

IRA GOLLOBIN: GUILD FOUNDER AND EXEMPLAR

by Dinner Journal Editors with assistance from Susan Douglas Taylor and Amy Ruth Tobol¹

Ira Gollobin's seven decade long legal career defending the rights of individuals imperiled by governmental action is distinguished by his firmly held view that he was also obliged to represent "the American people." This simultaneous commitment to individual clients as well as a larger agenda is discernible not only across the breadth of Ira's legal work, much of which involved immigrants, but in his many writings on behalf of the civil liberties and civil rights of both native- and foreign-born persons.

A Son of Immigrants, Shaped by The Great Depression

Born in 1911 in Newark, New Jersey, Ira, along with his older brother and sister, was raised in the Bronx from the age of three. His mother and father, emigrants from Czechoslovakia and Ukraine, respectively, came to the United States in 1885 as three-year-old children brought by *their* parents. Ira's father, a brilliant, self-educated man interested in mathematics and mechanics, was an inventor who had been granted patents for dental equipment. Raised in an orphanage, he had pulled himself up by his own bootstraps, and believed that others could, too. Although his conservative, Republican views differed from the Democratic ones held by Ira's mother, the primary caretaker of the three children upon whom she exerted the greater parental influence, both Gollobins were very sympathetic to people who were down and out.

Ira attended the College of the City of New York (CCNY) in the late 1920s and early 1930s, halcyon years during which that educational institution produced some of the country's most renowned figures in

both the humanities and the sciences. He developed two lifelong interests at CCNY. One was Latin, in which he retains an interest to this day, and the other was law, toward which he gravitated after taking courses given by Morris Raphael Cohen, the eminent logician and philosophy professor, whose circle included such luminaries as Justice Oliver Wendell Holmes and Sir Frederick Pollock, the British medievalist who, with F. W. Maitland, wrote the magisterial, two-volume work, *The History of English Law*. In autumn 1930, at the start of his third and last year at "City" – in those days, one could matriculate in law school without a college degree – Ira began taking law courses at night at Fordham University's Bronx campus.

Compelled to get a job in 1931 as the Depression deepened, Ira worked 60 hours a week in a dry goods store located near the campus. Because there was so little time to read his casebooks *before* class, he read them *during* class, somehow managing to stay a few minutes ahead of the professors who, then as now, employed the Socratic Method as they called on students to respond to questions about the assigned readings. Ira received his LL.B. degree and passed the Bar Examination in June 1933; the following month he turned 22 years of age. Shortly thereafter, he embarked on a one and one-half year association with Philip Birnbaum, a friendly, hard-working, conscientious, and down-to-earth solo practitioner who paid his new associate the princely salary of \$5.00 per week. After six months, in recognition of Ira's excellent work, Birnbaum gave him a 40% raise; as a result, Ira began earning \$7.00 a week.

Birnbaum's practice was a general one, and he soon came to place great confidence in Ira, who was assigned all manner of work, including assisting at trials and the drafting of appellate briefs. Ira learned a lot about the nuts and bolts of practicing law in those 18 months, including what he did *not* want to do once out on his own. Although he could have become a corporate lawyer and earned large fees, Ira knew from the start that his passions and commitments were elsewhere. Many people were hurting in those times – the nation was then fully in the grip of The Great Depression – and Ira believed that his profession should concern itself more with their problems.

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Ira at four years old.

NLG founders at an early meeting, c. 1937. Ira is sixth from left in first standing row, with Victor Rabinowitz to his left.

Hoboes, Migrant Workers, and Wobblies

Evidently, other young lawyers shared Ira's point of view because, when he was formally admitted to the Bar in 1935, he and the other newly-minted attorneys were subjected to a long lecture by Francis Martin, the Presiding Justice of the Appellate Division, Second Department, who warned them not to become "radical" lawyers. Although these judicial admonitions did not sway Ira from his chosen course, he wanted to learn as much as he could about the rest of the country and the world before starting out on that journey. He had read Jack London's *People of the Abyss*, about the city of London's "Skid Row," and Liam O'Flaherty's *Two Years*, which described that author's travels around the world. "Realiz[ing] that this was [his] one chance to get to know at first hand what makes the world tick,"² Ira told his parents that he wanted to spend a year working his way around the United States, and then a second year, as a seaman, traveling around the world.

Two weeks after I was admitted I left New York. I worked around the country. Among other work, I had harvest jobs in Utah and California, picking oranges, walnuts, and tomatoes, whatever there was. I lived in hobo jungles and I rode the freights. I rode what they used to call "the blinds" ... which was a standing-room-only area located in the first passenger car behind

the locomotive, but sealed off from the rest of that car. This was in the coal burning days ... so you got the benefit of all the coal dust, too. You looked like hell when you got off the thing ... You had to learn how to get on and off ... and you had to learn how not to get caught by the bulls, the railroad detectives ... I saw whole families with babies riding on those boxcars ... they worked in the harvest jobs. I got a very clear, first-hand picture of what was going on, and it sealed my identification with the underdog.³

During the year that Ira was out of the city, he encountered not only migrant laborers and others whose lives had been upended by the nation's economic turmoil, but also an assortment of activists and progressives that included unionists, leftists of various persuasions, and a number of "Wobblies" (as the members of the radical, post-World War I union group, the Industrial Workers of the World, were known), all of whom helped in the formulation of his political views and opinions. He also learned some other, more mundane things – such as how to make bread from the flour that he carried in a sack, and how (after acquiring some rivets in a hardware store in Eugene, Oregon, and scrounging some canvass, leather straps, and a box) to make a serviceable rucksack. The latter was a far better contrivance in which to carry his clothes and other necessities than the

2 Interview of Ira Gollobin, 2005 [hereinafter, IG 2005].

3 IG 2005.



“ginny sack” (a burlap bag tied at one end and carried over the shoulder) he had been using. Ira covered a lot of ground on foot in that year, once walking over 60 miles from Portland to Clatskanie, Oregon, at the mouth of the Columbia River. Almost always he slept out under the stars.

Although Ira wanted to expand his domestic travels to international ones, his father, unbeknownst to him, had died, suddenly and unexpectedly, barely two weeks after Ira had set out from New York. Ira’s mother, not wanting to put a damper on his travel plans, had not informed Ira of the death when it happened, but, as the first year of traveling drew to a close, she decided that he had to be told. Ira returned to New York promptly. With \$200 in his pockets, he had \$125 more than when he had left.

A Young Lawyer Discovers His Life’s Work

After Ira got back to the city, he became involved in community organizing. In 1936, in Washington Heights, he founded and led the Washington Heights-Inwood Town Meeting, a community organization that elicited considerable support from local politicians. Emanuel Bloch, who was to become chief trial counsel to the Rosenbergs, was also involved with the group; he succeeded Ira as its leader in 1938.

It was through the Town Meeting group that Ira was introduced to the practice of immigration law. He had volunteered to help hand out leaflets – at six o’clock in the morning – during a strike at Presbyterian Hospital, where maintenance workers were fighting for union recognition. Irving Novick, a layman neighbor who, as Executive Director of the American Committee for Protection of Foreign Born, was that organization’s guiding light, had also come out to help the maintenance workers.

Novick, impressed by Ira’s early morning commitment to the cause of the hospital workers, made the first of several overtures suggesting that he take on some immigration cases.

Knowing nothing about that area of the law, I firmly declined. Irving, who obviously had a keen insight into my character, was undeterred. He phoned me one day to say that he just needed me to get a hearing adjourned for a person detained at Ellis Island. Unsuspecting, I agreed – it was only an adjournment, after all. Once at Ellis Island, I asked the detainee, who was from India, why he was being held. He told me that he had come as

a seaman to the United States before July 1, 1924. Since immigration law provided that persons coming before that date were not deportable – no matter how they had entered – he thought he was secure against deportation. However, when the Depression hit, he lost his job at a Ford factory in Detroit, Michigan. He decided to try his luck in Buffalo. When he encountered an immigration inspector in Buffalo, the inspector asked only one question: how had he gone from Detroit to Buffalo? On learning that he had traveled by the northern route, that is, through Canada (nonstop, at night, without ever having left the train or known that it went through Canada), the inspector arrested him because, having made a new entry in the United States after 1924, he was no longer protected...Incredulous, I verified the man’s story with an immigration official. I then went at once to a law library in the city. There I found a decision, handed down by the United States Court of Appeals for the Second Circuit, that squarely upheld the immigration authorities’ decision. The ruling struck me as bizarre and arbitrary. I decided that a field of law beset with such rulings presented me with a challenge to defend basic human values and cherished national traditions, and that suited me to a tee.⁴

Although Ira was unable to win the Indian detainee’s case “on the law,” he did succeed in obtaining passage of a “private bill” that enabled the man to remain in the country.

