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The thesis of Gregory Humphrey entitled
Admission of Representatives of "Purported Labor Organizations"
to the U.S. and Its Implications for American Trade Unions

submitted in partial fulfillment of the requirements for the
degree of Bachelor of Arts in Liberal Studies in the School
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ADMISSION OF REPRESENTATIVES OF
"PURPORTED LABOR ORGANIZATIONS" TO THE
U.S. AND ITS IMPLICATIONS FOR
AMERICAN TRADE UNIONS

A Thesis
submitted in partial fulfillment of the requirements for the
degree of
Bachelor of Arts in Liberal Studies

By

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Washington, DC
Date of Final Seminar Presentation
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My paper is on the topic, Admission of Representatives of "Purported Labor Organizations" to the U.S. and Its Implications for American Trade Unions.

The paper examines the political issues that have arisen as a consequence of the United States government's refusal of official visas to the "Representatives of Purported Labor Organizations in Countries Where Such Organizations Are In Fact Instruments of a Totalitarian State" (22 U.S.C. Sec.2691 (b)). This standard for the denial of visas is authorized by the McCarran-Walter Act of 1952 which has regulated U.S. immigration policy for the past 37 years. The McCarran Act was controversial from the time of its enactment over President Truman's veto. In his veto message Truman called the McCarran-Walter Act worse than the Alien and Sedition Acts. While President Truman's veto was overridden, the McCarran-Walter Act is now largely seen as anachronistic because it both infringes on the right to free expression and the reputation of the United States as a nation that values freedom over the convenience of the government.

Accordingly, since its enactment over President Truman's
veto many of the restrictions of the McCarran-Walter Act have been eliminated. The efforts of opponents of the McCarran Act to eliminate the law's restrictions on entry to the U.S. by individuals who hold unpopular views have been successful. Many, who in the past would have been barred from entry into our country, are now free to enter and express their point of view to American audiences. One of the few ideological prohibitions left in the McCarran Act is the exclusion of representatives of communist government controlled unions.


The McGovern amendment in 1977, eliminated restrictions from the McCarran-Walter Act that kept out individuals with political views and affiliations proscribed by the United States Attorney General. Senator Howard Baker two years later changed McGovern's amendment and exempted representatives of "purported labor organizations "terrorists" and aliens affiliated with the Palestine Liberation Organization from the more liberal standards of the 1977 McGovern amendment. The Frank-Moynihan
amendment prohibited the exclusion or deportation of aliens, "because of any past, current, or expected beliefs, statements, or associations which, if engaged in by a United States citizen in the U.S. would be protected under the Constitution of the U.S." My paper examines the political battle in the U.S., the implications of the positions taken by the two sides in the fight and the values that each side adhered to.

Both sides had good reason for the position's they took, however, in the end the workers of eastern Europe have rendered a verdict on the value of the AFL-CIO hard line stance against their oppressors. By abandoning the official government unions eastern European workers made it clear that non-recognition of these institutions was the best course if one's concern was to support the struggle of those seeking to build an independent labor movement.
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The paper examines the political issues that have arisen as a consequence of the United States government's refusal of official visas to the "Representatives of Purported Labor Organizations in Countries Where Such Organizations Are In Fact Instruments of a Totalitarian State" (22 U.S.C. Sec.2691 (b)). This standard for the denial of visas is authorized by the McCarran-Walter Act of 1952 which has regulated U.S. immigration policy for the past 37 years. The McCarran Act was controversial from the time of its enactment over President Truman's veto. In his veto message, Truman called the McCarran-Walter Act worse than the Alien and Sedition Acts, and said, "Seldom has a bill exhibited the distrust evidenced here for citizens and aliens alike."\(^1\) While President Truman's veto was overridden, the

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Accordingly, since its enactment, many of the restrictions of the McCarran-Walter Act have been eliminated. The efforts of opponents of the McCarran Act to eliminate the law's restrictions on entry to the U.S. by individuals who hold views unpopular with the U.S. government have by and large been successful. Many, who in the past, would have been barred from entry into our country, are now free to enter and express their point of view to American audiences. Over the past thirteen years, three major amendments, in 1977, by Sen. McGovern; in 1979 by Sen. Howard Baker; and, in 1986, by Rep. Frank and Sen. Moynihan made major changes in the McCarran Act.

