to bargain over matters to which it was economically impossible for him to acced.”<sup>16</sup> Also, “He has to stand helplessly by while employees desiring to enter his plant to work have been obstructed by violence, mass picketing, and general rowdyism.”<sup>17</sup> These principles were ultimately codified to facilitate the control of organized labor and avert another case similar to that of Norman Dairy.

The intended effects of the Taft-Hartley Act are salient to discussion as well. In his report, Fred Hartley claimed that, “as a result of labor laws ill-conceived and disastrously executed, the American workingman has been deprived of his dignity as an individual.”<sup>18</sup> This “ill conceived” and “disastrously executed” law that Hartley refers to is the Wagner Act. He went on to describe the way that labor unions made the workingman suffer. Though Hartley

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<sup>14</sup> Ibid., 429.

<sup>15</sup> Ibid., 432.

<sup>16</sup> Fred A. Hartley, *Accompanying Report - H.R. 3020*, Report No. 245, 80<sup>th</sup> Cong., 1<sup>st</sup> session, 5.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid., 4.

claimed to be concerned with individuality and the workingman, such claims are highly dubious. As a vociferously anti-union Republican and the only member of the House of Representatives on record to have opposed the Wagner Act,<sup>19</sup> it seemed very doubtful that these were Hartley's and his supporters' true intentions. This bill proscribed many of labor unions most powerful tools, such as the "closed shop," and many types of the "secondary boycott."<sup>20</sup> The absence of these practices would significantly weaken the power of unions. The bill also attempted to prohibit coercion and extortion among labor unions. While no union would ever have disagreed with this stipulation, the fact of the matter is that sometimes, as seen in the Norman case, unions did rely upon intimidation to achieve their goals. Overall, it can be inferred that many in the government were unsettled about the increasing power of labor unions and wanted to redirect this power back to the government and business. Under the proposed legislation, every union would be required to submit to the government its constitution and bylaws, salary of all officers earning more than \$5,000 a year, total income of the union, amount of regular dues and fees, and the processes and procedures for selecting union officials.<sup>21</sup> This was approximately half of the information unions would eventually be required to submit. The fact that the government demanded all of this information, coupled with the new restrictions on union practices, demonstrates the determination to control the rising force of unions and keep power over labor in the hands of the government. The idea of government control over unions generated much opposition from labor unions and pro-union activists and catalyzed a battle over the fundamental rights of American citizens as seen in the hearing of William Green, president of the American Federation of Labor.

There is no denying that the Taft-Hartley Act was a popular bill among both Republicans and Democrats. The bill passed with 74 percent of all of Congress voting in favor of it, a majority of the members of each party voting in favor of the act. As predicted, President Truman, who embraced a New Deal philosophy in the mold of his predecessor, vetoed the bill. In his veto speech to Congress, Truman stated, "The bill taken as a whole would reverse the direction of our national labor policy, inject the Government into private economic affairs on an unprecedented scale, and conflict with important principles of our democratic society. Its provisions would cause more strikes, not fewer. It would contribute to neither industrial peace nor economic stability and progress. It would be a dangerous stride in the direction of a totally managed economy."<sup>22</sup> Truman made it very clear in his opening statement that he thought this bill was superfluous and would only serve as a detriment to the economy. By stating that the Taft-Hartley Act would reverse the direction of the nation's labor policy, he clearly believed all the provisions contained in the Wagner Act were sufficient. According to President Truman, not only would the act be a futile attempt to solve any problem that may have existed, he believed it would jeopardize the system of free enterprise in America by undermining fundamental principles of

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<sup>19</sup> Fred A. Hartley, *Our New National Labor Policy*, with a foreword by Robert A. Taft (New York: Funk & Wagnalls Company, 1948), 12.

<sup>20</sup> *Closed Shop* - A contract between a labor union and an employer that states prior to being hired, an employee must join the union.

*Secondary Boycott* - When union members will not work with a product made by replacement workers also known as "scabs"

Emmett R. Murray, *The Lexicon of Labor*, New York: The New Press, 1998, 39, 162.

<sup>21</sup> Fred A. Hartley, *Our New National Labor Policy*, with a foreword by Robert A. Taft (New York: Funk & Wagnalls Company, 1948), 111-112.

<sup>22</sup> House, *Message from the President of the United States returning without his approval the bill (H.R. 3020) entitled the Labor Management Relations Act, 1947*, 80<sup>th</sup> Cong., 1<sup>st</sup> sess., 1947, 1.

democratic order. These included the right to peacefully assemble and express one's ideas and opinions. Truman seemed to have been in opposition with any laws he believed would hinder this right. Despite the President's veto, the bill was re-passed with a 79 percent Congressional majority.<sup>23</sup>

The New York Times endorsed the act, stating that, "The limitations set on former union privileges have seemed to us to be a needed protection of the rights of management, the individual worker and the general public."<sup>24</sup> The idea that the management was "losing its rights" had become widespread during that era. Like so many others, The New York Times seemed to have adopted this popular attitude that since the Wagner Act had given rights to labor unions and none to employers, this had to be offset by affording certain rights to employers. Elizabeth Fones-Wolf contends that, "By the war's end, some employers charged that not only business but also the entire country was now held hostage by the 'monopolistic power' exercised by a handful of irresponsible labor leaders."<sup>25</sup> Constant propaganda set forth by unsatisfied employers was one of the most influential forces on public opinion of unions.

Another source of this popularity may have been due in part to prolific columnists such as Westbrook Pegler's constant censure of the corruption of organized labor. Despite Pegler's controversial ideas, he maintained a high level of popularity. His muckraking journalism ultimately culminated in the exposure of two crooked union leaders, William Bioff and George Scalise. Pegler in particular impacted everyone from ordinary citizens to congressmen. During 1941 congressional debates regarding amendments to the Wagner Act, representatives consistently cited Pegler's columns. In the public sphere, public opinion in favor of labor unions dropped from 74 percent to 67 percent.<sup>26</sup> While there is no proven correlation between Pegler's work and the decline in public opinion regarding unions, his work had at least some impact. Pegler's influence in the spreading anti-unionism is exemplified when the Taft-Hartley Act eventually passed. The Hearst newspaper chain took out advertisements in its own papers on the day the Taft-Hartley Act became law, declaring 23 June "Westbrook Pegler's Day."<sup>27</sup> Pegler clearly had an impact on the way the public, government, and even other newspapers such as The New York Times thought about issues of organized labor. By the time anti-union sentiment had become a widespread idea, the Taft-Hartley Act passed, and those who had adopted Pegler's views were just as satisfied as he was.

However, not everyone was so positive about the pending legislation. At the beginning of his statement, AFL President William Green claims that the true purpose of the Taft-Hartley Act was to, "destroy unions and to wreck collective bargaining."<sup>28</sup> Green, and others with similar viewpoints, believed the idea of management losing its rights, as is mentioned in the above New York Times quote, was a non sequitur and completely absurd. They would contend that management did not lose any of its "rights," in that they still had more money as well as ownership of land and capital. The conflict that arose between these disparate opinions is over who had the power, labor or management. Popular opinion would claim that the balance of

<sup>23</sup> Gilbert J. Gall, *The Politics of Right to Work* (Connecticut: Greenwood Press, 1988), 42.

<sup>24</sup> *New York Times* (New York), 8 June 1947.

<sup>25</sup> Elizabeth A. Fones-Wolf, *Selling Free Enterprise* (Urbana and Chicago: University of Illinois Press, 1994), 21.

<sup>26</sup> David Witwer, "Westbrook Pegler and the Anti-Union Movement," *The Journal of American History* 92, (September 2005): 367.

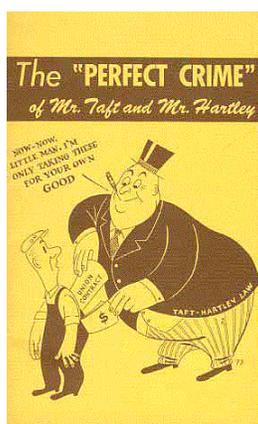
<sup>27</sup> *Ibid.*, 370.

<sup>28</sup> Congress, H.R., Committee on Education and Labor, *Amendments to the National Labor Relations Act*, 80<sup>th</sup> Cong., 1<sup>st</sup> sess., 26 February 1947, 1631.

power had shifted highly in favor of labor, while labor claimed that management still possessed the majority of power and unions were helping to protect workers from this.

Others opposed to the bill disseminated propaganda branding the Taft-Hartley Act as the “Slave Labor Act.” This propaganda often appeared in the form of pamphlets distributed to the public attempting to create sentiment against the act and those who voted for it. One pamphlet’s cover showed the Taft-Hartley Act personified as the stereotypical image of the rich, greedy, money-laundering businessman taking away the union contract as well as money from the small, disenfranchised workingman and telling him it is for his own good (Figure). The inside of this pamphlet described this law as thievery and accused the Congressmen as using the suffering of workingmen as a ruse in order to accomplish their political agenda. The intent of this pamphlet was to portray the government, specifically, advocates of the Taft-Hartley Act, as a large evil entity who viewed the workingman as a simple, stupid man who could be easily taken advantage of. This is only one of the many rhetorical pamphlets that were circulated throughout the time of the passage of the Act. Perhaps the culmination of this controversy is seen in William Green’s

Figure <sup>29</sup>



Reproduced courtesy of the Holt Labor Library Collection.

hearing in the Committee on Education and Labor in the House of Representatives.

