

I. F. Stone's Weekly

VOL. 1, NUMBER 48

JANUARY 2, 1954



WASHINGTON, D. C.

15 CENTS

Outlook for 1954: Precarious, But Peace

The most important event of 1953 was the announcement in August that the Soviet had the H-bomb. The effect was to give the Soviet Union technological equality in war-making with the United States, and to underscore the fact that the two great powers were now so evenly matched with weapons of such transcendent destructiveness as to make co-existence, settlement and peace a mutual necessity.

Ranking next to it, though much farther down in the historic scale, was the return to power of the Republican party in the United States. This brought to ascendancy those spokesmen for the financial community who fear the garrison State as an entering wedge for socialism (see, for example, the leading article in *Barron's* for November 16, "Nose in the Tent—Defense Plans Hide a Lot of Socialism"), who want above all a balanced budget and a return to fiscal conservatism. They realize that this can be achieved only by reduction of the military establishment and relaxation of tension. The Korean truce in July was the first major achievement of these "Wall Streeters"—achieved against the opposition of the military, and the China Lobby, with its McCarthyite puppets.

The combination of Soviet strength and conservative longing for "sound money" has led to some extraordinary developments. In September, on his return from abroad, Adlai Stevenson seemed politically foolhardy when he suggested in an interview with *Newsweek* that we must co-exist with the new China. But two days after Christmas, Drew Pearson reported an interview with former President Hoover in which the latter said we could not go on "forever ignoring Communist China" and expressed the opinion that as business continued to fall off there would be an increased demand for trade with it. Hoover added that he considered Syngman Rhee a "menace"—a remark Hearst's New York *Daily Mirror* dropped from the Pearson column.

As striking are the views unexpectedly expressed in *Collier's* for January 8 by Senator H. Styles Bridges of New Hampshire, another member of the Old Guard, who is president pro tem of the Senate and chairman of its powerful Appropriations Committee. The Bridges article is called "Where Do You Stand on the Gravest Question of Our Time?" Bridges asks, "Should we fence ourselves in with radar and rocket? Or concentrate on the world's mightiest retaliatory force, as a deterrent? Or prepare for all eventualities? If not," he adds, "there's a fourth choice—which nobody likes to mention." It turns out that the fourth choice is co-existence.

The Senator does not commit himself. "I know no one," he writes, "willing to step up and be as forthright politically as some are privately," but a certain "they" believe the U. S. "must acknowledge that when two major powers have hydrogen weapons, recourse to war is out, *whatever the differences.*"

Coming from a Senator who in the past has often been allied with the China Lobby, this—guarded though it be—is sensational. How welcome too is the Senator's remark in passing, "The truth of the matter is that many responsible leaders are tired of panic arguments!"

Against this background it is easier to understand the decision to withdraw two divisions from Korea and the "new look" military plans in which the Army and Navy are to be reduced and the air force increased. This is disentanglement, a signal to Communist China that while no solution to the Korean question can be found which will satisfy either side, the status quo may be stabilized and tension relaxed by slow mutual withdrawal from the Peninsula. The sour reactions of Rhee, General Maxwell D. Taylor and David Lawrence are music to the ears of all who desire peace.

In this connection it is useful to call attention to a dispatch published by the *Sunday Times* of London (Dec. 20) from its well-informed Tokyo correspondent, Richard Hughes. Hughes reported that the State Department "with the concurrence of the Joint Chiefs of Staff" (ours is a government of almost independent feudal style principalities) vetoed plans for an alliance between Chiang Kai-shek and Syngman Rhee just before the latter's trip to Formosa and "firmly rejected proposals by Chiang and Rhee that the Chinese Nationalist troops be allowed to use South Korean bases for raids on the Chinese mainland."

In this context, is there some hope of agreement between U. S. and U. S. S. R. on control of atomic weapons? At first glance, the "new look" strategy would seem to be in the way—the idea is to save money on manpower by relying on the deterrent fear of atom-armed planes, an attractive solution for an unwarlike people casting about for easy pushbutton methods to establish a *pax americana*. But it is interesting to see that while the *Chicago Tribune* last week hailed the "new look" as an acceptance by Eisenhower of Taft-Hoover defense views, it also suggested in a Christmas Day editorial that "realization on both sides" of how destructive the new bombs are "may lead in the long run to a prohibition of such weapons" and suggesting that the U. S. would regain the advantage of its "impressive industrial superiority" if the possibility of atomic attack were eliminated.

The Russians, after their first angry reaction to Eisenhower's proposals, were shrewd enough to change their tune and tactic. The Eisenhower "atomic pool" plan is a glittering bauble but will serve a useful purpose if it leads to confidential talks. The obstacles to peace are great; its enemies are desperate. Germany seems as insoluble a problem as Korea, given the attitudes of U. S., U. S. S. R. and their respective satellies. But peace does seem to be breaking out. This is the happy tidings for 1954.

Has the Soviet Secret Police Always Been Run by Traitors?

Some Unanswered Questions in the Beria Case

Yagoda, head of the Soviet secret police in the 30's, the man who staged the great show trials, was himself brought to trial and executed (in March, 1938) as a lifelong agent of foreign intelligence services. Yezhov, his successor, who prepared Yagoda for trial, was later executed on the same charges. He was succeeded in 1939 by Beria and now Beria, too, has been executed as a foreign agent. Thus, if Moscow is to be believed, the successive heads of the Soviet secret police in the last two decades, have been traitors and foreign spies. The question then arises—were the many famous Russians they purged and prosecuted the victims of foreign-directed deviltry?

The premise once accepted, stranger questions follow. The Soviet war effort was managed by a State Defense Committee of five men: Stalin, Molotov, Voroshilov, Beria and Malenkov. Beria was in charge of domestic policy. How did the Soviets manage to survive the war if the director of the home front was a foreign agent?

Is Malenkov Also Tainted?

Were Stalin, Molotov and Malenkov also tainted? It was Stalin, a fellow Georgian, who gave such sweeping power to the Georgian traitor, Beria. Molotov's right hand man in the Foreign Office all through the war was Dekanozov, another of the Georgians executed as a traitor with Beria. And who nominated Malenkov to be head of the Soviet government after Stalin died? That same foreign agent, Beria.

A Swing Back to Repression?

Twice, in 1939 and in 1953, Beria's accession to power as head of the secret police, was followed by events which relaxed the terror. His assignment in 1939 was to "purge the purgers"—five important NKVD officials in the Ukraine were tried and executed for criminal abuse of their powers. Many persons were released from jail and rehabilitated on the ground that there had been "a deplorable misunderstanding"—the phrase was standard. Beria made a speech at the Communist party Congress in March, 1939, in which he attacked the tendency to blame failures in the economic sphere on "hostile and disruptive forces" instead of on poor management.

This year, too, Beria's accession to control of the secret police was followed by reforms. On March 27 a decree was issued providing an amnesty for many kinds of prisoners, including all women with children under ten years of age, pregnant women and young persons under 18 (in itself no flattering sidelight on the Soviet penal system). A revision of the criminal code was promised which would abolish criminal responsibility for certain types of malfeasance in farm and factory work and management—a reform which recalls the 1939 speech by Beria.

This was followed on April 3 by the sensational announcement reversing the previous verdict in the "doctors' plot," asserting that the supposed confessions had been obtained by illegal means and declaring that the secret police officials responsible were to be punished. *Pravda* underscored the significance of this by concluding, "Every worker, every collective farmer, every member of the intelligentsia, can work safely and without fear that his civic rights are guarded." Four months later, on July 9, Beria fell from power.

What Happened to Reform of the Criminal Code?

When the amnesty decree was announced on March 27, the Ministry of Justice was "instructed to draft appropriate proposals" for the reform of the criminal code and submit them to the Council of Ministers and the Presidium of the Supreme

Soviet within a month. Nothing more has been heard of the promised reform.

What Now in The Case of The Doctors?

Most of the doctors whom Beria cleared were Jews; the American Joint Distribution Committee, an American Jewish organization, had been accused in January of directing these doctors to poison high officials of the Soviet government. In reversing that decision and punishing those responsible, was Beria acting as a foreign agent? Was the charge he made merely a frame-up of innocent secret police agents?

The Soviet communiques, as usual, cast little light on these real questions. *Pravda* last July in announcing his removal and arrest said "Being obliged to carry out the instructions of the central committee of the CPSU and the Government with respect to strengthening Soviet law and ending certain instances of lawlessness and arbitrary action, Beria deliberately hindered the carrying out of these instructions . . ." Just how he hindered them was not specified.

This sounds as if the reversal of the doctors' plot was carried out on orders. But *Pravda* on December 17, in announcing that Beria was to be tried for treason under the Kirov law, said he and his fellow "conspirators were persecuting and harassing honest workers of the Ministry of Internal Affairs who refused to carry out the criminal orders of Beria." This begins to sound differently.

Pravda also said on December 17, "Beria had chosen as his main method slander, intrigue and various provocations against honest Party and government workers who stood in the way of his designs . . ." Was the April announcement on the "doctors' plot," then, only "slander" of honest government workers? This question, too, is left unanswered. One tantalizing detail underscores the question. The Marshal Koniev who presided at the Beria trial was one of those whom the doctors were accused of trying to poison!

Reversion to Demonology?

The *Pravda* announcement last July said "irrefutable facts" proved that Beria had "ceased to be a Communist, that he has developed into a bourgeois renegade," and that he was guilty of attempting to substitute "in place of the party's policy worked out over many years, a policy of capitulation which, in the final analysis, would have led to the restoration of Capitalism."

This seems to reflect a bitter dispute over policy. Beria seems to have been associated with a more "liberal" point of view on personal rights and on the rights of national minorities. The phrasing seems the echo of a real debate, not an exercise in demonology.

There is a different tone in the *Pravda* article of December 17. This no longer speaks of policies which "in the final analysis" would lead to the restoration of capitalism. All is now gross and melodramatic. Beria was a foreign agent from the early 20's and tried to place the Ministry of Internal Affairs "above the Party and the Government, with the objective of restoring capitalism and re-establishing the rule of the bourgeoisie." (Where was Beria going to get the bourgeoisie to restore? From the nearest cemetery?)

A Few "Bourgeois" Reforms Would Help

The Soviet government owes world public opinion an explanation of where the case of the doctors stands now that the man who exposed it as a frame-up and a fraud has been executed.

A government which periodically discovers that the heads of its secret police are monsters is badly in need of "bourgeois style" reforms to protect its citizens.

If these were the kind of reforms Beria was trying to effect, his execution is a setback for the hopes of a more moderate regime in the Soviet Union.

I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$15 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

January 2, 1954



Vol. 1, No. 48

Once Lightly Round

The Three C's—Minus Two of Them. We note the celerity with which the Republican "new look" NLRB intervened to give the racket-ridden ILA the quick waterfront election it wanted in New York. The Republicans were going to clean up "Crime, Corruption and Communism" but not, it appears, when crime and corruption are linked with big business and useful politically. No doubt we shall soon be reading a red hot column on this theme by Westbrook Pegler, our leading crusader against labor corruption, probably tracing the Eisenhower Administration's lapse directly to the dastardly influence of Mrs. Roosevelt.

Good News, If True, Dept: Business Week (Dec. 26) reports from Washington, "Immunity for witnesses who tell of their subversive activities won't be voted. Congress doesn't like deals between government and suspects. Evidence obtained by wire-tapping isn't likely to be O.K.'d either. Many Congressmen are lawyers. They see this as an invasion of liberties."

Revising The King James Version to Fit The Cold War. The Washington Post celebrated Christmas with an editorial learnedly discussing the original Greek text of "peace on earth, good will toward men" and suggesting that it means only good will toward those men who are already ("eudoxias") well-disposed. To keep the text consistent and (up-to-date) we suggest a similar passage be revised to read, "Love thine enemy, but only after he has been vaporized." (And just to make Ike's Attorney General more comfortable at church, why not, "Blessed are the persecutors . . .")

Soliciting Insurance, Not Secrets: The real story about Harry Hyman that "balky witness" of McCarthy's who made "400 to 600" telephone calls in the last two years to various defense installations is that he was soliciting life insurance, not secrets. Hyman is one of the country's top insurance agents and is said to have sold about \$1,000,000 worth last year alone.

"Jenner Says Soviet Still Has 25 Spy Rings in the U.S." Our own oujia board tells us 23.

The Advance of Piety: Catholic priests have been granted two hours a week to teach the catechism in the public schools of Formosa, according to the Rev. Louis J. Dowd, a Jesuit missionary expelled from China by the Communists in 1951. Father Dowd told the Sodality of Our Lady at Georgetown University the State Department is completely "befuddled" because it does not realize that "communism is not a flesh-and-blood organization . . . the power we are fighting is the devil."

Now that we have the enemy spotted, perhaps we ought to extend the Point Four program to hell.

The Oder-Neisse, The Vatican and The Shadow of A New Rapallo: In an interview with Claude Bourdet's *L'Observateur* (Dec. 17), M. Andre Denis, the one Catholic (M.R.P.) member of the French parliamentary delegation which just visited Poland says the Vatican's refusal to nominate Bishops for the new Oder-Neisse territory of Poland provoked an outburst of ill-feeling "among those elements of the regime which had banked on collaboration with the Church." Mr. Denis said all sectors of Polish opinion, at home and abroad, are agreed on the necessity of retaining the Oder-Neisse territory to give Poland the economic resources and access to the Baltic essential to a balanced economy. "It seems to me," M. Denis said, "that they also fear, without wishing to avow it, that confronted by a rearmed Western Germany the Russians—to save the peace and as the price of a new Rapallo—might consider a deal with Germany on these territories at the expense of Poland . . ."

The Plot Thickens: Henry Wallace in a letter to *U.S. News and World Report* (Dec. 4) protests that Harold Ware (whom the Jenner committee report describes as the original organizer of the first Communist cell in the government) was never employed by the U.S. Department of Agriculture or the AAA while Wallace was Secretary. "His service to the Department," Wallace writes, "was while Hyde was Secretary of Agriculture and Hoover was President."

Comrade Aldrich Among Them: And the labor economist, T. Balogh, in a letter to the *London New Statesman and Nation* (Nov. 28) suggests that Harry D. White's support of the drive for convertibility of sterling at Bretton Woods was a Communist plot. If a desire to achieve convertibility of sterling as soon as possible after the war was proof of you-know-what, the whole of Wall Street from Winthrop Aldrich down must have been Marxist.

Will the FBI Please Check Mark Twain's File Right Away? The first Marine from the Washington, D.C., area to return from captivity in Korea, describes a friend of his who elected to stay with the Communists: "He was soft-spoken and very religious. He was the kind who'd read anything he could get his hands on. But all they gave him was Communist propaganda and stuff that was always about the poor people, the Negro situation and racial discrimination. They had Howard Fast and Mark Twain."

Recommended: For the light it throws on much that is happening today and as the engrossing story of one of the bravest American journalists of our time, George Seldes's memoirs, "*Tell The Truth and Run*" (Greenberg: \$3.75); for the urbane reflections and penetrating observations of a Socialist scholar in a vanishing tradition, Paul M. Sweezy's collected essays, "*The Present As History*" (Monthly Review: \$5); and for sheer engrossing adventure, physical and spiritual, "*Vagrant Viking*," the autobiography of a great Danish explorer and newspaperman, Peter Freuchen (Messner: \$5).

Best Reporting of the Year: Murray Marder's coverage of the McCarthy circus at Fort Monmouth for the *Washington Post*.

Our Annual Silly Ass Award: To Rebecca West for nominating Whittaker Chambers's *Witness* as book-of-the-year "because it followed the great Anglo-Saxon tradition of illuminated dissent."

JUST LIKE PORNOGRAPHY . . .

One of our Washington news stand dealers tells us that we have a lot of "free riders" in the capital—readers who come along in the evening and in the light of the shop window next door stop and furtively read the *Weekly* on the stand, peeping through its political heresies as other readers do the disrobed girls in the "art" magazines. Unlike the haunted government employes of Washington, you need not be a political peeping tom. Keep the bare truth coming to your door by renewing your subscription on the reverse page—and send a gift sub to a friend if you can.

I. F. STONE

Any "Subversion" In This Picture Is Brownell's

Originally the Attorney General's list of "subversive" organizations was a secret list for the guidance of administrators in adjudging "loyalty". At least it did not affect persons outside the Federal government. Under Tom Clark, the list was made public and began to cast a shadow on basic rights of association and assembly. A broader purpose is avowed in Attorney General Brownell's complaint against the National Lawyers Guild. Listing, it is there stated, "makes it possible for uninformed loyal citizens to disassociate themselves from such groups at the earliest possible moment."

Thus this becomes a means of breaking up organizations by government blacklist. The listing derives from an executive order, not a statute, and the standard—"subversive"—is undefined, if not undefinable. Only one thing is clear. The standard has to do with ideas alone. The National Lawyers Guild complains in the application for an injunction, rejected here last week by Federal Judge Keech, "there is no suggestion anywhere that plaintiff at any time participated in any illegal action or even in the advocacy of any prohibited doctrine."

The determination, until now, has been made without notice or hearing. As a result of the Supreme Court's decision in the *Joint Anti-Fascist Refugee Case* (341 U.S. 123) it became clear that such procedure would be regarded as of dubious legality. But the National Lawyers Guild case shows that any change since has been of form alone. As pointed out in the *Weekly* at the time (see No. 31, September 5), the Attorney General first announced an unfavorable verdict against the Guild (in a speech to the rival American Bar Association) and then gave it notice and a chance to ask for a hearing.

An examination of the new Brownell regulation will show how inadequate is the notice and hearing provided. The organization must file notice within ten days or be held to have acquiesced in the designation as subversive. Within sixty days after an appeal, the Attorney General supplies "a statement of the grounds" and "written interrogatories."

The hearing procedure is peculiar. The hearing board or officer may decide to conduct it without taking any evidence, relying instead on the written interrogatories. The Attorney General, on the other hand, may introduce evidence "at his

election." "The ordinary rules of evidence need not be adhered to" and the Attorney General may submit his evidence "in summary form or otherwise, without requiring disclosure of classified security information or the identity of confidential informants." If witnesses are heard, they "shall be subject to cross-examination, provided that no witness on behalf of the government shall be required to disclose classified security information or the identity of confidential informants."

The interrogatories submitted to the Guild show how hazardous is the path to this Star Chamber style court. Sixty-six interrogatories were sent the Guild, some so voluminous and covering events so far back that it is difficult to see how they could be answered in the 60-day limit set by the Attorney General's order. Interrogatory No. 50 asks (a) whether the Guild knows or has any reason to believe "that any of the present or past members of any branch, local, club or chapter of the NLG is now or ever has been" a Communist and (b) if so, to identify them. No. 50 asks whether any branch ever provided information to any Communist publication. Appended to the interrogatories is a notice that any false reply is punishable by \$10,000 fine or five years in jail or both.