The McGovern and Frank Moynihan amendments systematically eliminated restrictions from the Act that kept out individuals with political views proscribed by the United States Attorney General. The Baker amendment exempted representatives of "purported
labor organizations" terrorists and aliens affiliated with the Palestine Liberation Organization from the more liberal standards of the 1977 McGovern amendment. The Frank-Moynihan amendment prohibited the exclusion or deportation of aliens, "because of any past, current, or expected beliefs, statements, or associations which, if engaged in by a United States citizen in the U.S. would be protected under the Constitution of the U.S."\(^2\) The McGovern amendment of 1977 required the Secretary of State to recommend a waiver to the Attorney General for aliens excluded from admission to the U.S. because of affiliation with a proscribed organization, unless that individual's entry was contrary to the security interests of the U.S. The 1977 McGovern amendment was not to the McCarran Act itself, but to the the legislative authority of the State Department.\(^3\) McGovern and his supporters stated that their actions were motivated by the 1975 Helsinki Accords on Human Rights guaranteeing freedom of movement and increased contact between


\(^3\) Act of Aug. 1, 1956 (Sec. 21; 22 U.S.C. 2691)
citizens of the signatory nations. The McGovern amendments change in the law allowing representatives of government-controlled unions to enter the U.S., resulted in a major effort by the AFL-CIO and by groups concerned with the admittance of representatives of terrorist groups to modify the 1977 McGovern Amendment and restore the restrictions that existed prior to 1977. In 1979, the McGovern amendment was itself amended by Sen. Howard Baker so that its provisions do not apply to "representatives of purported labor organizations..." and to aliens associated with the Palestine Liberation Organization.\footnote{4} The next legislative battle which addressed the issue of official visa’s for "representative’s of purported labor organization’s" came in the 100th Congress and is refered to as the"Moynihan-Frank Amendment", after Sen. Daniel Patrick Moynihan the principal Senate sponsor, and Rep. Barney Frank the House sponsor. This effort to change the McCarran Act was much more ambitious than the McGovern amendment of 10 years before. In the

\footnote{4} 22 USC. Sec. 2691 (b). (The Baker Amendment to the Foreign Relations Act.
end, the Moynihan-Frank amendment eliminated most of the purely ideological restrictions that remained in the law.

The previously mentioned changes in the law generally favor more openness in international political dialogue. After the modification of the McGovern amendment restored the pre-1977 rules for admittance to the U.S. for representatives of "purported labor organizations" the next major effort made to change the rules for admission of the labor representatives in question came through a bill authored by Barney Frank. His bill, H.R. 1119 (100th Congress), produced major divisions in the American labor movement. Several unions opposed continuing the Baker amendment bar against allowing visas for East Bloc labor officials while the AFL-CIO continued to support the Baker amendment standards.

While the law remained unchanged as it applies to unions, an ideological shift occurred in the rest of society that allowed Congress to make changes in the rules affecting political exclusions of other visitors and immigrants. While American trade unions generally supported the changes in other areas, it was felt that agreeing to exchanges with government-controlled
unions was tantamount to acceptance of the moral equivalency of individuals and organizations who were really the representatives of states that held workers down rather than acting to advance their rights. The refusal of the AFL-CIO to accept East Bloc labor representatives as moral equals constituted a kind of exceptionalism for American unions. Most western unions outside the United States engage in contacts and exchanges with the labor organizations objected to by the AFL-CIO. In addition, American business, the press and academia all try to relate to their East Bloc counterparts. Almost alone, American unions insist that they have nothing in common with labor officials from communist countries. The political battle to influence the rules governing issuance of visas for representatives of "purported labor organizations" amounts to a major conflict of values and views between, and among, the unions and the rest of American society.

The unions that fought for change in the McCarran-Walter Act, (the National Education Association, the International Association of Machinists, the Newspaper Guild, the International Longshoreman's and Warehouseman's Union (ILWU) and the
UAW), pursued a modification of the existing law for several reasons. The most common reason a union lined up in favor of change in the Act was a desire to reciprocate a visit made to an East Bloc country as a guest of that country's labor organization. The attempt to reciprocate and host a visit by the labor representatives of the communist country generally was met by a refusal of a visa. There are numerous examples of this occurring, and I cite the following as typical.

