
Register of the Richard Gladstein Papers, 1930-1969

Collection number: MSS 001

Southern California Library for Social Studies and Research

Los Angeles, California

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Descriptive Summary

Title: Richard Gladstein Papers,

Date (inclusive): 1930-1969

Collection number: MSS 001

Creator: Gladstein, Richard

Extent: 10 document cases
4 cubic feet

Repository: Southern California Library for Social Studies and Research.

Los Angeles, California

Language: English

Access

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Preferred Citation

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Biography

Richard Richie Gladstein was a labor lawyer whose office was based in San Francisco. He was also active in defending clients accused of being communists. One of his major clients was Harry Bridges, President of the International Longshoremen's and Warehousemen's Union, who was accused of belonging to the Communist Party of the United States of America (CPUSA) and therefore subject to deportation of which Gladstein's office handled his deportation cases.

The second deportation case Gladstein handled for Bridges was in 1941. The court found Bridges guilty and he was given deportation orders. The case reached the Supreme Court which ruled that Bridges was not a communist and was therefore entitled to remain in the United States and eligible for citizenship, which Bridges subsequently received. However in 1949, Bridges, Robertson and Schmidt were charged with conspiracy and found guilty. On June 15, 1953, the Supreme Court reversed the decision of the lower courts. Richard Gladstein was not directly involved in the conspiracy case.

Prior to the Bridges, Robertson and Schmidt case, Gladstein was officially asked by the CPUSA to defend some of the participants of the Foley Square Trial (1949-1950), in which Judge Harold R. Medina presided. Gladstein's colleagues were Harry Sacher, George W. Crockett, Jr., Louis F. McCabe and Abraham J. Isserman. Eugene Dennis, one of the defendants, acted as his own lawyer. In addition to Dennis, ten CPUSA leaders were indicted under the Smith Act and brought to trial; Henry Winston, Jacob (Jack) Stachel, Benjamin Davis, Carl Winter, John Gates, Irving Potash, Robert Thompson, Gil Green, Gus Hall and John Williamson. Originally there were twelve defendants, but William Z. Foster was exempt from appearing in court due to ill health. On October 14, 1949, the defense lawyers including Eugene Dennis were cited for contempt and sentenced from one to six months in jail. The Bar Committee to Defend Lawyers Right of Advocacy was established for the lawyers' defense. The defendants in the Foley Square Trial were found guilty and sentenced to five years and \$10,000, except for Robert Thompson who was sentenced to three years.

Gladstein also defended Dr. John E. Reinecke of Hawaii. On November 25, 1947, Dr. Reinecke was dismissed from his teaching position because of his political affiliations. However, his teaching certificate was not revoked. The school district charged that he was not eligible to teach under the Secret Association Statute (Exhibit A) claiming that a member of the CP ...is not possessed of the ideals of democracy as required by the Personnel of Public and Private School Statute.... (p. 4 Complaint for Injunction Redress Deprivation of Civil Right and Request of Three-Judge Court). Dr. Reinecke counter charged that the school district was in violation of the First, Fifth, Sixth and Fourteenth Amendments to the Constitution and of the Civil Rights Act. Mrs. Reinecke was also dismissed from her teaching position because of political affiliations.

During the time that Dr. and Mrs. Reinecke were suing for reinstatement of their teaching jobs, the Canwell Committee, a counterpart of the Dies and Thomas Committees on Un-American Activities, scheduled a hearing in the spring of 1948 on Washington's state Pension Union. John Caughlan successfully defended the Pension Union. After the hearing, John Caughlan was indicted by the United States under Title 8 USCA 746 (a) (1) for perjury from an earlier naturalization hearing in which Caughlan denied he was a communist. Richard Gladstein successfully defended John Caughlan (September 4, 1948 to September 24, 19849). Prior to John Caughlan's trial, the Canwell Committee was holding their second set of hearings on the University and Playhouse Group beginning in July of 1948.

The *Los Angeles Times* on May 25, 1981 called Richard Gladstein ...one of the premier labor and constitutional trial lawyers in the land.... in an article commemorating his death of May 16, 1981.