Ira learned a great deal from Irving Novick. In one case that Novick was involved in, a man had been forced to flee his native Germany with his entire family after his anti-Nazi activities came to light. As a result of the irregular circumstances of the family’s entry into the U. S., they had all been ordered deported. On the day the family was to surrender at Ellis Island for deportation processing, Novick instructed the man and his family, which included an infant in a perambulator, to start *walking* from their home in Washington Heights toward the Battery, where the ferry to Ellis Island, and deportation, awaited. Novick then alerted the press – in that era, in addition to many foreign-language newspapers, New York City had at least a dozen English-language newspapers that, between them, published morning,

⁴ Excerpted from *Winds of Change: an Immigration Lawyer’s Perspective of Fifty Years*, Ira Gollobin (published by the Center for Immigrant Rights, 1987).



Left to right: Ira and Esther Gollobin, c. 1943; The New York Committee for Protection of Foreign Born honors Ira, October 28, 1954.

afternoon, and evening daily editions, and also weeklies. Reporters, accompanied by photographers who snapped scores of pictures, showed up in droves as the family made its way downtown. The deportation order was cancelled by the time the family arrived at the Battery.

In 1938, Ira met Carol King, who would become the lead lawyer in the American Committee and remain so until her untimely death in 1953. Over Ira's long career, no other lawyer exerted a greater influence upon him. An extremely able lawyer, King, like Novick, was very astute politically. In one typically deft maneuver, she somehow persuaded Wendell Willkie, the quintessential establishment Republican lawyer and 1940 candidate for President – and, accordingly, utterly immune to brickbats thrown from the right – to defend, in the Supreme Court, the right of a Communist to naturalize (which Willkie did, successfully). With such mentors as Novick and King, Ira quickly came to the conclusion that in the field of law in which he wanted to practice, political considerations could not be separated from legal issues, and would often be more important.

Ira, the National Lawyers Guild, and the American Committee for Protection of Foreign Born: the Early Years

For forty-six years after Ira was admitted to the Bar in 1935, one of the main sources of his cases was the

American Committee of Protection of Foreign Born, which he served first as associate counsel, and then, from 1967-1982, as general counsel.⁵ From his earliest involvement with the American Committee in 1936, Ira's approach to immigration issues had both legal and political dimensions. Until 1942, when he was inducted into the Army, many cases that the Committee referred to him concerned restrictions imposed by the national origins law of 1924, which fixed national origin quotas until 1964.⁶ That Act had no provision for refugees, and many of Ira's cases during those early years involved refugees from Franco's Spain and Hitler's Germany. Ira worked closely with the Joint Anti-Fascist Refugee Committee, and also

⁵ Shortly after Ira became general counsel in 1967, he discovered that the American Committee, whose financial condition had always been precarious, was at risk of being evicted from its offices. Ira averted the crisis, and raised \$10,000 for the organization, by making arrangements to sell its records to the University of Michigan, where they are now available through the Labadie Collection. In 1982, when Ira stepped down as general counsel, and the American Committee For Protection of Foreign Born merged with the Emergency Civil Liberties Committee, the American Committee had over \$40,000 in its bank account.

⁶ Under the 1924 Act's quota system, 83% of the slots were allotted to emigrants from northern and western Europe and 16% to emigrants from eastern and southern Europe. With the exception of South America, which was exempted, the rest of the world – i.e., much of what is now called the "Third World" – constituted the remaining 1%.



helped Guild attorney Irving Schwab find safe haven in Mexico and the United States, as well as other countries, for International Brigade veterans who had fought to uphold Spanish democracy. For the League of American Writers, Ira assisted anti-Nazi German writers, some of whom had been in the underground in Germany. He succeeded in getting a number of those writers admitted to the United States.

As a founding member of the National Lawyers Guild, Ira was a strong force behind the Guild's earliest immigration work. Thus, for example, he reported to the 1942 Detroit convention on behalf of its Immigration and Naturalization Law Committee.

At the same time that Ira was carrying out all this work, *pro bono publico*, for the American Committee and the Guild, he was providing legal assistance to unions and other organizations that advocated on behalf of immigrants. The latter was paid work, and even though the compensation was hardly commensurate with that earned by lawyers who worked for corporations, the money he earned enabled him to continue to do the work for which he was not compensated. In one of Ira's union-related jobs, he served for twelve months as counsel to the Transit Workers Union in 1939-40. The TWU was part of the New York City Industrial Union Council (CIO), and its leaders were the principled and relentlessly single-minded Mike Quill and (NLG member) Harry Sacher, the union's head and general counsel, respectively.

The TWU retainer commenced after the subways, which up to that time had been privately managed, were purchased by the city. Ira was hired, at \$25.00 a week, as counsel to the union and tasked by its leadership with securing citizenship for the roughly 1,500 subway workers who were foreigners. Under the Wicks Act, municipal workers had to acquire citizenship within one year after the law was passed. By the end of that period, all but a dozen or so of the workers had become citizens, and, as to them, Ira was able to get the law's sponsors to support extending the time period. As a result, not one of the workers lost his job. Once his one-year contract with the TWU ended, Ira advised the Industrial Union Council on a non-salaried basis until he was drafted into the Army in November 1942.

Staff Sergeant Gollobin in the Philippines

Ira's stint in the U.S. Army was nearly ended by a

tick-borne infection contracted during basic training in Texas. He was hospitalized with temperatures up to 106 degrees for nearly a week. Some months afterwards, fully recovered, he was assigned to a cryptography unit in New Guinea. From there, he was transferred to the Philippines, where, luckily, the Army confounded Murphy's Law by assigning him to the Judge Advocate General Staff Section, Armed Forces, Western Pacific. Ira's work with JAG concerned whatever the Army's law-related needs might be at a given time, but, late in 1945 and continuing until his release the following year, his job came to encompass debriefing American prisoners who had been detained by the Japanese. The information he collected was later used for the Japanese War Crime Tribunals.

Japan's unconditional surrender in August 1945 marked the end of World War II. Military operations in the European Theater, of course, had ended even earlier. With these developments, America's servicemen and women – numbering twelve million souls, almost all of them civilians – wanted nothing more than to return to their families, homes, and jobs, in short, to civilian life. But the Truman Administration – on the one hand concerned with countering the extension of Soviet power in eastern Europe and the rise of nationalist movements in other areas of the world and, on the other, with asserting its supremacy over the former possessions of Britain, France, Germany, and Holland – was unwilling to allow the rapid demobilization of the most powerful military force ever developed.

In the fall of 1945, the administration announced that all troops with two years' service would be released by March 20, 1946, a move that would still keep millions in uniform after that date.⁷ But this

7 "In August 1945, after Japan had announced its intention to surrender, the House of Representatives held hearings on demobilization. At these hearings, the U.S. Army said that it had 8,050,000 service personnel and it would reduce that number to 2,500,000 by 1 July 1946 (citation omitted). The U.S. Navy announced that its membership totaled 3,300,000, which it would reduce to 550,000 by 1 September 1946. The Marine Corps and Coast Guard had a strength of about 600,000 and they would reduce this to about 145,000 (citation omitted)." Yet, even at these hugely reduced levels, "the army would be almost fifteen times larger than in 1939, the navy more than four times in size, the Marine Corps about five times, and the Coast Guard about three times in size." "The Demobilization Movement of January 1946," Marquit, *Nature, Society, and Thought*, vol. 15, no. 1, at 11-12 (2002).

PHILIPPINE ECONOMY CHOKED BY U.S. CONTROL

by Ira Gollobin

...economy liberation, economy have met of the U.S.-dominated industrialization realization. before the war and consisted main-

returns for consumer goods.

The Philippine American Chamber of Commerce which represents some of America's largest corporations, boasted that they got through the Parity Amendment under which the Philippine had to amend its constitution in order to grant to Americans equal rights in the development of Philippine resources.

SECOND ANNIVERSARY ISSUE!!

Philippines TODAY



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limited relief failed to placate even those who were scheduled for release. "Bring the Boys Home" became a rallying cry heard with increasing frequency, and a campaign called by its creators, "Bring the Boys Home by Christmas," spread quickly in the U.S. Impatience at the snail's pace that characterized the lucky few's mustering out of service spread to the huge majority who remained behind.

In the Philippines, where Ira was stationed, the Truman Administration was paying a great deal of attention to the Hukbalahap (the "Huks"), a Communist-led indigenous movement whose full name, in translation, was the "People's Anti-Japanese Army." By mid-1945, the Huks' guerilla war, which began with the Japanese occupation of the Philippines in 1941, had cleared the Japanese out of central Luzon, the main Philippine island. Their success against the Japanese endeared the Huks to the GIs, who would otherwise have been required to fight their common enemy. Spared what doubtless

would have been a costly struggle, the GIs considered the Huks to be allies. With the Japanese finally defeated and Philippine independence from the U.S. scheduled for July 4, 1946, however, the Truman Administration focused urgently on the clear threat that the Huks, the spearhead of a broad-based peasant movement, posed to American hegemony.⁸ As a result, the demobilization of U.S. soldiers in the Philippines, like their counterparts' elsewhere, was being held up.