As recently as 1988, the National Education Association sought approval of visas for a reciprocal visit by the leadership of the Education and Scientific Workers Union of the U.S.S.R. to attend a "professional, non-union conference," as guests of the NEA. The individual working on getting visas for the Soviet's visit, a Ms. Potter, concludes that the administrative proceedings "do not look promising." The NEA was attempting to reciprocate after a visit to the Soviet Union hosted by the Soviet Education Union. In addition, the NEA was affiliated with the

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World Congress of the Teaching Profession, as is the Union for Education and Scientific workers of the USSR. In this case, the NEA was attempting to host a delegation from a fraternal organization. The NEA saw the law preventing the Soviet visit as an infringement on the union's right to freely associate with any organization of its choosing. The law does, of course, restrict the almost unlimited political discourse that American citizens see as their right. The U.S. government was seen by the NEA, as practicing a hypocritical suppression of political expression similar to those that our government accuses the communists. It is clear from the NEA communications in support of changing the law that their reasons for seeking change did not include any sympathy or identification with the values of the communist unions. Rather, they believed that a reciprocal visit was a good way of expanding the flow of ideas and contacts between groups. Expanding contact was viewed as a good thing in and of itself, especially, since expanded contacts were at the heart of the Helsinki human rights agreements and were thought by NEA to be beneficial to the educators in communist countries.
For those opposed to official contact with communist labor organizations, especially the AFL-CIO, the policy of maintaining the McCarran Act prohibitions was equally principled. Accepting as equals and peers the officials who were appointed by the communist government to represent workers interests was tantamount to abandoning those workers to their government's mercies. In a resolution adopted by its founding Convention in 1955, the AFL-CIO stated that the representatives of labor organizations controlled by governments, rather than the membership they claim to represent, have nothing in common with independent unions and cannot be accorded the honored status of worker representatives.

AFL-CIO policy was designed to apply to government labor fronts no matter what the coloration of the government involved. The policy of non-recognition has guided the AFL-CIO in its relations with South African and Chilean unions, as well as, with Communist Bloc labor organizations. While all of the cases I examined focus on East West conflicts, this AFL-CIO policy has been enforced across-the-board.
Attempts to bring the labor movement in line with prevailing political wisdom happens with some regularity in our society. Often labor would be better off if it could change its views more easily. In the case of this important issue, however, a strongly held value guided the political policy of an important American institution and eventually worked to the benefit of millions of workers in Eastern Europe. By holding firm against internal and societal pressure to change this strongly held value, the AFL-CIO produced important benefits both for the American labor movement and for workers in other less free countries.

From the time of its founding, the AFL-CIO has opposed recognizing representatives of government controlled labor organizations as occupying the same moral ground as the men and women who are elected by their union membership to further the interests of working people. The proceedings of the merger convention between the American Federation of Labor (AFL) and the Congress of Industrial Organizations (CIO) in 1955, addressed the question of exchanges between American unions and these "purported" trade unionists, "The AFL-CIO rejects as a matter of
principle, the idea of free labor sending delegations to any country which prohibits free trade unions, outlaws all free trade union activities, and penalizes workers for advocating free trade unionism..." The Convention resolution goes on to make the case that this policy applies to countries regardless of "totalitarian hue," but it is clear that the major target of this policy was the communist Bloc since Moscow was the regime castigated by name.

At the time of merger, very little contention existed between the unions that would later split over the AFL-CIO's policy of objecting to visas for representatives of unions controlled by communist governments. The year 1955 was immediately after the McCarthy period, and few were willing to publicly object to the characterization of communism implied by the AFL-CIO's policy of denying recognition to communist government unions. Many unions also had just come through WWII and were alarmed by the role

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7Ibid.
that some unionists with communist affiliations or sympathies had played during World War II. It was not uncommon for unions to have had leadership that advocated sacrifice of trade union rights, such as the right to strike, in order to speed up war production. Often these individuals called for American unions to support policies that were dictated by needs unrelated to any reasonable appraisal of the interests of American workers. A combination of timidity on basic trade union issues and recklessness on questions of American military and diplomatic strategy led to political battles in some unions, particularly in the CIO, to remove communist leaders after WWII had been concluded. By 1948, the CIO was in the process of withdrawing from the World Federation of Trade Unions along with the British Trade Union Congress and other non-communist trade union centers.⁸ These unions, along with the AFL, formed the International Confederation of Free Trade Unions as a labor secretariat to counter the influence of the communist

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⁸ A Trade Union Center is the organization of all the unions in a country. Its purpose is political work rather than the usual trade union business of negotiating contracts or conducting strikes.
dominated international labor groups. For most American trade unions, communism was a discredited philosophy. This view of communism contributed to the general union acceptance of the AFL-CIO's opposition to exchanges with communist unions.