The interrogatories vividly illustrate the dangers to radical and non-conformist opinion. Has the Guild opposed universal military training since 1948? Why didn't the Guild support the UN action against North Korea until two and a half months after the war broke out? What position did the Guild take on the Mindszenty case? On expropriation of oil in Mexico? On admission of Red China to the United Nations? On atomic energy control, the FBI, the Smith Act and the non-Communist oath requirement of the Taft-Hartley Act? What has been its position on legalized wire-tapping? On the McCarran bill to compel testimony by granting immunity to witnesses before Congressional committees?

The Guild is appealing in its fight to enjoin the Attorney General. Can any lawyer fail to see how subversive of fair procedure and constitutional liberty is the conduct of the Attorney General? The measure of support mustered by the Guild will be the measure of the extent to which the bar has already been cowed by him.

Let Us Send A Sample Copy of This Issue to A Friend—Or, Better Yet, Start A Gift Sub With This Issue

Don't Rue It, Do It.

PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

1-2-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. 1, NUMBER 49

JANUARY 11, 1954



WASHINGTON, D. C.

15 CENTS

News You Won't Find Elsewhere

The State Department Finally Appoints That Passport Appeals Board . . . Sweden and Switzerland Agree Korean POW's Didn't Get a Free Choice . . . The ACLU's Directors Resort to Dictatorship . . . See Inside Pages.

No "New Look" In This New Congress

The new session of Congress is likely to disgust both the right-wingers who looked to Eisenhower (not too hopefully) for a clean sweep of New Deal and Fair, and the liberals and left-wingers who have been hoping that the Democrats might put up a fight in defense of basic liberties.

So far as social legislation is concerned, the pattern has been set at least since the election of 1940 when the Republicans accepted governmental responsibility for full employment. On this front, including farm legislation and Taft-Hartley, intra-party battling will be minor because the Administration will not go very far in an election year in a direction which might antagonize farmers and workers.

Outlook for Civil Liberties

So far as civil liberties are concerned, there will be fighting on three fronts, none of them encouraging to liberals. The witch hunters will continue their work. Talk of curbing McCarthy is not to be taken seriously, neither party has the fortitude and Morse, who holds the balance of power in the Senate, went along with McCarthy and Jenner last year when an effort was made to curb their funds.

The Eisenhower Administration, chiefly through Attorney General Brownell, will continue the effort to demonstrate that it can "handle subversion" without interference from Congress, i.e., that it can out-McCarthy McCarthy. The Democrats, as in the fact sheet on Communism issued by their National Committee, will try to prove that they pioneered the witch hunt. The opposition to the immunity bill in the House and the wire-tap bill will come from a few on both sides of the aisle, but the Democrats do not have the nerve to take leadership against the bills and only rival viewpoints among the sponsors can block them.

Jealousy Among the Witch Hunters

The biggest factor in impelling some action toward a curb on McCarthyism comes from the jealousy of the witch hunt competitors he has outdistanced by superior effrontery. Jenner, Knowland, McCarran, Mundt and Dirksen would like nothing better than to see McCarthy gagged so they and their own allies could take over the tasks and rewards of the witch hunt. Nixon and McCarthy see each other as rivals one day for the Presidency; McCarthy endangers Nixon's laurels as "the man who sent Hiss to jail." Nixon is not averse to using anti-

McCarthyism to demonstrate his own relative "balance" and moderation.

More Differences on Foreign Policy

There will be more differences between the two parties on foreign than on domestic policy. The Democrats, smarting from the attack on them in the White affair, are anxious to demonstrate their superior patriotism by accusing the Republicans of "appeasement" in the Far East and of sacrificing defense to economy. The military crowd, particularly the Air Force, have closer liaison with the Democrats than the Republicans.

That Korean Deadline

The Administration will take the risks of releasing all prisoners on January 22; Assistant Secretary of State Robertson and Admiral Radford, chairman of the Joint Chiefs, went to the Far East to prepare the way for it, and to see that Syngman Rhee is kept under wraps. The announcement that two divisions would be withdrawn was intended to sweeten the release for the Chinese Communists. The Administration is anxious to reopen talks before January 22 as one way to prevent dangerous eventualities. The truce is almost as unpopular in some sectors of Pentagon and State Department as it is with Rhee but Eisenhower wants the Korean peace as the party's No. 1 talking point at the Congressional elections, and he also wants it—in our opinion—because he wants peace. This is one hopeful fact amid the complexities, fits-and-starts, and contradictions which make American policy so bewildering.

Dean on Red China

Unfortunately the Administration is also timid, slack, uninspiring and (for all the B. B. D. & O. speech makers) quite lacking in the imponderable of leadership. It is impossible to learn whether Arthur Dean's interview with the Providence, R. I., *Journal*, January 3, urging review of American policy toward Red China, marks some change in official policy or is only the indiscreet talk of a thoughtful and affable amateur diplomat. It seems to have been the latter, but should the Chinese swallow the slight involved in the release of prisoners and should peace slowly continue to settle down on the Far East, there is no doubt (1) that Communist China will be recognized and (2) that this is being privately admitted in the State Department and in the Senate, oftentimes by men who still take a different position in public.

I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$15 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

January 11, 1954



Vol. 1, No. 49

Passports: A Little Progress

The press section of the State Department, which can consume a forest primeval on releases announcing that some nonentity has been appointed second vice consul at Bangkok or giving the full text of an address by a third assistant secretary of state to a North Carolina woman's club, has issued no release, sought no publicity on one major event. It has finally set up a Board of Passport Appeals.

The desire to hide this light under a bushel is understandable. A three judge Federal court ruled here July 9, 1952, in the Anne Bauer case that the Department's hitherto omnipotent passport division could not refuse a passport without some explanation and hearing. On September 2, 1952, the Department bowed to the courts and public clamor and issued a code of passport regulations providing for hearings before a new Board of Passport Appeals. Though that was more than a year ago, nothing happened. No Board was appointed.

The passport division avoided the necessity of hearings by avoiding decisions. The Department's favorite mode of government has been by evasion, by just plain failure to answer communications from other departments or ordinary citizens.

This tactic met its nemesis in the St. Louis physicist and college teacher, Martin Kamen. Kamen had been trying for 15 months to get a passport without eliciting any decision from the department. On December 17, his counsel Nathan H. David, filed suit in the Federal courts here against the passport division. Rapid action followed. On December 21 the passport division rejected Kamen's application.

On December 21 Kamen's counsel threatened to amend his complaint to obtain a court order requiring the Department to state its reasons fully, to set up that long promised board of passports appeals and to give Kamen a hearing. On December 23—without benefit of press release—the board was established, though not a line about it appeared in the press, not even in the *New York Times*.

So far the Department has announced the names only of the chairman, who will be Thruston Morton, Assistant Secretary of State for congressional relations, and the counsel, John William Sipes, who was with the Department's loyalty and security board. A panel of five will serve on the board, but their names have not yet been made public. When the press section was asked why no release was issued, the explanation given was (1) "they want to work out the rules first" and (2) "everybody seems to be asking about it, anyway." The "everybody" may be read as hyperbole.

Were POW's Given A Fair Choice in Korea?

Reports with unpalatable facts or conclusions have a way of not turning up at State Department and Pentagon. The mimeograph machines and the presses roll when reports fit propaganda patterns. The December 28 report of the United Nations Neutral Repatriation Commission seems to be a case in point. Nobody in Washington seems to have received it, and the UN can't decide whether it is a UN document.

Persistent telephoning, however, did turn up a single copy of the majority and minority conclusions at State Department, which this correspondent was allowed to read. The striking thing about them is that the majority (India, Poland, Czechoslovakia) and the minority (Sweden, Switzerland) agreed that there was coercion in the camps against the POW's, and that in the anti-Communist southern camps this led to violence and murder.

This is what the minority report said: "The attitude of the PW in respect of explanations has apparently to a large extent been influenced and coordinated by organizations of a political nature which are to be found among the PWs in both the southern [anti-Communist] and northern [Communist] camps. The commission is aware of the existence of such organizations. These organizations undoubtedly exert a certain control over the prisoners, and in the southern camp acts of violence and even murders have been committed."

The minority report also says the decision not to use force "except for purely disciplinary and judicial measures, or when such force was likely to lead to large scale killings" made it impossible to break up these organizations and "had important repercussions on almost every aspect of the commission's activity."

The Commission's (majority) report put this more strongly. It said, "Despite all the care the commission took in endeavoring to create a proper atmosphere for the conduct of explanations work it cannot record a finding that even those PWs in its custody in the south camp who went through the process of individual explanations were completely freed from force or threat of force arising from and intimately connected with the camp organization and its leadership. It must,

When Is a Parallel Not a Parallel?

The theory of "parallelism" underlies the procedure used in loyalty clearances, in the proceedings of the Subversive Activities Control Board, in passport regulations and in the witch hunt generally. If it can be shown that a man agreed with the Communists on a certain number of questions, it is assumed that he was somehow linked with it in conspiracy. Proof by parallelism with party line is so well established that few question it any more. But how differently the courts treat parallelism when business enterprise and the Clayton Act are involved.

Last Monday Mr. Justice Tom Clark for a majority of the U. S. Supreme Court dealt harshly with the theory of parallelism as circumstantial proof of conspiratorial agreement. A suburban movie owner outside Baltimore brought suit against the major film companies for treble damages and an injunction under the Clayton Act. The petitioner claimed that none of the movie companies would ever let him exhibit a first-run picture and cited

the 1948 Paramount anti-trust case to show the same companies had imposed a uniform system of runs and clearances.

"To be sure," Justice Clark ruled, "business behavior is admissible circumstantial evidence from which the fact finder may infer agreement. But this court has never held that proof of parallel business behavior conclusively establishes agreement or, phrased differently, that such behavior itself constituted a Sherman Act offense. Circumstantial evidence of consciously parallel behavior may have made heavy inroads into the traditional judicial attitude towards conspiracy; but 'conscious parallelism' has not yet read conspiracy out of the Sherman Act entirely."

We wait to see how the same justices will treat parallel behavior when on appeal from the Subversive Activities Control Board, political ideas rather than business interests are at stake.

however, be stated that the commission could not, in the opinion of the majority, in the circumstances and within the time and resources at its disposal, do anything more than to provide facilities for individual explanations. The Czechoslovak and Polish members of the commission stated that this was not enough, and that it was necessary at the time to reorganize the PW camps and to segregate the ring-leaders."

The report went on to say that "The Commission cannot record a finding that PWs in its custody in the southern camp were completely free from the influence of the former detaining camp, and in particular of the authority of the Republic of Korea, whose incursions made it impossible for the commission to come to any other conclusion."

The prisoners on both sides rather than the commission determined the course of the explanations, thanks to the decision not to break up the camp organizations by force. "The cooperation of the prisoners," as the minority report phrases it, "became a decisive factor in the conduct of the explanations. In the southern camp the prisoners asked for shorter explanations, in the northern camp they asked for prolonged explanations; when in both cases their demands were rejected by the explaining side, they refused to come out for further explanations."

The ACLU's Directors Decide Dictatorship Is Best

When the American Civil Liberties Union finally holds its thrice postponed biennial conference, now scheduled for the February 12 week-end in New York, the libertarian left's most carefully concealed internal controversy will finally hit the front pages. Until now it has been covered only in this *Weekly*. The latest news, again leaked via the January bulletin of the militant Northern California branch of the ACLU, is that the National Board on November 30—by a vote of 14 to 4, with five members not voting—decided to override a national referendum of the membership and adopt new policy statements overwhelmingly rejected in it.

These new policy statements (see issue of October 31, "The ACLU's Directors Prepare to Jettison Its Principles") would give a queasy and qualified but unmistakable endorsement to the basic methods and premises of the witch hunt. The revered Alexander Meiklejohn at the November 30 meeting urged the Board not to adopt policies which the ACLU's affiliates had almost unanimously rejected, and which would undercut its traditional libertarian positions. The vote openly to override was made necessary by the failure of internal maneuvers which sought to change the vote of the Chicago affiliate (see our issue of December 14, "Convulsions at the ACLU"). Under the ACLU's complex system of voting, heavily weighted in favor of the National Board, this would have provided a majority for the new policy statements, which were finally defeated by 2,500 votes.

The vote to ignore the referendum was based on an extraordinary section of the by-laws requiring the National Board

Freudian Slip by the FBI?

There is a curious omission in the fact sheet issued last month by the Democratic National Committee to show how much the party had accomplished in the struggle against Communism. An appendix lists every indictment and conviction of a radical back to the pre-war imprisonment of the Minneapolis Trotskyites under the Smith Act. Two indictments under the Foreign Registration Act of 1940 are cited, but no mention is made of the conviction of Jacob Golos under that act in March, 1940. The research division of the Democratic National Committee said the information was obtained from the Justice Department. Golos (as pointed out in the *Weekly* for November 30, "Was J. Edgar as 'Blind' as Harry?") was Elizabeth Bentley's lover. Is the Department of Justice "forgetting" this conviction, lest too many people ask how Golos in 1940-43 could operate a spy courier system out of Washington unbeknownst to the FBI after he had been convicted and registered as a foreign agent?

to act in accordance with the majority recommendations on any referendum, "except where it believes there are vitally important reasons for not doing so which it shall explain to the corporation members." These by-laws, under which the National Board can exercise Weimar Republic style dictatorial "emergency" powers against the wishes of the membership, are themselves extra legal. The by-laws have never been formally adopted by the membership. This, too, will be aired at the biennial conference, unless it is again postponed.

NEWS NOTES: Americans for Democratic Action decided to favor wire-tapping "with safeguards" but couldn't make up its mind on the immunity bill. . . . The most hopeful news from the South was that Wall Street Journal story on January 4 discussing the tactics merchants there were using to obtain Negro trade, including—and this will really turn the Daughters of the Confederacy albino—addressing Negro customers as "Mister." . . . Earl Browder sent the New York Times a letter protecting and denying that "dope" story from Washington that the House Un-American Activities Committee had a former Communist leader softened up to the point where "in about six months" he might talk. . . . The Emspak case, the first in which the Supreme Court will pass on the question of the First Amendment and Congressional Investigation, will be argued this week and trial of Harvey O'Connor for contempt has been postponed until after the Emspak decision has been handed down. . . . IFS is taking to the hustings on the subject of the immunity bill, wire-tapping and the general threat to civil liberties. He will speak on Friday, January 22, in Washington at Odd Fellows' Hall, 9th and T Streets NW, under the auspices of a newly launched public affairs forum of the local Progressive Party, and the following Friday, January 29, in New York, at Carnegie Recital Hall, 154 W. 57th Street, under the auspices of the Emergency Civil Liberties Committee.

DON'T BE SURPRISED WHEN . . .

You pick up the mail and find another copy of that "success story" letter we sent you some weeks ago in launching our renewal campaign. Many readers asked for extra copies to send on to friends, and since we had a large quantity on hand a "second round" mailing seemed an inexpensive way (1) to provide a reminder and a prepaid reply envelope for those of you who have not yet renewed and (2) a way those who have already renewed can lend us a hand. Just send the "success story" letter and the prepaid reply envelope to a friend who might like to subscribe.

The response so far has been extraordinary—we don't believe there is another publication in America which can show so large a percentage of renewals in advance of expiration. Our second year of publication is assured—our basic expenses for the new year are covered. But we'd like—and are sure you'd like—to see the *Weekly* reach as many new readers as possible.

So if you've already renewed—or are yourself a new reader—simply send the "success story" letter and the reply envelope on to a friend, and please do it now before you forget. And if you haven't yet renewed, remember the next issue—No. 50—will be the last of our first circulation year. We are looking forward to Vol. 2, No. 1. Be sure to get it by filling out the renewal blank on the reverse side and—if you can—add a gift sub for a friend.

With many thanks and best wishes for the New Year, —I. F. STONE

The Secret War In Sidney Hook's Committee

James Burnham Endorses An Atomic Whopper

It is difficult these days for an intellectual to figure just how far right he must move in order to be safely respectable; it is a pity there are no Royalist organizations available. The Chicago *Tribune* on New Year's Day referred to "an organization of pretended intellectuals who call themselves anti-Communists." This was an unexpected and doubly unkind way to characterize Sidney Hook's American Committee for Cultural Freedom.

The occasion for this was the internal struggle precipitated within the committee by Eugene Rabinowitch, editor of the respected *Bulletin of the Atomic Scientists*. Dr. Rabinowitch, a member of the committee, sent around a letter to various members objecting to a preface James Burnham had written for a new book called, "The Secret War for the A-Bomb", by a man named Medford Evans.

The first account of the internal struggle appeared in Fulton Lewis's column in the New York *Journal American* of December 29. There Lewis reported genially that the book showed that "a goodly number, if not most, of our atomic scientists, ranged from soft-to-communism, to pro-Communist and outright Communist."

The Evans thesis is that bits of fissionable materials can and are being smuggled out of our atomic plants for fabrication into atomic weapons in preparation for what he calls "an atomic age Guy Fawkes" day. He sees the "dreadful alternative" that (instead of an atomic attack by Russia on the U. S.) Communists in this country could utilize these clandestinely produced atom bombs (Los Alamos in a cellar washtub?) to "establish the dictatorship of the proletariat in the United States."

Evans's theory is that the Soviets cannot produce the bomb themselves but only got it because Beria may have "arranged to smuggle out of the United States enough 'nuclear components' for a demonstration or so for the Soviet high command." He believes that secret Communists have encouraged ever vaster production in this country of atomic materials and devices in order to steal them for Russia. "In this situation," Evans writes, "the observable activities of the Communist

agents and of the patriots will be indistinguishable." Dick Tracy himself would find that a tough one.

The A-bomb was developed by refugees and they could not be expected, Evans sneers, to be as sensitive to the menace of Communism as they were to "racism." The book will make strange reading in the Navy, where Admiral "Hymie" Rickover had so much trouble developing the atomic submarine. "Communist agents," Evans writes, "may or may not have had to nudge policy-makers to get top priority, after weapon manufacture, for submarine development; for certainly an atomic submarine would be very useful to the United States, even if it would be somewhat more useful to the Soviet Union."

This nightmare is introduced by Burnham in his preface to the book with an accolade: "On the political, social and moral phases [of atomic development], this book of Medford Evans' seems to me not merely the best but alone in its class." It is certainly alone in its class.

Burnham terms this "old-fashioned American writing for Americans." Rabinowitch in his letter to the American Committee for Cultural Freedom, said he did not see how he and other scientists "whose defamation" Burnham had praised in this way "can remain members of the committee unless it dissociates itself from Mr. Burnham." H. J. Muller, the biologist, a vice chairman of the ACCF, is one of those supporting Rabinowitch.

Evans went to work for the Atomic Energy Commission at Oak Ridge in 1945 and later became a "chief of training" at \$9800 a year in the "division of organization and personnel" in Washington. His employment record shows that he resigned in March, 1952, after a long period of illness. The blurb says he resigned "when he found none of his recommendations were being carried out."