Much unlike the testimony of Abraham Norman, the small business owner, nearly every representative had something to say during the questioning of William Green, the president of the American Federation of Labor, the sworn enemy of anti-union believers. Furthermore, the questioning of Green was neither amicable nor sympathetic, such as that of Norman. A prominent labor leader who appeared before a committee intent on enacting new legislation to diminish the power of unions would predictably create a hostile atmosphere. During the hearings of William Green, the debate regarding certain union practices evolved into a debate of fundamental rights of employers and employees.

One of the first men to question Green was Representative Clare E. Hoffman of Michigan. Hoffman was one of the most malicious towards Green and the least accepting of what he had to say. In speaking about jurisdictional disputes, Green wanted to discuss these with Hoffman, but he refused to listen. Green stated he wanted to tell him why jurisdictional disputes

<sup>29</sup> Holt Labor Library, “Pamphlets in the Fight Against Taft-Hartley 1947-1948,” *Labor Studies and Radical History*, <http://www.holtlaborlibrary.org/tafthartley.html>.

cannot be outlawed but Hoffman's response was, "No, no, and no."<sup>30</sup> With obstinacy such as this, supplemented by the majority of the Committee's hostility towards William Green, advocates for the legislation were at a tremendous advantage. Just as it was clear to the Committee that they were to agree with Abraham Norman, it was clear to them they were going to disagree with William Green. Not one representative agreed with or took into account what Green had to say. However, every individual representative who questioned Green had a respective point to argue with him or an inconsistency to catch him in with intent of reducing his credibility. It is highly possible that the reason the Committee sympathized with Norman, yet excoriated Green, went beyond their positions on the labor legislation. Each of their positions had an intrinsic ideal of social control and power. It is clear from the comments made by many committee members that they did not want power in the hands of unions. The growing power and therefore control of unions was disconcerting to them. William Green, as the head of the A.F.L., was obviously in favor of organizing as much as the work force as possible. Abraham Norman, who was unfortunately subject to violent tactics by a union, was in favor of letting the government maintain control. Power and social control were closely related and were seen throughout the hearing of William Green.

One of the first issues debated in the hearings, that of the right of an employer to hire whom they saw fit, was also discussed during Representative Hoffman's questioning of Green. Hoffman asked Green, "Does a man, in your opinion, have the right to give a job which he has created to anyone that he may see fit?"<sup>31</sup> This question is fundamental, as Hoffman said, however, it is also problematic as William Green alluded, by claiming that the question was too broad. Green admitted that men should hire whom they see fit but there are circumstances under which this might be invalidated. For example, if an employer entered into a closed shop contract, he became legally bound to hire only union members notwithstanding his ownership of the business. Broken down, this issue began with basic property rights and the right to ownership of private property. Should a man who founded, developed and maintained full ownership over a business, who signed a closed shop agreement, be legally prohibited from hiring someone he wanted to that did not want to join the union? This man owned the business and it was an outside entity that told him he couldn't. On the other hand, it was he who entered into the closed shop contract in the first place. Once again, the issue at hand here is that of power. Many employers believed that because they owned the business, they should have final and absolute say in their decisions regarding it. However, labor unions believed that the employees, via organized labor, should have some input in decisions in which they were involved in order to prevent their exploitation. Business owners oftentimes believed that unions posed a threat to the free enterprise system by taking power away from them. Labor unions on the other hand, believed they furthered the free enterprise system by improving working conditions and increasing organization. These are the types of questions that surrounded the passage of the Taft-Hartley Act and were addressed in the debates between William Green and various congressmen. Both sides had different interpretations of the many issues arising during the arguments and many of these positions taken pose interesting questions.

One of these issues was the right to freely contract. In his opening statement William Green stated, "The proposal constitutes an arbitrary interference, with the freedom of contract guaranteed by our Federal Constitution, thereby undermining the very foundation of our free

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<sup>30</sup> Congress, H.R., Committee on Education and Labor, *Amendments to the National Labor Relations Act*, 80<sup>th</sup> Cong., 1<sup>st</sup> sess., 26 February 1947, 1668.

<sup>31</sup> *Ibid.*, 1669.

enterprise system.”<sup>32</sup> Green was talking in relation to union security contracts such as the closed shop, which under the legislation would be banned. This argument is where one of the first of many paradoxes arises. The right to contract oneself is never explicitly listed in the Constitution, rather, it was ruled an implied right under the Ninth Amendment by the Supreme Court in the case of *Lochner v. New York* [198 U.S. 45 (1905)]. The paradox arises in that unions loathed the ruling of the *Lochner* case and continued to claim the ruling erroneous every time a court relied on it as precedent.<sup>33</sup> Representative Samuel McConnell of Pennsylvania tried to make Green contradict himself in how he felt about freedom of contract and seemed to succeed. McConnell cited Green claiming that the Government must not interfere with the freedom of contract. He then proceeded to ask Green whether or not he is in favor of the “yellow-dog” contract, in which Green obviously responded “no,” and believed that the government should have outlawed it. The point that McConnell wanted to make was that the right to freedom of contract was not absolute and could be restricted when it was in the best interest of the public. The point in which the Representative was referring to was the closed shop. This logic was not only used by Representative McConnell but by several other representatives as well. However, William Green was not the only one who went against his ideology’s traditional beliefs in this argument. Pro-business conservatives historically have believed in the absolute right of freedom to contract, regardless of the circumstances. They concurred with the Court’s ruling in the *Lochner* case. If a man chose to work 60-hour weeks in a sweatshop without windows that was his choice and the government should not infringe upon it. Furthermore, this was not the only aspect in which each party went against traditional ideological beliefs.

The issue of government power is where everything that has been discussed thus far leads. The question of whether the Federal Government should be enacting legislation to control individual labor unions and businesses is extremely pertinent to the passage of the Taft-Hartley Act. It is in the answer each side gave to this question where yet another paradox arose. Republicans advocated a more decentralized federal governmental system where most decisions were placed under the state’s jurisdiction. In this case, the Republicans encouraged government intervention claiming that legislation was necessary in order to protect the general welfare of the people. William Green took a states right’s position. He stated during his testimony, “Well, as to violence, violating the law or committing offenses, that is surely covered by State Statutes.”<sup>34</sup> People considered associating with the liberal ideology, such as Green, had favored Federal intervention characterized by the New-Deal Era. This was not the case during the passage of the Taft-Hartley Act. The battle between state and federal jurisdiction was by no means a new one. Throughout history, the battle of federalism has been one of the most prominent and remains to be to this day. So why in this case did both parties reverse their recent general positions?

The simplest explanation is that it was the argument that best suited their political goals. It was very easy for advocates of the legislation to say that strikes oftentimes affected interstate commerce and therefore jurisdiction fell within the boundaries of the Federal Government. Moreover, it was just as easy to say that all of the individual cases cited throughout the hearings were separate instances and therefore the Federal Government should leave jurisdiction in the hands of the respective states. Ultimately, the arguments focused much less on ideology than politics. Someone such as William Green did not need to prove the way he felt to himself, he had

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<sup>32</sup> *Ibid.*, 1633.

<sup>33</sup> Charles W. Baird, “Right to Work Before and After 14(b),” *Journal of Labor Research* 19 (Summer 1998): 485.

<sup>34</sup> Congress, H.R., Committee on Education and Labor, *Amendments to the National Labor Relations Act*, 80<sup>th</sup> Cong., 1<sup>st</sup> sess., 26 February 1947, 1713.

to prove the way he felt to a Congressional Committee. The easiest way for him to do that would be to make an argument that his audience would have related to. Many of the conservatives in Congress would have been much apt to accept an argument based on a principle they agreed with. This principle was freedom of contract. In all likelihood, William Green had lawyers advising before his hearing and this was presumably the argument they recommended him to make. Moreover, William Green was aware of the growing discontent with communism in the country. If he wanted to make his point without being branded as a communist, he would have had to deviate as far from making a collective argument as he could. The argument for the right to contract is an individual right's argument, and would never be made by a communist. Each side's argument was valid in its own respect but in the end, the Labor-Management Relations Act passed by a large margin in Congress, over President Truman's veto, and became the new labor law of the land.

The passage of The Taft-Hartley Act of 1947 was extremely paradoxical and problematic. During the U.S. Committee on Education and Labor's hearings to determine the necessity and magnitude for new legislation, the Committee already seemed to have its mind made up on the direction it wanted to take. Anti-labor testimonies were never questioned and accepted with open arms but pro-labor testimonies were criticized in every possible respect. In addition, entire ideologies inverted many of their fundamental political beliefs to argue for the enactment or to criticize this legislation. These issues beg the question, what about the Taft-Hartley Act originated these problems? The most logical answer is that labor is separate from the majority of normal political issues due to its ubiquitous nature. Holding a job is not an esoteric matter. Labor legislation affects nearly everyone in some way or another and therefore, the majority of the public can relate to it. While matter regarding labor can become very complicated at times, work is the foundation of nearly everything. The world would cease to function without it and the majority of people rely on labor in order to survive. When broken down many elementary matters regarding power and social control emerge. Labor law clearly affects everyone. This is the most logical reason why a change as massive as the Labor-Management Relations Act of 1947 created such contention that resulted in an extremely problematic and paradoxical passage. Despite the popularity, any salient changes in labor law have always generated massive amounts of controversy and will continue to as long as our system permits changes in the law.

