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## **Two Lithuanian Immigrants' Blasphemy Trials During the Red Scare**

**By**

**Rev. William Wolkovich-Valkavicius**

Two forgotten legal episodes in New England history became temporary regional if not national scandals. These events illustrated how journalists and judges managed to cloak their xenophobia and nativist sentiments with a defense of Christianity. Additionally the pair of trials shows how aggrieved immigrants unhesitatingly resorted to the legal system to resolve their disputes.

In the latter half of the nineteenth century, the famous lawyer, Robert Green Ingersoll (1833-1899), gained the title "great agnostic." By his suave rhetoric and popularity, he enjoyed immunity from criminal charges of blasphemy. "His personal charm and correct demeanor of life protected him from antipathies that might otherwise have pushed him outside the ranks of respectable society."<sup>1</sup> A generation after Ingersoll, nevertheless, a different mood permeated the public mind. The Red Scare had enveloped the land, casting suspicions on aliens of many ethnic backgrounds. In this repressive era, the speech-making careers of Mykolas [Michael] X. Mockus and Antanas [Anthony] Bimba failed to escape criticism and legal action. Nor was either of them an Ingersoll.

The Lithuanian freethinker Mockus emigrated to the United States in 1886. Briefly he labored in a coal mine at Shenandoah, Pennsylvania, and in a cement factory in Detroit, Michigan. Despite his atheistic and

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<sup>1</sup> F. L. Paxson, *Dictionary of American Biography*, Vol. IV (New York, 1932, 1933), p. 470.

socialistic leanings, his curiosity prompted him to enroll in Bible studies at a Protestant seminary in Ohio. From there he emerged convinced more than ever that Christianity was an invention of the state and the wealthy class. By 1908 Mockus embarked on the lecture trail to enlighten his traditionally Roman Catholic countrymen.

For the next decade his disturbing talks provoked injunctions and arrests in Detroit, Michigan; Cicero, Illinois; and Waterbury, Connecticut. Each time he eluded a conviction through the defense of free speech. His streak of successes finally snapped at Rumford in mid-central Maine in 1919. A booming paper mill town, Rumford would not host Mockus as kindly as Brahmins has treated Ingersoll a generation earlier.

Rumford had been a typically Yankee town until the turn of the twentieth century. By 1919 a mix of Scots, Italians, and Poles included some 500 Lithuanians, mostly Roman Catholic. Among them was a small but vocal band of dissidents, most of who belonged to Lodge #13 of the Lithuanian Socialists Alliance. The invitation of this chapter brought Mockus to Rumford for a series of three lectures in September of 1919. Typical of his talks elsewhere, he used lantern slides to flash famous religious paintings on a screen, and then proceeded to ridicule the truths therein depicted. The bulk of his listeners responded with derisive laughter, hooting, and applause. At this Rumford appearance, he specifically mocked the dove in the Holy Trinity symbol, the Virgin Birth as preposterous except by biological means, and the nearly nude figure of the crucified Christ. Furthermore, he interlaced his "exegesis" with a sweeping condemnation of religion, capitalism, and government as an unholy trinity.

Mockus' first lecture angered and alienated at least a segment of his audience. Accordingly, the churchgoers brought Mockus' diatribes to the attention of authorities. By the third evening, several Rumford police officers mingled among the spectators, including one lawman who understood Lithuanian. Immediately after the third speech, Mockus was arrested and charged with eight counts of blasphemy. As justification for the arrest, police invoked an old Maine statute inspired by a colonial Massachusetts law, designed to protect the religious beliefs of state residents. Mockus, notorious among Lithuanians for his attacks on the Roman Catholic Church, became the first (and perhaps the only defendant) charged with blasphemy in Maine history. What was the

meaning behind this action that pitted a Lithuanian immigrant against Yankee tradition?

The Mockus trial became an overnight sensation. From a Lewiston newspaper came this provocative assertion during the court proceedings: "It is even whispered that it was federal agents who first hinted to the Oxford County authorities that it would be well to keep an attentive ear on the sayings of Mockus when he reached Rumford." Had there been collusion between the Lewiston and Rumford police departments, the publication asked? The newspaper foresaw national legal impact, noting that "The Supreme Court of the United States may pass upon the correctness of the verdict."<sup>2</sup> The aftermath prompted one researcher to declare the Mockus affair as "the *cause celebre* of the Red Scare period in Maine."<sup>3</sup> How significant that a lowly Lithuanian could ignite such an outburst of nativism. On their part, the press and judiciary clearly articulated the melodrama.

