

Workers Against the City: The Fight for Free Speech in Hague v. CIO**Donald W. Rogers****University of Illinois Press, 2020****260 pages****ISBN: 9780252043468****DOI: <https://doi.org/10.14713/njs.v8i1.273>**

The reign of Jersey City mayor Frank Hague (in office from 1917–1947) still looms large in the public conception of New Jersey politics, and perhaps nothing is more infamous than the confrontation between the police and labor organizers from the Committee of Industrial Organization (CIO) in Journal Square on November 29, 1937. Policemen, acting on Hague’s orders to keep out “Communists” and maintain public order, assaulted the unionists and summarily forced them to leave Jersey City. In the public conception, “Hagueism” (summarized by Hague’s statement “I am the law”) became a byword for not only corrupt political machines, but the American analogue of Italian fascism and German Nazism. Eventually, this account continues, the Supreme Court, in *Hague v. CIO*, trimmed Hague’s authoritarianism and protected free speech rights, paving the way for his fall.

In *Workers Against the City: The Fight for Free Speech in Hague v. CIO*, Donald W. Rogers examines the traditional wisdom about Hague and the famous court case that bears his name. The book, which is meticulously researched in newspapers, court records, and the archives of the American Civil Liberties Union (ACLU), should be of interest for labor and constitutional historians, as well as scholars interested in political machines. It is also worth reading for residents of Jersey City who are interested in the city’s history.

Rogers seeks to add context to the traditional view of the case and argues that the history is more complicated than the conventional wisdom about Hague. His central argument is that Mayor Hague is less exceptional than he is often seen and, rather than being a manifestation of a growing fascist menace in the 1930s, represented an earlier model of municipal government.

(Even Hague's famous statement is taken out of context, Rogers argues.) The first two chapters of the book examine the rise of Hague and his relationship to the labor movement. Rogers argues against "the widely accepted view that Hague was an anti-labor tyrant who ran a virtual police state in Jersey" and thus "a singular menace against American rights." Instead, Hague "was representative of his time and place, if an extreme example" (16). Like most municipal political leaders, Hague saw the role of local government to preserve law and order against outsiders (both political and criminal), and did not see the Bill of Rights as applicable to local conditions. Nor, Roger argues, was Hague particularly anti-labor; he had formed a close relationship with local construction and longshoremen unions, part of the American Federation of Labor (AFL) and often comprising Irish American members. None of this, Rogers argues, made Jersey City, or Mayor Hague, unique—either in New Jersey or much of the country.

However, "the Great Depression wrecked trade unions' friendly relationship with Hague's administration" because "trade union and municipal priorities sharply diverged" (52). More broadly, the Depression gave rise to a new style of unionism, as more militant unionists formed the CIO in opposition to the AFL. The CIO emphasized mass labor struggles and industrial organization, and the labor movement in the Garden State, as elsewhere, was plunged into civil war. Hague firmly sided with the AFL, seeing the CIO as a threat. Similarly, the rise of the CIO reflected a broader political change. First, there was a shift in the conception of constitutional rights. Hague's narrow view—which was a consensus after Reconstruction—that local conditions fell outside of the purview of the federal government and the scope of the Bill of Rights, was challenged by a more expansive conception that the Fourteenth Amendment guaranteed basic rights and due process not only from the federal government but by state and local governments. As Rogers puts it, this meant replacing "Jersey City's constitutional vision

inherited from the nineteenth century that preserved municipal power and its safe harbor in old-fashioned federalism” with “a new constitutional view of nationalized civil rights that placed the CIO and its supporters under federal protection” (165). Instead of trying to assume dictatorial powers, Hague articulated a traditional vision of municipal government. For Rogers, the importance of the Supreme Court’s decision in *Hague v. CIO* is not that it protected the United States from impending fascism, but that it represented a shift in conceptualizing civil liberties.

Finally, Rogers analyzes the results of the case, arguing that its “legacy . . . differs from its reputation” (191). Despite the centrality of the CIO in the lead-up to the case, the case’s greatest impact was on civil liberties, not labor rights and “whatever promise the *Hague*-era jurisprudence held out for ‘labor speech’ it fizzled in the long run,” as Taft–Hartley and other post–Second World War laws limited the rights of labor (186). The ACLU saw the case as part of its turn away from labor activism toward litigating civil liberties in the courts, and the decision has been most used to defend the right to assemble, “with *Hague*’s labor dimensions long forgotten” (188). In a more immediate sense, for the labor movement in Jersey City, Hague and the CIO leadership were able to work together after the decision. As Rogers puts it, since “the CIO would rather work with local Democrats, even with the Hague administration” (190) instead of Republicans, the CIO leadership reconciled itself to Hague’s Democratic machine. When Hague eventually lost power, it was for “reasons largely unrelated to the CIO drive” (191). One weakness of the book is that, despite Rogers’s emphasis on the decision by the ACLU and CIO to downplay a labor-focused strategy and stress litigation, there is little insight on why this decision was taken, or the competing perspectives within the ACLU–CIO side. Rogers mentions attorneys Abraham Isserman and Morris Ernst several times, but does not explore how their differing political views and relationships with the Communist Party affected the case.

Given Rogers's view that history is more complicated than memory, it is not possible to summarize all of his arguments. There are still areas that other historians can fruitfully explore. As a labor historian, I wished that there was more on the actual activity of the CIO in Jersey City, and not just the court case. And given the fulminations of Hague about "Reds" in the CIO, the actual role of Communists and other radicals in Hudson County seems worth exploring. Rogers, however, set out to write a book about *Hague v. CIO*, and the book accomplishes this task admirably. That it points to other areas worth exploring underlines its strengths, not its weaknesses. Legal scholars, historians of New Jersey, labor historians, and curious residents of northern New Jersey will find much of value in this book.

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