Some unions had specific problems with the immigration laws as they applied to foreign nationals with political affiliations unacceptable to the U.S. Attorney General. The United Auto Workers (UAW), for example, was an international union with operations in Canada. UAW meetings and conventions frequently required staff and officers to cross the U.S.-Canadian border to attend the union's functions. An April 15, 1967 letter from the U.A.W.'s special counsel, Joseph Rauh, to General Counsel Stephen Schlossberg spells out the "usual" problems some UAW delegates will have gaining entry to the U.S. for the upcoming Convention.9 The delegates who experienced immigration problems usually had some kind of radical background that would pass virtually unnoticed in

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other societies yet when they attempted to enter the U.S. they found themselves on the Attorney General’s black list. The affiliations in question were usually long in the past and were more associated with an individuals political views than with acts of violence or outright revolution.

Other unions, such as the Amalgamated Clothing Workers (now the Amalgamated Clothing and Textile Workers Union), had similar problems with international staff and delegates. While these problems were not entirely related to the law’s prohibition against entry of communist trade unionists, they led to an antipathy to the McCarran Act in general. In fact, the McCarran Act was only the latest in a series of exclusionary laws that unions (particularly those representing large numbers of immigrants) had struggled with. For many years, the U.S. government had tried to keep out potential troublemakers. After the Russian revolution those efforts were intensified.

The attitude of several unions on recognition of Eastern Bloc labor representatives changed as the 1960’s became the 1970’s. It probably had something to do with the aftershocks of the war in Viet Nam and
the Watergate scandal as attitudes toward government and its legitimacy began to shift. It is clear that the unions opposed to the long-standing policy of the AFL-CIO regarding the admittance of Eastern Bloc labor officials were part of the internal opposition to the AFL-CIO's policy supporting the efforts of the U.S. in the Viet Nam war. The UAW, which left the AFL-CIO in 1968, the Machinists (IAM), the Newspaper Guild, the Amalgamated Clothing Workers and others formed an internal opposition over Viet Nam policy.

In addition, three of these unions broke with the AFL-CIO policy of non-endorsement of Democratic Presidential nominee George McGovern in the 1972 election.\textsuperscript{10} The Newspaper Guild did not endorse in 1972, only because endorsements were controversial with reporters who believed political action could be seen as compromising their professional objectivity. The period of the 1970's was clearly one of changing political views in the labor movement as well as in

\textsuperscript{10}UAW, IAM, ACW, and others such as the Communications Workers, Service Employees, State, County and Municipal Workers formed a Labor for McGovern Committee which eventually included unions representing more than half the membership of the AFL-CIO.
the larger society. The AFL-CIO refusal to endorse Democratic Party nominee George McGovern for President was justified by then President George Meany as necessary because McGovern was not supported by many unions especially in the building trades sector. Meany stated that any attempt to endorse would split the AFL-CIO, weakening its overall political efforts. Most observers at the time believed that the non-endorsement of Sen. McGovern was yet another indication of the AFL-CIO’s and George Meany’s support for the Viet Nam war policies of three separate presidents. (Kennedy, Johnson, Nixon)

The development of the divisions over the 1972 presidential race in many ways foreshadow the development of the divisions that would emerge later over immigration policy. For several unions, their traditional support of American foreign policy was severely undermined by the war in Viet Nam. This loss of confidence in the rightness of American foreign policy as it pertained to the War, spread to other areas. In addition, some of the political connections between unions and groups seeking change in the nation’s immigration laws were made during the 1972 Presidential election and the continuing effort to end the war in Viet Nam.
By 1977, the Helsinki Accords had been signed and a national election had taken place that drove the Republicans from power. Senator McGovern, who sat on the Foreign Relations Committee, took steps to change the immigration policy of the U.S. as it applied to the exclusion and deportation of aliens in order to bring it into compliance with the Helsinki Accords. 11 McGovern amended the State Department authorization to require the Secretary of State to recommend a waiver to the Attorney General of aliens excluded on the grounds of affiliation with a proscribed organization, unless the Secretary determined and certified to the Congress that the aliens admission would be contrary to the security interests of the United States. 12