The two-day lower court trial began in October of 1919 with Judge John Morrill presiding. A well-known and capable defense rested in the hands of trial lawyer Frank Morey. Into court marched the prosecutor U.S. Attorney Frederick Dyer, armed with translations of Mockus' inflammatory statements for which witnesses supplied corroborating testimony. In a lengthy account of the trial, the *Lewiston Evening Journal* twice called the defendant's ridicule of religion as "unprintable," omitting any direct quotations. What Mockus said about Christ's nativity "nearly dazed Christian men and women in the court room. To them it was inconceivable that even a pagan idol worshiper could give expression to such thoughts."<sup>4</sup> Eighteen months later, the justices of the state Supreme Court were to echo this abhorrence, writing apologetically: "It is a most embarrassing task to spread those words upon this printed page."<sup>5</sup>

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<sup>2</sup> *Lewiston Saturday Journal*, Oct. 25, 1919.

<sup>3</sup> Rita M. Breton, "Nativism in Maine, 1917-1925" (master's thesis typescript, Univ. of Maine, 1971), p. 88.

<sup>4</sup> *Lewiston Evening Journal*, Oct. 25, 1919.

<sup>5</sup> *Maine Reports, Cases Argued and Determined in the Supreme Judicial Court of Maine*, March 9, 1921 to Dec. 1, 1921, Vol. CXX (Bangor, Maine, 1921), p. 87.

Defense counsel Morey failed to make any impression. In his main argument he asserted that whatever Mockus might have uttered in his speeches was not blasphemy in the strict meaning of the law. Morey further contended curiously that the defendant was exercising his own right of religion expression. Above all, Morey clung to both state and federal guarantees for liberty of expression. Even the twenty character witnesses failed to enhance Mockus' chances for acquittal. Only one witness was a naturalized citizen, while three admitted to being socialists - facts not lost on the judge, jury, audience, and press.

In his instruction to the jury, Judge Morrill dwelt on the notion of disturbance of the peace. It was not necessary that Mockus' irreverent remarks actually disrupted public order, he asserted. Rather, according to the judge's somewhat farfetched legal concept, the accused deserved a guilty verdict if the jurors found his statements sufficient to tend "to cause a future outbreak against the peace..."

After only forty-five minutes of deliberation, the jury found Mockus guilty of blasphemy as charged. Judge Morrill's pre-sentencing summation proved exceptionally revealing. He interpreted Mockus' attacks on Catholic clergy as equivalent to opposition against all religion. Indeed, in the judge's view the weight of the indictment rested on such a premise. Accordingly, he warned: "... there is no community and no society that can tolerate a willful and a spiteful attempt to subvert its religion...." The magistrate then linked the blasphemy with abuse of freedom of speech.

Now the monstrous thing is that this man should come here, addressing an audience of persons both of his intelligence and lack of intelligence... [and] should attempt to inculcate into their minds that here, in this land of free speech, any such talk will be tolerated.

Apparently reflecting the real motive behind the strong indictment of Mockus, the judge began to interject his thoughts on immigrants in general. "These people who come here [a phrase he repeated several times] -- ... we owe them nothing; we give them everything."<sup>6</sup> As if they

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<sup>6</sup> *Lewiston Evening Journal*, Oct. 30, 1919.

were wards of the state, the justice spoke of these newcomers as oppressed people who must be protected in this country of opportunity from those who would instill in them a false idea of liberty. Especially for this reason, Judge Morrill sentenced Mockus to term of 1-2 years in the state prison at Thomaston.