A McCarran or McCarthy could do a lot with this bedtime story. Perhaps it is fortunate that the Congressional Joint Committee on Atomic Energy is in such powerful and reactionary hands. Even McCarthy may hesitate to embark on a course which would picture Senators Hickenlooper and Knowland as the careless duped guardians of the atom bomb.

Let Us Send A Sample Copy of This Issue to A Friend—Or, Better Yet, Start A Gift Sub With This Issue

Don't Rue It, Do It.

PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

1-11-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. 1, NUMBER 50

JANUARY 18, 1954



WASHINGTON, D. C.

15 CENTS

Setback for McCarthy

McCarthy has suffered a setback. The Administration is putting the squeeze on him. The Republicans have a majority, of course, on the Senate Committee on Government Operations of which McCarthy is chairman. Yet at its meeting last week the Committee did not approve the three contempt citations voted four days earlier by its permanent subcommittee on investigations, of which McCarthy is also chairman. It is this subcommittee which carries on the "McCarthy investigation" and it was this subcommittee which Corliss Lamont, Abraham Unger and Albert Shadowitz defied. The subcommittee on January 7 voted to cite them for contempt because they refused to answer questions, invoking the First amendment instead of falling back on the Fifth. The full committee, instead of voting the citation, as it did in the similar case of Harvey O'Connor last summer, took an unprecedented step. It voted to ask the Attorney General's advice before recommending that the Senate cite these three defiant witnesses.

Last summer the Democratic members of the subcommittee walked out in protest against McCarthy's "one-man" rule and his attack on the Protestant clergy. This time they have been joined by enough of their Republican colleagues on the full committee to hobble McCarthy's power in his own little kingdom. Either Margaret Chase Smith of Maine, who dislikes McCarthy on principle, or Karl E. Mundt of South Dakota, who is jealous of a relative Johnny-come-lately in the witch hunt, would be enough to create an anti-McCarthy majority on the full committee. The vote to ask the Attorney General's advice puts McCarthy at the mercy of the Administration. Eisenhower sees a rival and an enemy in McCarthy. Brownell has been trying to put McCarthy in the shade. The Attorney General chose the Jenner committee as his forum for the Harry

Dexter White charges. If Brownell "advises" the Senate committee that it would be wiser not to cite Lamont, Unger and Shadowitz for contempt, other witnesses may defy McCarthy in the same way. The effect would be to put McCarthy out of the witch hunt business.

Fact is (as we pointed out in printing the full text last July 25 of the resolution authorizing the Senate Committee on Government Operations) McCarthy and his colleagues have no authority to engage in ideological inquisition. This is the old Senate audit and expenditures committee (nothing has been changed but the name); its jurisdiction is limited to government operations and to questions of "economy and efficiency." A witness who challenges McCarthy's authority to inquire into his political beliefs, as Lamont, Unger and (Einstein advised) Shadowitz did is on firm ground legally. As McCarthy explained lamely at a press conference after the closed meeting of his committee last week, some members felt it would be "unfortunate if a well-known Communist should be cited for contempt and then be successful in winning acquittal because of the committee's jurisdiction", i.e. its lack of jurisdiction.

McCarthy emerged from the closed meeting sobered. He said he had decided not to ask for an additional \$100,000 or \$150,000 this year with which to double his staff but would hold expenditures at the same level as last year, about \$200,000. McCarthy also disclosed that in the future his investigating subcommittee would be unable to file reports until all members of the full committee had been given an opportunity to study them. Obviously somebody is trying to cut him down to size. The Alaskan inquiry on which he has launched is the symbol of his "exile" to more conventional and peripheral issues.

Embarrassment for the Attorney General

The request for advice on the three contempt citations is not without embarrassment for the Attorney General. Suppose he advises that in view of the limited authority of the McCarthy committee it would be best not to risk a challenge—and a defeat—in the courts. Or suppose Brownell and the committee created the same impression by letting the matter of action against Lamont, Unger and Shadowitz quietly drop. What, then, happens to the prosecution of Harvey O'Connor?

Last summer the full committee approved and the Senate

without debate rubber-stamped McCarthy's demand for contempt action against O'Connor. The citation was sent to the Justice Department, an indictment was dutifully obtained. Trial is pending. O'Connor challenged McCarthy's authority to inquire as to his beliefs and associations on the same grounds as Lamont, Unger and Shadowitz. If there is no legal ground for holding them in contempt, there is no legal ground for prosecuting O'Connor and the Justice Department was wrong in obtaining an indictment.

But No Let-Up In The Witch Hunt

Action to curb McCarthy does not, of itself, mean a let-up in the witch hunt. Jenner, McCarran and Brownell—and Eisenhower, as indicated by his new message—are fully as unscrupulous as McCarthy in using the Red hunt for personal

and political aggrandizement. But the fact that such action is possible reflects the growth of a more general sentiment in both parties and in the country at large against "McCarthyism." That is hopeful.

Storm-Cellar Bulletin: The Worst May Be Over

Ike's Program and The Outlook

A shrewd French diplomat once told me in Cairo that the key to Egyptian politics is that nothing is what it seems, to be. At the moment this applies to Washington.

Item: That proposal in the President's message to deprive Communist "conspirators" of their citizenship. For once, McCarran was right; he called it "half-baked." But from Eisenhower's point of view this is a bright attraction distractor to protect his right flank as he moves cautiously toward peace and trade with the Soviet bloc. A gesture of "toughness" against Communists at home—not very meaningful when examined and of dubious constitutionality—covers a drift toward trade and co-existence with Communism abroad.

Item: That MacArthur style bluster by Dulles before the Senate Foreign Relations Committee last Wednesday on not stopping next time at the Yalu. This covers with belligerent headlines a quieter and more important statement made by Dulles to the committee, "If either country should initiate an armed attack against any territory not under its administrative control when the Treaty was signed . . . the [Korean-American Mutual Defense Treaty] would not apply." Since North Korea is not under Rhee's administrative control, this covers an attempt at unification by force. Senator George (D. Ga.) told the press Eisenhower approved a proposal to have the Senate spell this out before ratifying the treaty.

Item: Ditto for the big talk about our readiness to retaliate anywhere in the world. This covers the beginnings of withdrawal from Eurasia and the beginnings of a slow demobilization from present military levels. The key concepts of the Eisenhower Administration may be found in two passages of the Dulles speech before the Council on Foreign Relations: (1) that it was not "sound strategy" permanently to commit United States land forces to Asia to a degree that leaves us with no strategic reserves and (2) that it was "not sound to become permanently committed to military expenditures so vast that they lead to practical bankruptcy." This is the substitution of the Hoover-Taft idea of a Fortress America dependent on airpower for the Acheson-Dulles idea of "building up strength" for "liberation" by ultimatum.

Item: The talk about Republican readiness to prevent a recession. The men running the show in Washington are not fools, however illiterate some of their fronts may be. The combination of military retrenchment and their new farm policies means deflation, recession, a "shakedown" of the economy. They want hard money. They speak for interests which benefit by downturns as well as upturns in the business cycle: cash is potent when prices fall, the big ones gobble the little ones in hard times. They feel labor has grown too powerful and want to shake it up; they want a little "healthy unemployment". This is the way to get a "sound dollar"—their primary object. Hence, the combination of peace abroad with socially reactionary policies at home.

Hemmed In On All Sides

In seeking to achieve this program, the real leaders of the Republican party find themselves hemmed in on all sides. Recent statements by Nixon and Knowland show how powerfully entrenched the China Lobby crowd still is, and how inimical to peace in Asia. The farm bloc will not take to Ike's new program because "flexible supports" and "modernized parity" mean less money for farmers; here the middle farmers stand with the small farmer against the big operator. The labor movement is too strong to allow the G.O.P. to go whole hog with the National Association of Manufacturers; the hostile reaction of Ives (R., N.Y.) shows that labor's voting power in industrial States will make it difficult to put over those portions of Ike's labor program which (mildly) threaten to curb labor's power. The ballot—democracy—the processes of a free society—are an insuperable obstacle and Ike dishes up a compote of mildly reactionary measures and mildly New Deal style reforms.

No Way Out

The Democrats will win the next Congressional election. The public is bored with Reds, and "warmed over spies" will not overcome protest over real distress in the farm country and rising unemployment. The farm situation is the key and the Eisenhower farm message provides a vivid glimpse of the terrible problem of overproduction with which American society must deal once it can no longer maintain prosperity by fighting wars or cleaning up the devastation left in their wake. Ike's talk of "school lunches" as a means of sopping up stupendous surpluses is wistful; on wool, he adopts "the Brannan plan" to let prices seek their natural level while paying the farmer enough to make up the difference needed for a decent living standard. Ike puts a New Deal mask on a Herbert Hoover program; Hooverism, however, is dead and the U.S. irretrievably accustomed to subsidizing the underprivileged. "Socialism" continues to creep up on us under Eisenhower, and the alternative is still between war and greater intervention, more planning, wider public ownership.

Prediction

That Ike will fail to get his program through Congress; that unemployment by Fall will be serious; that the Red scare will begin to die out; that as it does, and liberal economists begin to emerge from their storm cellars, discussion will pick up where it left off in 1939—on the problem of planning American society for peace-time prosperity. The Democrats at the moment are a vacuum, and show no signs of any real program to deal with the economic crisis, but the vacuum will fill up quickly, as it did in the early 30's. Political weather-vane: McCarthy a few weeks ago put the farm problem ahead of Reds as No. 1 issue, and turned up last week in a new demagogic sector with a proposal for 100 percent parity. The worst may be over.

Last Year This Time—It Seemed An Incredible Goal

Ever to reach Vol. 1, No. 50, but here it is, the final issue of our first year. (We publish, as you know, only 50 weeks a year, taking the last two weeks of August as vacation). When the New York Daily Compass closed down in November, 1952, I never dreamed I had so busy, useful and fruitful a year ahead of me. Thanks to you, the Weekly enters its second year solidly established. This issue will reach—by mail and news stand—almost twice as many readers as the first. An Index of Vol. 1 is being prepared for your convenience and will be published soon as a supplement.

Be sure to get it (if you have not yet renewed) by using the blank on the reverse side. Or, better still, use the prepaid business reply envelope accompanying the "second round" mailing last week of our "success story" promotion letter to all readers. If you have already renewed, or if your subscription does not expire this month, or you are one of our many new readers, please pass that letter and the reply envelope on to some other friend who would enjoy the Weekly.

With many thanks, I. F. Stone

I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$15 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

January 18, 1954



Vol. 1, No. 50

Civil Liberties Before the Supreme Court Judicial Hot Potato

Though the House Un-American Activities Committee has been running an ideological inquisition for 16 years, not until last Tuesday did the U. S. Supreme Court hear argument on whether this is contrary to the First amendment. The occasion was the appeal of Julius Emspak, secretary-treasurer of the United Electrical Radio and Machine Workers (U. E.), from a conviction for contempt.

Sharp questioning from the bench by Justices Frankfurter and Jackson indicated that the conviction would probably be reversed but without passing on the First Amendment question, an issue the Court has been evading ever since it refused to hear the Hollywood Ten. Emspak had invoked the Fifth as well as the First amendment in failing to answer 68 questions about his beliefs and associations.

Justice Frankfurter seemed to reflect the grounds on which the case would be decided by two questions to David Scribner, counsel for the U. E. One was whether Emspak's invocation of the Fifth as well as the First was intended to cover all 68 unanswered questions; Scribner replied that it was. The other question was how the Emspak case differed, then, from the Blau case (340 U.S. 159). In that Justice Black for a unanimous court (Clark abstaining) held that with the Smith Act on the statute books a witness could not be compelled to answer questions showing possible links with the Communist Party.

The differences between the *Emspak* and *Blau* cases are highly technical. Emspak did not specifically invoke the Fifth each time he evaded a question. Moulder (D. Mo.), who presided at the House Committee hearing, did not—as a judge would—direct the witness each time to answer, on pain of contempt. The Court is likely to give Emspak, not Moulder, the benefit of the doubt on this.

At one point in the argument, Frankfurter seemed to be saying that the Fifth was asserted automatically when a witness declined to furnish information which might tend to incriminate. At another point he interjected the barbed comment on argument by Acting Solicitor General Robert L. Stern that only a "Seventeenth century lawyer" would require repetition of a set verbal formula. During one passage Justice Frankfurter commented angrily, "You tell your Department [Justice] that the Fifth was intended to protect the innocent as well as the guilty" and said a contrary impression was being spread by "people who know better."

Decision of the case on Fifth amendment grounds is easier than on First. To reverse on the latter is to decide what questions a Congressional committee has the right to ask. This would involve a frontal clash with the witch hunters. Last March in *U.S. v. Rumely* (see the *Weekly* for March 21, "When A Big Business Lobbyist Defies A Committee"), the Court did rule unanimously that a Congressional committee investigating lobbying did not have the right to ask the secretary of the Committee for Constitutional Government the source of \$2,000,000 in funds spent on anti New Deal propaganda. But that was a powerful big money organization at odds with a left-of-center Congressional investigating committee.

Emspak will be lucky to escape on technicalities. Perhaps in the pending Harvey O'Connor case (where only the First was pleaded) the Court will begin to pass upon what the brilliant defense brief in the *Emspak* case called "a new Inquisition poised to conquer the liberties of a nation." The issue is whether Congress may use the power of investigation as a pillory to intimidate radicals and enforce conformity by fear of obloquy and unemployment. This is the hot potato the Court is still ducking. It grows hotter with the years.

Even A Would-Be Informer

Robert Norbert Galvan, a Mexican resident in this country 35 years, married to an American and father of four American children, joined the Communist Political Association in 1944 and dropped out after the war when it became the Communist Party again. When a woman informer tipped off the Immigration Service some years later, he admitted his past membership, insisted that he was anti-Communist and offered to rejoin the party as an informer to prove it. He was nonetheless ordered deported on the grounds of past membership. The case, argued last week before the U.S. Supreme Court, shows to what lengths the government is going in its deportation drive. It also shows just how far a man must go in demonstrating anti-Communism before the American Civil Liberties Union will defend him. For the ACLU appeared as counsel for Galvan, with A. L. Wirin of the Southern California branch in court and the name of Morris L. Ernst on the brief.

The brief said Congressional reasons for making past membership grounds for deportation "all relate to the danger from persons at present active in and assisting the Communist movement; we do not doubt," it continues, "that aliens who are, in reasonable likelihood, in this class can be deemed undesirable residents and deportable as such." (Our italics). But, the brief continues, to deport all past members, whatever their reasons for joining and whatever their later "change of heart," bears no reasonable relationship to these purposes and is unconstitutional. This mode of argument acquiesces in the use of deportation as a weapon against political ideas, and in the deportation of persons thought "in reasonable likelihood" to share those ideas. Not a very stalwart libertarian position.

"Mexicans Are White Men"

This remark, which some circles in the Southwest would consider subversive, was made by the Attorney General of Texas (just for purposes of argument, we hasten in his defense to add) in another case heard by the Supreme Court last week, *Hernandez v. Texas*. Hernandez was convicted of murder and seeks reversal on the ground that there were no Mexicans on the jury. This would give Mexicans the benefit of the rule laid down for Negroes in the *Scottsboro* case. Though Mexicans are "white men" in Texas (for purpose of argument, anyway), they never seem to get on juries. The State admitted by stipulation that for 25 years there had never been a person with Mexican or Latin American name on a jury commission, grand jury or petit jury in Jackson County, Texas, where Hernandez was tried. Sounds like a citadel of Anglo-Saxon white Protestant supremacy.

Search And Seizure

The Court's only opinion of the week, hardly a blow for liberty, was a decision—on a gambling raid in Maryland without a warrant—which weakens constitutional protection against search and seizure. Justice Douglas was the sole dissenter.

Hat's Off

This week to Saul Grossman, secretary of the Michigan Committee for Protection of the Foreign Born, for refusing to turn over the records of its members and contributors to the House Un-American Activities Committee. We had hoped to interview him but as we went to press he was still in the District of Columbia jail, waiting to get \$3,000 bail.

The ACLU Endorses the Jenner-McCarran Committee

The ACLU filed a brief amicus with the Supreme Court last week in the *Emspak* case. The reasoning enables one to watch, as on some spiritual seismograph, the inner quakes which shake the organization. The brief begins by suggesting that "Congress can and should enact such additional legislation as might be necessary to deal with the menace of genuine acts of subversion." The ACLU says "Congress has a right to investigate this menace."

After these genuflections the ACLU takes a deep breath and charges that the House Un-American Activities Committee "represents in itself a threat to American democracy both in general and in this specific case." A moment later, it begins to backtrack. The ACLU says, "We have been opposed to the committee because of its *past* arbitrary procedures, but in all fairness to the committee we must point out that their hearing procedures have recently improved." (Our italics). This seems to have been too much for some in the ACLU to stomach. A footnote was hastily added admitting that the ACLU only recently criticized the chairman for his "conduct in the Agnes Meyer case" and the committee for "continued political partisanship" in the Oxnam hearing. There is no footnote to the footnote to explain just where the improvement was.

The ACLU's Thin Line in The Emspak Case

The ACLU position in the *Emspak* case is that the House Committee was established to investigate "un-American" propaganda and that "threats to the exercise of freedom of speech or association *solely* in an effort to investigate propaganda strikes us as an obvious invasion of the First amendment." The italics are ours. What follows shows how important is the loophole implied by the word "solely". "It might be argued," the brief continues, "that such a result should be tolerated if it is necessary for the legislature to make such a broad inquiry. But we submit that it is entirely unnecessary, as the Congress itself has shown." An endorsement of the Jenner-McCarran committee follows.

"Sen. Res. 366, 81st Congress," the ACLU brief says, "created what is popularly known as the subcommittee on

internal security of the Senate Judiciary Committee. The subcommittee's purpose is not to investigate propaganda, but to investigate subversive acts, and the administration of the internal security laws. We have never opposed the charter of this subcommittee, for we believe that Congress has a right to investigate genuine subversive acts."

Is "Subversive" Any Less Vague?

The ACLU in its brief says it opposed the House Committee "from its inception because of the vagueness of the term 'un-American' in its charter." But is the "subversive" in the charter of the Jenner-McCarran committee any less vague? What does the ACLU mean by "genuine subversive acts"? What "genuine subversive acts" were alleged against the teachers the Jenner-McCarran committee has hounded?

"Subversive" and "un-American" are equivalent in vagueness. The new always seems alien and "subversive." Shifting judgments and quick political passion are reflected in the term; it is a political epithet, not a legal yardstick. Congressman Doyle (D. Penna.) a member of the House Un-American Activities Committee, once elicited an admission from its counsel that it had never adopted a definition of either "subversive" or "un-American." There are, the Congressman commented, "as many definitions of 'subversive' and 'un-American' as there are committee members."