The government's principal explanation for the slowdown – the lack of ships available to bring the troops home – was put forth before the Senate in testimony by the Undersecretary of the Navy in September 1945. Three days after he testified, with the troops' discontent paralleled by mounting domestic concern over the demobilization delays, the administration deployed its biggest gun to quiet the home front and restore discipline abroad. In an address to three hundred members of the Senate and House of Representatives, Chief of Staff General George C. Marshall maintained that "the rate of demobilization had been determined by transportation facilities and by the availability of trained personnel to carry its administrative requirements out. It has had no relationship whatsoever to the size

8 The concern was well taken. Before World War II, the Philippines, once a territory of the United States, had gained commonwealth status; as a result, Filipinos were considered U.S. nationals. However, they were not citizens. After the Japanese were ousted, Filipinos' nationalism waxed, together with a growing restiveness at their subordinate status under the U.S. As Manuel Quezon, President of the Commonwealth of the Philippines from 1935-1944, famously put it, Filipinos "would rather be governed like Hell by Filipinos than like Heaven by Americans."



of the Army in the future.”⁹ Marshall’s assertions, which damaged his credibility in many quarters, wholly failed to tamp down the frustration of millions of Americans.¹⁰

As 1945 drew to a close – eight months after V-E (Victory in Europe) Day and four months after V-J (Victory over Japan) Day – the frustration and resentment over the delays in demobilization were palpably building in many areas around the world where Americans were still tethered to the military.¹¹ In retrospect, the demonstrations that broke out in the first two weeks of 1946 in the Philippines, Hawaii, France, Germany, Guam, Japan, Korea, India, Burma, Austria, Great Britain,

and the United States, seem predictable, even inevitable. What was not predictable, of course, was the location and nature of the spark that would ignite that conflagration. Ira witnessed and, indeed, participated in much of what was about to happen in the Philippines.¹²

Making History: an Untold Story

It all began on Friday, January 4, 1946. On that date, an article in the *Honolulu Star-Bulletin* reported that Secretary of War Robert Patterson, in Hawaii on his way further west, had told reporters for *Stars and Stripes*, an Armed Forces newspaper, that he knew nothing about a March 20, 1946, release date for troops with two years’ service. Also on January 4, *Stars and Stripes* and the *Daily Pacifican*, another service paper, published a War Department announcement that only 300,000 troops – previously, the figure had been 800,000 – would be demobilized over the next six months. As these reports made their way into American military encampments, already frustrated and angry soldiers grew more so; in many places, the atmosphere became explosive.

The eruption began in the Philippines and, within days, triggered GI demonstrations worldwide. How this all came about is a story that has never been fully told. Its unsung hero, according to Ira, is the late Abraham Chapman, a GI reporter on the *Daily Pacifican*.

At around the time of War Secretary Patterson’s Hawaiian interview, an Army colonel in central Luzon, exasperated with his soldiers’ incessant questions and demands about demobilization, bluntly announced that they had to stay right where they were because they had to “put down the Huks,” the Filipino fighters who had rooted out the Japanese from that very area, and whom the GIs viewed as allies. When Chapman learned of this exchange, he wrote the story and succeeded in getting it past Army censors and into the *Daily Pacifican*. With great foresight, Chapman also alerted a U.P.I. reporter, who promptly put the story on the wire services. As Ira recalls it, Secretary Patterson was at a press confer-

9 The quotation is from *History of Personnel Demobilization in the United States Army*, by John C. Sparrow (Washington, D.C., 1951, Office of the Chief of Military History, U.S. Department of the Army), and is discussed in Marquit, *op. cit.*, at 15.

10 Erwin Marquit, who has published (see n. 7) a detailed study of the events of this period, retired from the University of Minnesota’s School of Physics and Astronomy with the title of Professor Emeritus. Marquit had become aware of the government’s dissembling firsthand. In October 1945, he was an Electronics Technician Mate 3/c assigned to the Administrative Command, Amphibious Forces, U.S. Pacific Fleet (ADCOMPHIBSPAC), Pearl Harbor. His job was to repair electronics equipment on ships coming into port. “Every day we received by teletype a listing of all ships under our command that came into Pearl Harbor, with information about where they were coming from and what they were carrying. Every week, I would send to my senator, James Mead (D., N.Y.), a listing of ships that came in from Asia empty and the number of troops that they could have carried. One day, the navy chaplain, presumably instructed from above, came to me and said that he heard that I was sending classified information through the mail and strongly suggested that I desist. I made no reply and continued to send this information to Senator Mead. The question was never raised with me again and did not even interfere with my being awarded the Good Conduct Medal upon my discharge.” *Op. cit.*, at 19-20.

11 Marquit, quoting from *The New York Times*’s December 11, 1945, report from Manila, wrote as follows:

GIs were writing letters by the thousands “to their relatives and friends at home demanding that congressmen who fail to take active steps to speed demobilization be turned out at the next elections.” The [*Times* also] reported that “rubber stamps bearing the slogan, ‘No Boats No Votes’ decorate thousands’ of outgoing letters, and that the staff of the GI newspaper *Daily Pacifican* estimates that 17,000 to 18,000 GIs have signed ‘get us home’ petitions.

Op. cit. at 19.

12 In the following paragraphs regarding the demonstrations, the information and quotations attributed to Ira emanate either from the interview he gave the authors in 2005 or from subsequent conversations with the editor of this article.



ence in Tokyo when he was asked whether the reports that GIs had to remain in the Philippines to put down the Huks were true. Plainly unprepared for the question, Patterson blurted out a “yes.”

Secretary Patterson’s response to the reporter’s question made it back to Manila, and from there it spread like wildfire. On Saturday night, January 5, the bars in the Filipino capitol city were full to overflowing with very upset and depressed GIs.

On the following morning, Ira saw GIs streaming into Manila in military vehicles running the gamut from jeep to tanks. The soldiers were armed and furiously angry, and called out to other GIs to join them. They formed columns that snaked through the city while military police discreetly remained out of sight. Given the ugly mood that pervaded the city, Ira recalls thinking that the slightest untoward incident could escalate into real tragedy.

One group of soldiers decided to have a demonstration on Monday morning at a large, bomb-leveled field near Gen. Douglas MacArthur’s headquarters. A second group decided to gather at the same place on Monday evening. Ira and several other servicemen, intent on effectively focusing the energy and frustration of the ever-increasing number of GIs flocking into Manila, met Sunday evening to talk about how best to press for demobilization. It became clear, as they pondered the fast-breaking events and developments, that they should use the morning demonstration to build the evening one, and discussed how best to accomplish that goal. The group then turned their attention to drafting a message of greetings and thanks to the Huks, in the name of the GIs in the Philippines. An Army printing press was found and put to use: thousands of copies of the message were made.

On Monday morning, January 7, about 15,000 GIs assembled in front of a speakers’ platform in the field near MacArthur’s headquarters. The Huk leaflets were handed out. Five servicemen (one of whom was Ira), representatives from different groups, constituted themselves, *ad hoc*, into a planning committee, and ascended the platform. At one point, Ira recalls, one of the soldiers, a GI from Chicago, made a call requesting a meeting with Lt. Gen. Wilhelm D. Styer, the commanding officer in Manila. Word was promptly brought back to the platform, and then announced to all the soldiers in the field, that the general had agreed to meet with the five.

As the mass meeting ended, the soldiers on the platform asked their fellow GIs to form a column and march with them to Lt. Gen. Styer’s headquarters. Hundreds did, with Staff Sgt. Gollobin and the other four GIs at the head. To reach Styer’s headquarters, they had to march over a bridge across the Pasay River. Civilian and military reporters and photographers filmed the soldiers’ orderly procession.

When the group arrived at the general’s quarters, Ira recalls, the five of them were ushered without delay into a large room. There were more generals in that room than the soldiers had ever seen. After the group saluted their superiors, there was a brief conversation between a spokesman (not Ira) and Lt. Gen. Styer. The general surely knew that, as word spread of the planned evening demonstration, the number of soldiers in the city would continue to increase.¹³ Styer made one thing crystal-clear: he wanted the evening demonstration called off. Ira and the others, who were aware that the demonstrations had greatly embarrassed the brass, politely replied that they had no power to do that. Each of the five soldiers was asked to identify his Army unit. After they supplied the requested information, the meeting ended.

At the demonstration that evening, several GIs spoke to the thousands of soldiers present. When a message greeting and supporting the Huks was read by an enlisted lieutenant, the assembled GIs responded with sustained applause. When the five delegates reported what Gen. Styer had said to them (and that he had said *nothing* about when the troops might be sent home), the troops’ reaction was instantaneous. According to *The New York Times* headline of January 8, 1946: “Twenty Thousand Manila GIs Boo General; Urge Congress to Speed Sailing.”¹⁴

New York’s *Daily News* gave the Manila demonstrations, and Ira, front-page exposure. Many newspapers prominently mentioned the American servicemen’s supportive greetings to the Huks, their wartime allies, creating further embarrassment for Washington.

With the spread of the news of the Truman Administration’s *sub rosa* decision to reverse its public

13 There were reports that the number of demonstrating troops in Manila grew from 15,000 to 35,000 from morning to night on Monday, January 7, 1946.