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## Maryland's *Mockingbird* Case

PATRICK HUGHES

“In this country our courts are the great levelers, and in our courts all men are created equal,” proclaimed Atticus Finch, the hero of *To Kill a Mockingbird*, in his closing statement defending Tom Robinson, a black man accused of attempting to rape a white woman. The white girl, it turns out, had seduced Tom, and then cried rape to shield herself from the shame of the community, but neither the justice system nor the twelve “impartial peers” on the jury cared about justice or the truth.<sup>35</sup> The courts, in the end, were not the great levelers that Atticus had hoped. The jury found Tom guilty, and devoid of hope, Tom attempted to escape and was killed. Throughout American history, African-Americans have not been treated as equals in the courts, especially concerning matters of sex and white women, and there have been few real Atticus Finches. In the midst of the Civil Rights Movement, a case eerily similar to the fictitious *Mockingbird* case came before the courts and captured the attention of the state of Maryland and the nation. Just as in *Mockingbird*, the criminal justice system failed these black defendants, John Giles, James Giles, and Joseph Johnson, and produced a calamitous miscarriage of justice. This case, however, had a happier end because of Frances Ross, the Giles-Johnson Defense Committee, and their own Atticus Finch, Mr. Harold Knapp.

The Giles-Johnson case demonstrates the power of white liberals in mounting a grassroots defense on behalf of unjustly accused African-Americans. The case, however, also illustrates the gap of ideas and understanding between the privileged white advocates of civil rights and the oppressed black victims of prejudice. Although the members of the Defense Committee recognized the racial and civil rights undertones, they generally portrayed the case as a colorblind crusade against the death penalty and for defendant's rights. However, the Giles brothers and Joe Johnson, who, for the most part, believed in a similar vision of civil rights, spoke more openly about the issue of race in their case and the connection to the wider questions of race during the era.

A 16-year-old white girl accused three black defendants of rape in white middle-class Montgomery County, Maryland. In July 1961, the three young men were fishing in the Patuxent River near the well-known lover's lane of Batson Road when they came upon a car occupied by a young white couple, Joyce Roberts and Stewart Foster. Joe approached the car, asked Stewart for a cigarette, and was greeted by vulgar and racial epithets instead. The situation escalated until Joe smashed the car's windows with stones and leveled Foster, while Joyce scampered off into the woods, followed by John. The two chatted briefly about how they were both on probation. When Joe and James followed shortly thereafter, Joyce said, “I've already had sixteen or seventeen this week and three more won't make any difference.” She instructed John to go first, but she also said that because she was in trouble, if found, she would have to allege rape. Based on conflicting reports, John either declined or tried unsuccessfully and left. Then, she told Joe to take his turn, followed finally by James. Meanwhile, Foster regained consciousness and

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<sup>35</sup> Harper Lee, *To Kill a Mockingbird* (Philadelphia: Lippincott, 1960), 215-18.

ran to a nearby home for help. James fled at the sound of sirens, and when the police arrived, true to her word, Joyce cried rape.<sup>36</sup>

The police apprehended Joe and James, and John later turned himself in to the police. The police questioned the three suspects as well as Stewart and Joyce. During the interrogations, Joyce said that she and Stewart had been having intercourse earlier that evening and that only two of the suspects had performed intercourse on her. Also, the police tried to put words, such as "let's take some of that pussy," into the suspects' mouths. The defendants' lawyers, through the efforts of State's Attorney Kardy, never saw the interrogation record in its entirety, and the police report contained fabricated incriminating statements, while suppressing potentially beneficial ones for the defense.<sup>37</sup>

The Giles brothers and Johnson were tried separately, with the *Giles* case scheduled first and relentlessly prosecuted by Mr. Kardy. An all white jury found the Giles brothers guilty of rape and Judge Pugh sentenced them to death by lethal gas. Joseph Johnson, tried in nearby Anne Arundel County by a jury with two black jurors, met the same fate.<sup>38</sup>

Mrs. Ross, a liberal Democrat who employed the Giles brothers' mother as a maid, was concerned over the imposition of the death penalty in the case.<sup>39</sup> In July 1962, Mrs. Ross and sixty local citizens met and decided to form the Giles-Johnson Defense Committee to petition for clemency from the governor. Harold Knapp, a Defense Department scientist, became involved after he wrote a letter to the editor opposing the death sentence in the case and John Giles sent him a Christmas card to show his gratitude. Knapp noticed inconsistencies in the testimony of the Giles and Johnson trials and began to investigate. He checked the backgrounds and reputations of Stewart Foster and Joyce Roberts, and uncovered evidence denied to the original counsel that seemed to corroborate the defendants' story that she had been eager for the sexual activity, but had lied because she was on probation.<sup>40</sup>

He submitted his report to Governor Tawes along with the Defense Committee's petition, and through their work and the pressure of the press, Governor Tawes decided to commute the sentence to life in prison. The Defense Committee, buoyed by Knapp's report, continued its struggle in an effort to exonerate and free the Giles brothers and Johnson. Based on the new evidence gathered by Dr. Knapp, the Giles' lawyers won a new trial, which was overturned by the Maryland Court of Appeals.<sup>41</sup> Then, the Supreme Court decided 5-4 not to uphold the conviction and to return the case to Maryland for reconsideration. The Court of Appeals remanded it to Montgomery County, which again granted a new trial, but when Joyce refused to return to testify, the state could not make its case and released James and John in 1967. However, the state did not grant Johnson a new trial, and he was not freed until Governor Agnew granted a pardon in 1968.<sup>42</sup>

There has been surprisingly little written about the Giles-Johnson case, but there is a vast literature concerning its two underlying themes, injustice against African-Americans in the judicial system and the role of rape and sex in the Civil Rights Movement. Frances Strauss, who

<sup>36</sup> Frances Strauss, "*Where did the Justice go?*": *The Story of the Giles-Johnson Case* (Boston: Gambit Incorporated, 1970), 1-7.

<sup>37</sup> A. Robert Smith and James V. Giles, *An American Rape: A True Account of the Giles-Johnson Case* (Washington, D.C.: The New Republic Book Company, Inc., 1975), 22-31.

<sup>38</sup> Strauss, 11-31, 56-61.

<sup>39</sup> Strauss, 32, 35-36.

<sup>40</sup> Smith and Giles, 138, 157-79.

<sup>41</sup> *Ibid.*, 202-5.

<sup>42</sup> Strauss, 171-73, 191-98, 201-7, 230-39.

participated to an extent in the Defense Committee, wrote the first work to chronicle the Giles-Johnson saga. Written in 1969, Strauss' "*Where did the Justice go?*" provides a first-hand narrative account of the case's facts and the stories behind the central figures.<sup>43</sup> The second work, *An American Rape*, published in 1975, pairs the well-researched journalistic account of A. Robert Smith with interspersed personal accounts by one of the defendants, James Giles. The author delves into primary sources, case records, gubernatorial papers, and private letters in an attempt to discover, impart, and interpret the facts of the case while Giles offers his thoughts, feelings, and experiences to add depth and richness.<sup>44</sup> Despite the scholarly nature of *An American Rape*, historians have yet to carefully examine and reassess this case.

The historiography of rape, law, and race includes works that explore the racism inherent in American law, especially concerning sex crimes, and rape within the context of the Civil Rights Movement, including white attitudes, government actions, and black militant and nonmilitant responses to the injustice. Derrick A. Bell's *Race, Racism, and American Law* provides an overview of the historical development of racism in law through important court cases and scholarly articles. When examining the advent of racist law and the struggle to gain civil rights, he stresses governmental action and court decisions as driving forces.<sup>45</sup> Concerning interracial sex, Bell focuses on anti-miscegenation laws, which constitute a legal manifestation of white prejudice against blacks on sexual issues. Also, the author examines injustice within the legal system itself, mainly through the lens of cases, such as *Brooks v. Beto*, on jury discrimination.<sup>46</sup>

A study of judicial prejudice and error concerning rape would not be complete without mention of the Scottsboro case. The *New York Times* even referred to the Giles-Johnson situation as the "little Scottsboro case."<sup>47</sup> Dan T. Carter's historical account, *Scottsboro: A Tragedy of the American South*, records the ordeal of nine black teens accused of raping two white girls and convicted under less-than-fair circumstances with less-than-competent council in Mississippi in 1931. Carter concentrates on the issues of racism and injustice and also the motivations and effect of the diverse national organizations, such as the NAACP, ACLU, the left-leaning International Labor Defense and League for Industrial Democracy, and the Methodist Church, that joined to form the "Scottsboro Defense Committee" in 1935.<sup>48</sup>

Literature on these issues analyzes big picture effects of sex, race, and justice and also examines personal experiences with sexual and racial matters. Edited by Merril D. Smith, *Sex Without Consent* studies rape in American history, including a chapter by Lisa Dorr that examines black-on-white rape cases in Virginia. She acknowledges and describes the prejudice inherent in the system but also asserts that executions were not always inevitable and became less so through the 20<sup>th</sup> Century. She credits civil rights organizations, such as the NAACP, and the black community for the strides at leveling the playing field and increasing legal protections

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<sup>43</sup> Strauss, *passim*.

<sup>44</sup> Smith and Giles, *passim*.

<sup>45</sup> Derrick A. Bell, Jr., *Race Racism and American Law* (Boston: Little, Brown and Company, 1973), *passim*.

<sup>46</sup> *Ibid.*, 258-92, 978.