Throughout the trial, Maine's leading newspapers aroused public emotion by playing up the theme of subversion. "Why did a U.S. Service-Man Listen so Attentively to the Testimony?" asked the *Lewiston Saturday Journal* in a front-page headline story. The presence and role of federal agents was not acknowledged during the court sessions, but a Lewiston reporter admitted that "such whisperings I heard around the corridors."<sup>7</sup> Soon afterwards the newspaper devoted an editorial to Mockus under the striking headline: "Radicalism in Maine." Silent about the blasphemy, the writer sounded an alarm: "Maine little thought it would be fighting a veritable Bolsheviki case within its own household this year...." The journalist added, "... vicious doctrines have been brought into the heart of our Maine cities. This Mockus trial, according to the newspaper, "ought to advance the formulation of legal machinery by which outspoken radicals may be checked in their mad career...."<sup>8</sup> In the opinion of Prosecutor Frederick Dyer, the avowed purpose of Mockus' lectures was "to destroy the government" by destroying belief in the Bible and religion.<sup>9</sup>

Eighteen months later, in March of 1921, the Maine Supreme Court rejected Mockus' appeal. Upholding the lower court, the five justices affirmed disturbance of the peace arising from the blasphemy. The high court delved further. The motive behind the irreverence was also punishable, the judges ruled. "Thus it will be easily seen that in cases like the one at bar, the law reaches down through the surface of things to the concealed or dimly concealed depth of intent."<sup>10</sup>

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<sup>7</sup> *Lewiston Saturday Journal*, Oct. 25, 1919.

<sup>8</sup> *Lewiston Evening Journal*, Oct. 27, 1919.

<sup>9</sup> Letter from Dyer to Clerk of District Court, Brockton, Massachusetts, undated, c. Jan. or Feb., 1926, Files of Bimba Case, District Court, Brockton.

<sup>10</sup> *Maine Reports*, p. 94

More remarkable was the court's testimonial on religion. Careful to deny any legal tie between Church and State, the decision stated: "It is farthest from our thought to claim superiority for any religious sect, society or denomination, or even to admit that there exists any distinct avowed connection between Church and State..." Nevertheless, the judges went on to recognize that "by reason of number, influence and station of its devotees within our territorial boundaries, the religion of Christ is the prevailing religion of this Country and of this State." In support of its observation, the justices pointed to respect for God in the three branches of government, oathtaking in courts, state and congressional legislative openings with prayer, and the president's vow at inauguration with a salute to Holy Scripture with a kiss. The court asked rhetorically, "Can contempt or ridicule of God, the Christian religion or the Bible be protected by freedom of religion? To their own question the judges replied: "We register an emphatic negative."<sup>11</sup>

The obscure Mockus, who had spoken in Lithuanian to a few hundred fellow immigrants, succeeded in bringing on himself the full power of Maine's authority, set to defend God and Country. Beneath the rhetoric of both lower and higher courts, nevertheless, lay their xenophobia of that Red Scare era.

Mockus never served his prison term. Instead he fled to Mexico where he stayed in seclusion for six years and then returned to Chicago. In 1939, at the age of 75, he died in obscurity at a nursing home in Oak Forest, Illinois. Mockus though was not the only Lithuanian immigrant to achieve such peculiar notoriety. While he was looking ahead to leave Mexico, a second chapter in New England involvement in immigrant blasphemy was about to unfold.

Early in 1926, Mockus' prosecutor, Frederick Dyer, wrote a letter to the District Court in Brockton, Massachusetts, inquiring about the identity of the defendant in another blasphemy case. Dyer had been reading wire service reports about pending litigation against Anthony Bimba, whose lecture material seemed to resemble that of Mockus. The prosecutor wondered if Bimba might be the missing Mockus under an alias. If so, Dyer was anxious to supply Brockton authorities with copies of the Rumford papers. But then who was Bimba?

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<sup>11</sup> *Ibid.* p. 93

Like Mockus, Bimba had emigrated from Lithuania. It was in 1913. He toiled briefly in a steel factory in Burlington, New Jersey, and later in a paper mill in Rumford, Maine. There he joined a circle of socialists and soon became a committed Marxist. At the time of his encounter with the law in Brockton, Bimba was a staff member of the communist weekly *Laisve* [Liberty] in Brooklyn, New York.

Brockton, easily more than double the population of Rumford in the 1920s, was reputedly the world's largest manufacturer of men's footwear. As such it quickly became an immigrant haven of Greeks, Swedes, Italians, French Canadians, and one of the most concentrated Lithuanian colonies in New England. Like other urban enclaves, Brockton was also undergoing a great deal of labor agitation. In this environment a local Lithuanian communist society arranged a mass meeting to protest alleged political oppression in the homeland. The leftists invited Bimba to speak at Lithuanian National Hall on January 26, 1926. Local ethnic turmoil would make the speaker's words more inflammatory than he intended.