14 Marquit, *op. cit.*, at 24.



commitment to release soldiers with two years' service by March 20, 1946, coupled with the revelation that American GIs in the Philippines were to remain there to "put down the Huks," the government's lack of candor was, finally, starkly exposed. Over the next few days, "Go Home" demonstrations broke out across Europe and Asia, the Pacific, and the United States. In the days and weeks that followed, the Philippines remained a hotbed of activity in support of rapid demobilization. By the following Saturday, however, Ira and the GIs who had met with Gen. Styer were on planes back to the United States. Ira didn't even have time to alert his wife, Esther, that he was coming home. Upon arrival in California, he was honorably discharged. At the most, the Army's decision to send the five soldiers home, plainly conceived in an attempt to decapitate the demonstrating servicemen's *ad hoc* leadership, barely set back the demobilization campaign. The soldiers' militancy and the urgency of their demands could not be suppressed by the government. Subsequently, although the government did not honor its previously stated March 20, 1946, commitment to demobilize all troops with two years' service, the demobilization process did speed up, and millions of soldiers, sailors, marines, and others were mustered out of service in the ensuing months.

Internationalist Perspective, Domestic Reverberations

Once back in the United States, Ira, flush with his experiences in the Philippines, urged his Guild colleagues to broaden the organization's outlook beyond domestic concerns.

I had come to believe that the Guild should be involved in international issues ... I had been exposed to American policy in the Philippines, met with the people there, and got an understanding of its history, and its colonial seizure by the U.S. in 1898-1907. I became convinced that I, as a lawyer, should not just be practicing law as I had before, but that I should devote major attention to international issues.¹⁵

In 1946, the New York City Chapter selected Ira to represent the Guild at the United Nations. Together with Bernard Jaffe, another Guild lawyer,

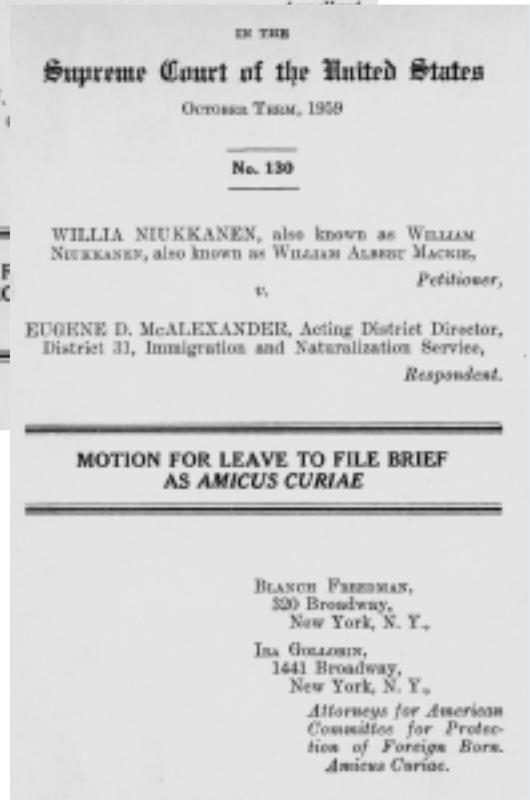
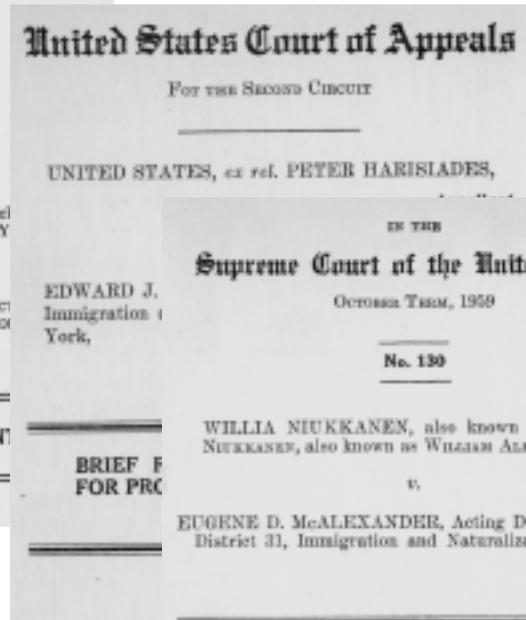
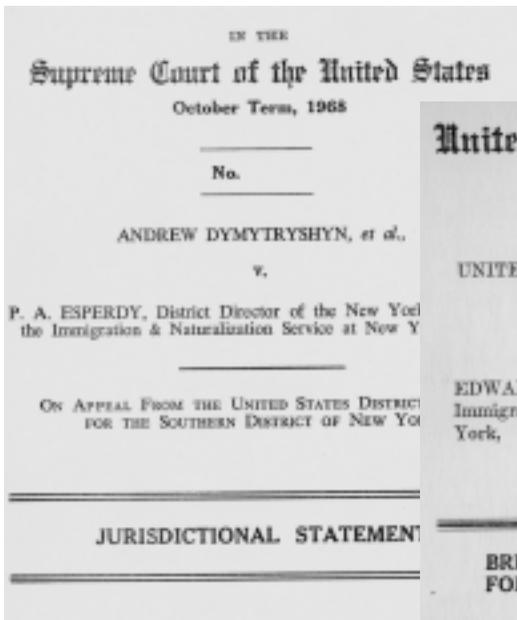
Ira attended U.N. sessions and participated in meetings of non-governmental organizations (NGOs) at the Carnegie Foundation. Seeking to enhance his own understanding of the field, Ira took courses in international law taught by Columbia Law School's Philip Jessup, an eminent lawyer who went on to serve at the State Department and to sit on the International Court of Justice at The Hague.

It soon became evident that, even among the ostensibly progressive delegates of the various NGOs, there was a division between those who were more progressive, Ira among them, and others who were less so. Ira had few allies in the former group. But he did have some. Together with Jaffe, and two other Guild members – Joseph Crown (like Ira, an NLG founder) and Alexander Racolin, all of whom were concerned with international law issues – Ira formed the Committee on International Law, in 1947.

The committee lasted about six years. Ira was initially its secretary, and then its chair. Within the Guild, support for the international agenda advocated by the committee was not universal; a number of members thought the NLG's agenda should be confined to domestic issues in order to be less vulnerable to McCarthyite attacks. History suggests that it probably would have made no difference, and that boldness, the course recommended by Ira and his colleagues, was the better response.

Both the House Un-American Activities Committee (HUAC), led by Rep. Martin Dies (D-Tx.), and the Immigration and Naturalization Service (INS) played a major role in fomenting anti-immigrant sentiment from the very beginning of the Depression. By 1941, nearly 100 so-called anti-alien bills had been considered by Congress. Among them were bills to deport all noncitizens "whose presence is inimical to the public interest" or who "interfere with the good order and happiness of any local community." Once World War II ended, HUAC unleashed a frontal assault on noncitizens who were members and leaders of a wide variety of political, labor, fraternal, civil rights, and ethnic groups engaged in militant democratic or communist activities. Winston Churchill's "Iron Curtain Speech" in March 1946 in Fulton, Missouri – viewed by many historians as the event delineating the Cold War's commencement – was immediately cited by the right wing to justify its attacks. Many unionists and other militants lawfully admitted for permanent res-

12 15 Interview of Ira Gollobin, 1986 [hereinafter, IG 1986].



idence – people who, in the course of a lifetime in the United States, had had children and grandchildren, and fought in World War II – were suddenly termed foreign agents, arrested for deportation, and held without bail. Some were denaturalized and then deported.

Ira's practice expanded as the need for legal representation for these individuals increased. His docket of active cases grew, too, as naturalized citizens and permanent residents, many of whom had lived in the U.S. for much of their lives, were targeted as "subversives" for their real or perceived membership in or affiliation with a host of organizations labeled suspicious and dangerous.

For several years, it was rare that I did not have from five to ten, or even more, persons held at Ellis Island for deportation... [At one point,] unwilling to endure passively in silence and fatalistically their uprooting, about 15 detainees, [who had lived in the U.S.] for 30 years or longer, went on a hunger strike while attorneys, including myself, successfully sustained in Federal Courts writs of habeas corpus requiring INS to grant them bail.¹⁶

¹⁶ Excerpted from Gollubin, "Ellis Island – An American Lawyer's Odyssey," *Immigration Journal*, Vol. 14, No. 3 & 4, July-December 1991, p. 56.

Compared to some of Ira's other legal struggles, the case of these 15 Ellis Island detainees was speedily resolved.

A Herculean Struggle

In the case of Kwong Hai Chew, another Ellis Island detainee, Ira fought in administrative hearings and court proceedings for 16 years (1951-1967) before victory was achieved. Chew's case arose six months after Congress, in September 1950, passed the Internal Security Act, which authorized the preventive detention, in a "national emergency," of both citizens and noncitizens deemed "dangerous" by the FBI and the Attorney General. The statute allowed the use of secret evidence and severely limited judicial review. In 1952, six detention centers, all within U.S. borders, were authorized and funded by Congress.