Scope and Content

The Richard Gladstein Collection (1930, 1940-1950, 1961-1962, 1968-1969) contains papers, notes correspondence, pamphlets, transcripts and records of some of the trials and hearings with which he was either directly or indirectly involved. No particular trial or hearing is covered from beginning to end. The collection is arranged in seven series and the provenance has been changed slightly to give the GENERAL FILE continuity. The papers in the GENERAL FILE (1940-1948, 1950) are seemingly independent from the rest of the series. They consist of handwritten notes, copies of payroll records for defendant A. Felipe and the originals and copies of the dismissal of some of the employees at the U.S. Naval Drydocks in San Francisco. Several years later, these same employees were visited by the FBI in regards to Harold Dow, a fellow employee. There are also references to the law and the CPUSA.

The papers referring to the REINECKE CASE (1930, 1947-1948) consist of transcripts, correspondence, pamphlets, and other case records to help Reinecke's defense. There is also copies of some of the correspondence of Louis Budenz and the cross examination of Budenz by Gladstein. However, it is incomplete. Louis Budenz had testified in behalf of the U.S. Government. The papers do not refer to the outcome of the Reinecke case.

The CAUGHLAN HEARING papers (1946-1949) contain correspondence on the John Caughlan Defense Committee and transcripts of the perjury hearing. There are personal notes on John Caughlan including his testimony in the naturalization hearing in 1946.

The CANWELL HEARING papers (1948) refer to correspondence and the testimony of out-of-town witnesses. At the request of Richard Gladstein, John Caughlan sent newspaper clippings of the hearings from July 19, 1948 to July 24, 1948 (see separation sheet).

Most of the papers in the HARRY BRIDGES CASE (1947-1949, 1950, 1961-1962) refer to the Bridges, Robertson and Schmidt Case. At the time of the trial, Gladstein was involved with the Foley Square Trial. The series contain several statements on Marxist thought and theory.

There is some correspondence, a private investigator's report on the members of the grand jury, June 1949, and statements of John E. Ferguson, who had previously lied that Harry Bridges was a communist and retracted that statement. Ferguson claimed he was blackmailed into lying about Bridges.

The FOLEY SQUARE TRIAL and THE BAR COMMITTEE TO DEFEND LAWYERS' RIGHT TO ADVOCACY series (1949-1950) contain legal documents and transcripts including the contempt charges against the defense lawyers. The transcripts also refer to Richard Gladstein's closing remarks at the Foley Square Trial. There is the Bar Committee correspondence referring to fund raising and designing pamphlets. There are press releases, newspaper clippings and a photograph of the defense lawyers. This series also include a pamphlet on the McCarran Act prepared by Norman Leonard of Gladstein, Anderson and Leonard.

The last series of the Richard Gladstein Collection (THE DRAFT DURING THE VIETNAM WAR) contains letters (1968-1969) referring to cases involving dissident draftees during the Vietnam War. None of the letters are addressed or refer to Richard Gladstein.

Bibliography

Belfrage, Cedric. *The American Inquisition: 1945-1960*. Indianapolis: The Bobbs-Merrill Co., Inc., 1973.

Bekknep, Michael R. *Cold War Political Justice: The Smith Act, The Communist Party, and American Civil Liberties*. Westport: Greenwood Press, 1977.

GENERAL FILE

- Box 1, Folder 1 **Handwritten Notes on Strikes and Communism. Nd.**
- Box 1, Folder 2 **Copy of a Manuscript on the Communist Party of the United States. Nd.**
- Box 1, Folder 3 **10.0816-H ILWU International Payroll Records, A. Felipe. Copies. 1940-1945.**
- Box 1, Folder 4 **Correspondence to Col. Peter J. Lloyd from Richard Gladstein. Re Owen S. Kiernan-Requesting Certain Criteria for Hearing. April 13, 1943.**
- Box 1, Folder 5 **U.S. Naval Drydocks. Re Dismissal of Employees, Information re the Government's Position on Political Activities. Copies and Originals. May, 1944.**
- Box 1, Folder 6 **Pamphlets on the Communist Party. 1945, 1947-1948.**
- Box 1, Folder 7 **Re Harold Dow affidavits of FBI Investigations. Originals and Copies. March, 1947.**
- Box 1, Folder 8 **Public Law 17-Information for Claim. Nd.**
- Box 1, Folder 9 **Conflict Between Seamen's Act and Treaties. Nd.**
- Box 1, Folder 10 **Pamphlet- *Workmen's Compensation and The Protection of Seamen. Bulletin No. 869.* 1946.**
- Box 1, Folder 11 **The Decision and Order of The Board of Immigration Appeals. Re Karl Einar Dalskog. January 28, 1948.**
- Box 1, Folder 12 **Newspaper Clippings. [1948?].**
- Box 1, Folder 13 **Pamphlet- *In The District Court of Appeal...State of California Helen Parker, et al., Appellants vs. County of Los Angeles, et al., Respondents.* March, 1948.**
- Box 1, Folder 14 **Memorandum of Law in Support of Proposition that Engaging in Activities in or being a Member of the Communist Party of the United States is Protected by Labor Code Sections 1101 and 1102. Nd.**
- Box 1, Folder 15 **Memorandum in Re Oral Argument Before Court of Appeals, 9th Circuit...September 5, 1950. Re Dr. Eugene Brunner held in Contempt for not Answering Whether or Not a Member of the Communist Party. Original. 1950.**
- Box 1, Folder 15 **Transcripts-10.165.4. Official Report of Proceedings Before the National Labor Relations Board in The Matter of: International Longshoremen's Union, affiliated with the Congress of Industrial Organizations and Waterfront Employers Association of the Pacific Coast. September 1, 1948, pp. 1-146; October 25, 1948, pp. 2053-2395.**