Unknown to Bimba, two Lithuanian factions were engaged in prolonged quarrels and court proceedings. The liberal nationalists, among who were some Catholics, found Bimba's coming as a most opportune moment to take measures against their adversaries sponsoring the lecture. The general tenor of the speaker's usual talks was well publicized in the foreign-language press. Knowing what to expect, the nationalists laid careful plans to ambush Bimba in his speech, as they scattered among the listeners that winter night. Earlier these activists had informed themselves about the rarely invoked Massachusetts blasphemy statute and the newly enacted sedition law.

In the course of his remarks, the communist Bimba supposedly announced that persecuted workers among ethnic groups were organizing to overthrow the capitalistic U.S. government. He predicted that the red flag would be unfurled over the Brockton hall in which he was speaking, and indeed over the capitol in Washington. Furthermore, he openly denied the existence of God and the divinity of Christ, while attacking clergy with whom the government was in alliance to control the masses. The next morning, two of the nationalists filed charges of blasphemy and sedition against Bimba. The lecture, like that of Mockus, attracted widespread attention.

*The Brockton Times* ran a headline: "Bimba Denies Existence of Deity." News accounts in the three leading wire services, Associated



Press, United Press, and International News Service, also emphasized the religious issue, whereas the headline of the *Brockton Enterprise* focused on the sedition complaint: "Bimba Speech Called Radical."<sup>12</sup> Some sources even predicted that Clarence Darrow might come to defend Bimba. Another publication suggested that the star government witness was the alleged target of a hired professional assassin from New York. Newspapers even compared the coming court battle to the recently concluded Scopes "Monkey" trial in Tennessee.

Unlike that of Mockus and his handful of socialist backers, Bimba's plight generated support from outside his immigrant sphere. Favorable to his cause were the International Association for the Advancement of Atheism, the American Civil Liberties Union, and figures such as the noted suffragist, Alice Stone Blackwell. When Bimba's lawyer, Harry Hoffman of Boston, secured a two-week trial delay, a number of pro-Bimba rallies were quickly arranged around the state. Once the nature of the planned assembly became known, however, hall rentals were withdrawn one after another.

These refusals in turn provided more copy for the press, as charges and counter-charges emanated from voices and pens of both conservatives and libertarians. On the eve of the trial, the communist *Daily Worker* printed a headline protest: "Capitalist Press in Brockton Is Wildly Whipping Up Lynching Frenzy Against Anthony Bimba." The paper insisted that the episode was a plot to harass foreign-born laborers into submission to their bosses and to force these workers back to their churches under the deadening spell of the clergy.<sup>13</sup> Meanwhile, the pre-trial commentary of the city prosecutor, Manuel Rubin, echoed the general public mood. "The type of men represented by Bimba and the radical statements accredited to him are a menace to American liberty and the American public... I am confident that laws will show their teeth, much to the disadvantage of Mr. Bimba... We are ready to fight to the limit."<sup>14</sup>

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<sup>12</sup> *Brockton Times*, Jan. 27, 1926; *Brockton Enterprise*, Jan. 27, 1926.

<sup>13</sup> *The Daily Worker*, Feb. 24, 1926.

<sup>14</sup> *Brockton Times*, Feb. 23, 1926; *Brockton Enterprise*, Feb. 23, 1926; *Worcester Gazette*, County Edition, Feb. 24, 1926.

The trial began on February 24, 1926, with Judge Charles King presiding. Bimba was the second man in Massachusetts history to come to trial for blasphemy. In a precedent of 1838, the state Supreme Court upheld a conviction against a Unitarian journalist, Abner Kneeland, who had denied basic Christian beliefs. The Brockton judge said he would gladly have dismissed the Bimba complaint, correctly noting that the affair was a local Lithuanian quarrel. Yet because of the 1838 Kneeland verdict, Judge King felt obliged to allow the trial. Nor could he have been unmindful of public opinion against radicals. The immigrant anarchists Sacco and Vanzetti were confined in the Dedham jail only fifteen miles away, waiting out a final appeal.