Kwong Hai Chew, a Chinese seaman married to an American and residing in New York, had been admitted to permanent residence in the U.S. in 1945. Although, as a foreigner, he was not required to serve in the Armed Forces, Chew had registered for the draft, and served with honor in the U. S. Merchant Marine during World War II. His war record included the rare distinction of having been torpedoed *twice*.

Chew had never had any difficulty with governmental authorities. After the war ended, he continued working as a seaman, filed a petition for naturalization, and, in November 1950, got a job on a cargo vessel heading to the war zone in South Korea. He passed stringent Coast Guard clearances before embarking, but when the ship returned to San Francisco in March 1951, he was ordered “temporarily excluded’ ... as an alien whose entry was deemed prejudicial to the public interest.” *Kwong Hai Chew v. Colding*, 344 U.S. 590, 595 (1953). He was held on board the ship until it reached New York.

Ira got Chew’s case via the American Committee on a Friday afternoon and learned that the ship, on which the seaman was still detained, was to set sail over the weekend. On Saturday morning, he raced to federal court in Brooklyn with a hastily-drawn writ of habeas corpus alleging that Chew’s detention was arbitrary and capricious and constituted a denial of due process of law. A scant two hours later the writ was served on Captain Colding, the vessel’s Isbrandtsen Lines skipper. The writ succeeded in getting Chew off the ship, at which point he was taken to Ellis Island. This move later proved crucial.

When the Attorney General responded to Ira’s writ, his response asserted that Chew should be denied a hearing and his temporary exclusion made permanent. When the district court and the court of appeals upheld the government’s position that it could deny Chew “all information as to the nature and cause of any accusations against him and all opportunity to be heard in opposition to the order for his exclusion,” *Kwong Hai Chew, supra*, at 594, n.3, Ira appealed to the Supreme Court. During the two years that the case was being litigated through the three tiers of the federal court system, Chew remained at Ellis Island, without bail, behind barbed wire, and in the shadow cast by the Statue of Liberty.

In February 1953, the Supreme Court, concluding that Chew’s four-month absence while

working on a U.S. ship had not so meaningfully interrupted his lawful permanent residence in America as to make him a fresh applicant for admission (and thus subject to exclusion), rejected the government’s position and concluded that his status essentially remained that of a lawful permanent resident. This entitled Chew, as a matter of constitutional right under the Fifth Amendment’s Due Process Clause, to both “notice of the nature of the charge” and “a fair opportunity to be heard.” *Kwong Hai Chew, supra*, at 597-98, *reversing* 192 F.2d 1009 (2d Cir. 1951). Notwithstanding the Supreme Court’s decision, the Eastern District judge to whom the case was remanded refused to grant Ira’s bail application. It was at this point that Ira decided, based on the location of Ellis Island (where Chew was detained) within the Southern District of New York, to renew his bail application in that district. The application was heard by Judge Edward Weinfeld, who reserved decision, and advised Ira and government counsel that he intended to review the entire administrative record before ruling. Weinfeld subsequently read the entire record and granted bail, but in a sum that Ira was unable to immediately post.

Meanwhile, the immigration hearing mandated by the Supreme Court’s decision was held before a Special Inquiry Officer (SIO), the precursor to today’s Immigration Judge. At the hearing, Ira was informed that his client had been denied entry because of his purported membership in the Communist Party from 1946 to 1948, at which time he was a patrolman, an elected position, for the National Maritime Union (NMU). The INS presented two witnesses. One, the former elected head of a Chinese seamen’s group from Hainan Island, in the China Sea, had been defeated by Chew when he ran for re-election. This witness bore a transparent animus towards Ira’s client. In any event, the testimony he gave was completely non-probative. As the testimony of the second witness, an NMU member, was rambling and utterly incoherent, Ira’s motion to strike the entire testimony of both witnesses had to be granted by the SIO.

Thus, the government’s case against Chew – who had been deprived of bail for over two years on the alleged strength of the case’s undisclosed (because it was so secret) evidence – had totally collapsed. It was at that point that the SIO’s true colors were revealed by his decision, *sua sponte*, not to terminate the pro-

In re Petition for Naturalization of
KWONG HAI CHEW.

No. 762434.

United States District Court
S. D. New York.

Dec. 20, 1967.

In dispute over granting or denial of petition for naturalization, the District Court, Weinfeld, J., held, upon the entire record, that petitioner for naturalization did not testify falsely in support of his naturalization petition, that he had sustained his burden of proof that he was a person of good moral character, and that he was entitled to be naturalized.

Order in accordance with opinion.

1. Aliens C-66

The District Court, rather than the Immigration and Naturalization Service, bears the responsibility for decision in granting or denying a petition for naturalization. Immigration and Nationality Act, § 335(d), 8 U.S.C.A. § 1444(d).

2. Aliens C-68(6)

Where conflicting recommendations are submitted to the court as to whether petition for naturalization should be granted the court may, and upon request of petitioner is required to, hold a de novo hearing. Immigration and Nationality Act, § 335(b), 8 U.S.C.A. § 1447(b).

3. Aliens C-66(5)

Upon the entire record, petitioner for naturalization did not testify falsely in support of his naturalization petition, that he had sustained his burden of proof that he was a person of good

moral character, and that he was entitled to be naturalized. Immigration and Nationality Act, § 314(a), 8 U.S.C.A. § 1427 (a).

Anargyros E. Camarinos, General Atty., Immigration and Naturalization Service, New York City.

Ira Gollobin, New York City, for petitioner.

OPINION

WEINFELD, District Judge.

This is another chapter, hopefully the last, in the saga of Kwong Hai Chew. His matter has been before the courts for almost twenty years. It has involved deportation proceedings,¹ numerous writs of habeas corpus,² and now the instant naturalization proceeding, and in between a perjury charge arising out of his testimony in the deportation proceeding—a charge rejected by a jury in this court. The current situation arises out of the diametrically opposed recommendations to this court by two officers of the Immigration and Naturalization Service—one recommending that Chew's petition for naturalization be granted; the other that it be denied.

Chew, a native and citizen of the Republic of China, first entered the United States in 1941 as New York City as a nonimmigrant crewman. He thereafter registered for the draft and did not claim exemption as an alien. During World War II, from 1943 to 1945 he served with credit in the United States Merchant Marine. He sailed in war zones, and on one voyage, after his ship was torpedoed,

1. The exact nature of these proceedings, whether exclusion or expulsion, has never been authoritatively resolved. See *Kwong Hai Chew v. Golding*, 344 U.S. 500, 73 S.Ct. 472, 97 L.Ed. 536 (1953), reversing 192 F.2d 1069 (2d Cir. 1951); *Kwong Hai Chew v. Rogers*, 227 F.2d 606 (D.C. Cir. 1954); *United States ex rel. Kwong Hai Chew v. Shughnessy*, 112 F.Supp. 49 (S.D.N.Y.1953).

2. See *United States ex rel. Kwong Hai Chew v. Shughnessy*, 112 F.Supp. 49 (S.

D.N.Y.1953); *United States ex rel. Kwong Hai Chew v. Golding*, 105 F.Supp. 827 (S.D.N.Y.1952); *United States ex rel. Kwong Hai Chew v. Golding*, 98 F.Supp. 717 (S.D.N.Y.1951); *United States ex rel. Kwong Hai Chew v. Golding*, 97 F.Supp. 902 (S.D.N.Y.), aff'd, 192 F.2d 1069 (2d Cir. 1951), rev'd sub nom. *Kwong Hai Chew v. Golding*, 344 U.S. 500, 73 S.Ct. 472, 97 L.Ed. 536 (1953).

ceedings but, instead, to adjourn them for three weeks! On the adjourned date, two new witnesses — who had never previously made complaints or given statements or spoken about Chew to any governmental official — appeared to give evidence against Chew. The witnesses maintained, without supplying any additional details, that Chew had attended one meeting of the Communist Party in each of three consecutive years (1946-48). Although Chew categorically denied their testimony and the government's charges, and presented five U.S. citizen family members to back his own testimony, the SIO ruled against him.

It was against this background that Ira, having finally raised the \$3,500 bail fixed by Judge Weinfeld, went to the courthouse to post bail. He was directed to a magistrate in the basement. When he arrived, the proceeding was already under way,

and newsmen, obviously called by the government attorneys, were in attendance. It was at that moment that Ira learned that a criminal information, which had been signed by the INS trial attorney at the hearing before the SIO, had been filed charging Kwong Hai Chew with perjury for having denied Communist Party membership. Claiming that Chew was a "waterfront racketeer," the government was demanding \$10,000 bail on the perjury charge. After Ira argued against the bail, the magistrate reduced it to \$5,000, making the total bail on the two cases \$8,500. The government's intention with these latest maneuvers was, of course, to postpone the day when Ira's client would regain his liberty. The maneuvers succeeded.