The ACLU says inquiry into beliefs and associations violates the First Amendment, but adds pointedly—"whatever may be this court's eventual finding on the question of whether inquiries may be made into beliefs and associations by a committee designed to investigate subversive acts." The ACLU has already decided the question in its own mind. It terms the Senate committee "consistent with civil liberties."

Thus the price paid for the brief amicus is a high one. The ACLU attacks Velde but at the price of embracing Jenner and McCarran. The committee which made itself the delight of the China Lobby by gutting the Institute of Pacific Relations, driving John Carter Vincent and John Stewart Service out of the government and attempting to crucify Owen Lattimore is given the nervous imprimatur of the ACLU.

Let Us Send A Sample Copy of This Issue to A Friend—Or, Better Yet, Start A Gift Sub With This Issue

Don't Rue It, Do It.

PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

1-18-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. 2, NUMBER 1

JANUARY 25, 1954



WASHINGTON, D. C.

15 CENTS

How Freedom of Choice Was Assured POW's

(from the *Neue Züricher Zeitung*, Switzerland, Jan. 12, p. 2, col. 1)

Stockholm, January 9 (United Press): Gunnar Wessman, member of the Swedish delegation on the United Nations Neutral Repatriation Commission, reported here today on the difficulties which the Commission encountered in investigating acts of atrocity and of terror in the camps of those prisoners who did not wish to be repatriated.

Wessman related how anti-Communist prisoners tortured and murdered one of their fellow prisoners who wanted to return home. The heart of the murdered man was cut out and cooked and all the inmates of those respective camps forced to eat a piece of it.

"The investigation of this incident was very difficult," Wessman explained. "At first the corpse was hidden under a tent, but when several prisoners were interrogated about the murder, other prisoners took the corpse into the kitchen and burned it. To camouflage the odor of burning flesh, they threw old shoes in the fire."

Since the body was entirely burned up, there was no way to prove that the murder had taken place. When the prisoners were questioned about the incident, they answered "I have bad eyes" or "I can't hear properly."

An Ugly Record of Lawlessness

The story in the box above is horrible. We reprint it after careful checking. The *Neue Züricher Zeitung* is one of Europe's most respected newspapers. We found the same story on page one of Sweden's leading paper, the *Dagens Nyheter*, for January 10. In this Gunnar Wessman was identified as an "Associate Judge" of the Swedish courts. The account, thus coming from a Swedish judge, just returned home from service on the UN Repatriation Commission in Korea, on which the Swedes and Swiss were the "anti-Communist neutrals," throws a dreadful light on the "freedom of choice" we were supposed to be enforcing in the POW camps.

We came across this story after several attempts to obtain a copy of the report turned in on December 28 by the UN Repatriation Commission. This report seems strangely to have disappeared. Correspondents at the UN in New York have been trying to obtain a copy for weeks. They were finally told that under the Commission's terms of reference this was a U.S. "unified command" military document and not a UN report.

When inquiry was made at the Pentagon by the *Weekly*, a reverse version was encountered. First, it was said that the report was "classified," though correspondents in Korea had already filed stories on it the day it was made. Then, it was said that this was a United Nations Document. We believe this report has not been made available to the press because too much of it is unpalatable to the American authorities.

Two weeks ago we did succeed in obtaining at State Department a portion of the conclusions. These disclosed (see our issue of Jan. 11) that the minority report by the Swedes and Swiss on the Commission declared that violence and murder in the anti-Communist compounds had prevented freedom of choice, "prisoners who desired repatriation . . . often had to apply for repatriation clandestinely and in fear of their lives." It was in an effort to obtain more from the Swiss legation and the Swedish embassy here that Judge Wessman's gruesome account came to light. Somehow it has been kept

out of the American press.

This story provides a fitting epilogue to the final "freeing" of the POWs, a unilateral act which might have provoked renewed warfare if the Chinese Communists had not swallowed this new slight—as they have many previous affronts—in their desire for peace. As we go to press, the AP from Panmunjom reports a final revealing scene (*Wash. Star*, Jan. 20), "The Indians attempted to cull out a few prisoners they believe want to return to the Communists, but were largely prevented by the anti-Communist majority."

We put the word "freeing" in quotation marks because these men are being herded into the South Korean and Chinese Nationalist armies. As the *New York Times* reported (Jan. 20) from Seoul, "instead of getting their complete freedom now they are being taken to army induction centers."

The POW issue, on which the peace of the entire world might well have depended, was a fraud, an example of arrogant high-handedness on the part of our military in dealing with the prisoners and with the American public. As I showed in the *New York Daily Compass* May 27, 1952 and in the *Weekly* last February 7, two Red Cross reports criticizing the way our military conducted the screenings were effectively suppressed and kept from public knowledge.

"Voluntary" repatriation was rejected in the framing of the last Geneva convention on prisoners of war. There was a moral right not to go home but there was also a moral right to a real choice, free from the coercion of captivity. We trampled on the latter while trumpeting self-righteously about the former. The moral issue was made the smoke-screen for a conspiracy to allow Chiang Kai-shek and Syngman Rhee to recruit soldiers and stage affronts which might have upset the truce they hated. When the full story is known and told, it will be seen just how brazenly the American people were gulled, how many boys died unnecessarily while the military for months delayed a truce over our "moral duty" to the POWs.

A New Approach to the Problem of Atomic Inspection

James R. Newman, counsel to the McMahon committee in the framing of the Atomic Energy Act, author (with Byron S. Miller) of the authoritative, "The Control of Atomic Energy", offers a fruitful new approach to the problem of atomic inspection in a letter on the Eisenhower atomic pool published by the Washington Post (January 9). Because of its importance and because it has not attracted the attention it deserves, we reprint the salient portions here:

By James R. Newman

The President, striving to avoid thorny paths, stressed the fact that his plan does not require the creation of a system of inspection and control. The Soviet reply may be said to accommodate itself to this more limited objective by proposing a bare convention outlawing the use of atomic weapons.

Thus, unfortunately, what most needed to be said was left unsaid. For if our generation is ever again to breathe easy—let alone survive—nothing will suffice short of an agreement which will mitigate the danger and fear of a sudden holocaust. We cannot escape the necessity of a control system made effective by some form of inspection.

The fundamental objective of a prudent control plan must be an agreed level of atomic and conventional armaments, and of armed forces, a level which would not permit the *surprise* unleashing of a major attack, not to say the waging of a major war. Proof that this level has been established and maintained should be furnished by an inspection system directed to key points of national activity, which would inevitably reflect clandestine preparations for war.

Is Such A System Possible?

It is commonly supposed that the operation of an effective inspection system entails almost insurmountable difficulties. It is assumed, for example, that a very large inspectorate would be needed for each country and that would seriously hamper the conduct of internal affairs—government and private. These assumptions are unjustified.

The several inspectorates need not be large. A small group of inspectors at key points can keep major production activities under surveillance. It is not important to know everything; it is important only to know important things. It is important to know if a country is mobilizing.

If an international agreement fixes levels of armaments production . . . these levels will be reflected in certain critical indices: steel and aluminum production, the use of electric power, shipbuilding, mining of strategic metals, the manufacture of machine tools, airframes, jet and internal combustion engines, electronics equipment.

Any significant departure from agreed-upon levels of production can be detected. It is unnecessary to keep every mine and factory under observation. The economy of a large industrial nation is so integrated, its parts are so interdependent, that a sharp increase in rate of output at one point is visible at every point. The inspectors need not concern themselves over leaks; their task is to watch for floods. War mobilization is a flood. The notion of hidden preparations for a major war is absurd. . . .

Illegal Manufacture of Fissionables

There are three essentials to keep in mind. First, both conventional and atomic weapons are needed to wage war. Second, small-scale illegal production of weapons in either category is pointless as a preparatory measure; simply not worth the risk of detection. Third, illegal manufacture of fissionables is no more difficult to detect than illegal manufacture of any other item requiring a large industrial effort. . .

What is sought is a practical *alarm system* which would give weeks or months of warning of a planned attack, rather than minutes or hours.

The people of the United States have been told that Russia has or soon will have a sufficient atomic stockpile to destroy 30 or 40 major cities, inflict 20 to 30 million casualties in a single assault. They have been told that the present warning system is capable at best of giving one or two hours notice of attack, but more likely only 15 minutes.

A vast and costly continental defense system might extend the grace period to six hours, and make possible the interception of, say, 50 percent of the invading bombers instead of 10 or 20 percent. It is admitted that the bombers that got through would probably suffice to destroy the cities, but the lengthening of the warning period would allow some of the inhabitants to save their lives by fleeing to the hills.

Not A Rational Solution

This is not a rational solution to the problem of our own survival, much less the survival of the nations of Western Europe. Therefore, the United States continues to place primary reliance on the deterrent effects of our atomic bombs. It is not claimed, to be sure, that American or European lives would be saved by destroying Russian lives; nor is it altogether certain that deterrents can be relied on to deter. Fear is more apt to drive men to war than to keep them peaceful. Moreover, it is unsafe to depend on the widespread realization that an atomic war would be mutually suicidal. A world war is more likely to start accidentally as the result of a small conflict, than by deliberate design. . . .

When Kit Clardy Himself "Pleaded The Fifth"

In his campaign for renomination in the Sixth District, Michigan, Congressman Kit Clardy (R.) will open hearings in Detroit February 22 as chairman of a House Un-American Activities subcommittee. More than 100 subpoenas have been issued for teachers, business men, lawyers and union leaders. Hearings will follow in Lansing and Flint, the principal towns in Clardy's district.

Approach of the Michigan hearings makes it relevant to recall when Clardy himself "pleaded the Fifth." Clardy was one of five members on the Michigan Public Utilities Commission in 1934 when charges were filed against him and two fellow Commissioners for "gross, wilful and habitual neglect of duty."

Among the charges were failing to act on a rate reduction petition against the Michigan Gas & Electric Company, favoring the common carriers against the small private operators in administering bus and truck regulations, and "extending credit" contrary to law to big trucking concerns. These companies at one time were allowed to "owe" the state more than \$25,000 in highway and other fees.

Governor Comstock held a hearing on the charges but Clardy refused to testify. A lawyer appeared for him and entered technical objections. When the Governor dismissed Clardy, the latter appealed to the courts. The final decision of the case may be found reported at 268 Michigan Reports 196.

Chief Justice Nelson Sharpe of the Michigan Supreme Court ruled for a unanimous bench that the people of the State had a right to "good faith and right action" on the part of their officials, that "there was competent evidence to establish the truth of these charges" against Clardy and that "in the absence of any denial or explanation" on his part, the court had no recourse but to uphold the dismissal.

I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$15 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

January 25, 1954



Vol. 2, No. 1

Round the (Unsteady) Globe

Outlook at Berlin: "Dulles Sees Failure at Berlin if Soviet Tries to Split Allies." The Allies were split before the conference started. The conference opening today was only Dulles's way of appeasing Churchill. Dulles is anxious to prove as rapidly as possible that unification by agreement is unattainable. The British and French agree that it is at the moment unattainable; they need no conference to prove what is obvious. They are going to Berlin with other objectives—the relaxation of East-West tension and the renewal of relations with Russia as a balance of power counterpoise to the reawakening German monster.

The authoritative London *Times* in a "leader" January 14 reflected the view that while unification could not be achieved, fruitful minor "practical" agreements might be arrived at to improve travel and trade between the Eastern and Western zones of the Reich. "Scrutator", the foreign affairs commentator of the London *Sunday Times*, put forward a similar view on January 17.

When we asked Dulles about this British point of view at his final press conference before Berlin, he replied that he had not given up hope of achieving unification. It does not suit the State Department's book to have the conference end in "small ameliorations, such as lessen friction."* Dulles and Adenauer need to have the conference end with a big and resounding bang, clearing the way for rearmament of the Reich (at American expense) either through EDC, NATO or directly. Thus at the very beginning of the conference, the perspectives of Bonn and Washington were not the same as those of London and Paris.

This is all to the good. Western "unity", one of the shibboleths of current American policy, is an obstacle to peace; it would leave no one to play the broker's role between U. S. and U.S.S.R. (It is a pity that the Poles and Czechs do not have enough freedom of action on the other side to play a similar role). The Dulles position is one of no concessions; the Russians would have to give up Eastern Germany only to see a hostile armed bloc move several hundred miles closer to Soviet borders; the concession would only whet German appetite for the next morsel in Western Poland.

On the other hand, the Russians also enter the talks with

* Scrutator

hardened positions, still demanding equality for their East German puppets in an all-German provisional government. There seems to be less maneuvering power than ever at the talks now beginning. In this juncture it is the duty of London and Paris to search for minor agreements with which to soften the shock of another Great Power disagreement, and leave the door ajar for the future. As for German unification, it has many liabilities. Perhaps it is just as well that the Reich remain divided; there is no sign whatsoever that a united Reich would not set off again as arrogantly as ever on the same old path.

The Djilas Affair: This has two aspects, one international, the other domestic. Historically, as a Slav people situated between East and West, the Serbs have swung back and forth between Moscow and Western Europe. Tito has improved his relations with Russia since Stalin's death; his most advantageous position is to keep doors open on both sides; the kind of democratic regime envisaged by Djilas might leave Tito with no alternative Eastward if squeezed too hard by the West.

The internal angle is more interesting. When I was in Yugoslavia in the Fall of 1950, I found Yugoslav leaders quick to criticize Russia for "bureaucratism" and "dictatorship" but quite unwilling to take steps necessary to prevent a similar situation from developing in their own country. Every time the question of *habeas corpus* was raised as a fundamental reform with which to curb the secret police and bureaucratic excesses, there was a blank response.

Yugoslav leaders fear that it may be unwise to loosen the bonds of dictatorship until they have succeeded in industrializing and socializing their country. They also show a natural human unwillingness to give up power and the pleasant fruits of power. The Djilas affair dramatizes again some of the fundamental problems of socialism. How to get the State to wither away? How prevent the bureaucracy from establishing itself as a new ruling class? How adapt the great juristic achievements of the capitalist-liberal era to Socialist society?

When one sees a monstrosity like the Kirov law, under which treason charges, as in the Beria case, may be tried in secret *without the presence of the accused*, it is time for Marxists to study Madison's *Notes* and the *Federalist Papers*. There is much in them which embodies fundamental justice for any society, capitalist or socialist. This was the line along which Djilas was thinking; these are the dangerous thoughts of Socialist society in Yugoslavia, as in the Soviet bloc.

The Silence of the Cowed: Not a single voice was raised in the Senate (or elsewhere in Washington) to defend Special Ambassador Arthur H. Dean when he was given a tongue-lashing by Senator Welker (R. Idaho) for daring to suggest in newspaper interviews that it was time for a "new look" at China policy.

Lecture Footnote: IFS speaking at Carnegie Recital Hall, N. Y., Fri., Jan. 29, under the auspices of the Emergency Civil Liberties Committee, on the witch hunt legislation now before Congress.

Happy Birthday—Our New Year Begins—This is Vol. II, No. 1

In publishing, as in marriage, the first year is the hardest and we have weathered ours. Most of you have already renewed and—thanks to new subs—we expect to emerge from our first renewal campaign considerably above last year's level. An index to Vol. I has been prepared (by yours truly) and will be published soon as a supplement; this will be an annual feature. You will be as surprised as we were to see how much (and how much not to found elsewhere) has been packed into these four pages. Missing issues can still be obtained at 15 cents to complete any gaps in your file. If you have not yet renewed, you are in a minority of stragglers; celebrate the Weekly's birthday by renewing now, using the blank on the reverse page or the prepaid envelope you received with our "second round" mailing. If you have renewed, pass that letter and envelope on to a friend. And thanks for the many, many "happy returns" we have already received from so many of you,

—I. F. STONE

Bulletin from Capitol Hill: The Witch Hunt Bills**Ike and the G.O.P. Take Over An Old Czarist Custom**

Capitol Hill—Wire-tapping legislation may bog down; there is considerable hostility to it in Congress. The immunity bill might be blocked by rivalry between the Attorney General and Congressional investigators. The McCarran bill, as passed by the Senate last year, would let Congressional committees decide when witnesses could be compelled to testify. Brownell wants legislation which would grant the power of decision to the Attorney General. This would give Brownell final jurisdiction over recalcitrant witnesses and a veto over Congressional investigations. A measure embodying Brownell's views may pass the House, but would encounter rough going with the Senate. McCarthy is sour on immunity legislation not only because of the power sought by Brownell but because invocation of the Fifth by witnesses gives McCarthy easy victories.

Only "Liberal" Voice McCarran's?

Except for a hostile comment by McCarran, there is as yet no vocal opposition to Eisenhower's proposal to deprive Communist "conspirators" of their citizenship. The panic and mindlessness of some Senate "liberals" is reflected in the fact that the legislation should be co-sponsored (with Ferguson, R., Mich.) by Margeret Chase Smith of Maine, an opponent of "McCarthyism".

This is the background of the measure. Until the passage of the McCarran-Walter Immigration and Nationality Act in 1949 over Truman's veto, a native born American could lose his nationality only by renouncing it—by obtaining naturalization in a foreign state or swearing allegiance to it.

The McCarran-Walter Act added eight other provisions. Under these (Section 1481 USCA) a native born American can lose his nationality by serving without permission in the armed forces of a foreign power, accepting such employment in a foreign state as requires allegiance to it, voting in a foreign election, renouncing nationality abroad, renouncing nationality at home in time of war, deserting the armed forces in time

of war, leaving or staying out of the U.S. to dodge military service and "committing any act of treason against, or attempting by force to overthrow, or bearing arms against the United States . . ."

First Time in The History of the Republic

In these provisions, for the first time since the foundation of the Republic, divestiture of nationality became a punishment for certain offenses. But there is this much to be said for the McCarran-Walter Act. Its provisions at least bear a relationship to the older concept that nationality can only be lost by an act of renunciation. Where this is implied, the implication is clear. A man who deserts the army or dodges the draft knows what he is doing; treason or attempt to overthrow the government requires overt act.

But the Eisenhower-Ferguson-Smith bill, makes it possible to lose nationality by "advocating" or "conspiring to advocate" revolutionary doctrine. Here the crime is a long way from overt acts, and conviction depends upon the shifting judgments of a jury and the climate of opinion. One of the companion House bills (by Kersten, R., Wisconsin) goes one step further and provides for loss of nationality for membership in any organization proscribed as a "Communist action" organization by the Subversive Activities Control Board!

Police State Practice

The Eisenhower-Ferguson-Smith bill would also add a new provision to that section (USC title 8, sec. 1251) of the McCarran-Walter Act which provides for deportation and if that is impossible for police surveillance or detention as an undesirable alien. This measure would import into the United States the same system of "internal exile", outlawry and police registration of radicals as was developed by Czarist Russia and has since been taken over by Communist Russia in handling suspected "counter-revolutionaries". Ike talks vapidly of "Wild Bill" Hickok, but his real inspiration seems to be "Wild Bill" Vishinsky.