<sup>47</sup> "Maryland Appeals Court Overturns Rape Ruling," *New York Times*, July 14, 1965, Giles-Johnson Defense Committee Records, Series VI, Box 13, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>48</sup> Dan T. Carter, *Scottsboro: A Tragedy of the American South* (London: Oxford University Press, 1973), 3-50, 334-35.

in such cases.<sup>49</sup> Similarly, Timothy Tyson examines the response of black militants, such as Robert F. Williams, to questions of sex, race, and justice. The Southern legal system prosecuted two young black boys for kissing white girls and permitted the lynching of Mack Charles Parker, being held for the rape of a white woman. However, it acquitted white offenders, such as B.F. Shaw, Lewis Medlin, and the perpetrators of a gang rape in Tallahassee, when they committed crimes against black women. This disparity drove Williams to call for militancy to “meet violence with violence,” and also demonstrated common southern white responses to interracial crimes of sex.<sup>50</sup>

Furthermore, in investigating the conflicting attitudes between white liberals and blacks, it is critical to consider the writings of Charles Payne on the difference in language usage between the groups and of Gary Gerstle on civic and racial nationalism. Payne asserts that whites’ use of words distorted or shaped the meaning of problems and solutions. For example, the word segregation was simply a euphemism for white supremacy while the idea of integration was not the goal to many blacks and was considered demeaning by others. Likewise, the white call for “civil rights” was not broad enough to include ideas of economic equality and assertion into society, which were vital to African Americans at the time.<sup>51</sup> Similarly, Gerstle contrasts the traditions of civic nationalism and racial nationalism. Civic nationalism stresses core American principles of freedom and democracy and, in the context of civil rights, asks that blacks claim their rightful freedoms and citizenship and enter into a world where the color of one’s skin no longer holds any significance. Many of Martin Luther King’s remarks and speeches, including the “I Have a Dream Speech,” reflect and espouse these principles. On the other hand, racial nationalism stresses interest and pride in one’s own ethnicity and rejects assimilation. Black nationalists and separatists often advocated these viewpoints. These principles often appealed to more radical elements of the movement, white ethnic minorities, such as Italians and Jews, or those who felt abandoned by civic institutions.<sup>52</sup>

Overall, the historiography comprises studies of government institutions, major liberal national organizations, conservative white southerners, black organizations, and black militants and their effect on and responses to issues of sex, race, and justice. It does not, however, incorporate the actions of grassroots level white liberals, such as those in the Giles-Johnson Defense Committee, or the personal and political opinions of the accused. This study will therefore examine and compare the goals and motivations of both the defenders and the accused, and by doing so will offer a historical vantage point that remains unexplored.

From the beginning, the members of and participants in the Giles-Johnson Defense Committee, specifically the founder, Mrs. Ross, and the tireless Dr. Knapp, understood the impact of race on the case and that the specter of racial injustice lay behind the entire situation. The Committee even admitted to *the Montgomery County Sentinel*, “the case is considered...to have strong Civil Rights undertones.”<sup>53</sup> Also, one of Joseph Johnson’s lawyers summed up the

<sup>49</sup> Lisa Lindquist Dorr, “Another Negro-Did-It Crime,” in *Sex Without Consent*, Merrill D. Smith, ed. (New York: New York University Press, 2001), 247-61.

<sup>50</sup> Timothy B. Tyson, “Robert F. Williams, ‘Black Power,’ and the Roots of the African American Freedom Struggle,” in *The Civil Rights Movement*, ed. Jeffrey O. G. Ogbar (Boston: Houghton Mifflin Co., 2001), 197-202.

<sup>51</sup> Charles Payne, “The View from the Trenches” in *Debating the Civil Rights Movement* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 1998), 128-29.

<sup>52</sup> Gary Gerstle, “Civil Rights, White Resistance, and Black Nationalism, 1960-1968,” in *The American Crucible: Race and Nation in the Twentieth Century* (Princeton: Princeton University Press, 2001), 268-310.

<sup>53</sup> “New Giles Trial Thrown Out,” *Montgomery Sentinel*, July 15, 1965, Giles-Johnson Defense Committee Records, Series VI, Box 13, from Maryland Room Special Collections, University of Maryland Libraries.

racial bias inherent in this case to Governor Tawes during the clemency hearing. “The whole theory of the prosecution,” he noted, “depends upon the fact that the three men were Negroes and the girl was white.”<sup>54</sup> In addition, the newspaper clippings that they collected for their files, now housed at the University of Maryland, demonstrate their acknowledgement that race was central in the case. Numerous clippings apply to the issues of race, justice, and the death penalty rather than to the specifics of the case itself. For example, the file includes the article “When a Southern Negro Goes to Court” that describes the lack of equality before the law for African-Americans, especially when charged with crimes against whites.<sup>55</sup> Also, many articles reflect the themes of a 1963 article that depicted differing punishments dolled out to whites and blacks for similar crimes.<sup>56</sup> Therefore, the members of the Defense Committee were acutely aware that broader questions of race and civil rights struggles were entwined within the case.

However, the Defense Committee did not make the politics of race a central part of their argument or their campaign for the lives of their beneficiaries; in fact, they referred to it very little. Instead, they concentrated their efforts and rhetoric on opposing the death penalty under these circumstances and then on advocating the constitutionally guaranteed rights of the defendants to attain a new trial and gain their freedom. In actuality, the Defense Committee was formed solely to seek clemency for the three defendants through circulating anti death penalty petitions. At the time, Mrs. Ross stated publicly that the group came together because the severity of the sentence for a crime that was without violence shocked the community.<sup>57</sup> Several years later, she admitted that, at first, she had assumed the defendants were guilty and was concerned only with the lifting of the death penalty against the young men.<sup>58</sup> Therefore, from the outset, the Committee’s official position was that the death penalty was unfair in this case not because the accused were black but because either the death penalty was inherently wrong or that it was not warranted due to the facts in this particular case. After all, the Committee was not formed until after Judge Pugh leveled the death sentence, indicating that they did not believe any major injustice had previously occurred before sentencing.

Following the entrance of and investigation by Harold Knapp, the clemency message took on another claim that would eventually become central to the later defendants’ rights centered campaign. According to Dr. Knapp, the men deserved to be spared death, and possibly even pardoned, because they might have been unfairly convicted, as the jury had not heard all of the pertinent facts.<sup>59</sup> Although the defendants’ race may have been the central reason that the jury did not hear all of the facts or that the death penalty was imposed, that issue was not central to the Committee’s public fight for the defendants’ lives.

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<sup>54</sup> Murray Kempton, “Clemency in Annapolis,” *The New Republic*, October 26, 1963, Giles-Johnson Defense Committee, Series VI, Box 12, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>55</sup> Claude Sitton, “When a Southern Negro Goes to Court,” *New York Times Magazine*, January 7, 1962, Giles-Johnson Defense Committee Records, Series VI, Box 12 from Maryland Room Special Collections, University of Maryland Libraries.

<sup>56</sup> “The Penalty of Death,” *Washington Post*, May 14, 1963, Giles Johnson Defense Committee, Series VI, Box 12, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>57</sup> Frances Ross, letter to the editor, *The Suburban Record*, August 2, 1962, Giles-Johnson Defense Committee, Series VI, Box 12 from the Maryland Room Special Collections, University of Maryland Library.

<sup>58</sup> Ray Burdick, “The Laws of My White Brothers are Not to be Trusted,” *Montgomery Sentinel*, February 23, 1967, Giles-Johnson Defense Committee, Series VI, Box 14, from the Maryland Room Special Collections, University of Maryland Library.

<sup>59</sup> “Full Pardon Asked for Giles-Johnson Case Defendants,” *Montgomery Sentinel*, July 25, 1963, Giles-Johnson Defense Committee Records, Series VI, Box 12, from the Maryland Room Special Collections, University of Maryland Libraries.

After winning clemency for the defendants in 1963, the Defense Committee turned its attention toward winning their freedom. Once again, they took a colorblind approach, concentrating on matters of constitutional defendant's rights rather than combating the issue of race directly. The first legal matter raised by the Defense Committee was the antique practice in Maryland that allowed juries to both decide the facts and interpret the law. In most states, the judge instructed the jury on the latter issue, so the Committee argued that the jury did not know the legal definition of rape and, therefore, could not come to a legal determination of the defendant's guilt.<sup>60</sup>

Additionally, Dr. Knapp prepared an editorial for the *Gaithersburg Gazette* that outlined the factual argument for the case, including that the jury never saw all the facts and that the sex was consensual; however, nowhere did he mention race.<sup>61</sup> Similarly, both Mrs. Ross and Dr. Knapp sent editorials to the *Sentinel*, asserting that the case failed to meet basic legal precepts of "equal justice under the law" and "the presumption of innocence until guilt is proved" and that the prosecutors did not fulfill their role to see that justice was done.<sup>62</sup> The legal appeals, all the way up the Supreme Court, also focused on matters of law and the right to introduce new evidence rather than on racial arguments. Therefore, from the original push for clemency to the final call for acquittal, the Defense Committee relied on themes beyond race to make their case.