During the course of Ira's appeal of the SIO's ruling to the Board of Immigration Appeals (BIA), the \$8,500 was posted and Chew finally released, but not before the government added insult to injury by pressing Chew's wife to disclose the source of the bail funds, a move that Ira flatly rebuffed. INS thereafter delayed getting the perjury indictment until the last possible moment. When the perjury case was finally tried, Ira's client, represented by Moses Weinman, an experienced criminal lawyer friend of Ira's, was acquitted.

After the BIA affirmed the SIO, Ira filed a petition for review of that affirmance in the United States District Court for the District of Columbia, which also affirmed. Upon further appeal to the Court of Appeals for the D. C. Circuit, however, Ira finally prevailed: the circuit agreed with his argument that INS and the lower court had erred by applying the (lesser) evidentiary standard for exclusion cases, rather than the (greater) one for deportation ones. In its reversal, the appeals court harked back to the Supreme Court decision's emphasis on Chew's lawful permanent residency as a status entitling him to the greater evidentiary standard of protection.

Once again remanded to INS — and thus to the



same SIO – the *Chew* case settled into a kind of doldrums: as Ira terms it, the INS had “run out of steam” and he himself was pleased to “leave well enough alone” – after all, his client, finally, was at liberty. Thereafter, the ultimately successful resolution of the immigration proceedings against Chew was prefigured by *Rowoldt v. Perfetto*, 355 U.S. 115 (1957), which held that “meaningful, and not nominal” membership in the Communist Party was required for a deportation charge to be sustained. Ira promptly moved to calendar his client’s case for a hearing based on *Rowoldt*. However, the government was unable to proceed because they couldn’t locate the case file, which, unknown to government attorneys, had been sequestered with other so-called “national security” cases. As a result, the case lingered. For years. Finally, the government found the file and the hearing began. As the government’s case was *pro forma* – *Rowoldt* seemed dispositive – Ira moved to terminate the proceedings. The same SIO who had ordered Chew’s exclusion eleven years before now ruled in his favor and terminated the case: Chew’s alleged party membership – his attendance at a single meeting in each of three years with no other activities alleged – was held not to be “meaningful” membership within the interpretation of *Rowoldt*. Consequently, Kwong Hai Chew could neither be excluded nor deported.

At this point, with deportation at long last a dead issue, Ira submitted a petition for naturalization. Although the local INS bureaucrat responsible for reviewing naturalization petitions recommended granting it, the INS regional officer recommended denial. Ira timed the subsequent filing of the petition so that it went before Judge Weinfeld, who was then sitting in a naturalization part. It was the regional official’s contention that Chew’s petition should be rejected because Chew had lied when he denied being a member of the Communist Party, and thus showed a lack of “good moral character,” an indispensable prerequisite to the granting of naturalization. Weinfeld’s memorable decision granting the petition for naturalization and terminating the government’s 16-year-long crusade against Ira’s client began with the following sentence: “This is another chapter, hopefully the last, in the saga of Kwong Hai Chew,” after which he listed all the previous citations in the litigation. The litigation had spanned nearly the entire life of the Internal Security Act.

Turning the Tables on HUAC

Like Kwong Hai Chew’s case, many of Ira’s cases came from the American Committee. But he was also referred clients by the Guild and other organizations.

Beginning in the Guild’s earliest years and continuing through the 1950s, the organization worked very closely with the American Committee. NLG attorneys in New York and Washington, D.C., such as Joe Forer, Dave Rein, Mary Kaufman, and Harold Cammer, and elsewhere around the country, such as Ben Margolis, John McTernan, and George Crockett, were very active in cases where people faced deportation. The American Committee covered their expenses; as for their fees, if the lawyers received any compensation at all, it was nominal. But this did not dissuade Guild attorneys from taking on these onerous cases. Ira estimates that three quarters of the key political deportation cases that went through the courts, including the Supreme Court, during the twenty years starting in the late 1940s had NLG counsel.¹⁷

In the same two decades, Guild attorneys were also extremely active in representing individuals subpoenaed before Congressional committees such as HUAC, where they were subjected to McCarthyite attacks. Ira’s appearances as an attorney before HUAC began in 1948. He was very unhappy with the strategy that was then being widely used to escape the perjury/contempt bind, namely, relying on the First and Fifth Amendments for protection. Ira believed that this approach left the American public in the dark about the true nature of HUAC proceedings.

It was not until the early 1960s that Ira devised the strategy that, in effect, took the fight to the committee. Since HUAC was not bound by the rules of relevancy, neither would Ira’s clients be subject to such constraints. Ira viewed HUAC’s central purpose as the misleading of the American public, a goal that it would achieve, in part, through the intimidation of the individuals it subpoenaed. So Ira worked with his clients to turn the tables on the committee members, and put *them* on the spot. Clients’ preparation frequently started two weeks before their appearance and included mock hearing sessions reminiscent of moot court arguments, where clients and lawyers played the roles of committee members and counsel,

17 IG 1986.

PRESBYTERIAN CHURCH (U.S.A.)



The Program Agency
475 Riverside Drive
New York, NY 10115

January 22, 1975

Mr. Ira Sallobin
277 Broadway, # 1290
New York, New York 10007

Dear Ira,

For some time I have wanted to write and express my appreciation for the excellent consultation you provided on the matter of support for persons of conscience engaging in civil disobedience against a major escalation of war in Central America.

I attach a copy of the final Pastoral letter that went out to all Pastors in our Church.

Thank you for your help and advice. This also goes for your earlier assistance with our Sanctuary Committee at Riverside. As you know, the good foundation we laid in preparation it was being tested by the government's actions. Thank you for helping us see this matter more clearly.

Yours sincerely,

Donald J. Wilson
Director, Unit on Ministries
of Health, Education and Social Justice

DJW/erb

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE UNITED STATES OF AMERICA



CHURCH WORLD SERVICE

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Paul F. McCloskey, Executive Director

Immigration and Refugee Program
John W. Eckman
Director

November 25, 1975

Mr. Ira Sallobin
American Committee for the
Protection of Foreign
Born
1441 Broadway
New York, New York

Dear Ira:

On behalf of the Immigration and Refugee Program Operating Committee of Church World Service and me personally, it is difficult to express our appreciation for the steady professional guidance that you have given to the churches and to the Haitian Refugees in their struggle to find asylum in the U.S.

Your tenacity has been an example to all of us and your continuing good will and cooperation with those of us who are not as versed in the law - has enabled all of us to learn so that not only will we be able to help the Haitian Refugees - but will be able to respond to calls from refugees around the world.

We salute you for a job carried out to the deepest personal conviction in a most self-sacrificing manner. Without you, I am afraid that we would not be as far along as we are today. The road is still long - but at least we see a little light along the tunnel - thanks to you.

Sincerely,

John W. Eckman

JWE:bjg

as well as witnesses, in order to expose the clients to the kind of attacks they would soon be subjected to.

The conventional wisdom was, if you open your mouth, you go to jail for perjury; keep it closed, you're in contempt. And, even if you won some of the cases on legal grounds, people's minds would still be poisoned by the initial publicity. As a result, you lost the big battle, under the best of circumstances ... So I figured, my clients have a loudspeaker, and the committee told them to talk, in fact insisted on it... Since the committee's not bound by the rule of relevancy, why should my clients be?

I represented a number of groups. This is what we did. We had prepared bios of all the Congressmen who were sitting there, their voting record, everything. They ask a question, we don't answer their question. Instead, we tell them that they're misleading the American people, and we confront them with their voting records and everything else. We tell them what's wrong with American policy. We tell them, "you're misrepresenting your constituents; you're misrepresenting the American people." They're banging the gavel, saying, "you've got to answer." Now, we had made a really good study of the Constitution. So, at that point, I think we raised about eight or nine points, and we dragged them through every single one of those points every single time... So when it came finally to claiming the Fifth, we said: since you're disregarding all the other provisions of the Constitution, and since the Fifth Amendment was added to protect people from false accusations, like they

had in England with the Star Chamber and so forth - they couldn't shush us at that point - we have no alternative, since you have so disregarded the Constitution, but to protect ourselves from these false accusations. Several times the committee counsel would turn to me and say, can't you control your client? It was everything I could do to not burst out laughing. The hunted had become the hunter and I, at this point a mere bystander, was thrilled at the transformation.¹⁸

One of the more explosive hearings occurred in Buffalo, New York, where Ira represented a University of Buffalo professor subpoenaed to appear before HUAC. *The Buffalo Courier Express*, a Republican newspaper, reported that when a marshal tried to remove the professor's wife and daughter for applauding after the professor asked the chairman, "Is this Buffalo, N.Y., or Nazi Germany?," "several spectators pummeled [the marshal] with purses, fists and feet [and] a chorus of two dozen [supporters] helped to restore order by singing "The Star Spangled Banner." One measure of the success of the strategy pursued by Ira and his clients is reflected by the article's heading / subheading across the newspaper's front page: "U.B. Professor Ridicules HUAC / Took the Fifth."