The McGovern amendment applied across-the-board and wiped-out the long time exclusion of representatives of East Bloc labor organizations. The AFL-CIO was taken by surprise on this issue, and the McGovern amendment became law without much of a fight

11 Some felt that the 1977 Amendment was McGovern’s revenge on George Meany.
12 22 U.S.C. 2691, Sec. 21.
from Labor. A response from Labor was not long in coming, however, at its' August 1978 Executive Council meeting the AFL-CIO adopted a resolution entitled, The Soviet Workers Movement. This resolution stated the AFL-CIO view of the nature of soviet labor organizations very clearly. Noting the development of worker discontent in the USSR, the resolution states that a workers movement has begun to take shape and that that movement is publicizing criticism of the "fraudulent official Soviet trade union movement". The resolution goes on to quote from the Soviet Constitution, "The Communist Party of the Soviet Union is the leading and guiding force of Soviet society and the nucleus of its political system, our state and public organizations." The resolution quotes the Soviet Labor Union Statutes as well, "Labor unions carry out all their work under the control of Communist Party of the Soviet Union, the organizing and guiding force of the Soviet

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14Ibid
society."\(^{15}\)

It is important to note that the major focus of the resolution is the status of the Soviet Workers Movement and the responsibility that American unionists have to support the efforts of the Soviet workers. The leader of the indigenous union referred to in the resolution was committed to a mental hospital for criticizing the existing government "unions" and for seeking support from the free trade unions in the West. It is the AFL-CIO's point that recognizing the government unions is in effect a sell out of the interests of working class leaders willing to risk their own personal freedom for free trade unions. The resolution states that "The AFL-CIO will not turn its back on their appeals."\(^{16}\) This resolution is extremely important in that it sets out the basic outline of the AFL-CIO stance on the legitimacy of East Bloc unions and it establishes an idealistic basis for the AFL-CIO's continuing opposition to the recognition of East Bloc labor

\(^{15}\)Ibid

\(^{16}\)Ibid
organizations. The tendency of opponents of the AFL-CIO's stance in 1977 was to characterize the objections of the AFL-CIO to allowing official visas for East Bloc labor officials as a remnant of a cold war ideology discredited by the disaster in Viet Nam. In this two page resolution, it is made clear that the AFL-CIO's policy is grounded in the issue of workers rights all over the globe. The AFL-CIO resolution bars exchanges with Soviet Labor "fronts," also states, "We call upon all of our affiliated unions to refuse to participate in such exchanges." The record shows that this resolution was adopted unanimously. In addition, Congress is urged to repeal the McGovern amendment and the resolution concludes "the new workers voices from behind the Iron Curtain remind us that societies that deny political and civil rights also deny economic and social rights. There are no trade-offs in the field of human rights".17

The struggle to repeal the McGovern amendment was well underway by the time this resolution was adopted, legislation carrying the Baker amendment had passed

17Ibid.
the Senate and was awaiting action in a House-Senate conference committee. It is interesting to note that the AFL-CIO which supports democrats in more than 95% of the contested House and Senate elections was unable to find a democrat to advance its' point of view and was forced to rely upon the efforts of the, then, Senate Minority leader, Howard Baker, R-Tenn. In the House, no vote was taken on the issue and the House passed-bill contained no redress for the AFL-CIO. In conference committee, however, the Baker Amendment was compromised to cover labor exchanges, terrorists, and aliens associated with the PLO.18

The successful struggle of the AFL-CIO to restore the law as it applied to communist unions was aided by the political climate of the time. By 1978, many in Congress were beginning to question the conduct of the Soviet Union on many human rights questions. The Helsinki Accords appeared to have no meaning to the Soviet Union as it entered the last phase of the Breznev regime. State repression appeared to be worse than at any recent time, and the struggle between East

and West was entering a new and apparently dangerous phase. By the end of the 1970's, the United States would be boycotting the Moscow Olympics because of the Soviet invasion of Afganistan, the Senate would decline to ratify a Strategic Arms Limitation Treaty that had been negotiated by three previous Presidents, and a political struggle in Europe would be underway over the western response to the stationing of new Soviet intermediate range missiles in eastern Europe. This souring of relations between East and West no doubt played a role in the decision of Congress to adopt the Baker amendment and restore the status quo ante McGovern. The decade ended, of course, with the election of Ronald Reagan.

