the liberty not only of the political pariah and the outcast, but to the liberty of all those thousands of good democrats and progressives whose activities are suspicious... to agencies not far distant from your own august office.” Prichard advised Biddle “not to institute proceedings under Title I of the Smith Act” lest we become a “pallid reflection” of Hitler in our attempt to defeat him.52

Conclusions

Prichard’s argument would be echoed by the defense team during the trial that autumn. In many ways it became the central issue of the case: Did the SWP and its members in Local 544 present a clear and present danger or was their prosecution based on a misperception formed amid fifth column fears in which the sacrifice of civil liberties—most notably freedom of political advocacy, including antiwar views—was justified in the name of national security? Given that no guns were uncovered by the FBI or presented at trial as evidence, that by 1941 the Union Defense Guard functioned only to chaperone SWP holiday parties, and that the Trotskyists had not attempted to overthrow the government, nor had they any plan in place, the SWP was not an obvious or imminent threat to the nation. Yet the government proceeded with the case precisely because the Smith Act did not require evidence of an overt act to assign criminal liability.

The twenty-nine Trotskyists who were arrested and indicted after the June 27 raids believed their civil rights had been violated in the name of national security. They saw the Smith Act as an unconstitutional “gag” law. To them the raids and arrests were the result of a “political debt” that Roosevelt paid to Tobin, in which the federal government intervened in a local union dispute (thereby undermining the June 9 union election). In their minds, the members’ free will had been crushed both by the refusal of the IBT-AFL to let go of Local 544 and by the federal government’s prosecution.53

A close examination of the origins of the case shows that it was rooted in more than just Tobin’s June 12 telegram. That dispatch merely served to justify publicly the next stage in an ongoing classified investigation. It was the grassroots intramun conflict, dating back to late 1940, and the FBI’s self-aggrandizing agenda, based on Hoover’s loose interpretation of Roosevelt’s authorization of domestic political intelligence, that came together and advanced the federal prosecution by the spring of 1941. The investigation reached the desks of eager prosecutors in the Justice Department (Berge and Schweinhaut) and ultimately gained the attention of Acting Attorney General Biddle, who, while perhaps also eager to advance his career with a major sedition case, seemed convinced enough of the potential danger to national security posed by the defendants. Swept up in the momentum fueled by the local grassroots opposition and by the FBI, and in the context of the intensifying war abroad and little red scare at home, Biddle authorized the raids that led to the indictments and arrests of the twenty-nine. He allowed national security concerns to trump the protection of civil liberties.54

53 This argument of a “political debt” has influenced subsequent writings on the case. See Ralph C. James and Estelle James, “The Purge of the Trotskyites from the Teamsters,” Western Political Quarterly, 19 (March 1966), 5–15; and Thomas L. Pahl, “The G-String Conspiracy, Political Repression or Armed Revolt? The Minneapolis Trotskyite Trial,” Labor History, 8 (Winter 1967), 30–51.