Let Us Send A Sample Copy of This Issue to A Friend—Or, Better Yet, Start A Gift Sub With This Issue

Don't Rue It, Do It.

PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

1-25-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. 2, NUMBER 2

FEBRUARY 1, 1954



WASHINGTON, D. C.

15 CENTS

An Old Police State Custom

I

What The Administration Bill Would Do

The day President Eisenhower proposed that Communist conspirators be deprived of citizenship, a bill (S. 2637) to that effect was introduced by Senator Smith (R. Maine). But this merely said that any citizen "convicted of conspiring to advocate overthrow of the Government . . . by the use of force and violence, shall forfeit all rights of citizenship and shall be ineligible to hold any office of trust or profit under the United States." The drafting was clumsy. Under this a man could advocate overthrow without losing these rights; only "conspiracy to advocate" would be penalized. The effect was unclear. Many Federal and State statutes provide for loss of citizenship rights on conviction for a felony. Was this all the Administration intended?

The question was answered 11 days later. A new bill (S. 2757) was introduced on that day jointly by Mrs. Smith and Senator Ferguson (R. Mich.). This had been carefully drafted, presumably by the Department of Justice. Its terms (see text on page two) disclosed that the Administration intended more than deprivation of those citizenship rights (jury service, voting, election to office, etc.) which ordinarily follow conviction of a crime. The intention disclosed was to go the whole way and denationalize or expatriate native born radicals, turning them into deportable aliens, subject to exile or lifetime police surveillance under the terms of the Immigration and Nationality Act of 1952, the so-called McCarran-Walter Act.

Though the Ferguson-Smith bill covers both native and naturalized citizens, it is aimed primarily at the native born. In practice, no new legislation is needed for aliens or naturalized citizens convicted under the Smith Act for advocating or conspiring to advocate revolutionary doctrine. Aliens are deportable on such conviction, and naturalized citizens are subject to denaturalization and then to deportation. The device is to charge that their conviction shows they obtained their naturalization fraudulently, i.e., by concealing their political views and taking their oath of allegiance falsely. The Ferguson-Smith bill strictly speaking is needed only in the event that a naturalized citizen could prove that he did not become a radical until after he was naturalized. The prime objective of the bill is to get at native born radicals, and to turn them into stateless persons.

II

What Statelessness Would Mean

This statelessness, under existing law, would be more than a sinister abstraction. Section 242 (d) of the McCarran-

Walter Act is a skilfully designed instrument for the lifetime harassment of radicals who cannot be deported because no other country will take them. It provides that if a deportable alien has not been deported within six months, he is thereafter subject to supervision as long as he lives or remains in this country. The Attorney General is empowered to make such regulations as he sees fit for this supervision. But, as if to guard against the chance appearance of a liberal Attorney General, the law says "such regulations shall include" certain provisions.

The stateless alien must "appear from time to time" before an immigration officer. He must "submit, if necessary, to medical and psychiatric examination"—this can be a subtle kind of torture. He must "give information under oath as to his nationality, circumstances, habits, associations and activities, and such other information, whether or not related to the foregoing, as the Attorney General may deem fit and proper," i.e. he must turn informer, and inform under oath, subject to the penalty of perjury. He must "conform to such reasonable written restrictions on his conduct or activities as are prescribed by the Attorney General in his case." Failure to obey these restrictions, to give information, to submit to examination or to obey any other regulation is declared a felony, punishable by a fine of not more than \$1,000, imprisonment for not more than one year, or both.

The kind of regulations the Attorney General may impose is described in Justice Douglas's indignant opinion in *Yanish v. Barber* (73 S. Ct. 1105) handed down last May 16. An alien employe of the *People's World* in California, after 35 years in this country, was ordered deported to Russia as a Communist. Since Russia will not take deportees, he faced perpetual imprisonment unless released on bond. Under the section of the McCarran-Walter Act just described, the Attorney General ruled that he could go free on bond only under certain conditions. Yanish refused to accept those conditions, filed a petition for habeas corpus but was refused bail, effectively preventing him from pursuing his appeal. Justice Douglas granted bail.

Among the restrictions the Attorney General seeks to impose in this case is that the alien "shall refrain from associating with any person, knowing or having reasonable ground to believe that such person is a member of or affiliated with" the Communist party and shall disassociate himself from "support or other activity . . . in furtherance of the doctrines and policies of the Communist party" or any affiliate. "Taken literally," Mr. Justice Douglas said, this would "prevent him from living with his Communist wife or going to a movie with his Communist son." It would also, Mr. Justice Douglas added "require applicant to give up his job

One of Hitler's First Measures Was to Expatriate Opponents . . .

with the *People's World*—a job which so far as the record shows is not itself an illegal undertaking either under state or under federal law." Should the Ferguson-Smith bill pass, such restrictions could be imposed on native born as well as alien radicals.

III

The Outlook in Congress

Unfortunately the chances of passage are good unless sufficient public opposition can be aroused. The tumultuous applause which greeted the proposal when made by the President in his annual message shows the state of mind that grips the Congress. If the bill gets out of committee, passage is certain. The Congressman who votes against it will have to explain why he was against something which was anti-Communist, a difficult task in this atmosphere. The mood is much the same as that of 1940 when the Smith Act was passed. "The mood of this House," Congressman T. F. Ford (D. Cal.) remarked at that time, "is such that if you brought in the Ten Commandments today and asked for their repeal and attached to that request an alien bill, you could get it." Substitute Communist for alien and the description is again applicable.

The chances of bottling up the legislation in committee are almost nil. The measure has full Administration support. The committees which will have jurisdiction in either House are hardly strongholds of liberalism. The chairman of the Immigration subcommittee of the House Judiciary Committee is Graham (R. Pa.), no xenophile or libertarian. The other members are Walter (D. Pa.), Thompson (R. Mich.), Hyde (R. Md.), and Celler (D. N.Y.).

The Immigration subcommittee of the Senate Judiciary Committee is headed by Watkins (R. Utah). The other Republican members are Hendrickson (N.J.), Dirksen (Ill.), Welker (Idaho), and Butler (Md.). The Democrats are McCarran (Nev.), Kilgore (W. Va.), Eastland (Miss.), and Kefauver (Tenn.). This is not a heartening array.

Except for the ever dependable Celler, the few liberal Democrats on both committees have kept silent. Kilgore's office said he was waiting for the hearings and Kefauver could not be reached. It is a measure of how bad the bill is and how low is the state of liberalism that the only vocal

How Der Fuehrer Did It

"The law of Germany adopted July 14, 1933, is especially noteworthy in this connection. It provides that any naturalization which took place between Nov. 9, 1918, and Jan. 30, 1933, may be cancelled if it is not regarded as desirable. A decree of July 26, 1933, lists as tests of desirability national principles, racial, political, and cultural viewpoints, and provides that they are especially applicable to Eastern Jews, unless they fought at the front in the war or have rendered special service to German interests. This decree adds as another group who may not be regarded as desirable those who have been guilty of severe offenses or a crime or who have acted in any way prejudicial to the welfare of the State and people."

—29 *Am. Journal International Law* 263

opposition in Congress (again except for Celler) has come—*mirabile dictu*—from McCarran and Walter, the "co-authors" of the so-called McCarran-Walter Immigration and Nationality Act. McCarran grumbled that the President's proposal was "half-baked" and Walter declared that it would take a constitutional amendment to deprive a native born American of his citizenship. In this he agreed fully with Celler's view that the bill was "ill-considered" and unconstitutional.

IV

Turning Back The Clock

Like so much of the legislation being spawned in this period, as a free America slips further down the road toward a police state, the Ferguson-Smith bill (which ought better to be called the Eisenhower-Brownell bill) is a sharp departure from American legal and philosophical tradition. For more than a century and a half, expatriation was regarded by the American republic as a right, not as a means of punishment. In feudal society, man was either a serf or a vassal; his status was fixed by custom, necessity and law. Under monarchy, he was a "subject." It was only with the American and the French Revolutions that he became a "citizen" and the question of citizenship could arise.

A "subject" could not free himself from his obligations to a monarch by removing to another country. It was on this issue that the American Republic found itself embroiled

Text of the Administration Bill

Introduced by Senators Ferguson (R. Mich.) and Smith (R. Me.): "To amend the Immigration and Nationality Act to provide for the loss of nationality of persons convicted of certain crimes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the 'Expatriation Act of 1954'.

Sec. 2, Paragraph (9) of subsection (a) of section 349 of the Immigration and Nationality Act (66 Stat. 163,268; U.S.C., title 8, sec. 1481 (a) (9)) is amended to read as follows:

"(9) committing any act of treason against, attempting by force to overthrow, or bearing arms against, the United States, violating or conspiring to violate the provisions of

title 18, U.S.C., secs. 2383 or 2385, or engaging in a conspiracy in violation of title 18, U.S.C., sec. 2384, if and when he is convicted thereof by a courtmartial or by a court of competent jurisdiction; or"

"Sec. 3. Subsection (a) of section 241 of the Immigration and Nationality Act (U.S.C., title 8, sec. 1251 (a)) is amended (1) by striking out the period at the end of paragraph (18) and inserting "or", and (2) by inserting after paragraph (18) a new paragraph reading as follows:

"(19) became an alien by reason of loss of United States nationality under paragraph (9) of subsection (a) of section 349 of this Act, and is found by the Attorney General to be an undesirable resident of the United States."

...Even McCarran and Walter Are Appalled By Ike's Bill

from the very first moment of its existence with European monarchs. One of the complaints in the Declaration of Independence was that George III had obstructed the naturalization laws in the Colonies. The War of 1812 was fought largely over the issue of whether Great Britain could seize naturalized Americans on the high seas and impress them into her service on the ground that a Briton could not lawfully give up his status as a subject. (It was not indeed until 1870 that British law recognized the right of the subject voluntarily to renounce his allegiance and choose another country.)

As a nation formed of emigrants from the Old World, America insisted that expatriation was a natural right. Jefferson (in this—as in much else—echoing Locke) drafted a famous provision of the Virginia Code in 1779 saying, expatriation was a “natural right which all men have of relinquishing the country in which birth or other accident may have thrown them.” (10 Hening, Statutes 129). Eighteenth Century radicals harked back to the best days of the Roman Law. Cicero in a famous defense of a naturalized Spaniard accused of falsely acquiring Roman citizenship successfully argued the principle that no man could be deprived of citizenship against his will and that every man had a right freely to choose his citizenship, calling it one of the fundamentals of Roman liberty (see box on this page). Both Madison and Monroe denounced the English doctrine of perpetual allegiance in the controversies which led to the war of 1812.

Much of America's diplomatic correspondence and public agitation in the field of foreign policy during the Nineteenth Century revolved around our insistence that men had a right freely to choose their own country. “Popular resentment of British prosecutions of naturalized American citizens participating in the Fenian rebellion in Ireland resulted in Congressional enactment of the statute of 1868, which declared expatriation to be an inherent right.” (66 Harvard Law Review 731). There were acrimonious disputes with the Czarist government because it seized naturalized Americans of Russian origin on their return to Russia and refused to recognize their American passport and nationality.

V

From Privilege to Punishment

Thus for more than a century and a half expatriation in this country was regarded as a natural right of the individual,

2,000 Years As a Human Right

“Article 11.(2) Everyone has the right to leave any country, including his own, and return to his country.

“Article 13. Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality or denied the right to change his nationality.”

—United Nations, Declaration of Human Rights

“That no one should be forced to change his citizenship against his will, or remain in it against his will. These are the firmest foundations of our liberties.”

—Cicero, In Defense of L. Cornelius Balbus, 56 B.C.

a privilege. It was not until 1940 that it was written into the law as a punishment. This occurred in the same Congress which passed the Smith Act, our first peacetime sedition statute since the Alien and Sedition laws. The immigration and nationality laws were being codified; an amendment on the Senate side added a novel provision. It provided [Sec. 349 (a) (9)] for deprivation of citizenship whether acquired by birth or naturalization for “committing any act of treason against, or attempting by force to overthrow, or bearing arms against the United States, if and when he is convicted thereof by a court martial or by a court of competent jurisdiction.” This was carried over in the McCarran-Walter Act.

Until that time, a native born citizen was held to have lost his nationality only when he renounced his citizenship and swore allegiance to another country, or took some step—enlisting in its armed forces, voting in its elections, or serving as one of its officials are examples—which could be held to imply renunciation of citizenship. Citizenship was something the native born could only renounce; it could not be taken away from them. This new provision was sometimes reconciled with the earlier principle by asserting that to commit an act of treason, to attempt overthrow by force or to bear arms against the United States was to take a step implying renunciation of citizenship.*

Whatever the constitutionality of this provision, it differs sharply from that proposed in the Ferguson-Smith bill. Treason—thanks to the protection which the Constitution provides for individuals accused of that crime—requires proof

* Congressman Walter told the writer, however, that he did not make this distinction. He interprets even this provision as merely taking away rights of citizenship, as on conviction for felony, and not as turning a native-born citizen into a deportable alien.

What The Constitution and the Supreme Court Say

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

—Amendment XIV, U.S. Constitution

“The Fourteenth Amendment, while it leaves the power where it was before, in Congress to regulate naturalization, has conferred no authority upon Congress to restrict the effect of birth, declared by the Constitution to constitute a sufficient and complete right to citizenship.”

—U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)

“... while some of its [i.e. U.S. v. Wong Kim Ark's] teachings seem to have been occasionally forgotten or whittled down in recent years, it has never been overruled... Congress has been given control over only one means of creating U.S. citizenship, namely by naturalization. It has the power to create and to condition that grant of citizenship, but it is wholly devoid of any power to destroy citizenship by birth.”

—Okimura v. Acheson, 99 F. Supp. 587 (1951)
Vacated on other grounds 342 U.S. 899 (1952)

Logical Next Step — An American Siberia . . . ?

of overt act and two witnesses to each act. Bearing arms against the United States is a crime too clear for abuse. Attempting by force to overthrow the government is quite different from the "advocacy" or "conspiracy to advocate" which is made criminal by the Smith Act. The former requires overt act or preparations for action; the latter, as current prosecutions show, may rest on extremely tenuous grounds. No Communist has yet been prosecuted for advocacy. "Conspiracy to advocate" is a cover for absence of proof of advocacy; convictions are obtained not on the basis of what the defendants advocated but by linking them with certain books by Marx, Lenin and Stalin.

For conviction under the conspiracy provision of the Smith Act, it is not necessary ever to have "advocated." The only proof required is that one "conspired" to advocate at some future time. It is not necessary to be a member of the Communist party to be linked with the "conspiracy", nor even to agree with all its aims. The murky law of conspiracy is made to order for repressive prosecutions; anyone who furthers a conspiracy, even by acts otherwise lawful, may be held liable as a co-conspirator. To provide that native born Americans may be declared "stateless" for so vague a political offense would be merely to take over into American law the common practice of police States, whether Fascist or Communist. Hitler's Reich, and Mussolini's Italy, Franco Spain and Peron's Argentina, provide grim precedents. The Soviet code makes deprivation of citizenship one of the punishments for a long list of political crimes and for political opposition. Eisenhower and Brownell are adopting an old police state custom.

VI

What Will The Courts Do?

As politics, the Ferguson-Smith bill represents the betrayal of American democracy by the respectables; Eisenhower, Brownell and these two Senators seek to ensure their own political future by outdoing McCarthy. In this they recall the precursors of Fascism in Austria, who sought to fight

the Nazi tide by dabbling in anti-Semitism on their own. As law, it begins a process which, once permitted, has no logical limit short of the severest limitations on dissent. One example will suffice. The McCarran-Walter bill provides for the deportation of any alien who commits contempt of a Congressional investigating committee; why should this not some day be extended to denaturalization and expatriation?

What will the courts do? Historically and currently they have proven poor guardians of basic liberties. The Fourteenth amendment does make all native born persons citizens. The Supreme Court in a famous decision in 1898 did hold (see box on page three) that this means Congress has no right to deprive a native born American of his nationality.

Among some lawyers, on the basis of rather vague *dicta*, the Court is said to have receded from this view in *Mackenzie v. Hare* (239 U.S. 299) but as Judge Magruder in the First Circuit pointed out (161 F2d 860) even in that decision the Supreme Court said "It may be conceded that a change of citizenship cannot be arbitrarily imposed, that is, imposed without the concurrence of the citizen." A Federal District Judge in Hawaii recently held unconstitutional (see same box, page 3) those provisions of the 1940 Act which deprive a native born American of his citizenship without clear proof of voluntary renunciation but this was remanded by the Supreme Court and the point is still open.

The indivisibility of liberty is being graphically demonstrated to our generation. For a half century the law, in dealing with the alien and the naturalized citizen, has been growing increasingly arbitrary and repressive; the exile of foreign born radicals has become a familiar feature of the legal landscape. Ugly precedents now threaten the native born as well; this new Ferguson-Smith bill makes the fight against the Walter-McCarran Act urgent for the native as well as the foreign born. The move to deprive "Communist conspirators" of citizenship comes at a time when it takes very little in the way of non-conformity to provoke suspicion and invite attack as Communist. The fight against this bill is crucial in the struggle to keep our America free.

If You Have Not Yet Subscribed or Renewed, Please Help By Doing So Now

This Is Expiration Time

PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

2-1-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. 2, NUMBER 3

FEBRUARY 8, 1954



WASHINGTON, D. C.

15 CENTS

The Silence In The Senate

The Senate, particularly its Democratic membership, presented an appalling spectacle of cowardice during the debate which ended with approval of \$214,000 for the McCarthy committee. Not a single voice was raised in support of Ellender's (D. La.) one-man fight to cut McCarthy's funds and force him to confine the Government Operations Committee to the limits established by the Reorganization Act of 1946. Langer (R. N. Dak) defended McCarthy against the charge of duplicating the work of the Jenner committee. Cooper (R. Ky.) alone suggested weakly that the Senate could not long escape the responsibility of providing some code of fair procedure for these committees. Morse (Ind. Oregon) thereupon objected to making any such rules a condition of the appropriation and insisted that McCarthy had made out a "primie facie" case for the funds he asked. This year, like last, Morse put a spoke in the wheels of Ellender's one-man crusade. Most shamefully of all, though McCarthy taunted them with "twenty years of treason," not a single Democrat rose to defend the party and Fulbright (D. Ark.) cast the only vote against the appropriation. The Ft. Monmouth hearings have been thoroughly discredited, yet except for Ellender no Senator dared question them. One has to go back to Tacitus and the Roman Senate in its more degenerate days to match what happened here last Tuesday.

Subverted Into Stability?

Yet the Democrats had a ready answer. On the plane of political campaigning, the Republicans offer "warmed over spy"—the notion that the New Deal period was one in which America was infiltrated, betrayed and subverted. But when the Eisenhower Economic Report swings into a pep talk for business men to counter what have been termed "Communist" efforts to undermine business, what does it cite as "Basis for Confidence"? Insurance of bank deposits, curbs on speculation, jobless insurance, farm price supports, social security, Federal aid to housing. These, in the opinion of Eisenhower and his advisers, have made America more immune to depression, more stable. Yet these reforms were the handiwork of those same "traitors." It's an odd kind of subversion that subverts a country into greater stability. And it's even odder to have the men who accomplished this and led America to victory against Hitler called treasonable by a Senator who had the effrontery to defend the SS men who butchered American prisoners after the Battle of the Bulge.