Excitement was a constant factor during the Bimba case. Local patrolmen and state troopers surrounded the courthouse, while mounted officers and others on motorcycles augmented the security force. Still other lawmen kept vigil at all doorways, in anticipation of mob violence. Meanwhile, a cohort of brave Bimba allies, despite an enraged populace, marched in columns down the street to the scene of the trial. But there was no incident.<sup>15</sup>

Reporters vied for seats in the crowded courtroom as they arrived from the major wire services, the *New York Times*, the *Worcester Telegram and Evening Gazette*, and the three leading Boston dailies: the *Globe*, the *Post*, and the *Telegram*. The Mockus affair had occasioned only a few anonymous warnings sent to the authorities. The Bimba trial provoked a whole flurry of similar threats and death notes written against both the defendant and the prosecuting team of attorneys. These unsigned letters bore postmarks from nearby Boston, Worcester, and Providence, Rhode Island and from more distant Portland, Maine, and Philadelphia.<sup>16</sup> Nevertheless the proceedings took place unimpeded.

Bimba's counsel, Harry Hoffman, based his defense on freedom of speech. He also questioned the motives of government witnesses who sought to trick the lecturer into objectionable statements. On his part the city attorney, Manuel Rubin, explained Bimba's presence in court "because he has attacked the existence of God and attempted to destroy

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<sup>15</sup> William Wolkovich, *Bay State "Blue" Laws and Bimba* (Brockton and Sandwich, MA, 1973), p. 77.

<sup>16</sup> *Ibid.*, Chapter Fourteen, "Death Threats."

and disrupt men's veneration for a religion,"<sup>17</sup> words clearly echoing Prosecutor Dyer against Mockus.

What were Bimba's motives? In Rubin's attack, the defendant's intent was "to lessen regard of his listeners for God, to impair their trust and confidence in Him." The city attorney characterized Bimba as "sowing the seed of hate -- not love, destruction not construction." Rubin's closing comments were closely parallel to the instruction of the Rumford judge in the Mockus case. According to Rubin's assertion:

Let each man so advocate his own doctrines as not to interrupt the fullest enjoyment of those same rights by others. It cannot be necessary that a man in inclination of his own notions shall abuse and insult others. To recite with malicious and blasphemous contempt the religion professed by almost the whole community is an abuse of rights.

After all, Rubin asked, "If Bimba wasn't there to sow discontent, what was he doing in town?"<sup>18</sup> In his final arguments, Bimba's advocate, Harry Hoffman, objected that the sedition issue was artificially injected to enhance the blasphemy accusation. The Bay State law on irreverence was antiquated, no longer applicable to the modern pluralistic society. The genuine question at stake was free speech, coupled with Bimba's right to religious expression. This was precisely the same defense used unsuccessfully in behalf of Mockus. Oddly enough, in both trials the opposing sides invoked religion in favor of their position.

Meanwhile, the Bimba trial was damaging to Massachusetts radicals. The *Daily Worker* headline of March 2, 1926, complained: "Bimba Case Excuse for Attack on Finnish and Other Language Papers by Minions of Reaction." The paper focused on Worcester, home of the powerful leftist Finnish daily, *Eteepain*. In Fall River, an Italian radical society called "Circolo Marion Rhapsodi" protested harassment by authorities because of

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<sup>17</sup> See note 14.

<sup>18</sup> Wolkovich, *Bay State "Blue" Laws and Bimba*, p.111.

its propaganda circulars.<sup>19</sup> To such immigrants, events in Brockton were a source of grave concern.

Unlike the Maine judges, Brockton's magistrate Charles King scrupulously confined himself to the narrow points of law in the most challenging case of his career. After a weekend of deliberation, he was satisfied that the atheistic utterances in the midst of Bimba's political speech were permissible within the verdict of the Kneeland decision almost a century earlier. So the judge acquitted Bimba of blasphemy. On the related sedition complaint, King ruled that unsympathetic questioners drew Bimba into committing a limited violation. The judge fined Bimba a "meagre" \$100.