While relationships between East and West deteriorated, an event in Poland occurred which eventually placed the entire matter of what was at stake in this battle in sharp focus. The rise of the Solidarity Trade Union, in spite of the existence of official unions, recognized by the government virtually defined the AFL-CIO position in concrete terms. Solidarity almost immediately asked for and received help from the AFL-CIO. Part of this help was the recognition that only Solidarity represented
Poland's workers. This recognition was given by the AFL-CIO, and by virtually all of the unions in the United States. By the time Solidarity was ready to have its first national Congress in Sept. 1981, AFL-CIO President Lane Kirkland was invited to speak at the meeting. The Polish government refused to issue a visa for Kirkland's visit, an interesting turnabout on the AFL-CIO's opposition to U.S. visits by representatives of the official unions sponsored by the Polish Government.19 The rise of Solidarity and its subsequent supression by the Polish government provides the best context for examining the AFL-CIO point of view. Nevertheless, the value of exchanges with East Bloc labor officials continued to appeal to those in the American labor movement who valued contacts with these labor organizations even if they didn't share their views.

In January 1981, the National Education Association renewed an invitation to a four person delegation from the Soviet Educational Employees Trade Union to visit the U.S. for two weeks in Feb. 1981 as

a guest of the NEA. This was a reciprocal visit since
their Soviet counterpart had hosted a visit by the
leadership of the NEA some time before. The State
Department turned down the request for visas as being
inimical to the provisions of the Baker Amendment. In
a confidential memo from Edward Hurwitz to a Mr. Barry
regarding the visa application, Mr. Hurwitz states, "S/IL
categorically opposes the visit, and claims that
this is precisely the sort of delegation and activity
that the 1979 alteration of the McGovern Amendment was
designed to prevent." This refusal by the State
department to honor the NEAs request for an entry visa
fueled the association’s entry into the battle over
recognition of East Bloc labor officials. The memo
goes on to state that the office for international
labor affairs (S/IL), see’s "this invitation, as
well as, an earlier NEA invitation to a Cuban
delegation as attempts by NEA to undercut the AFT, an
AFL-CIO affiliate. The memo goes on to say that

20 Confidential Memorandum, from EUR/SOV-Edward
Hurwitz To:EUR-Mr. Barry, Subject:Visa Application by
Soviet Education Trade Union Officials. Department of
State.

21 Ibid.
despite the claim that this invitation is for an educational visit, since the NEA engages in collective bargaining, S/IL cannot accept the argument that this visit will not involve trade union matters. This short one-page memo establishes much of the NEA's motivation, a desire to reciprocate a visit and a degree of resentment that its ability to play a role in the international affairs arena is pre-empted by an organization it has chosen not to belong to, the AFL-CIO. This refusal to issue visas to the Soviet educators was mirrored by a similar refusal to a Soviet delegation invited by the Machinists union, and a Chinese delegation invited the International Longshoremen's and Warehouseman's Union. These refusals led to activity by these unions to change the McCarran Act. For the ILWU the McCarran Act had long been a problem. The union's leader, Harry Bridges, was the subject of a McCarran attempt to deport him back to his native Australia. Bridges was acquitted because it was not proved that he was a communist.

The State Department enforcement of the Baker amendment continued through the 1980's. Various unions found fault with the existing law including the Newspaper Guild. In testimony before the Subcommittee
on Immigration, Refugees, and International Law, Charles A. Perlik, Jr., President of the Newspaper Guild called for changes in the McCarran Act as it applied to reporters. Mr. Perlik supported H.R. 1119 which would have changed the McCarran Act as it applied to reporters and also as it governed the admission of "purported trade unionists". Mr. Perlik's reasons for supporting this bill were clearly stated in his testimony; two journalists for the Soviet News agency Novosti were barred by the State department from entering the U.S. Mr. Perlik stated, "As in other cases, the State Department gave no official reasons for its action, much less any evidence. In response to our protest, the department replied only that those reasons were unrelated to the Journalists' professional duties. What a splendid position this puts us in the next time we protest the exclusion of a U.S. correspondent by the Soviet Union---or any other country for that matter...".22

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Mr. Perlik concludes his statement asking for approval of H.R.1119 to "take the government out of the business of prescribing the degree of orthodoxy required to cross our borders and the range of foreign opinion our citizens will be allowed to hear." It is clear from this statement that the Newspaper Guild's objection was not only in the area of treatment of reporters. The statement goes to the heart of the argument raised by opponents of the bar against admission of "purported trade unionists", which is that regardless of what they represent, our citizenry is denied an opportunity to make up its own mind when immigration policy is used to prevent the entrance of individuals on the basis of ideological considerations such as their status as representatives of labor organizations guided by governments rather than workers.