Conversely, the three defendants saw race as the central reason for their incarceration and one of the most important elements of their fight for freedom. Unlike the Defense Committee, they were quite vocal on the issue, especially in their letters to Mrs. Ross and Dr. Knapp. Although the young African-Americans espoused a differing and more race centric view of their case, their vision of civil rights does not greatly diverge from the civic nationalist principles of most white liberals. During the March on Washington in 1963, the epitome of the movement's use of civic nationalism, the incarcerated defendants verbalized the desire to take part.<sup>63</sup> They imagined a world, similar to that illustrated by Dr. King, where people were not judged by the color of their skin, were treated equally under the law, and could learn to understand and live peacefully with others. In this vein, John Giles wrote of his hope that prejudice "will be overcome by understanding of the facet that one man is as good as another regardless of race...I have a few friends of another race...and we are equal...in our ignorance of one another."<sup>64</sup> Similarly, Joe Johnson remarked that he did not feel "bitterness or hate but deep pity" for those who allowed prejudice to dictate their actions.<sup>65</sup> John, who was the most vocal advocate of civic nationalism, also revealed that he desired to be judged "first as an individual, next as an American, and last by my race," which in many ways reflected the Defense Committee strategy

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<sup>60</sup> Allan E. Dessoiff, "Antique Jury System Bothers Maryland," *Washington Post*, November 4, 1962, Giles-Johnson Defense Committee Records, Series VI, Box 12, from the Maryland Room Special Collections, University of Maryland Libraries.

<sup>61</sup> Harold Knapp, editorial for *Gaithersburg Gazette*, June 4, 1964, Giles-Johnson Defense Committee, Series VI, Box 13, from the Maryland Room University of Maryland Archives.

<sup>62</sup> Frances Ross, editorial for *Montgomery Sentinel*, May 21, 1964, Giles-Johnson Defense Committee Records, Series VI, Box 13, from the Maryland Room University of Maryland Archives.

<sup>63</sup> John Giles letter to Harold Knapp, August 27, 1963, Giles Johnson Defense Committee Records, Series II Box 4, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>64</sup> John Giles letter to Mrs. Frances Ross, April 21, 1963, Giles-Johnson Defense Committee Records, Series II Box 4, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>65</sup> Joseph Johnson letter to Harold Knapp, February 3, 1964, Giles-Johnson Defense Committee Records, Series II Box 5, from Maryland Room Special Collections, University of Maryland Libraries.

of focusing on the individual facts of the case and the rights afforded to Americans while barely mentioning race.<sup>66</sup>

Despite this apparent unity of ideas, there is a subtle, but important, difference: while John Giles included race as a factor, the Defense Committee, on the whole, ignored it. This small disparity demonstrates the slightly different view of race itself and its prominence in the case between the Defense Committee and James, John, and Joe. While the Defense Committee often neglected to directly point to race as the primary factor for the accusations, convictions, sentencing, and imprisonment, the three defendants trumpeted the viewpoint that they were in jail because of, and only because of, their race. John Giles wrote unequivocally that the union of “prejudice and misunderstanding” was “the very thing that put us here in the first place.”<sup>67</sup> Joe Johnson concurred and asserted that the average person’s opinion of the case was “because they are colored...it must have been rape” and that they are also guilty.<sup>68</sup> Additionally, John’s brother, James, claimed that the first decision by the Maryland Court of Appeals to uphold the conviction was “a rather biased, almost ridiculous opinion...based on race instead of the facts.”<sup>69</sup> Hence, the three young men saw race as the reason for their situation and the motive behind their conviction and, unlike the Defense Committee, were not silent on the matter.

As the Defense Committee attacked the validity of the death penalty and promoted the importance of defendant’s rights, the three defendants eloquently connected both issues to race, which the Committee had failed to do. John aptly summed up the inequality in the practice of the death penalty in a way that demonstrated a level of personal experience with racial prejudice that differed sharply with the experience of the white liberal defenders. “There is nothing equal about a Negro dying for rape while a white man lives after committing the same crime.” “The death penalty,” John observed, “seems to be made for the poor, uneducated, and most of all Negroes.”<sup>70</sup> James’ criticism was harsher. “The real issue here,” he declared, “is whether the State of Maryland will continue to single out a segment of the population- the Negro segment- and subject it to unduly severe punishment.”<sup>71</sup>

Also, in reference to the Defense Committee’s argument that the defendants did not receive equal treatment under the law, the three men went a step further and posited that it was difficult for any black to receive true defendant’s rights, as they were persecuted, not prosecuted, by prejudiced state officials, who they considered to be the “real” criminals.<sup>72</sup> “My biggest mistake of all,” lamented John, “was giving myself up to the police voluntarily because the laws of my white brothers are not to be trusted when it has something to do with one of his own race, especially a woman.”<sup>73</sup> Therefore, John Giles exposes the root of the entire case, the connection

<sup>66</sup> John Giles letter to Mrs. Ross, April 18, 1963, Giles Johnson Defense Committee Records, Series II Box 4, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>67</sup> John Giles letter to Harold Knapp, October 10, 1963, Giles-Johnson Defense Committee Records, Series II Box 4, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>68</sup> Joseph Johnson letter to Mrs. Ross, July 13, 1963, Giles-Johnson Defense Committee Records, Series II Box 5, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>69</sup> James Giles letter to Harold Knapp, October 14, 1963, Giles-Johnson Defense Committee Records, Series II Box 3, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>70</sup> John Giles letter to Mrs. Ross, June 1 and June 2, 1962, Giles-Johnson Defense Committee Records, Series II Box 4, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>71</sup> James Giles letter to Harold Knapp, October 14, 1963.

<sup>72</sup> James Giles letter to Harold Knapp, June 8, 1967, Giles-Johnson Defense Committee Records, Series II Box 3, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>73</sup> John Giles letter to Mrs. Ross, June 4, 1963, Giles-Johnson Defense Committee Records, Series II Box 4, from Maryland Room Special Collections, University of Maryland Libraries.

between judicial injustice, race, and sex. The Defense Committee, however, chose to intricately tiptoe around the central issue in the public realm. Joe Johnson's sentiments that "I am scared to live in Montgomery County" exemplified the extent to which the failure and prejudice of the legal system affected the defendants.<sup>74</sup>

In addition, the defendants did not only see the case through their own eyes but also through the lens of a wider movement. The defendants realized that their case would serve as a part of the Civil Rights Movement and thus a mechanism for reform, and they were therefore willing to sacrifice to achieve those ends. "If in any way...the facts in our case bring about a reform in the administration of justice," wrote James, "then the time we have spent in prison will not have been completely in vain." James' sentiments show that he knew that fighting against his situation represented a wider purpose than simply his own freedom.<sup>75</sup> As the case began to bring attention to problems in the criminal justice system in Montgomery County and in Maryland and resulted in some significant reforms, John decreed that it was "something to rejoice about indeed."<sup>76</sup> Therefore, the defendants could look beyond their own plight and see the benefits of the resulting civil rights issues to other African Americans. While the members of the Defense Committee certainly understood that their actions reflected the goals of the Civil Rights Movement, the fact that they made little reference to race made it impossible for them to be as closely linked to it as the three young men they freed.

If Mrs. Ross, Dr. Knapp, and the Defense Committee recognized the importance of race to the case, then why was the language of race missing from their vocabularies as compared to that of their grateful defendants? One possible explanation is that they believed the public would not be responsive to racially inflammatory language. However, the press seized on the case and, much more so than the Defense Committee, pointed to the issue of race and blamed the situation on racial prejudice, and, in the process, the media aided rather than derailed the defendants' efforts for freedom. The *Montgomery Sentinel*, for example, went to the heart of the matter when they reported, "If the defendants had been white they never would have been convicted...and even if they had, they would not have been sentenced to death."<sup>77</sup>

Another possible explanation is that because the case was a legal matter that had to be fought in court, the Committee decided to focus all its energy on legal and factual arguments, on which race had little more than rhetorical value. After all, the state did not actually bring up the race of the defendants during the trial, so the lawyers could not claim that the prosecution tried to sway the verdict through appealing to prejudice. This explanation seems to have some merit because, after the Giles brothers were close to being freed through the courts and it became apparent that Joe Johnson's freedom might have to come from a political authority more likely to be influenced by social and political considerations, the Defense Committee became more vocal on race. In 1967, Mrs. Ross stated publicly that the death penalty "had been imposed because the defendants were Negroes."<sup>78</sup> Then, after all the defendants gained their freedom, Mrs. Ross, in a letter to the editor of the *Washington Post*, made an even stronger statement, writing that the

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<sup>74</sup> Joseph Johnson letter to Harold Knapp, May 13, 1967, Giles-Johnson Defense Committee Records, Series II Box 5, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>75</sup> James Giles letter to Harold Knapp, October 9, 1963, Giles-Johnson Defense Committee Records, Series II Box 3, Maryland Room Special Collections, University of Maryland Libraries.

<sup>76</sup> John Giles letter to Harold Knapp, June 27, 1967, Giles-Johnson Defense Committee Records, Series II Box 4, Maryland Room Special Collections University of Maryland Libraries.

<sup>77</sup> Edward Morgan, "Morgan on the Giles Case," *Montgomery Sentinel*, August 22, 1963, Giles-Johnson Defense Committee, Series VI, Box 12, from the Maryland Room Special Collections, University of Maryland Libraries.

<sup>78</sup> Burdick, "The Laws of My White Brothers."

public must continue to fight against those officials “who seem to feel that being a Negro is an offense in itself.”<sup>79</sup> Therefore, after the case ended, the Defense Committee was less reluctant to utilize the language of race, showing that they may have believed the best way to achieve victory was to run a colorblind defense.