In contrast to the unanimous press reaction in Maine against Mockus, New England newspapers commenting on Bimba seven years later split into fundamentalists and libertarians. The *New Bedford Times* offered editorials on atheism entitled: "The Fool Hath Said in His Heart," and "Atheist No Witness," and another column on the decalogue called "A Good Thing Keeps Going." The *Times* labeled critics of the blasphemy law as "shallow thinkers" and rejoiced because "that salutary ordinance has been vested with new weight and importance after its 200 years of life." A similar stance was adopted by the *Fall River Globe* in an editorial "Imported Destructionists," while the *Fall River Herald* published a long editorial captioned: "Checkmating Reds." The *Brockton Democrat* snatched the chance to instruct Lithuanian immigrants:

To our fellow workers... Get out of the ruts of Anarchy and Communism; pay no attention to those blatherskites who tell you [that] you can establish a Soviet form of government in this country. It can't be done, mates, because if all the descendants of the good old Yankee stock were dead and gone forever, the red-blooded citizens of their races in the land would stand no such nonsensical form of government...

The *Boston Telegram*, less perturbed than these newspapers, brushed off the defendant with this farewell: "Bimba says he is going back to

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<sup>19</sup> *Ibid.*, p. 100.

Brooklyn. Good luck to him, and may he accumulate wisdom with the years... his ideas have been shown up as more half-baked than vicious. He is merely the dupe of more adroit plotters." Some publications that ordinarily reported criminal proceedings of major import chose to ignore Bimba entirely. Meanwhile, the *New York Times*, as well as the *Lithuanian Press* deplored the distorted attention given to Bimba and his ethnic stock. The *Brockton Enterprise*, upset over national notoriety thrust on its city, chided journalistic colleagues, pointing out that

newspaper reporters and photographers have been here in numbers, making the most they could of the meager material the case afforded, but even the most imaginative of them could find nothing on which to base a sensational story.<sup>20</sup>

The communist defendant appealed to the Superior Court in Plymouth, Massachusetts. A year later the complaint was dropped by the Assistant District Attorney, who stated that evidence, was conflicting, and that no purpose of justice would be served by further pursuit. Meanwhile, Bimba had returned to the lecture circuit, and especially to his desk in Brooklyn, where he zealously continued to edit the communist *Laisve*, almost to his dying day on September 30, 1982.

The Mockus and Bimba cases left a curious chapter in legal history. Surely the Maine and Brockton judges were not intent on protecting Catholic clergy and their doctrines. Nor were two relatively unknown immigrants of a scarcely recognizable ethnic group about to trigger the demolition of Maine, Massachusetts, and the entire nation. Yet these essentially local disputes sparked enormous publicity, showing the intensity of xenophobia in that era. The 1919 Mockus case marked the rise of the Red Scare in New England, while the Bimba affair of 1926 proved to be a pivotal point in the decline of the nativist phenomenon.<sup>21</sup>

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<sup>20</sup> *Ibid.*, pp. 119 ff.

<sup>21</sup> For an incisive legal analysis of the Bimba trial against the political-cultural climate of Massachusetts, see Heidi A. Chesley, "God, Communism and Free Speech: The Trial of Anthony Bimba in Brockton, Massachusetts, 1926," Honors Paper, Harvard Law School, May 3, 1995. Both the Mockus and Bimba cases are mentioned in Leonard W.



## **The Boston Longshoremen's Strike of 1931**

**By**

**Francis M. McLaughlin**

In the depth of the Great Depression, under extremely adverse circumstances, Boston longshoremen engaged in, and endured, a long and bitter strike. It began on October 1, 1931, and ended on December 5. The strike was caused by the refusal of Boston longshoremen to accept work rules identical to those in New York. In the course of the strike, Boston longshoremen repudiated the leadership of the International Longshoremen's Association's International President, Joseph P. Ryan. The strike was fought bitterly and the men were defeated resoundingly. The strike's legacy is found in the poor labor relations that characterized the port in subsequent decades.<sup>1</sup> The account contained in this paper demonstrates that the conflict reflected a fundamental disagreement between the longshoremen and their employers, about what constituted a reasonable pace of work. The story illustrates the enduring need, in a rational industrial relations system, for institutional means for resolving fairly unavoidable differences between employers and employees about the concrete meaning of distributive justice.

The most important strike issues were the longshoremen's resistance to the efforts of employers to remove all restrictions on the size and weight of the sling load, and to eliminate the Boston practice of double pay for working during meal hours. The matter of sling load limits had been on

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<sup>1</sup> See Francis M. McLaughlin, "The Development of Labor Peace in the Port of Boston," *Industrial and Labor Relations Review*, Vol. 20, No. 2, January, 1967, especially pp. 221-225.