18 IG 2005.

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International Work: Ira, Esther, and the Far East; Haitian Refugee Litigation

Ira's work with progressive organizations continued throughout the McCarthy era. He was, for example, counsel for and a member of the executive committee of the Committee for a Democratic Far Eastern Policy from 1946 until 1953, the year the organization morphed into a publication, *Far East Reporter*. Ira's interest in Asia, which dated from his years in the Philippines, impelled him to devote a good deal of time to the publication, which he helped edit and sometimes wrote for until 1986. His activism on behalf of a progressive policy in the Far East was matched by that of his first wife, Esther, a union leader who headed a 10,000 member local of the United Office and Professional Workers. Ira and Esther had married in 1943 while he was in the Army. For years before her untimely death from cancer in 1981, Esther played a major role in the office of the U.S.-China Peoples Friendship Association, the first private citizens' group to go to China in the wake of the Nixon-Kissinger trip in 1972. All told, she traveled to China seven times.

In 1967, Ira succeeded Blanch Freedman as general counsel to the American Committee for Protection of Foreign Born. He served in that capacity until 1982, the year the American Committee merged with the Emergency Civil Liberties Committee (ECLC).

Barely five years into his general counselship at the American Committee, Ira's legal skills were sought out in connection with the sudden arrival of hundreds of Haitian refugees fleeing "Baby Doc" Duvalier's brutal regime. Shortly after the first boatload of traumatized and bedraggled refugees landed on a beach in south Florida on December 12, 1972, Ira was contacted by Father Antoine Adrien, a charismatic "people's priest" affiliated with the Haitian Fathers, a Catholic order. Ira describes a memorable subsequent meeting – which he had requested in order to discuss certain legal questions, and believed would be a private one – with evident, and affectionate, admiration for the priest with whom he became close friends.

It was agreed that I would go to Father Antoine's parish in Brooklyn to meet him. Upon arriving, I was escorted into a large room filled with his fellow Haitians as well as representatives of organizations, some of whom I knew. The room was so crowded that most people had to stand. Those who were sitting occupied two long



56 Years on the Front Lines

A Lawyer's Ellis Island Journeys

By Ira Gollobin

Ira Gollobin, a member of NECLC's Executive Committee, has been an internationally respected immigration attorney for over 50 years. For 46 of those years, he was General Counsel to the American Committee for Protection of Foreign Born. In 1973, he became counsel to the National Council of Churches on Haitian Refugees, doing the first work on their behalf and bringing NECLC into the fold. At 81, he is still in private practice in New York. This article, in interview form, first appeared in the Immigration Journal and is reprinted with permission.

What were your first impressions of Ellis Island?

Riding the ferry to Ellis Island in 1936, I felt the profound symbolism in its juxtaposition to the Statue of Liberty. In my mind's eye I had envisioned the bustling throngs for whom it had been the gateway to a new life in the United States. But that charisma was long ago. As I walked into the high domed, cavernous structure, it was eerily quiet, slow-moving, rather somnolent and run-down, a survivor from when it had been on center stage.

As I thought about it, Ellis Island's greatly diminished role was hardly surprising. With the drastic reduction of immigration imposed by the national origins law of 1924 (which allotted about 85% of the quotas to northern and western Europe) and the U.S. economy still reeling from a continuing, though easing depression, the crowds of immigrants at the turn of the century had dwindled to a trickle. In fact, during the severe depression years 1932-1934, more people left than came. This exodus received an involuntary assist from the Immigration and Naturalization Service's (INS) deportation drive which crested in 1931. Ellis Island's role as the

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28 REFUGIÉS HAITIENS À NEW YORK

3-10 juin 1977



Lawel Demomcaire, des vœux d'immortels à ses Coremés Doyales.



la Colloides, en affrontant l'annonce des réfugiés haïtiens.

Aux questions de certains reporters étrangers qui ont demandé des précisions sur le rôle à jouer par le gouvernement de Jean-Claude Duvalier, Demomcaire a répondu: «L'histoire du régime pour la communauté quand on est le président du bureau...»

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EUR PAGE 2

rows of seats pulled up to the opposing sides of a table. At the far end of the table were two chairs. Father Antoine was sitting in one. Gesturing that I should come and sit in the empty chair next to his, the good Father turned to the gathering, and said, after introducing me, "Ira will tell you what he thinks should be done on the Haitian cases."

From the start, Ira viewed the Haitians' cause, which became a major legal struggle, as primarily a political fight. In August 1973, the Haitian Fathers and the National Council of Churches established a Commission of Inquiry. Ira was appointed its counsel, and while serving in that capacity, the Commission confronted the INS Deputy District Director for Miami in a public meeting there. Later, the Commission met with INS Deputy General Counsel Charles Gordon in Washington, D.C. In both of those meetings, INS took the position that the Haitians had come to the United States for economic reasons alone. After additional meetings with the State Department's Haiti Desk officer and other departmental officials, Ira succeeded in securing access to the INS summaries of Haitian refugee interviews that INS had previously transmitted to State. These records, which uniformly reflected that INS had combined a skimpy amount of biographical information with the identical, attention-getting statement that each of the Haitians had come to the U.S. to work, were hugely helpful in the litigation.

The written report, drafted by Ira and presented to the National Council of Churches, paved the way for the National Council's Governing Board to approve a resolution to provide aid to the Haitian refugees through the Council's Church World Service. The Board then recruited Ira to serve as the managing attorney of the legal effort on behalf of the Haitians.

When Ira began the Haitian work, three hundred cases involving Haitian refugees under orders of deportation had already reached the U. S. Court of Appeals for the Fifth Circuit. Incredibly, neither of the two attorneys of record had interviewed any of the Haitians.

Ira immediately set about arranging interviews of the refugees. As a result of the procedural posture of the litigation, there was precious little time available for conducting those interviews. Ira knew that he somehow had to clone himself. He accomplished that goal by personally training a group of paralegals and interpreters to take the Haitians' testimony. The process of securing that testimony was extremely difficult due to the refugees' traumatization and paranoia, evidenced by the widespread conviction that Duvalier – who, they believed, could hear their private conversations through a skull on his desk – could yet harm them through voodoo. Some refugees' mental blocks were so ingrained that they had to be interviewed repeatedly in order to obtain accurate and complete information. After two weeks



of non-stop work with a representative sample of the Haitians, Ira and the paralegals produced a detailed, searing picture of the horrific fate that likely awaited any repatriated refugee, given the Duvalier regime's well documented record for inflicting grisly torture.

The affidavits obtained through the interviews led to the grant of Ira's motion for a remand of every Haitian's case and the denial of the government's cross-motion for summary judgment, which, had it been granted, would have led to their expedited removal. With the deportation orders terminated, the attorneys had the priceless gift of time to help them bolster the refugees' pleas for asylum.

Concurrently with the legal work that was being undertaken to help the Haitians, Ira was immersed in the political work that was being conducted in pursuit of the same objective. Many of the clients released on bond settled in New York, where a vibrant Haitian diaspora was already in place. To help these new arrivals, Ira, in 1982, worked with local church groups and civil rights organizations to set up the National Emergency Committee for Haitian Refugees. This coalition of African-American, Haitian, Jewish, church, and other groups focused attention on the enormous differences between the INS's treatment of Cuban and Haitian immigrants, and was finally successful, with considerable media and Congressional assistance, in pushing President Carter to grant the Haitians "entrant status," a status not referred to in any immigration statute.

In other lobbying efforts, Ira testified before Congress, reported to the Congressional Black Caucus, met with various bodies of the United Nations, and secured the support of prominent progressive legislators, including Bella Abzug and Shirley Chisholm. He wrote articles, and spoke at demonstrations, on television, and on the radio. He helped organize, and joined, picket lines at the main State Department office on Fifth Avenue and 51st Street in New York City; addressed a demonstration that garnered extensive publicity by dint of the participants' carrying a coffin – symbolizing the Haitians' likely fate if deported, as well as the blow to American liberty in the event they were – from Bryant Park to the United Nations; and, no less dramatically, spotlighted the refugees' fears by arranging press interviews with Haitians wearing hoods to conceal their identities.

The significance of Ira's continuing legal and political commitment on behalf of the Haitian refugees was also evidenced through his direction of the legal team that represented the plaintiffs in *Haitian Refugee Center v. Smith*, 676 F.2d 1023 (5th Cir. 1982), a group that included Guild lawyers Ira Kurzban and Peter Schey. The Fifth Circuit's landmark decision established that "...Congress and the Executive have created, at a minimum, a constitutionally protected right to petition our government for political asylum." *Id.*, at 1038.