No matter the reason why the Defense Committee focused on race less than their defendants, its members clearly made strides, and, according to James Giles, “accomplished more as private citizens than any legislative body- than any courts-in the way of fair and equal justice.”<sup>80</sup> Unfortunately, the issues of racial injustice in the courts were not resolved with the Giles-Johnson case. As Harold Knapp said at its conclusion, “Maryland has a long way to go yet.”<sup>81</sup> Indeed he was correct, as the matter of race and the death penalty continually resurfaced in Maryland. In recent years, Governor Paris Glendening imposed a moratorium on the death penalty pending an investigation of racial bias; however, his successor, Governor Ehrlich, lifted it. Sadly, the Giles-Johnson affair has faded in the memory of Maryland residents. When James Giles was living through the ordeal, he wrote to Dr. Knapp, “We would really appreciate an opportunity to read *To Kill a Mockingbird*.”<sup>82</sup> Hopefully, the story of James and John Giles and Joseph Johnson will come to hold a place in history, as powerful as the novel’s place in the American imagination, as a testament to the fight of common people against racial injustice.

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<sup>79</sup> Frances Ross, letter to the editor, *Washington Post*, February 25, 1968, Giles-Johnson Defense Committee Records, Series VI, Box 15, from the Maryland Room Special Collections, University of Maryland Libraries.

<sup>80</sup> James Giles letter to Mrs. Ross, November 11, 1964, from the Maryland Room Special Collections, University of Maryland Libraries.

<sup>81</sup> Harold Knapp, note in margin of “Giles Case Figure Denied New Trial,” *Washington Post*, January 23, 1968, Giles-Johnson Defense Committee Records, Series VI, Box 15, from Maryland Room Special Collections, University of Maryland Libraries.

<sup>82</sup> James Giles letter to Harold Knapp, August 12, 1963, Giles-Johnson Defense Committee Records, Series II Box 4, from Maryland Room University of Maryland Archives.

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## “Socialism in One Country” Promoting National Identity Based on Class Identification

IVAN SZPAKOWSKI

The Russian Empire of the Romanovs spanned thousands of miles from the Baltic to the Pacific, with a population of millions drawn from dozens of ethnic groups. Following the Russian Civil War, the Bolsheviks inherited the problem of holding together such a heterogeneous body. At the same time, they were forced to uphold Marxist ideology demanding worldwide revolution of the proletariat while facing the reality that despite the turmoil following the First World War no such revolution was forthcoming. In 1924 the rising Joseph Stalin, along with Nikolai Bukharin, devised the theory of “Socialism in One Country” which would become the solution to many of these problems facing the Bolsheviks. First of all, it proclaimed the ability of socialism to succeed in the Soviet Union alone, without foreign aid. Additionally, it marked a change from Lenin’s policy of self-determination for the Soviet Union’s constituent nations to Stalin’s policy of a compulsory unitary state. These non-Russian ethnics were systematically and firmly incorporated into the Soviet Union by the promotion of a proletariat class mentality. The development of the theory and policy of “Socialism in One Country” thus served to forge the unitary national identity of the Soviet Union around the concept of common Soviet class identity.

The examination of this policy’s role in building a new form of national identity is dependant on a variety of sources, grouped into several subject areas. First, the origin of the term “Socialism in One Country,” its original meaning and its interpretation can be found in the speeches and writings of prominent contemporary communist leaders, chief among them: Stalin and Trotsky. Second, outlines of the resulting policy can be found in a number of sources, many of the most insightful of which come from leftist writers such as E.H. Carr and François Furet. Third, interpretations of nationalism in the Soviet Union, especially concerning non-Russian nationalities within the Soviet Union, can be found in communist party proclamations and principally in a number of secondary sources. Finally, case studies of the Bolsheviks’ attempt to create Soviet-style nationalism based on class identity can be seen in the experiences of the Kazakhs and the small nationalities of Siberia during the 1920s and 1930s.

To consider the promotion of Soviet-style nationalism based on class identity, as opposed to nationalism’s classical orientation towards ethnicity, certain terms must first be defined. What is “nationalism?” In order to answer this question, a definition for “nation” is needed. A good definition is offered by Ronald Grigor Suny who terms it “a group of people that imagines itself to be a political community that is distinct from the rest of humankind, believes that it shares characteristics, perhaps original values, historical experiences, language, or any of many other elements, and on the basis of its defined culture deserves self-determination.”<sup>83</sup> From this, “nationalism” can be defined as the identification with a group of people based on common

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<sup>83</sup> Ronald Grigor Suny, “The Empire Strikes Out: Imperial Russia, “National” Identity, and Theories of Empire,” *A State of Nations: Empire and Nation-Making in the Age of Lenin and Stalin*, Ronald Grigor Suny and Terry Martin, ed. (New York: Oxford University Press, 2001).

political and social self-identification. Furthermore, a group that shares such a nationalist identity can be called a “nationality.”

This paper uses the term “nationalism” at times to refer to Soviet-style identification based on class consciousness, a usage altogether fitting for describing the situation that arose in the Soviet Union, as will be outlined. This is especially true since the definition chosen here for “nationalism” refers only to political and social identification, traits that were very much present in Soviet-style national identity.

However, the terms “nationalism,” and “nation” are commonly used with respect to “ethnicity,” as was Suny’s intention in the preceding passage. Thus, a definition for “ethnicity” can be extracted from the previous quotation as the identification within a group of people sharing a common language, culture, and who have historically lived together as a group. Finally, the term “class” must be clarified. I purport to define it as the shared identification of a common socio-economic position within society, rather than utilize the Marxist preference of defining the term with respect to the means of production.

The emergence of the theory of “Socialism in One Country” should be understood in the context of the challenges facing the Soviet Union during the early 1920s. The most glaring and theoretically challenging problem facing the Communists was the realization that no worldwide proletarian revolution would emerge in the near future. After attempts to spark a communist revolution in Germany proved unsuccessful, it was clear that the Soviet Union could not expect any immediate foreign support.<sup>84</sup> It found itself a lone communist country in a world of capitalist states, many of which had proven demonstrably and actively hostile to the Bolshevik regime. This presented a tremendous theoretical challenge as classical Marxist doctrine held that an international proletarian revolution was necessary for the success of communism.<sup>85</sup>

Further challenges for the Soviet Union stemmed from the country’s makeup. Russia lacked a large proletariat class, characteristic of an industrialized economy, which forms the classical base of support for communism. Lenin had countered this problem with his ‘Revolutionary Alliance’ whereby the Communists allied themselves and the country’s workers with the peasantry. However, the Soviet Union also lacked a widespread proletarian class identity. This was due to the fact that in addition to the lack of industrial workers, those that did exist tended to be recently converted peasants possessing little sense of kinship with other industrial workers, instead identifying with their agrarian background.<sup>86</sup> Thus, were socialism to take lasting root in the Soviet Union, much would have to be done in terms of building a proletariat class identity.

The final major hurdle facing the Soviet Union was its inclusion of far more than Russian ethnics. The Soviet Union had essentially inherited the Czarist Empire, which had been composed of myriad non-Russian ethnic minorities, a number of which had clear desires for full independence. Allowing all these nationalities to secede was clearly not an option for the Soviet Union. According to the 1926 census approximately one third of the population lived outside the core Russian Soviet Federative Socialist Republic<sup>87</sup> and the country had a slight majority of

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<sup>84</sup> E.H. Carr, *Socialism in One Country*, vol. 2 (N.P.: Pelican Books, 1964; reprint, Middlesex, England: Penguin Books, 1972), 48 (page citations are to the reprint edition).

<sup>85</sup> Ibid.

<sup>86</sup> Ronald Grigor Suny, *The Soviet Experiment: Russia, the USSR, and the Successor States* (New York: Oxford University Press, 1998), 174-175.

<sup>87</sup> E.H. Carr, *Socialism in One Country*, vol. 2, 249.

ethnic Russians.<sup>88</sup> Thus, the party was compelled to foster the integration of these smaller nationalities into Soviet society as a whole, and attempt to build a method of identification that could be shared by all nationalities of the Soviet Union, rather than solely Russians. The task of building such an identity around proletariat class consciousness was particularly difficult among many non-Russian nationalities, as they tended to live in significantly less industrialized conditions than the ethnically Russian majority.

Next, to examine the impact of the theory of “Socialism in One Country,” consider the established party doctrine which it replaced. Karl Marx had been first to express the need for socialism to be international in order to succeed. This was accepted throughout the communist party at the time of Lenin’s death, evidenced by the following passage taken from *The ABC of Communism*:

The communist revolution can be successful only as a world revolution. If a state of affairs arose in which one country was ruled by the working class, while in other countries the working class, not from fear but from conviction, remained submissive to capital, in the end the great robber States would crush the workers’ State of the first country.<sup>89</sup>

This stance attained full development in Trotsky’s theory of Permanent Revolution. The term originated from Marx himself and was originally used to insist upon the necessity for workers to persevere through the preliminary bourgeoisie revolution to the eventual communist one.<sup>90</sup> Trotsky’s theory focused on his belief that while revolution in Russia would begin as a bourgeoisie revolution, it would naturally bring about the socialist revolution, leading to the dictatorship of the proletariat.<sup>91</sup> This theory was in fact very similar to the policy adopted by Lenin who, despite having previously disagreed with Trotsky’s theory, in 1917 urged the onslaught of a socialist revolution on top of the developing bourgeoisie one.<sup>92</sup> However, Trotsky’s theory also encompassed the idea that “The completion of the socialist revolution within national limits is unthinkable.”<sup>93</sup> This view may or may not have been completely shared by Lenin<sup>94</sup>, and it is quite possible that he did not hold to a single point of view on the matter over the course of his writings. Regardless, Trotsky’s theory articulated the widely held doctrine, among Bolsheviks, that the Soviet Union’s success was dependant on its identification with and active fostering of Marxist internationalism.