The Molotov Kettle and the Dulles Pot

At Berlin last Tuesday Dulles said Molotov was not infallible, citing the Russian's speech of October 31, 1939, condemning France and Britain as the aggressors in the European

war. But three days earlier on October 28, 1939, Dulles made a speech in New York in which he blamed the war on the "resentment, bitterness and desperation" felt by the Germans, Italians and Japanese over the "inequalities" to which they have been subjected and declared that the U.S. could only build a peaceful world by staying out of the conflict (*NY Times*, Oct. 29, 1939). Earlier, in March of that year, he joined Burton K. Wheeler in declaring (*NY Times*, March 23, 1939) that the prospects of peace would be worsened if we supported Britain and France against the Axis. His biggest claim to a fallibility as great as Molotov's is the speech Dulles made before the Economic Club of New York in March, 1939, saying "only hysteria believes that Germany, Italy or Japan contemplates war against us." (*New Yorker*, Sept. 2, 1944).

German Blueprint

The Germans hope not only for the failure of the Berlin conference (pretty much a foregone conclusion) but also for worsened relations between the U.S. on the one hand and the British and French on the other. They hope the U.S. will look to Germany as its main ally in Europe. In an atmosphere of "disillusion" with France and annoyance with Britain, Bonn believes it can achieve two major objectives. One is for a large-scale American loan to finance rearmament and the other is for the return of the key German chemical, drug and dye firms seized here during the war. A Senate Judiciary subcommittee issued a report last week implying that seizure of such concerns as General Aniline & Film, General Dyestuffs and Schering was the handiwork of Harry Dexter White and other "plotters", that it undercut our interest in building "a strong Western Germany and Japan as bulwarks against further Communist aggression" and that these companies should be returned.

Suspicious Character

There's a fellow over at the Pentagon who has us worried. Last May 19 he told a Senate Appropriations subcommittee the Soviet air force was primarily defensive. Just recently, on January 28, in a speech before the Women's Forum on National Security, he said he was getting "impatient with people who seem to think that blood spilling and jobs are synonymous." Then last week at press conference he said too many Americans were guilty of "rattling the atomic bomb." It's fortunate for him that he is not only Secretary of Defense but also former head of General Motors or there would have been a flood of subpoenas. We take our hat off to Charles E. Wilson. In his case what was good for General Motors is proving good for the country. That's a humbling paradox for some of our more simple-minded radicals.

Ike Adopts The New Deal—But Will That Be Enough?

The Economic Report and The Economic Outlook

The Worse The Better? Some people on the Left look forward to a depression as a solution for current political problems. They believe hard times will revive labor militancy and progressivism. But a severe slump would offer a boom market for those witch-hunters prepared to add social demagoguery to their political repertoire. The recovery of sanity in American society is more likely to follow successful readjustment to a peacetime economy.

The Hopeful Side: of the new Economic Report and of the President's message submitting it to Congress lies (1) in its stress on the possibility of "a prosperity based on peace" and (2) its whole-hearted adoption of the New Deal point of view. Eisenhower takes for granted that government "must use its vast power to help maintain employment and purchasing power" and talks of building "a floor over the pit of personal disaster."

The Real Questions: Are (1) whether the group of men who make up the Eisenhower Administration have the resolution and the leadership capacity to apply New Deal principles against a slump strongly and soon enough and (2) whether New Dealism is enough to cope with economic crisis.

Pollyanna, Not Cassandra: The new Economic Report, like its predecessors, is as vague, wordy and ambivalent as any ancient oracle. It opens a la Pollyanna, and only allows the Cassandra to peep out in the latter pages and in the statistical tables, perhaps on the assumption that our businessmen are too sensitive and high strung to be told the truth all at once and will not have the intellectual patience to read beyond the opening pages.

The Farm Crisis: Thus the Economic Report does not really get down to brass tacks on this until page 89. There it appears that since 1947 (despite price supports and the Korean war) real net farm income per farm has fallen one-third. The New Deal system of parity support prices seems to be no more than an emergency palliative, intensifying basic difficulties and doing little for the poorest strata of farmer.

Fundamental Imbalances: Are illuminated by one vivid passage. Price supports are based on 1910-14 cost price relationships. But since that "parity" period "the cost in man-hours of producing a bushel of wheat declined more than two-thirds, the cost of producing a bale of cotton nearly one-half." The failure of support prices to reflect this has been pricing both out of the world market. "In 1953," the report says, "our wheat production was 1,169 million bushels, compared with an annual average of 724 million in 1910-14. Yet annual food consumption of wheat was virtually the same (about 400 million bushels) in 1953 as forty years earlier." Only in world wars can we dispose of these huge surpluses. "The same is true for cotton," the report goes on. "Production in 1953 was 2.2 million bales greater than the 1910-14 average but, during the current year, domestic consumption plus exports is expected to be 1.9 million bales LESS than four decades ago . . ." Substantial increases have occurred in the per capita consumption of fibres but these have been captured by the synthetic fibres.

The problems of wheat and cotton require more complex measures of planning than those applied by the New Deal. In a socialist society, the problem would not be met by subsidizing high cost production nor by diverting acreage to other crops already in ample supply but by providing greater industrialization to draw unnecessary labor power away from the wheat and cotton fields.

Maldistribution and the Untouched Rural Poor: The New Deal farm program was geared to the status quo. The results may be seen in the Economic Report (p. 92). In 1949, 22 percent of the nation's farms accounted for 73 percent of the

Nation's gross cash farm marketings. At the same time, at the bottom, 29 percent of the nation's farm families had cash incomes of less than \$1,000 a year and these "produced too little for sale to benefit appreciably from farm price supports, however high."

An Inventory Slump? The Eisenhower Administration is willing to be more realistic about the longer range farm problem than the immediate problem of peacetime prosperity; the industrial and financial groups so influential in the G.O.P. have long been opposed to supports for agriculture. The Economic Report provides no such drastic sidelight on the

Understatement of the Year

"Employment in January, 1954, is somewhat lower than in January, 1953. There seems to be a connection between this fact and the fact that in January, 1953, we were still fighting in Korea and are not doing so today."

—Eisenhower's Message on the Economic Report

question of utilizing our vastly expanded industrial capacity for peacetime civilian markets. The recession which began last year is rather wistfully pictured as a mere slump in spending for inventories. On the contrary—

An Almost Instinctive, Organic Reaction seems to have taken place in the economic system on the approach of peace. Discussing last year's shrinkage in the labor force, the report discloses (pages 150-51) that in April of last year "following the sudden and well-publicized yielding of China on the prisoner-repatriation issue on March 28, the civilian labor force, instead of rising as usual by 500,000 in that spring month, fell by 300,000—a net decline in the seasonally adjusted labor force of 800,000 . . . An earlier instance under somewhat analogous circumstances," the report goes on, "occurred in early 1945, at about the time the German armies were breaking up . . . Some of the withdrawals and the failure to enter seasonally were by persons expecting an early return of husbands, brothers, sons or fiancées."

The Unemployment Figures understate the loss of purchasing power to the market. While 1.9 million people are listed as jobless in December, 1953, about 350,000 youths had gone back to school and 800,000 women back to keeping house in that month. The real shrinkage, in terms of the market, was a decline of more than 3,000,000 in the number of wage-earners.

How Cushion A Slump: The Economic Report, facing a slump, recognizes that the New Deal cushions on which it depends are not as extensive or deep as they should be. Of 48,000,000 non-agricultural workers, only 36,000,000 are covered (inadequately) by jobless insurance and only 28,500,000 by (inadequate) minimum wage laws. The report suggests higher jobless insurance but stops short on the threshold of suggesting an increase in the present 75 cent an hour minimum wage law.

Prognosis: Business may bounce back on its own, but judging by the experience of the past three decades there may be a real slump ahead. The day of bank panics and soup kitchens are over, but the public works on which the Economic Report principally relies for pump-priming would be too puny a weapon. For all the New Deal's efforts, it took a world war to wipe out the unemployment of the thirties. The war and the cold war greatly expanded industrial capacity, intensifying the old problem of want amid plenty. The G.O.P. has been converted in theory to New Dealism, but is still *laissez faire* by instinct. It will act, but almost certainly with too little and too late.

I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$4 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$15 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

February 8, 1954



Vol. 2, No. 3

A Brave Lawyer Passes

Whatever one may think of the way the Rosenberg campaign was waged, their lawyer, Emanuel H. Bloch, showed a courage and a devotion in their defense which was in the best tradition of his profession. His sudden death is tragic; he wore himself out in the Rosenberg case. No doubt the disciplinary proceeding begun against him by the Association of the Bar of the City of New York added to the strain. This proceeding was a scandal. At a time when so few members of the American bar are willing to defend unpopular clients, Bloch deserved commendation not discipline. Is there some way to force the Bar Association to go through with this proceeding posthumously, and to rally in Bloch's defense the kind of testimonial he deserved?

Glittering Evasion

The Pennsylvania Supreme Court in the Nelson case said the extreme unpopularity of the defendant made it "especially incumbent" on his judges to "scrutinize the record with utmost care" but then proceeded to dodge the questions raised. Nelson was not given adequate time to obtain counsel. The trial judge was a leading spirit in a Pittsburgh witch hunting organization which had demanded Nelson's indictment. The chief witness against him was a judge of the court in which he was tried.

With all these infractions of due process, the Court said "we need not now be concerned." It held that Pennsylvania's State sedition law of 1919 under which Nelson had been sentenced to 20 years in prison was superseded by the Federal Smith Act of 1940, under which Nelson has been separately sentenced to five years in jail. The Court relied principally on *Hines v. Davidowitz* (312 U.S. 52) in which the U.S. Supreme Court held that Pennsylvania's Alien Registration Act of 1939 was suspended by the Federal alien registration act of 1940 (another part of the Smith Alien and Sedition Act). The State Court also held that under Article IV, Section 4, of the U.S. Constitution, guaranteeing every State in the Union a Republican form of government, sedition is the special province of the Federal government.

Were this a U.S. Supreme Court decision, there would be ground for jubilation; several dozen State sedition and criminal syndicalism laws would be invalidated. Unfortunately the Pennsylvania decision is being appealed, and there is slight chance of mustering a majority to uphold it on the U.S. Supreme Court. The defendant is a hounded man; the measure of the sensational charges made against him is to be found in the vagueness of the State "seditious utterance" and Federal "conspiracy to advocate" charges on which he has been prosecuted. Nelson deserved something better from Pennsylvania's highest court than this glittering evasion of fundamental issues. Nelson did not get a fair trial; the "sedition" charged was spurious; the state law as applied is an unconstitutional interference with freedom of political opinion.

Freedom of the Press Note

One of this year's recommendations by the House Un-American Activities Committee is that the use of the U.S. mails under the second class mailing privileges be forbidden "to subversive publications emanating either from foreign sources or from sources within the United States" and that the Internal Security Act of 1950 be amended to permit the citing of such publications as "subversive." The Act already provides for the labelling of Communist publications. The "subversive" label would extend the process one step further.

Fustest With The Leastest

Of course old General Bedford Forrest was right. Anyone can win a battle who gets there "fustest with the mostest" men. The real feat is to get there "fustest with the leastest." Though a one-man job playing the field against well-staffed competitors, the *Weekly* has been getting there "fustest with the leastest" over and over again.

Example: The *New Republic* for February 1 tells the story about the early relations between the new Federal Communications Commissioner Robert E. Lee and McCarthy. The *Weekly* told the story in its issue of last October 17, "The Man Who Rescued McCarthy."

Example: The *Nation* for January 30 published the first of two excellent articles by Norman Redlich, "The Truth About Spies in Government." The *Weekly* told the same story (publishing many of the same details for the first time) in a series of three issues beginning last November 14.

Example: The *New York Times* in a series of three articles by that first-rate reporter, Peter Kihss, on January 11, 12, 13 debunked McCarthy's Fort Monmouth hearings as did Walter Millis and Murray Marder earlier in the *New York Herald-Tribune* and *The Washington Post*. The *Weekly* beat all three of them with "McCarthy's Hoax and the Real Radar Scandal" in its issue of October 24. And no paper has yet dared touch the story we printed in the same issue on how RCA got the secret of radar out of Fort Monmouth and then tipped it to the Axis before the war.

The *Weekly* is "leastest" in manpower but often "fustest" in news coverage out of Washington, especially on issues others find too hot to handle. But we still need the "mostest" possible readers. If you haven't yet renewed, please do so today (we will soon begin dropping those who have failed to do so). If you have renewed, send a gift sub to a friend. Use the blank on the reverse side.

P.S. We have extra copies of last week's issue on Ike's bill to turn native born radicals into deportable aliens available for distribution. That was another "beat" by the *Weekly*, like our special issue on the McCarran immunity bill last July 18. Help alert others to the danger by sending out extra copies of last week's issue.

—I. F. STONE

JENNINGS PERRY'S PAGE

Turncoatism Depends on Whose Coat Turned

As good Americans, all, we must of course trust that before the country gets the case of Cpl. Edward S. Dickenson off its conscience a great many compassionate and willing diagnosticians are enabled to take a whack at it, but especially Rep. William C. Wampler. For the Virginia congressman (Rep.) has an approach as striking as it is humane: to him the corporal, who once decided to stay with the Reds and then thought better of it, is "a mere country boy victimized by a shrewd propaganda technique."

This is a line of defense which opens to all sorts of possibilities. Here was Ed, growing up out in the hills and just of an age to begin the pursuit of happiness in earnest, when along came the great nation and plucked him out of his sheltered place at Cracker's Neck and sent him into the world and its temptations. Had he been left alone he never would have heard mention of Marx (Who would have dared?), never would have been held and wooed under the Hammer & Sickle.

Evidently, the congressman is prepared to show that it was not the corporal's fault that he was exposed to the "shrewd propaganda technique," and to make for him a plain case of service-connected disability. To show that if he had contracted the fever, the dysentery or the ring-worm (to all of which he as well might have been exposed without his let), the same great nation now would be ministering to him gently and gratefully, and for the rest of his life if need be.

The contention is reasonable and deserves respectful consideration—though it is capable of cutting a wider swath than Rep. Wampler has in mind. The corporal turned coat twice and came home, but 21 other American soldiers have stopped with the Reds. All 21 have been given dishonorable discharges. But if Wampler's case for Dickenson stands up why the "dishonorable" in the other cases? All were country boys alike, so to speak. Could not all have been equally "victimized"—and still be?

And the swath must be wider than that, it seems, unless the congressman's sweet and trenchant reasoning is to apply only

to the case of his own constituent or, at most, to Americans. The other side had far more turncoats than ours—by the thousands . . . boys drawn from Chinese Cracker's Necks and Korean Cracker's Necks with no more say in the matter than Cpl. Dickenson had, who were held in our prison camps and exposed to shrewd (one must assume) propaganda techniques. Are these thousands to be left tarred with the same tar we put on the Americans, being turncoats also?

The present adherence of these prisoners to our side has been hailed by the Voice of America as establishing "the right to freely choose." Ambassador Henry Cabot Lodge, Jr., has said the event was "victory for freedom everywhere." Well and good . . . But are we to recognize a virtue in free choice only when the side chosen is our own? And is desertion to be stigmatized only when our own soldiers desert?

Personally, I like the plea Rep. Wampler is developing in behalf of Cpl. Dickenson and which he declares himself ready to advance in any court-martial. The corporal's disability, if any, is service-connected. He was—like millions of others—a mere country boy, and has a right to ask the nation which plucked him out of his backwoods, and especially those who judge him who do not know the difference between their armchair at home and a prisoner-of-war camp at the end of the world, to accord him at least as fair a standing as is without question accorded the thousands of turncoats who were yesterday's mortal enemies.

Our conscience cannot avoid the issue when reason refuses to be "victimized." For we may say it is the military rule which must be upheld. But whose military is it? And what rule of any instrument of a democracy is so vested that an elemental sense of fair play should not overrule it?

When we proclaim to all the world "the right to freely choose," we cannot decently at the same time impose trial and disgrace upon those who have dared to take us at our word and have chosen to the best of their ability.

If You Have Not Yet Subscribed or Renewed, Please Help By Doing So Now

This Is Expiration Time
PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.
Please renew (or enter) my sub for the enclosed \$5:

Name _____
Street _____
City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):
(To) Name _____
Street _____
City _____ Zone _____ State _____

2-8-54

I. F. Stone's Weekly

Room 205
301 E. Capitol St., S.E.
Washington 3, D. C.

NEWSPAPER

**Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office**

I. F. Stone's Weekly

VOL. 2, NUMBER 4

FEBRUARY 15, 1954



WASHINGTON, D. C.

15 CENTS

The Case of The California Bookie

Newspaper coverage of the Supreme Court's decision last week in *Irvine v. California* overlooked the disturbing light it sheds on two kinds of repressive legislation pending in Congress. These are the bills to authorize wire-tapping and to compel witnesses to give up their privilege against self-incrimination. Though wire-tapping is forbidden by the Federal Communications Act of 1934 and by Section 640 of the California Penal Code, in this case the law was circumvented by the use of other listening devices. A "bug" was installed near Irvine's phone and officers listened in from a garage half a block away as he made book on the horses. Justice Jackson for the majority expressed horror. "Science," he noted, "has perfected instruments of surveillance and invasion of privacy, whether by the policeman, the blackmailer or the busybody." But he held that this did not violate the law because "there was no interference with the communications system . . . no interception of any message."

The Act Says Nothing of 'Taps'

This does not necessarily follow from the words of the statute. The Communications Act says nothing about "interference." It does not use the term "wire-tapping." It forbids "interception," whether of telegraphic or telephonic communications. To say that interception is illegal only if the wire is actually tapped is to render the law futile at a time when there are new electronic devices for listening in without a direct physical tap.

Jackson as Attorney General was one of the first to allow the FBI to tap wires despite the law on the specious grounds that the words "intercept and divulge" permitted interception but not divulgence. As Supreme Court Justice, he has fathered a comparable sophistry. His words open the way for the first time to use of evidence obtained by these newer listening devices. Should wire-tapping be authorized by Congress under restrictions, the restrictions could be circumvented by using these alternative methods. Under Jackson's interpretation neither a Judge's order nor the Attorney General's approval would be required for the use of listening devices which do not physically "tap" the wire itself.