REINECKE CASE

- Box 2, Folder 1 **The University of the State of New York The State Department of Education Before the Commissioner in the Matter of the Appeal of Francis J. Thompson, etc. Nd.**
- Box 2, Folder 2 **Notes from Dr. Reinecke. Nd.**
- Box 2, Folder 3 **Memorandum re Conflict Between Commissioner's Statutory Authority and School Code. Nd.**
- Box 2, Folder 4 **Pamphlets- ...Schoolboard Hearing.... and ...School Code.... 1945.**
- Box 2, Folder 5 **Typed Memos Claiming Gerhart Eisler Lied on Witness Stand. 1947.**
- Box 2, Folder 6 **Copy of Teacher's Agreement 1947-1948 for Miss Nobuko Suzuki.**
- Box 2, Folder 7 **John E. Reinecke V. W. Harold Loper. Transcripts. December 12, 1947.**
- Box 2, Folder 8 **Newspapers Clipping re Dismissal of Dr. Reinecke. December 13, 1947.**
- Box 2, Folder 9 **Pamphlets Calling for Support of the Reineckes from the Members of the Bar. 1948.**
- Box 2, Folder 10 **Handwritten Notes Referring to the Reinecke Case. [1948].**
- Box 2, Folder 11 **Copy-Principles' Circular No. 943-H.W. Loper Superintendent. March 16, 1948.**
- Box 2, Folder 12 **Correspondence. Re Louis Budenz. August 3, 1948.**
- Box 2, Folder 13 **Copy-Correspondence from Louis Budenz to Gizella Budenz. May 14, 1930.**
- Box 2, Folder 14 **Photocopy-Correspondence to Louis Budenz from Louise Gahen. Nds.**
- Box 2, Folder 15 **Transcription of Questions asked Mr. Budenz from Louise Gahen. Nds.**
- Box 2, Folder 16 **Transcription of Questions asked Mr. Budenz by Richard Gladstein. August 5, 1948.**
- Box 2, Folder 17 **Cross Examination of Louis Budenz by Richard Gladstein. Transcript. August 6-7, 1948.**
- Box 2, Folder 18 **Resolution in Support of Dr. and Mrs. J. Reinecke. August 10, 1948.**
- Box 2, Folder 19-22 **Correspondence:**
- Box 2, Folder 19-21 **1948.**
- Box 2, Folder 22 **Testimony of Louis Francis Budenz on Behalf of the United States Government (Incomplete). Newspaper Clipping. 1948.**

CAUGHLAN CASE

Box 3, Folder 1 **Questions Asked Jurors. Nd.**
Box 3, Folder 2 **Notes on John Caughlan. 1946, 1948.**
Box 3, Folder 3-5 **Correspondence:**
Box 3, Folder 3 **General, 1947-1949.**
Box 3, Folder 4 **Richard Gladstein. 1948-1949.**
Box 3, Folder 5 **Re Time in Which to Prepare for Trial, (2 copies). [1948].**
Box 3, Folder 6 **Advance Outline-Questions to Jurors, (2 copies). [1948].**
Box 3, Folder 7 **Law Re Argument for Bill of Particulars, (2 copies). [1948].**
Box 3, Folder 8 **Re Sufficiency of Indictment, (2 copies). [1948].**
Box 3, Folder 9 **Law Re Evidence, (2 copies). [1948].**
Box 3, Folder 10 **Appeal Letter and Pamphlets. [1948].**
Box 3, Folder 11-15 **Legal Documents. 1948.**
Box 4, Folder 1 **Legal Documents. (2 copies). 1948.**
Box 4, Folder 2 **Selection of Grand and Petit Jury in Federal Court. August, 1948.**
Box 4, Folder 3 **Memorandum Re Nature of Proof Required on Part of Government in U.S. vs. Caughlan. August 23, 1948.**
Box 4, Folder 4 **Supplement No. 1 to Memorandum on Nature of Proof Required.... 1948.**
Box 4, Folder 5-6 **Copy of the Final Argument in U.S. vs. John Caughlan. September 23, 1948.**
Box 4, Folder 7 **General Literature. 1948.**