The theory of “Socialism in One Country” was conceived by Stalin as a response to this theory, rejecting the Soviet Union’s dependence on fostering international Marxism. In Stalin’s first treatment on the subject, “The October Revolution and the Tactics of the Russian Communists,” Stalin clearly expressed the opinion that Trotsky’s theory of Permanent

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<sup>88</sup> Alex Inkeles and Raymond A. Bauer, *The Soviet Citizen: Daily Life in a Totalitarian Society* (Cambridge, Massachusetts: Harvard University Press, 1959), 338.

<sup>89</sup> Nikolai Bukharin and Yevgeni Preobrazhensky, *The ABC of Communism*, edited by E. H. Carr, translated by Eden and Cedar Paul (Baltimore: Penguin Books, 1969), 186.

<sup>90</sup> Karl Marx and Frederick Engels, “Address of the Central Committee to the Communist League,” London, March 1850.

<sup>91</sup> Leon Trotsky, *The Permanent Revolution and Results and Prospects*, trans. Pearce, Brian (New York: Merit Publishers, 1969), 180-182.

<sup>92</sup> E.H. Carr, *Socialism in One Country*, vol. 2, 46.

<sup>93</sup> Leon Trotsky, *The Permanent Revolution and Results and Prospects*, 279.

<sup>94</sup> For Trotsky’s view see: “Letter to the New York Times,” December 6, 1939, in *Writings of Leon Trotsky (1939-1940)*, Ed. Allen, Naomi and George Breitman (New York: Pathfinder Press, 1969), p. 125-129.

Revolution ran counter to Lenin’s theory of the proletariat revolution,<sup>95</sup> going so far as to claim that “Trotsky’s theory of ‘permanent revolution’ is a variety of Menshevism.”<sup>96</sup> Thus, the theory of “Socialism in One Country” was created in direct opposition to Trotsky’s theory. Trotsky acknowledged as much in his oft quoted passage declaring that, “the theory of socialism in one country... is the only theory that consistently and to the very end opposes the theory of the permanent revolution.”<sup>97</sup>

In addition to “Socialism in One Country’s” origin as a response to Trotsky, the theory was also developed to serve another important purpose. Namely, it acknowledged the lack of an imminent worldwide revolution and addressed the problem by denying its necessity. This position was supported by the following key passage taken from Lenin’s writings: “the victory of socialism is possible first in several or even in one separate capitalist country.”<sup>98</sup> While Lenin’s intentions in this passage have been thoroughly debated, what is important for our purposes is not whether he would have supported “Socialism in One Country,” but that the theory successfully developed the theoretical framework necessary to allow the Bolsheviks to address the Soviet Union’s practical realities—namely that they would have to succeed without any foreign assistance.<sup>99</sup> Furthermore, a side effect of the theory was that it “reawakened a vague sentiment of national pride and patriotism,”<sup>100</sup> something that will be considered in depth later in this paper.

The policies that emerged from the theory of “Socialism in One Country” are myriad, leading E.H. Carr to go so far as to say, while likely an exaggeration, that “Socialism in one country suddenly emerged as the master-key which unlocked every door and served as the touchstone by which every issue could be judged and clarified.”<sup>101</sup> Of these numerous effects, certain key policies are particularly relevant to the examination of “Socialism in One Country’s” role in fostering Soviet national identity based on class identification. The first policy relates to the “one country” portion of the slogan. This allowed the slogan to be used as the theoretical justification for Stalin’s desire that the Soviet Union take the form of a purely unitary state rather than a federation. The second policy relates to the “socialism” portion of the slogan, serving to support the desire to “build socialism” in the Soviet Union.<sup>102</sup> Thus the theory provided further theoretical backing for the building of the proletariat class in the Soviet Union, and especially for the promotion of identification with this class throughout the country.

These two policies combined to form the party’s position on constituent nations. These nations were not to be allowed to secede from the union or be granted further autonomy. Rather they were to be assimilated, and this was to be accomplished through the proletarianization of their populaces. Stalin justified this policy, as he did the majority of policies emanating from “Socialism in One Country,” by claiming to follow Leninist doctrine:

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<sup>95</sup> Joseph Stalin, “The October Revolution and the Tactics of the Russian Communists,” in *Leninism*, vol. 1, trans. Eden & Cedar Paul (London: Henderson & Spalding Ltd, 1928), 187-196.

<sup>96</sup> *Ibid.*, 189.

<sup>97</sup> Leon Trotsky, *The Permanent Revolution and Results and Prospects*, 280.

<sup>98</sup> V.I. Lenin, “On the Slogans for a United States of Europe,” *Collected Works*, 4<sup>th</sup> English Edition, Vol. 21 (Moscow: Progress Publishers, 1964), 343.

<sup>99</sup> Jean-Paul Sartre, “Socialism in One Country,” *New Left Review*, no. 100 (1976): 151.

<sup>100</sup> E.H. Carr, *Socialism in One Country*, vol. 2, 57.

<sup>101</sup> *Ibid.*, 60.

<sup>102</sup> *Ibid.*

When Lenin speaks of the non-proletarian labouring masses led by the proletariat, he has in mind, not only the Russian peasants, but also the labouring elements living on the outskirts of the Soviet Union, living in those territories which, until recently, were nothing more than Russian colonies. Lenin was never weary of repeating that the Russian proletariat would not be victorious unless it secured these masses of other nationalities as allies.<sup>103</sup>

By this interpretation of Leninist doctrine, Stalin proclaimed the importance of establishing a partnership with non-Russian ethnics within the Soviet Union, and hence the need for non-Russians to be incorporated and assimilated into the Soviet structure.

Following the Russian Revolution, non-Russian minorities had experienced a greater degree of autonomy than under the rule of the Czars. Contrary to Stalin's interpretation of Lenin's writings, Lenin had instituted a liberal policy of self-determination "which assumed that the Soviet federation consisted of ethnic groups, that all ethnic groups were entitled to their own duly demarcated territories, that all national territories should have political and cultural autonomy, and that the vigorous development of such autonomy was the only precondition for future unity."<sup>104</sup> This policy even allowed for the secession of certain national groups from the Soviet Union: "Lenin refused to oppose the independence of Finland, Poland, and, for a time, Ukraine and Georgia."<sup>105</sup> While this liberal stance was not shared by the entire party, a fairly lenient position was adopted at the Eighth All Party Congress in 1919:

The party recommends (as a transitional step towards complete union) a federative union of all the States which are organized on a soviet basis...With regard to the question, Who is entitled to express the will of a nation to secede, the Russian Communist Party adopts the historical class point of view, taking into account the stage of historical development which any particular nation happens to have reached<sup>106</sup>

However, Lenin's policy of permitting self-determination for ethnic minorities was not shared by Stalin, and the two had clashed over questions of Georgian nationalism.<sup>107</sup> Stalin favored a unitary state rather than a federation or confederation of nations. With the advent of "Socialism in One Country," Stalin acquired the theoretical framework to implement his policy towards minority nationalities. He rejected the ideas of autonomy or succession and attacked those who advocated greater independence for the various constituent nationalities:

the Union of Socialist Soviet Republics...is the forerunner of the coming union of the nations to form a worldwide economy. Hence the need for a struggle against the narrowness, the particularism, of those socialists in oppressed lands who cannot see beyond the boundaries of the parish in which they were born, and therefore fail to perceive the intimate connexion [sic.] between the movement for the liberation of their own country and the proletarian movement in the country by which it is ruled.<sup>108</sup>

<sup>103</sup> Joseph Stalin, "The October Revolution and the Tactics of the Russian Communists," in *Leninism*, vol. 1, 186.

<sup>104</sup> Yuri Slezkine, *Arctic Mirrors: Russia and the Small People of the North* (Ithaca and London: Cornell University Press, 1994), 154.

<sup>105</sup> Ronald Grigor Suny, *The Soviet Experiment: Russia, the USSR, and the Successors*, 141.

<sup>106</sup> "Programme of the Communist Party of Russia," March 1919, in *The ABC of Communism*, edited by E. H. Carr, (Baltimore: Penguin Books, 1969), 440.

<sup>107</sup> Terry Martin, "An Affirmative Action Empire: The Soviet Union as the Highest Form of Imperialism," *A State of Nations: Empire and Nation-Making in the age of Lenin and Stalin*, Ronald Grigor Suny and Terry Martin, ed. (New York: Oxford University Press, 2001), 71-72.

<sup>108</sup> Joseph Stalin, "Foundations of Leninism," in *Leninism*, 142-43.

Thus, Stalin not only pushed for the strengthening of the Soviet Union as a unitary state, but he also forwarded an agenda concerning identification. His attack on “particularism” was partially a refutation of ethnic nationalist sentiment, instead calling for a greater pan-nationalist identification with their hitherto oppressor nationality (Russians) to create a new Soviet wide identity.

Stalin followed his theory of “Socialism in One Country” with efforts to integrate non-Russian nationalities into the Soviet Union through the promotion a proletariat identity. This technique had certain advantages; in the words of Ronald Grigor Suny: “Making nationality, like making class, can be seen as a complex process of creating an “imagined community””<sup>109</sup> Both nationality and class are methods of identification formed by a group of similarly minded people. Thus, many of the processes that are used to promote one form of identification can be made to influence the other.