A Succession of Accidents

The Irvine decision shows how little reliance can be placed on such protective safeguards anyway. Another section of the California code makes it a crime for a police officer to use a listening device of any kind without the consent of the chief of police or the district attorney. During the oral argument, a question from Chief Justice Warren to the Assistant Attorney General of California elicited an admission that no such consent had been obtained in the Irvine case. Thus the Supreme Court in upholding the conviction not only allowed

the police to circumvent Federal and State law against wire-tapping but to violate a State law restricting the use of other listening devices. Indeed the violation would never have come to light but for a succession of coincidences—a chance question from the bench in the final stage of the case, put by a Chief Justice who happened to be familiar with the law because he was once himself a California prosecutor.

The *Irvine* decision also throws light on pending "immunity" legislation. The penal code of California does not allow a witness to plead his privilege against self-incrimination if asked about gambling, but he cannot be prosecuted on the basis of his testimony. One of the questions put to the Supreme Court on appeal was "Whether a defendant may be tried and convicted in the State courts upon evidence obtained by compulsion of a Federal Statute, and thereafter introduced in evidence against an accused in the State court."

This was the background of the question. A 1951 Federal law makes it a crime to run a gambling business without reporting to the government and buying a Federal wagering tax stamp. Irvine made the disclosure and paid the tax. When the tax stamp was found in his home, it was entered in evidence against him. His lawyer protested that under such a system, "You confess or you go to Federal prison; having confessed you now go to State's prison."

A Spurious Immunity

The question put to the Court has wide ramifications. If pending immunity legislation is passed, will it confer immunity against State prosecution? A liberal or radical may be compelled to admit associations and activities which can be used for prosecution under State sedition or criminal syndicalism laws. The *Struik* and *Nelson* cases show how little beyond mere exercise of free speech may be enough for such prosecutions. The "immunity" conferred is then spurious.

The Court dodged the question in the *Irvine* case on the ground that it was raised too late in the proceedings. But Justice Black, with Douglas concurring, protested, "So far as this case is concerned it is enough for me that Irvine was convicted in a state court on a confession coerced by the Federal Government. I believe," he went on, "this frustrates a basic purpose of the Fifth Amendment—to free Americans from fear that federal power could be used to compel them to confess conduct or beliefs in order to take away their life, liberty or property."

Unfortunately this is a minority view. The State court in the *Irvine* case permitted his "confession" to be used against him despite the State immunity law as well as the Fifth Amendment! "Licensing such easy evasion of the Amendment," Justice Black said, "has proven a heavy drain on its vitality although no such debilitating interpretation was

given the Amendment by this Court until it decided *U. S. v. Murdock* in 1931, one hundred and forty years after the Bill of rights was adopted."

False Analogies and Fake Precedents

It would be hard to match the fallacious character of the analogy drawn by Justice Butler for the majority in the *Murdock* case. "The English rule of evidence against compulsory self-incrimination, on which historically that contained in the Fifth Amendment rests," Butler ruled, "does not protect witnesses against disclosing offenses in violation of the laws of another country." California or any other of the 47 States is hardly "another country." Two English cases were cited, with a great show of learning and authority, but neither covers the situation here and one *Queen v. Boyes*, (1 B. & S. 311) is not even in point, though our law books continue solemnly to cite it as if it were.*

Brownell Knows Better

This is nevertheless the law as it now stands. Yet Attorney General Brownell in his letter last week to the chairman of the House Judiciary Committee said the "immunity" legis-

*When I found the case, it turned out to involve a different question. A man accused of bribery in an English election declined to testify though granted a pardon in advance. He pleaded unsuccessfully that under the Act of Settlement, 12 & 13 W.3, he was still subject, despite that pardon, to possible impeachment by the House of Commons. This is a beautiful example of juristic flummery; the case does not cover the point for which Butler cited it, much less the real question before the Court. lation he favors "affords to a witness as broad a protection

The Poor U. S. General Who Didn't Think Stalin Always Lied

Washington—Under the engaging title, "Communist Infiltration in the Army", the McCarthy committee has just made public the transcript of the executive session at which Gen. Richard C. Partridge, G-2, U. S. Army, was interrogated last Fall about that Army pamphlet on Soviet Siberia.

Gen. Partridge seems to have rubbed McCarthy the wrong way from the start. The General said the pamphlet was designed to give as objective a picture as possible of how people in Soviet Siberia felt about the Communist regime and "not give the idea of the Communist government and the situation in Russia as seen from the United States."

McCarthy charged into the fray immediately. "Do you know," he asked, "that this book quotes verbatim from Joe Stalin, without attributing it to him, as a stamp of approval of the U. S. Army?" Gen Partridge said he didn't know that it did.

Instead of nailing the culprit by triumphantly producing the offending passage, McCarthy asked, "Don't you think before you testify you should take time to find out whether it quotes Joe Stalin and other notorious Communists?" The witness never got a chance to answer that question. McCarthy himself didn't seem to know just what had been quoted from Stalin and where.

For a Senator who aspires to be an unofficial Secretary of State, McCarthy is in need of briefing. His next question referred to "the Soviet embassy in Moscow." "If you were to learn," McCarthy asked Gen. Partridge, "that the book quotes from Mr. Simmons (Prof. Ernest J. Simmons of Columbia), without showing what part is from the work of Mr. Simmons; that Mr. Simmons wrote work under direct instructions of the Soviet Embassy in Moscow, would you still say it is an honest attempt to give an accurate picture of life in Communist Russia?"

Gen. Partridge insisted stubbornly, "It would all depend on what was said."

The General tried to explain that the main source of the information used in the pamphlet "were returned Japanese POW's." McCarthy didn't give him a chance. He wanted

Another of Those Holdovers

Justice Frankfurter ended his dissenting opinion in *Irvine v. California* with a quotation from an unexpected libertarian source.

"Our people," he quoted, "may tolerate many mistakes of both intent and performance, but with unerring instinct, they know that when any person is intentionally deprived of his constitutional rights those responsible have committed no ordinary offense. A crime of this nature, if subtly encouraged by failure to condemn and punish, certainly leads down the road to totalitarianism."

The quotation was from the September, 1952, issue of the *FBI Law Enforcement Bulletin* and the words were those of—guess who?—J. Edgar Hoover. We suggest a loyalty check.

against prosecution as the constitutional privilege which he is required to surrender." This is untrue, except in the most disingenuous sense, as Brownell well knows. None of the pending "immunity" bills to compel witnesses to give up their privilege against self-incrimination would give them immunity from State prosecution. They would thus make a fundamental breach in the Fifth Amendment and facilitate political persecution. This is one of the warning signals for intellectuals to be read in this obscure case of a California bookie, in which lawlessness by law enforcement officials was given new encouragement by a majority of the U. S. Supreme Court.

to know again, "Do you think books with authors such as Simmons, identified as a Communist taking orders from the Moscow Embassy when he wrote this, carrying articles by Corliss Lamont, Harriet Moore, Frederick Schuman, do you think that type of book should be used to indoctrinate our military?"

Gen. Partridge insisted that this was not an indoctrination pamphlet, and that McCarthy was talking about the books listed in the bibliography. McCarthy brushed the explanations aside. He wanted to know whether "a book like that should be withdrawn or used to indoctrinate our military." The General was trapped into heresy.

GEN. PARTRIDGE. I'd want to read the book first.

THE CHAIRMAN (McCarthy). Even though you know it is put out by Communist authors?

GEN. PARTRIDGE. It would all depend on what they say.

THE CHAIRMAN. You don't object to Communist authors unless you first see what they say, although he is writing books under the instructions of the Moscow Embassy. Is that correct?

The General was an intrepid fellow, and had led with his chin. McCarthy later in the hearing again brought up the same business about quoting Stalin verbatim, and wanted to know whether the writer of the pamphlet in quoting Stalin "was trying to give a correct picture."

"Whether he did," Gen. Partridge replied incautiously, "would depend on what he quoted. I don't think everything Stalin says is a lie. He is bound to say something true once in a while. I don't know what he quoted from Stalin."

A phone call to the Pentagon last week elicited the information that General Partridge was transferred out of G-2 shortly after the hearing and assigned in January to command the 43rd Infantry Division in Europe. The Siberian pamphlet was "declassified." But copies are no longer available. "It was sent back," the officer on press duty said obscurely. "Sent back where?" he was asked. "I have no idea," was the answer.

I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$15 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

February 15, 1954



Vol. 2, No. 4

BULLETINS On Indo-China

"A severe winter, with destitute men, women and children frozen to death in Paris, has crystallized public opinion into a great outcry to end the colonial war in Indo-China. The press and everyone I have spoken to are indignant that the French government has spent seven billion dollars in fighting this war but has failed to build housing for the growing population of Paris." So wrote Henry Wales from Paris last Wednesday in that well-known Mid-Western organ of pacifism and radicalism, the *Chicago Tribune*.

Here in Washington, when three senior Southern Democrats with the committee positions and prestige of Senators Stennis (Miss.), Byrd (Va.) and George (Georgia) attack the Administration for sending air force mechanics to Indo-China, a major political battle is impending.

During the debate in the Senate last Tuesday, the two most important points made by the Democratic opposition went generally unreported. Stennis said there were Filipino, Korean and Japanese mechanics qualified to service these planes, that their use "was considered, but . . . for one reason or another, the idea was rejected and the plan to use U. S. Air Force mechanics was adopted." Stennis also said he had seen French mechanics repairing jet engines and jet planes at our bases in France and asked why they could not have been sent instead.

What the Democrats scent is a deliberate effort to involve the U. S., first through "token" forces of mechanics and then with troops. As to this, Mansfield (D. Mont.) who knows the Far Eastern situation intimately told the Senate the French and the Associated States already had 400,000 men as against Ho Chi-minh's 300,000. "What good would it do," Mansfield asked, "to send any more men from outside . . . when there is a superiority not only in manpower but in equipment as well?"

Eisenhower at press conference Wednesday and Wilson the day before expressed the views of top Administration

officials fighting a rearguard action against pressure from the military for intervention. The China Lobby sees Indo-China as its opportunity and Admiral Radford, chairman of the Joint Chiefs of Staff, is ready with some of his favorite recipes including a blockade of the China coast, use of Chinese Nationalist forces in Indo-China and even active intervention by U. S. air and naval units. (Remember how it was said that air and naval support would be enough to end the Korean war?)

One little noticed remark by Wilson at his press conference may reflect an argument being used by the military to belittle the risk of Chinese intervention. The Secretary of Defense said the terrain and logistic situation was such that large-scale Chinese intervention was impossible. (This also recalls some other expert advice in Korea).

On Korea

As we go to press, General John Hull and Special Ambassador John Allison have just flown in from Korea. Neither State nor Pentagon would deny or confirm a story carried exclusively last week by the respected *Sunday Times* of London from its correspondent, Richard Hughes, in Tokyo saying that Hull and Allison were on their way back because Syngman Rhee threatens in April to seize that section of North Korea just above the 38th Parallel on the East coast which is under General Hull's administration. This area, with 65,000 people and some of the richest tungsten mines in the world, is under UN control. Rhee wants to take it over, and to take it over forcibly. It would give him a cheap and easy "march north" at UN expense.

Give Me Your Poor—But Only The Docile Ones

"I just do not agree with the idea that my country regardless of what is chiselled on the Lady that stands out in the Harbor in New York, wants to be given all the poor and downtrodden people of other countries. My people have been here a long time—nearly 300 years—and I do not think we are a catchall for everyone that wants to come here . . . On this wetback proposition, if you talk with a Texan, he had rather have a laborer from down in Mexico that has not been indoctrinated by communism and socialism—the kind that the Labor government sent over here from Mexico—he had rather have those which he can control and who are docile because they make better field hands."

—Congressman Cliff Cleverger, (R. Ohio), at page 192 House Appropriations Committee Hearings on the Justice Department Budget for 1954.

Personal Note: The E. and P. was being operated on for deafness this week-end. No interruption of publication is expected but should some complication force suspension for a week, all subscriptions will be automatically extended by one week, assuring 50 issues a year.

You'll Soon Be Dropped, If You Haven't Renewed

Some explanations are in order. To save money my whole name plate chain is being redone at once; that is why your expiration date has not yet changed even though you have renewed. The task of prodding renewals is terribly expensive; frankly it could have broken the *Weekly* financially and I am terribly grateful to our readers for having renewed in such volume and with so many gift subs without such prodding. There are still some laggards. If you are hard pressed for the moment and would like to have me wait, write and say so and I will keep you on the subscription rolls until you can renew. Otherwise I must now go ahead with the making of a new chain which means that I will soon have to drop those few who have not yet renewed. I hate to drop a reader. It's like losing a friend. So renew now if you can and if you can't drop me a line. But do it today.

—I. F. STONE

P.S. I mailed out 5,000 sample copies of Vol II, No. 2, the special issue on the Eisenhower loss-of-citizenship proposal. There were some duplications between lists used and and my own. So if you got an extra copy, don't worry. Just pass it on.

JENNINGS PERRY'S PAGE

Reds' Line (See FBI) Already Crowded with Patriots

In J. Edgar Hoover's latest fill in (to the House Appropriations Committee) on just what the rugged little band of Communists in our national bosom is up to now, maverick minds must find much for sprightly reflection. Mr. Hoover, it will be recalled, is the one for facts, leaving evaluations to his superiors—and naturally, since the facts are given out, to the public generally. The news, as passed to the congressmen, is (a) that the party has gone deeper underground and (b) that from deeper underground its principal goals are as follows: settlement of the Korean war and the return home of our troops, a big power peace pact including Red China, and U. S. trade with the Iron Curtain countries. Also repeal of the Smith Act, the Taft-Hartley law and the Internal Security Act of 1950.

The very principal goal of the party, it must be assumed, still would be the overthrow of our government by force and violence, or at least by subversion; though apparently Mr. Hoover felt it unnecessary to bring that up again. And the estimate that remains to be made, now that Congress and the common intelligence have freshly been posted, is of the practical relation of the party's program not only to its own horrible ultimate aim but to the purposes of other—unproscribed—groups of unquestionable loyalty.

The Republican party, for instance, or at any rate a faction of it far more numerous than all the evanescent Reds and their fellow travellers together, is no less passionately for a settlement in Korea, and for "bringing the boys home," two divisions at a time, as fast as possible. Its spokesmen point proudly, and with reason, to the cease-fire as the greatest accomplishment of the Eisenhower administration to date. The administration is moving—ponderously but as fast as it dares—to end the antic pretense that the government of 600 million Chinese does not exist. And American business increasingly chafes under strategic trade restrictions the businessmen of allied Free World nations already impatiently are breaking through.

In whatever crevices into which they may have disappeared the Communists cannot be more against Taft-Hartley than the great, respectable and ostentatiously anti-Communist labor organizations, nor more against the holier-than-thou sedition laws than are Harry S. Truman, the primitive democrats and the Methodist church. The question follows of how the Communist program on which Mr. Hoover has given us the low-down can even maintain an identity in all of this concurrence? And room can be made for consideration of the charming possibility that the party itself has not been able to resist ideological assimilation in the Melting Pot.

The FBI chief's unadorned facts are—interesting—and in the broad picture insignificant. The dutiful but congenitally judicious citizen well may be graced for failing to draw from them whether he should be alarmed anew or whether indeed his mind should be eased. The Communists want us out of Korea, but Sen. Vorys (R. Ohio) insists the Democrats put us into war there to heal American "joblessness." Are the Communists (and Sen. Vorys!) trying to wreck the economy by getting the war called off?—or to help stabilize it, Republican fashion, "without war?" The judicious citizen hardly need lose sleep over it either way.

As for the party's retreat deeper underground, it is equally difficult to tell whether or not this is an eventuation of which Mr. Hoover—if he should let slip an evaluation—would approve. The effect of the new laws and their enforcement (with the aid of the VFW) is to drive the party into further hiding; but the deeper hid the more difficult the enforcement of the laws. Even now, Mr. Hoover reports (complains?) the members have discarded cards, avoid meetings and shun use of the telegraph and telephone . . .

And here is the one part of the report that beyond doubt is cheerful. For if the party has given up the telephone, the only prop is out from under the commonly abominated wire-tap bill which Mr. Hoover, and his boss Mr. Brownell, have up to now been pushing.

Copies of the Special Issue on Ike's Deprivation-of-Citizenship Bill Still Available

This Is Expiration Time

PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

2-15-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. 2, NUMBER 5 & 6

MARCH 1, 1954



WASHINGTON, D. C.

15 CENTS

Mr. Molotov's Time-Bombs

One of the principal comments on the Berlin conference, repeated parrot fashion in the American press, is that the parley served to show that nothing has been changed by the death of Stalin. There could hardly be a sillier observation. For Russia, the question of German rearmament is fundamental. Were Malenkov to follow Stalin to the grave, were the entire Communist regime to disappear, were Krensky or a Czar to return, Russia reaction to *this* question would be unaffected. No Russian government would relinquish its hold on one half of Germany to permit its reunification and rearmament as part of a hostile bloc, knowing that the re-armed Reich's first demand would be revision of its Eastern frontiers at the expense of territories now held by Russia and Poland.

The magisterial *Times* of London spoke with more objectivity. "It is now clear," it said on February 19, "that neither Russia nor the West can agree to German unification on terms compatible with their national interests. The linch-pin of western defense—west German cooperation—remains the hard core of Russian fears; and the main western anxiety—Russian armies in the heart of Europe—is, in the Russian view, the indispensable condition of Soviet security. In the state of the world today, neither fear can be discounted as mere propaganda." Few American newspapers would have the capacity, fewer still the courage, for so impartial a statement. Its expression by Britain's leading newspaper is, however, no accident. On the contrary, the complacent tone and detached analysis reflect Britain's own position, which is to try and make the best of two possible worlds, to enjoy the financial benefits of a close entente with the U.S. while striving to enlarge its trade with the U.S.S.R.

A Treacherous "Linch-Pin"

It is this which explains the readiness to fall in with some dubious propositions. The notion that "the linch-pin of Western defense" is the rearmament of Western Germany panders to a cliché of American politics. It cannot be reconciled with political reality. When Acheson and Adenauer sprang this idea on Bevin and Schuman in the Fall of 1950, they had great difficulty in selling it. There was then one good military argument for it. Were the Korean war to expand into a world war, as then seemed possible, it was important to confront Russia in the West with German forces. It was the logic of the Korean war which alone made West German rearmament at all palatable, and it is the ending of the war—and not some magic spell laid on by Moscow—which has done more than anything else to take the steam out of E.D.C.

While the ending of the war has shown that the Soviet

bloc is in no mood for risky political or military adventures, the German question bristles with dangers. No peace treaty can be signed without tackling the question of the eastern frontiers; the stronger Germany becomes the greater the demands it will make; a "united Europe" must either support those demands or break with Germany; to break with Germany would risk another and more dangerous version of the tactic Germany pursued at Rapallo and again with the Nazi-Soviet Pact. Germany would become the arbiter of Europe. Once united, it cannot be kept from rearming. Once re-armed, it cannot be kept by any device from resuming the course natural to a central power, i.e. to play one side against the other. No defense system on either side could have a more treacherous "linch-pin." An unnamed French provincial paper quoted by the *London Times* (Feb. 20) said "it was chimerical to expect" that either East or West at Berlin "would seriously envisage abandoning their piece of Germany" and asked, "Is not our best guarantee of security to be found in this division more than in the juridical precautions of E.D.C.?" A majority of Frenchmen would almost certainly agree.