The Machinists union had similar considerations in its opposition to the AFL-CIO position on admission of these individuals. According to Robert Kalaski, editor of the Machinists Newspaper, "Editors of

\[23\] Ibid.
several American union papers visited Russia in 1985. It was a useful trip. Not unnaturally, we asked the Soviet journalists to pay us an exchange visit. They tried but then were denied visas by our own government, and they were kept out again when extended another invitation in 1986." These unions along with a few others joined together in support of H.R.1119. The issues were clearly drawn, with the AFL-CIO and most of its affiliates continuing to support the exclusion of East Bloc labor officials from admittance to the United States. On the other side, a group of unions which felt that even though the legitimacy of the individuals as trade unionists was in question, the United States government should not restrict their ability to relate with these organizations if they chose too. In addition the opponents of the AFL-CIO position used the argument that our system of government was not well served by any attempt to censor the so called marketplace of ideas that constituted normal American political

discourse. The AFL-CIO did not oppose liberalization of the parts of the McCarran Act that did not apply to labor exchanges. In fact, as an organization, the AFL-CIO can be described as civil libertarian, advocating and supporting legislation that protects freedom of expression and freedom of association. In this matter, however, the issue at stake transcended any limitation on expression that resulted from continuation of the State Departments visa policy. What was at issue as far as the AFL-CIO was concerned was a bond of solidarity with oppressed workers all over the world.

It is well known that the AFL-CIO conducts an extensive foreign policy with government funded institutes that relate to trade unions in Latin America, Asia, Africa and Europe. After WWII, AFL-CIO representative, and later international affairs director Irving Brown, was instrumental in rebuilding the war shattered trade union's of Europe. Brown also made sure that communists played little or no role in the unions he helped to rebuild. From the post WWII era until the present the stance of the AFL-CIO to communist led unions has been uniformly hostile. While some critics describe the AFL-CIO as being
possessed of an unremitting cold war philosophy, the leadership of that organization sees its antagonism toward communism in a very different light. While having few illusions about the nature of employers in a modern capitalist state, the American trade union movement has had little difficulty distinguishing its condition from the condition of those in states where workers are not free to choose their own trade union's or the leadership of their organizations. For the AFL-CIO the question of exchanges with the official labor organizations of the east bloc was a matter of keeping faith with the workers in those countries. In 1986 when efforts to repeal the bar against visas for "purported trade unionists..." were beginning to peak, the AFL-CIO stated "Even if the visa regulations now in effect were to be lifted or relaxed, the AFL-CIO would not participate in meetings or exchanges with the representatives of so-called trade unions that are in reality instruments of the state. To do so would dishonor those workers in the Soviet Union, Poland, and other East-Bloc states who have suffered imprisonment and other punishment for trying to
establish independent trade unions."\textsuperscript{25}

The key to the AFL-CIO position was its determination to keep faith with workers struggling for trade union rights in other countries. Exchanges with Soviet or other east-bloc labor organizations would send a message to those struggling to build an independent labor movement, that they were all alone in the world. Exchanges where the representatives of the official government were greeted as legitimate representatives of the workers of their countries would demoralize those who risked all to build an independent organization for workers. Whether or not the stance of the AFL-CIO led to greater rights immediately for workers in the eastern Bloc was almost secondary in the reasoning that led to the AFL-CIO's position. What was critical was the fact that if workers attempted to develop an independent role for themselves in their society the labor center in America would use its facilities to inform American workers and other citizens of the U.S. of their

\textsuperscript{25} Lane Kirkland, President AFL-CIO, Letter to General Presidents of All International Unions, May 20, 1986. Emphasis added.
existence and take whatever actions were possible to protect them with world opinion. In a letter to all General Presidents of AFL-CIO affiliated unions, President Lane Kirkland stated, "I would hope that all our affiliates would choose to support the long standing AFL-CIO policy of denying 'moral respectability and legitimacy to this theory of trade unionism and to organizations that, in the guise of trade unionism, serve as repressive instruments of the totalitarian state."^{26}