Ira's Credo; His Published Writings

Asked how he was able to conduct such extensive *pro bono* work over so long a period of time and yet still maintain a busy and successful law practice, Ira said:

I managed to survive because my needs were minimal. I worked hard, and had a number of hard cases. I didn't have time to read a lot of books in those days. But I could find my way around. The ability to do that was also a strength as far as earning a living was concerned. People didn't care who you were ... they wanted to know: can you get a result in a dire situation? When they get a "no" from others, and you say "yes," and then you actually deliver – that's what counts and that's really the basis of a good reputation. If you handle the critical cases, tough cases like many of these were, and you find your way around, you establish a reputation. You have to establish a reputation on the merits, and you have to pay the price of the difficulties you encounter to get that kind of reputation. There's no simple answer to the question, how a lawyer can succeed economically while doing *pro bono* work. But to build a practice, you have to be prepared to build a reputation. In addition, I found that it was essential to be *human*, to establish common ground with clients, who were often nervous or intimidated in the presence of a lawyer. It was imperative to assure them, no matter who they were or where they were from, that we humans were, at bottom, all the same; that we had the same needs and wants, for ourselves and for our loved ones.¹⁹

Ira complemented his legal and political work with a considerable body of published writing. In addition to his 1986 book, *Dialectical Materialism*:

19 IG 2005.



Its Laws, Categories, and Practice (Petras Publishers), he wrote numerous articles, principally on immigration issues, which have appeared in such publications as *The Nation*, *Immigration Journal* (a publication of the American Immigration Lawyers Association [AILA]), *Migration World Magazine*, *Jewish Life*, *Jewish Currents*, *Science and Society*, *Cafeteria Call* (a publication of the Cafeteria Employees Union, Local 302), *Philippines Today* (a publication of the American Veterans of the Philippines Campaign), *China and Us* (a publication of the U.S.-China Peoples Friendship Association), *World View* (a publication of the Council on Religion and International Affairs), *Rights* (a publication of the National Emergency Civil Liberties Committee), and, of course, *Guild Notes*.

In recognition of Ira's legal work and lifelong commitment to social justice, particularly on behalf of the foreign born, he has received many awards

and commendations. Among the groups that have honored his legal and political work are the National Council of Churches, the Center for Immigrants Rights, the American Immigration Lawyers Association, and a number of Haitian organizations.

Ira and the Next Generations; Ira and Ruth

Ira has two daughters and three grandchildren. Ruth, the elder daughter, worked in the New York City Corporation Counsel's office, where she oversaw the office's technical operations and supervised a support staff of 100 employees. She lives on Long Island with her husband, Peter, and two children, Matthew and Caitlin. Jeanna, Ira's younger daughter, is the founder and director of the Soho Center, a non-profit that seeks to improve child care and education now in its thirty-second year. She lives in Virginia with her husband, George, and



daughter, Emily.

In 1994, Ira married Ruth Baharas, a onetime head of the Midwest Committee for Protection of Foreign Born. They had first met when Ruth worked in New York at the American Committee for Protection of Foreign Born in the early 1950s. Soon afterwards, Ruth and her family were targeted by the witch hunts and victimized by the deportation policies that consumed such a large part of Ira's time as a lawyer.²⁰

Summing Up

The story of Ira's commitment and contributions to two immigrant clients was the subject of a column by James Wechsler, the Pulitzer Prize-winning journalist, in June 1967.

In one of the cases, although Ira's client had resided in the United States for 46 years, he faced deportation because he had allegedly re-entered the country illegally in 1938 after serving with the Spanish Loyalists. Although it was Ira's case, he enlisted a colleague, Joe Forer, an appellate specialist who had very ably argued numerous political immi-

gration cases in the Supreme Court, to argue the case there. In *Woodby v. INS*, 385 U.S. 276 (1966),²¹ the Court, in terminating deportation proceedings against Ira's client, Joseph Sherman, agreed with the point – briefed by Ira, who combined a review of immigration history with pertinent data to demonstrate the invidiousness of the government's treatment of noncitizens – that the 30-year-old, uncorroborated recollection of the single witness who had testified against Sherman was too unreliable to constitute sufficient proof. In a highly significant move, the Court also determined that the government would henceforth be required to satisfy a more stringent standard of proof – clear, convincing, and unequivocal evidence, rather than a simple preponderance – before *any* deportations could be sustained.

While *Sherman* was pending, Ira was also engaged in lengthy deportation proceedings involving another client – August Wilhelm Lahtinen, a Finnish poet who had arrived in the U.S. in 1914, and, 44 years later, became the target of deportation because he had been a member of the Finnish Workers Federation

20 Ruth was subpoenaed to testify before HUAC in 1956 in connection with her work for the Midwest Committee. Unfortunately, she did not have the benefit of Ira's strategy during her testimony. Advised by her attorney to take the Fifth Amendment, she did so 34 times in response to questions put to her. Of even greater consequence was the tragedy that befell her mother, Bessie Geiser, who had emigrated from Russia as an 18-year-old in 1907.

Ms. Geiser, who had found work in a garment factory sweat shop three days after arriving in New York, had long been a member of the International Ladies' Garment Workers' Union (ILGWU). She had also joined the Communist Party. With the passage in 1940 of the first registration act for all noncitizens, Ms. Geiser filled out a form that asked whether she was, or had ever been, a member of the Party. She acknowledged that she had once been a member. Ten years later, with the passage of the McCarran Act, such an admission became a basis, retroactively, for automatic deportation. Ruth's mother was promptly arrested in California, where she and her husband, Ruth's father, were then living, and detained at Terminal Island, where she joined three others in similar circumstances.

Once she was released on bail, Ms. Geiser and "the Terminal Island detainees," as the four became known, were placed on "supervisory parole," which required them to appear weekly before an INS official and obliged them to disclose their comings and goings and contacts with individuals other than immediate family members, measures plainly designed to

compel them to "name names" of others who might have shared their political inclinations.

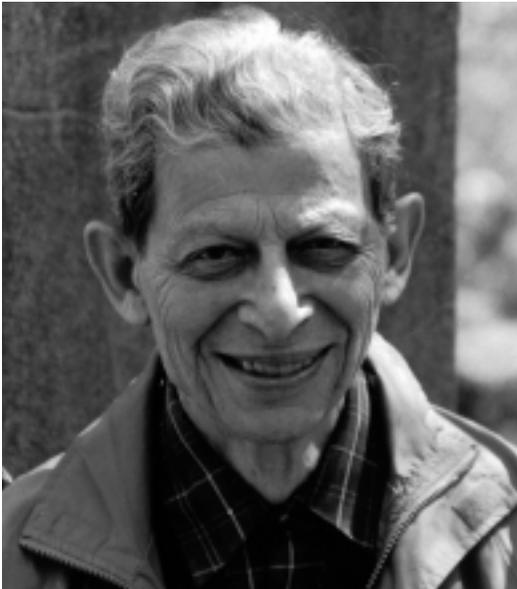
In 1951, Ruth helped her parents relocate to New York City. When Ms. Geiser moved, her "supervisory parole" moved, too. Although a lawsuit on behalf of Chicago deportees on supervisory parole filed by Pearl Hart, a well known civil rights lawyer and the general counsel of the Midwest Committee, later succeeded in bringing about certain ameliorations, supervisory parole's coercive and demeaning core remained intact.

In 1956, Ruth married a Greek deportee, a client of the Midwest Committee, who faced persecution if sent to Greece. Poland gave him asylum, and Ruth joined him there in 1958. She subsequently came back briefly to the U.S. to urge her mother to come live with them. Ms. Geiser, by then a widow suffering from Alzheimer's and still under threat of deportation, agreed to "voluntary departure," and relocated to Warsaw. But peace and quiet still eluded the family. In 1970, after a government-fueled anti-Semitic campaign, Ruth, her mother, and husband relocated again, this time to Denmark. Not long afterwards, Bessie Geiser died. With the overturning of the military colonels' coup in Greece, Ruth's husband returned to his homeland. They later divorced, and Ruth returned to the U. S. in 1974.

21 The decision became known by appellant Woodby's name due to a clerical act: his appeal received a lower docket number than appellant Sherman's.



Clockwise from lower left: Ira in 2003; Ira and Ruth with daughter Ruth and son-in-law Peter and their two children, Matthew and Caitlin, at Camp Poyntelle, Pennsylvania, in the summer of 1998; Ira with daughters Ruth and Jeanna at the event celebrating the publication of Ira's book, *Dialectical Materialism: Its Laws, Categories, and Practice*, June 1987.



(which had dissolved in 1942). Once Sherman's case was decided, the government, in Lahtinen's, granted Ira's motion to terminate the deportation proceedings on the strength of the Supreme Court's adoption of the more stringent standard.

Wechsler penned the following about Ira:

A quiet, modest man, he will never capture fame or fortune in the fashion of Lee Bailey or Edward Bennett Williams, but his resolute dedication sustained lonely clients through many long years... Such lawyers are too rare and their hours of glory too few. They endure long winters of anonymous frustration. But this spring

Gollobin's winning record in the justice league must offer large compensation for years of deadlock and defeat. He gains no such tangible dividends as those enjoyed by barristers who succeed in helping the affluent evade the tax laws. His reward is the sight of a new light in the eyes of Joseph Sherman and Wilhelm Lahtinen and, one hopes, his ensuing capacity to sleep serenely at night.

And, Wechsler might have added, the admiration and affection of his fellow and sister Guild members, other progressives, and, indeed, lovers of liberty and freedom everywhere. ■