CANWELL HEARINGS

Box 4, Folder 8

Second Canwell Hearing-University and Playhouse Group Testimony of Out-of-Town Witnesses. 1948.

Box 4, Folder 9

Correspondence. 1948.

HARRY BRIDGES CASE

Box 4, Folder 10 **Statement of Harold Chapman Brown on Marx-Engels. Nd.**
Box 4, Folder 11 **Marxism-Leninism Theory of the Working Class. Nd.**
Box 4, Folder 12 **Statement of Walter Thompson. Nd.**
Box 4, Folder 13 **Affidavit of Jack Wood. April 18, 1947.**
Box 4, Folder 14 **Correspondence. September 11, 1948.**
Box 4, Folder 15 **Investigation of Grand Jurors. June, 1949.**
Box 4, Folder 16 **Statement from Unknown. 1950.**
Box 4, Folder 17 **Legal Document. April 25, 1950.**
Box 4, Folder 18 **Affidavit of John Vance. September 7, 1950.**
Box 4, Folder 19 **Statement from Elinor Kahn. June 19, 1950.**
Box 4, Folder 20 **Statement from John Ferguson. June 20, 1950.**
Box 4, Folder 21 **Notes by Elinor Kahn on John Ferguson. June 20, 1950.**
Box 4, Folder 22 **Questions to John Ferguson By Elinor Kahn. [1950].**
Box 4, Folder 23 **Affidavit of Arnold W. Parker re John Ferguson. July 27, 1950.**
Box 4, Folder 24 **Affidavit, Corrections, Correspondence of Harry Harrison. 1961-1962.**

FOLEY SQUARE TRIAL AND THE BAR COMMITTEE TO DEFEND LAWYERS' RIGHT TO ADVOCACY

Box 5, Folder 1-6	Foley Square Trial:
Box 5, Folder 1	Ritchie's [sic] Memos. 1949.
Box 5, Folder 2	Transcript Richard Gladstein's closing Remarks. October 10, 1949.
Box 5, Folder 3-5	Transcripts. U.S. vs. Sacher, Gladstein, et al. October, 1949.
Box 5, Folder 6	Mundt-Ferguson Bills. 1949-1950.
Box 5, Folder 7-11	Bar Committee:
Box 5, Folder 7-8	Correspondence. 1949-1950.
Box 5, Folder 9	Press Releases and Press clippings. 1949-1950.
Box 5, Folder 10	Legal Documents. 1949-1950.
Box 5, Folder 11	Analysis of The Internal Security Act of 1950 (McCarran Act). November, 1950.

THE DRAFT DURING THE VIETNAM WAR

Box 5, Folder 12-14 **Correspondence. 1968-1969.**

Box 5, Folder 15 **Legal Document. August 15, 1969.**

Addendum

- Box 6 **Transcript-Celeste Strack Testimony; Expert Witness Called Upon by The Defense. REINECKE CASE, V. I, Folder 1. Legal Documents. 1952, 1954.**
- Box 7 **Transcript of the Canwell Hearing. Direct Examination of Witnesses. V. I, January 27, 28 and 29, 1948.**
- Box 8 **Transcript of the Canwell Hearing. Direct Examination of Witnesses. V. II, January 30, 31 and February 2, 1948.**
- Box 9 **Transcripts: National Labor Relations Board-ILWU, *et al.* September 16 and 28, 1948. National Labor Relations Board-Pacific Maritime Association, *et al.* July 6, 16-17, 20, 25, 1951. August 6, 1951.**

Separation Sheet

Box 10

Newspaper Clippings of the Canwell Hearings. July 19, 1948-July 24, 1968.

Box 10

Wire Recording of Chung. [1940s?].