The Congress debated the issue through its committee on Judiciary and came close to sending a bill to the floor which would have opened the way for official labor exchanges between representatives of the official government labor organizations of the East Bloc and American unions. In the end, however, the bill was changed to perpetuate the exclusion of East Bloc labor officials despite the protestations of the NEA, Machinists, Newspaper Guild, other unions and many non-labor groups. The NEA was particularly upset by the continuation of the bar against East Bloc labor

^{26}Ibid
officials. "The National Education Association strongly opposes the section of your proposed substitute to H.R. 4427 which deals with the granting of visas for communist labor union leaders".\textsuperscript{27} After disposing of the labor exclusion, Rep. Frank and Sen. Moynihan proceeded to repeal most of the remaining McCarran Act strictures. Lobbying by the AFL-CIO to protect the ban against "purported trade unionists" was highly effective, and relied heavily on the views of the members of Solidarity and other growing eastern European independent unions to persuade the Congress that now was not the time to recognize the crumbling facade of the government sponsored unions in the East Bloc.

The clash of values explored in this paper has had a real world test. The subsequent collapse of the official communist unions of eastern Europe is virtually complete. Whenever the workers of any of these countries are given a choice, they abandon the government labor organizations in favor of their own

\textsuperscript{27} National Education Association, Letter from Govt. Relations Director Melley to Rep. Frank, June 21, 1988.
independent unions. It is clear that the government-sponsored unions never represented the members who were forced to join by their governments. While the problems of workers in the East Bloc are in many ways just beginning, we know that the approach of the AFL-CIO in refusing to recognize the official unions of the communist governments was the correct one. The AFL-CIO played a role in encouraging workers struggling to build a free trade union movement. The unions that sought to engage in exchanges with the government-controlled East Bloc labor organizations were justified in the context of American politics, but had they succeeded it would have had a demoralizing effect on those workers they wanted to help. The denial of official visas seemed to many to be irrational, arbitrary and even childish, yet, for workers in the East Bloc this denial of official recognition by America’s unions mattered greatly. The unions seeking to lift the ban were thinking about their own rights and were offended by what they considered unwarranted government intrusion in their affairs. The constituency being served by the AFL-CIO’s efforts, however, were the barely heard unionists of eastern Europe whose rights were
ultimately advanced by the AFL-CIO's steadfastness. Both sides had good reason for the positions they took. In the end, however, the workers of eastern Europe, who were the subject of this great debate, cast the deciding votes when they abandoned their governments' sham labor organizations. While friendly relations are important and may have a positive impact on world understanding, politics is the way important decisions are made. The political struggle described in this paper could not have been won without idealism and ideology on the part of the AFL-CIO. All unions in time of trouble never fail to ask, "which side are you on?". In the case described here, some unions were offered a glamorous opportunity to advance the cause of "peace" between East and West. They forgot to ask themselves, however, which side they were on in a major political and ideological struggle for freedom and independent trade unions. The AFL-CIO for its troubles, was able to play a major role in the survival and ultimate triumph of Solidarity in Poland. The success of Solidarity grew into a tidal wave which eventually swamped the repressive regimes of eastern Europe. The retreat of the Soviet Union from eastern Europe was obviously the major event that
permitted the toppling of communist regimes all over the region. However, by being steadfast in support of independent unionism, the AFL-CIO played its part in one of the major events of our time.

Immigration policy continues to be an important issue in international labor politics. An independent miners union in the Soviet Union recently invited a delegation of American labor leaders to visit them. Included in the invitation was Lane Kirkland, AFL-CIO President, Richard Trumka, President of the United Mine Workers Union and Albert Shanker, President of the American Federation of Teachers. The government of the USSR refused to issue the group a visa because of the opposition of its official trade union. It should also be noted that Gorbachev has sought power to declare strikes illegal. The official unions of the Soviet Union still exist and are under mounting pressure from the growing independent union movement in the USSR. This issue is not completely played out and will be interesting to watch over the next several years.
BIBLIOGRAPHY


Lane Kirkland, letter to General Presidents of All International Unions, May 20, 1986.


Lane Kirkland, letter to John Henning, February 17, 1989.


Kenneth Melley, NEA Government Relations Director, Letter to Honorable Peter W. Rodino, Chairman, House Committee on Judiciary, May 9, 1988.

Edward Hurwitz, U.S. Department of State Memo to Mr. Barry, April 9, 1981.


Embassy of the United States, Directive Number 337, February 18, 1983, Moscow, USSR.

Joe Rauh Papers, Library of Congress.