The techniques used by the Communists to create a proletariat class and proletarian class-consciousness during the period following the advent of “Socialism in One Country,” are fairly well known, therefore they will be only briefly detailed here. The wide scale industrialization of the country was paramount in the creation of an urban working class. These factories were further used as avenues for social and political indoctrination: “Soviet-style proletarianization meant acquiring industrial and political literacy...To attain such goals much faith was placed in the transformative powers of the factory system.”<sup>110</sup> The close knit grouping of workers during virtually every aspect of their lives allowed for concentrated indoctrination as well as the easy spread of ideas, resulting in constant pressure to conform to Party determined norms. Proletariat art, music, posters, painting, and all other means of expression were pushed strongly by the Bolsheviks. The glorification of the Stakhanovites was another tool, used to create a model for proletariat behavior and to give workers a sense that industrial (proletarian) work was praiseworthy. These processes were largely successful so that “within a period of less than sixty years, the workers of the most politically ‘backward’ European country were transformed from a small segment of a caste of peasant-serfs into Europe’s most class-conscious and revolutionary proletariat.”<sup>111</sup>

A good illustration of the effects of “Socialism in One Country” policies on creating Soviet-style nationalism is the Bolsheviks’ attempt to assimilate the Kazakhs into Soviet society. The Kazakh people at the time of the Russian Revolution were a non-industrialized, nomadic people who identified themselves primarily based on tribal or ethnic membership.<sup>112</sup> In the late 1920s, as part of the general countrywide policy, an attempt was made to proletarianize the Kazakhs. The Turkestando-Siberian Railroad (Turksib) was to be the vehicle for this transformation. An effort was made to hire as many Kazakhs workers as possible to work on building the railroad, however this effort was resisted by several of the involved groups. It was resisted by the Kazakhs because they were being used as industrial workers, something to which

<sup>109</sup> Ronald Grigor Suny, *The Revenge of the Past: Nationalism, Revolution, and the Collapse of the Soviet Union*, (Stanford, California: Stanford University Press, 1993), 6.

<sup>110</sup> Stephen Kotkin, *Magnetic Mountain: Stalinism as a Civilization* (Berkeley and Los Angeles, California: University of California Press, 1995), 203.

<sup>111</sup> Reginald Zelnik, “Russian Workers and the Revolutionary Movement,” *Journal of Social History* 6, no. 2 (1972): 214-37; quoted in *Magnetic Mountain: Stalinism as a Civilization*, Stephen Kotkin (Berkeley and Los Angeles, California: University of California Press, 1995), 198.

<sup>112</sup> Matt Payne, “The Forge of the Kazakh Proletariat: The Turksib, Nativization, and Industrialization during Stalin’s First Five-Year Plan,” *A State of Nations: Empire and Nation-Making in the age of Lenin and Stalin*, Ronald Grigor Suny and Terry Martin, ed. (New York: Oxford University Press, 2001), 225.

they were both culturally and ideologically opposed;<sup>113</sup> from the work managers for being forced to use less skilled labor; and from the European workers of the railroad for such reasons as racism, and fear of job loss to the Kazakhs.<sup>114</sup> While the Turksib initially experienced high turnover rates among Kazakh workers, the non-Kazakh workers and managers began to aid in the proletarianization of the Kazakhs. Language instruction and translation further integrated the Kazaks into the railroad's industrial workforce. The Communists' method also incorporated the less idealistic, though widely accepted (by party members), method of forcible compulsion. This included dekulakization whereby large numbers of prominent tribal families were rounded up and many executed, along with basic collectivization efforts, which shattered the nomads' pastoral existence.<sup>115</sup>

The efforts to proletarianize the Kazakhs were largely successful. A demonstration of this transformation can be found in the response to one of the Turkib work manager's simple questions: "When S.M Ivanov [one of the Turksib work managers]...out of politeness, asked a Kazakh to name his clan, the Kazakh replied, "We are not from a clan, we are proletarians.""<sup>116</sup> This is a striking demonstration of the effectiveness of the Communists' policy. The Kazakh's response came as quite a surprise to Ivanov, who had expected a straightforward answer in such a traditionally non-politicized arena where "Speaking Bolshevik" was extremely uncommon.<sup>117</sup> It must be noted that this proletarianizing process was characterized by forced industrialization and was accompanied to a certain extent by Russification. Nevertheless, the Kazakh's experience proved a successful case of the promotion of Soviet-style nationalism through class identification: "The Kazakhs did forge a new identity in the industrial establishments of the 1930s."<sup>118</sup>

Another example of the effect of "Socialism in One Country" is the experience of the small nationalities of northern Siberia. At the time of the Russian Revolution, these nationalities were "equally primitive and classless."<sup>119</sup> The people of Siberia did not identify with either Russian ethnic nationalism or Soviet proletarian consciousness. Following Stalin's rise to power, and pursuant to the policies of "Socialism in One Country," efforts were made to proletarianize the Siberian peoples. However in this instance there was no great industrial project, rather the Communists attempted to collectivize the various nomadic nationalities. This effort was none too effective, in part because it resulted in widespread seizures of furs and meat from the Siberian peoples who depended on these commodities for their livelihood, and was further hindered by the process of dekulakization, which resulted in numerous deaths among the nomads.<sup>120</sup> The absence of any unifying industrial project thus resulted in a failure to produce any sort of proletarian identity, and therefore was unable to promote a sense of Soviet national identity.

As seen by the experiences of the Kazakhs and Siberian peoples, the policy of creating a Soviet nationalist identity around common class identification produced mixed results. The

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<sup>113</sup> Matt Payne, *Stalin's Railroad: Turksib and the Building of Socialism* (Pittsburg, Pennsylvania: University of Pittsburgh Press, 2001), 131.

<sup>114</sup> Matt Payne, "The Forge of the Kazakh Proletariat: The Turksib, Nativization, and Industrialization during Stalin's First Five-Year Plan," *A State of Nations: Empire and Nation-Making in the age of Lenin and Stalin*, 225.

<sup>115</sup> *Ibid.*, 232, 235-38

<sup>116</sup> *Ibid.*, 241.

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

<sup>119</sup> Slezkine, 153.

<sup>120</sup> *Ibid.*, 190-97.

Communist Party became steeped in the language of maintaining a state governed by and in the interest of the proletariat. This rhetoric was dispersed throughout the populace through the process known as “Speaking Bolshevik.” Of course, while the veneer of language does not convey the entire underlying situation, the Communists were in fact successful in promoting a new Soviet-style “nationalist” identity.

Indeed, what stands out about the surprisingly powerful new national identity developed under Stalin was its Soviet, rather than solely Russian, character and how a sense of belonging to the Soviet Union was melded with the *enhancement* of a parallel, but subordinated, ethnic or national character...<sup>121</sup>

Ethnic identities certainly remained in the Soviet Union, as was demonstrated by the eventual breakup of the Soviet Union into a plethora of smaller states. However, these ethnic identities were subordinated to a large Soviet identity, which was exemplified by such symbols as the Soviet flag.

While this success of the promotion of a Soviet wide “nationalist” identity is relatively clear, what is less evident is the extent to which a *proletarian* class identity, in the classical Marxist sense, was inculcated. Despite rapid industrialization and increase of the urban working class, much of the Soviet Union remained rural. The shared social identity of the Soviet Union might therefore be characterized as relatively fraternal, and representative of the earlier Revolutionary Alliance with the peasantry, rather than purely of a Marxist proletarian nature. It would be more correct to say that the national identity was based on a revamped conception of class identity, one which extended beyond the mentality of the industrial worker to include the common social and economic position of the country’s industrializing masses within the Soviet system.<sup>122</sup> However, the term “proletariat” consciousness was still in common use at the time for this identity, signifying an evolution (what some have called a “vulgarization”<sup>123</sup>) of the term from its Marxist origin to fit the developing realities of the Soviet Union. Thus, this paper’s definition of “class” as the shared identification of a common socio-economic position within society corresponds to the emergent Soviet identity.

The theory of “Socialism in One Country” originated as a response to Trotsky’s theory of Permanent Revolution, however it was used by Stalin to create a theoretical justification for the practical realities facing the Soviet Union; it can thus be viewed as “a synthesis between socialist and national loyalties.”<sup>124</sup> The resulting policy was an attempt to create a Soviet nationalist identity around shared proletarian identification. The constituent nations of the Soviet Union were thus brought into a unitary state, and a process of proletarianization was undertaken to foster the desired Soviet nationalism. This policy found mixed results among less industrialized ethnic minorities, but on the whole was largely successful. Thus “Socialism in One Country” provided the theoretical framework for the successful policy of fostering Soviet nationalism based on socio-economic identification, rather than ethnicity.

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<sup>121</sup> Kotkin, 230. Author’s italics.

<sup>122</sup> For a discussion of the “paternalistic” system created by the Bolsheviks, see: Matthew Payne, *Stalin’s Railroad: Turksib and the Building of Socialism*, 276-285; and Stephen Kotkin, *Magnetic Mountain: Stalinism as a Civilization*, 157-279.

<sup>123</sup> Jean-Paul Sartre, “Socialism in One Country,” *New Left Review*, no. 100 (1976): 151.

<sup>124</sup> E.H. Carr, *Socialism in One Country*, vol. 2, 59.

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