The Unsigned, Invisible but Potent Pact

Beneath the surface of contemporary politics, essentials of geography and strategy—the essentials which drew Czar and Third Republic together in 1894—have reasserted themselves. Though Russia and France today belong to hostile blocs, their unspoken cooperation has succeeded for almost four years in blocking German rearmament. From one point of view, the French idea of a European Army as a means of rearming the Germans without permitting the rebirth of the German General Staff was a brilliant self-deception; the German General Staff has already been reborn, and once the Germans are re-armed no scrap of paper will inhibit them from marching on their own when they wish to do so. But from another point of view, the E.D.C. idea was an ingenious device for delaying a decision; Acheson was dazzled by it, Adenauer was kept dangling—and the debate in the Chamber of Deputies goes on. It will not be speeded by events at Berlin.

American public opinion is poorly informed on Berlin. This conference was an example, not of secret but of half-truth diplomacy, which is considerably worse. The Big Four met behind closed doors and press officers of each afterward "briefed" his own nation's correspondents. This was the system used at Panmunjom. The method encourages each participant to re-arrange the libretto to make himself the hero. What the American people read was not so much the news of the conference as a "line" handed out each day to the correspondents. The result is propaganda, not news. This

is the system used at the State Department and by the Department's officers in the corridors of the UN, but there and in Washington are other sources of information. In Berlin, there was little but this un nourishing pap—and the bare text of speeches—for hungry correspondents to feed upon.

Not As Unified As They Seem

The American point of view on international questions tends to be as simple-minded and self-righteous as the Russian. All the emphasis on "Western unity" at the conference gets in the way of understanding what happened, because this must begin with some appreciation of the different approaches to the conference on the part of the British, French, and Germans. The British thought an isolated conference on Germany bound to fail, and were anxious only that it not break up in ill-feeling. The French were chiefly concerned with using Berlin as a means of opening a way to peace in Indo-China. The majority of the Germans wanted some progress toward unification of their country. None of our "allies" shared the main preoccupation of Mr. Dulles, which was to demonstrate as rapidly as possible that agreement could not be reached and thus presumably speed ratification of E.D.C. and West German rearmament. Mr. Dulles put through his demonstration in one, two, three order, but the result will not be to speed up his object because British, French and German reactions are as different from his as were their initial expectations.

The rearmament of Germany is Dulles's great passion, but Western Europe feels no urgency about it. The British, on his prodding, will make a new token payment on account toward E.D.C. but their pledge of cooperation will not be enough to satisfy the French. At the moment, in Egypt and Iran particularly, Washington is a greater menace to the Empire than Moscow, and Britain has no desire to sink into the role of a European power, linked uneasily in a European Army with the Germans. The improvement in Mr. Molotov's manners has been enough to appease the British; if they must haggle with the Russians they would rather haggle over trade than the Oder-Neisse frontier. As for the Germans, they show no great enthusiasm for rearmament. The Social Democrats, who would be the strongest party in a reunited Reich, thought unification should have been bartered for abandonment of E.D.C. Powerful sections of the British Labor and French Socialist parties agree. The special meeting of the Socialist International at Brussels will see a strong demand from all three countries for postponement of German rearmament until the possibility of such a deal has been fully explored.

Trapped by His Own Haste

In his haste to get the Berlin meeting over with as quickly as possible, Mr. Dulles allowed Mr. Molotov to plant a whole series of time bombs. The failure to explore many questions fully will give Soviet propaganda an advantage. At one point the Soviet Foreign Minister offered the idea of a plebiscite in which the Germans could choose between unification and E.D.C. It was quickly hooted down, but this will look like an attractive proposition to many Germans in the wake of a conference which leaves the Reich divided indefinitely. Another example is the unresolved question of the proposed

European security pact and NATO. Molotov attacked NATO but only made the abandonment of the E.D.C. (i.e. German rearmament) a condition for the treaty. Unofficial Russian spokesmen said NATO would not be incompatible with such a treaty. Whether real or illusory, the prospect of combining a continental security pact with Russia and an Atlantic security pact with the U.S. will attract many West Europeans and seem well worth the abandonment of so dubious a proposition as a rearmed Germany.

Austria is another example. Mr. Dulles broke off negotiations just when they began to seem promising. Obviously the Russians will not give up the right to station troops in Austria (and thus their right to keep troops along the supply route across satellite Hungary and Rumania) as long as the West has forward bases of its own in Germany and Trieste. But Molotov showed a readiness to reduce this to token proportions and to give Austria more freedom than before, though less than full sovereignty. Also unexplored was the Molotov proposal for removing foreign troops from German soil, and permitting four power supervision of the withdrawal and of the zonal police forces which would maintain order. At any normal conference such offers would have been the spring-board of negotiation. What they reflected was simple. The Russians are unwilling to give up their hold on Austria and East Germany but they are willing to ease the grip of occupation on both countries.

Why They Were Unexplored

These possibilities were not explored because relaxation of tension suits the interests of the Russians but not of Mr. Dulles and Herr Adenauer. For it is only by maintaining some sense of urgency and danger that they can prevail on the West Germans to rearm, on the Americans to finance that rearmament and on the rest of Western Europe to acquiesce in it. In this sense, the final decision of the conference was a victory for Mr. Molotov. The resumption of negotiations on Korea, the opening of talks on Indo-China, the recognition in fact of Communist China's pivotal position in world politics—these must further relax tension and make German rearmament seem all the less urgent.

Why, then, did Mr. Dulles agree to it? There seem to be several reasons. One is that the "liberationist" views which lie behind his anxiety to rearm the Germans have become anachronistic in the Eisenhower Administration; the budget cannot be balanced if tension increases and what matter a few more German divisions in the new A-bomb and H-bomb strategy? Another is that Mr. Dulles had no choice. According to the French press, Mr. Molotov in his private conversations with M. Bidault had offered to mediate directly between Ho Chi-minh and France. In the Chamber of Deputies, M. Mendes-France has been arguing cogently that France would be better off to negotiate directly than to involve Indo-China in the insoluble Korean problem and the political idiocy fomented in Washington by the China Lobby. The alternative to Geneva, where Mr. Dulles may still exercise some veto power over an Indo-China settlement, were separate negotiations between Paris and Peiping. It is this which must make Senator Knowland's tantrums seem so ungrateful to the Secretary of State.—I. F. S.

Both Sides to Blame — "We Must Not Despair"

By Aneurin Bevan

The responsibility for the failure of the Berlin Conference to agree on a plan for the future of Germany must be shared equally by both sides.

Neither side seemed to have come to the Conference with any disposition to make a compromise. Each merely repeated the position it had previously taken up.

Mr. Molotov insisted that the Eastern German Government should rank in equal status with that of Western Germany. For their part the three Western allies made it clear that united Germany should be free to join any alliance it chose—which the Russians know quite well would mean a German reinforcement of NATO.

It passes comprehension that the Allies should believe the Russians would agree to that. What would they get in return? Precisely nothing.

The Allies would get the integration of the whole of Germany into the Western Bloc; German ascendancy would be firmly established in Western Europe and soon Russia would find herself defending her satellites against German claims for a revision of the frontiers.

Elections a Secondary Issue

Much was said at the conference about the method of holding elections and the nature of the supervision of them. All that is very important, of course, but it is of secondary significance compared with the main issue which still remains: who is to command Germany's resources, and if neither side is to enjoy them can they both agree that Germany should be neutralized until some future date?

The answer to that appears to be that the Western powers have reconciled themselves to the division of Germany.

Judged from that angle the Berlin Conference was merely a formal procedure preliminary to the creation of the twelve German military divisions upon which Foster Dulles and Mr. Eden have set their hearts.

Or are they still as enthusiastic about them as they once were? Not long ago the twelve German divisions were looked on as absolutely essential in order to counteract the weakness of France.

The United States military advisers saw the problem in simple terms. France is engaged in a wasting war in Indo-China. America supports her with money and military supplies. This leaves France too weak to man the Western wall in Europe.

The solution to this was to give Western German permission to create and equip a limited army. France objected to this on the ground that it would make Germany once again the master of Western Europe. The United States, however, insisted.

France was sore beset because of the war in Indo-China, and her domestic economic problems made her sensitively dependent upon American financial aid. It was at this point that France made a slip.

It occurred to some Frenchmen that the influence of a re-armed Germany might be kept in check if two things could be accomplished.

First, the creation of a European Defense Community in

which national military contributions could be merged. By ingenious arrangements it could be made impossible for any one nation taking part in this to possess a completely autonomous military establishment. Only the E.D.C. as a whole would be a complete military unit.

The United States jumped at the suggestion. This was the birth of the idea of E.D.C. and it has haunted France ever since.

The second condition was that Britain should agree to forming part of it. In this France was encouraged by some vague phrases of Sir Winston Churchill's.

Britain, however, has never accepted this view. She holds that her commitments are world-wide and that therefore she cannot tie down her forces only in Europe.

Atomic Warfare and A German Army

It may be that the new conception of atom warfare which has been developed in the United States does not now place such an emphasis on German ground forces, although they would still be welcome.

The U.S.A. values much more the air bases she enjoys in Western Germany from which she could deliver atom bombs in great numbers against the Russian satellites and against Russia herself.

This shift in the technique of war has also brought about new thoughts in Germany itself. Obviously large ground forces are not going to be as important as they once were and this fact for the time being at least reduces Germany's military value. It also blunts the edge of Germany's eagerness to rearm.

In an atom war Germany would be at the receiving end of atom bombs from Russia. With the memory of saturation H.E. bombing still vivid in German minds she can hardly be complacent about the prospect of hydrogen bombs.

It is therefore not surprising to find that the German Social Democrats are prepared to bargain a neutralized Germany in return for unity. It is true the Social Democratic leader did not go as far as that in his actual statement, but he went very near.

He said that Germany should be prepared to renounce E.D.C. provided Russia would agree to free elections for a united Germany. But, as he is not a party to the negotiations, the views do not prevail.

His point of view does, however, highlight the conclusion that the chief obstacle to the unity of Germany is simply the desire of the Western powers to number Germany among their military assets. It has all along been obvious that no solution of the German problem could be realized on these lines.

Unity on the basis of neutrality: that seems the only way out. It will be argued, it is not possible to keep a nation of the importance of Germany permanently disarmed. It would inflict on her an inferior status which she would resent.

Quite right, although it would be a little anodyne to her feelings that by it she might be exempted from the horrors of atom bombing. It is clear that a disarmed Germany could be made tolerable only if it is regarded as preparatory to gen-

(Continued on Page Six)

Corliss Lamont's Inside Story After 21 Years . . .

EDITOR'S NOTE: In a "grass roots" revolt at the biennial conference of the American Civil Liberties Union in New York City over the Lincoln's Birthday week-end, the A.C.L.U.'s Affiliates forced its National Board to withdraw proposed new statements of policy and to accept a substitute reaffirming the organization's traditional position. The Weekly last October 31 exposed the internal fight within the A.C.L.U. and in an exclusive article alerted many A.C.L.U. members to what was going on; that and succeeding articles in the Weekly were referred to during debate at the conference. Scant attention has been paid the conference in the press. We asked Corliss Lamont, retired from the Board after 21 years, to tell the story of the internal fight within the organization for our readers.

Lamont's retirement and the new members chosen by the self-perpetuating Board of Directors do not promise a militancy to match the policy statement forced on it by the Affiliates. The new members are New York City Councilman Earl Brown, a Republican; Lewis Galantiere, program director of Radio Free Europe; John Jessup, chief editorial writer of Life magazine, and C. Dickerman Williams, once assistant to Samuel Seabury and a former solicitor of the U. S. Department of Commerce. In the February 22 issue of the ultra-rightist *The Freeman*, Mr. Williams has an article supporting "immunity" legislation to compel testimony before Congressional investigating committees.—I.F.S.

By Corliss Lamont

As one who served on the Board of Directors of the Civil Liberties Union from 1932 to 1954 and participated actively in its long drawn out debates on policy over the past two years, I feel concerned over the developments reported at the Biennial Conference of the A.C.L.U. The basic question is whether the determined stand of the affiliates at this Conference will be sufficient to halt and reverse the growing tendency of the National Board to inject irrelevant Cold War considerations into decisions on fundamental civil liberties issues, to compromise more and more on the original free speech principles of the A.C.L.U. and to put across unsound policies by thwarting democratic procedures in the organization as a whole.

The Affiliates, in all but unanimous revolt against the vacillating behavior of the Board, won a significant victory in obtaining the withdrawal of three new policy statements that undercut the traditional position of the A.C.L.U. on civil liberties. They also recommended the elimination of the monstrous provision in the A.C.L.U. By-Laws permitting the Board of Directors to set aside the results of national referendums and to veto all amendments to the by-laws.

In one of the policy statements rejected by the Biennial Conference the Directors in effect threw overboard the Fifth Amendment's safeguard against self-incrimination. They disregarded the recommendations of the Union's excellent Aca-

demie Freedom Committee. The Committee wished to defend teachers who on constitutional grounds decline to answer the inquisitorial questions of Congressional Committees. For more than a year the Board has given the run-around to its Academic Freedom Committee. Members of this Committee include such civil liberties stalwarts as Arthur C. Cole, Professor of History at Brooklyn College; Helen M. Lynd, Professor of Social Philosophy at Sarah Lawrence; Broadus Mitchell, Professor of Economics at Rutgers; and H. H. Wilson, Professor of Politics at Princeton.

In this same statement on the Fifth Amendment the National Board also turned down the recommendations of its Special Committee on International Civil Liberties, of which the moving spirit was Mr. Roger N. Baldwin, former executive director of the A.C.L.U. This Committee had urged a protest against investigations into the political beliefs and associations of American members of the United Nation staff as inquiries which violated both the U. S. Constitution and the UN Charter.

The A.C.L.U. and the McCarran Act

Another of these policy statements of the A.C.L.U. National Board compromised the defense of the Bill of Rights by a long, violent and irrelevant attack on the Communist Party. This embodied the spirit of the introductory sections of the Internal Security (McCarran) Act. This statement paves the way for the government to prosecute Communist Party members under the Foreign Agents Registration Act. It undermines the A.C.L.U.'s formal opposition to the Smith Act and the Internal Security Act by implying that most Communists are guilty of conspiracy and illegal acts. It extends the witch hunt to so-called Communist fellow-travellers and sympathizers and it gives general encouragement to the McCarthyism and McCarranism which mortally threaten civil liberties today.

Another fundamental objection to the statement on the Communist Party is that it takes the Civil Liberties Union into a realm of sweeping judgments on domestic politics and international affairs where it has no business. The Directors and other officials of the A.C.L.U. are not supposed to be experts on international relations and political systems. They are united in the Civil Liberties Union for the defense of American civil liberties. We may hope that they possess some degree of expertness in that field. But it is not the function of the A.C.L.U. to describe, analyze and judge the inner nature of the organizations whose civil liberties it defends, any more than it is its function to determine whether some individual deprived of free speech has really been telling the full truth or is faithful to his wife.

What the Statement under discussion does is to turn the American Civil Liberties Union from an organization concentrating on civil liberties to one engaged in the general battle against world communism. It enlists the A.C.L.U. in

BEFORE —

Excerpts from the proposed new policy statements approved by the National Board of the ACLU and rejected by the Affiliates at the biennial conference:

" . . . But: (1) It is not a violation of civil liberties to take into account a person's voluntary choice of association when that choice is relevant to a particular judgment—providing that such a judgment is not indiscriminate or automatic, but specific and comprehensive in weighing all relevant factors . . . This is not to condone "guilt by association" in the reprehensible sense of holding a person

guilty of believing or doing what someone else with whom he is (often remotely) connected believes or does.

" . . . On the other hand, the Union will continue, for example: (1) to recognize the indispensability of police measures to prevent and punish actual subversive acts at the earliest moment they can be identified as acts, and the necessity in drawing the line of "clear and present danger"—of taking more factors into account with respect to the free speech of a secret conspiratorial group aiming at sabotage than with respect to the open-air preaching of a single anarchist."

... The "Grass Roots Revolt" in The Civil Liberties Union

the Cold War. We do not object to militant anti-Communists being officers of the A.C.L.U. We must strenuously object, however, when they attempt to make the struggle against communism that organization's chief aim instead of the struggle for civil liberties. There are a thousand and one other organizations, which anyone can join or support, dedicated to fighting communism and winning the Cold War.

An Internal Filibuster

The Board of Directors debated the three policy statements from December 1952 to June 1953, and kept the national office busy mimeographing and distributing endless memoranda and reformulations during these six months. The normal day-to-day work of Executive Director, Patrick M. Malin, and his staff was seriously disrupted during this long period. And the Board itself became demoralized. What the Cold War group really did was to conduct a six months' filibuster in which it would not permit the Board to carry on with its regular business. Thus the large final vote for the three resolutions was due primarily to fatigue, boredom and the feeling on the part of many Directors that compromise was the only way to make the non-stop talkers cease and desist.

After the Board had adopted the statements, I and nine other members of the Corporation initiated a national A.C.L.U. vote on them according to the provision of the By-Laws providing for such a referendum by petition of ten members. In the first week of September the referendum documents went out to the full Corporation: the Directors, the members of the National Committee and the Affiliates.

Some six weeks later the referendum was concluded and Mr. Malin sent out an official report, referring to October 16 as "the deadline." Much to everyone's surprise the negative had won by a small margin. The vote of the Affiliates was decisive, 13 of them having voted in the negative and only 3 of the smaller ones in the affirmative. Instead of accepting this democratic decision, the Board group which had originally forced through the three statements immediately started maneuvering to set aside the referendum.

Two weeks later a report came through from the A.C.L.U. office that the Chicago Affiliate had switched its vote from negative to affirmative and that therefore the statements had been adopted. I objected to this procedure on the ground that it was improper to change the ballot totals after the referendum had been officially concluded. I also discovered that the Chicago switch had taken place as the result of a hasty and incomplete poll of its Board members by telephone. Accordingly, I phoned the Chicago Affiliate and protested. My protest went before the next meeting of its Board, which declared that the whole business of a "second vote" was unacceptable, withdraw the results of its telephone poll and reported its referendum vote again in the negative. Hence on November 13 Mr. Malin had to return to his original report that the negative had won the national referendum.

The Decision to Over-Ride

But the Cold War group on the National Board was determined to have its way; and shortly afterwards put through a Board decision (the first of its kind in the 34-year history of the organization) to over-ride the referendum under cover of a special veto provision slipped into the new By-Laws of 1951. The three policy statements stood adopted officially by the American Civil Liberties Union. I argued against the over-riding as a violation of democratic procedure in the A.C.L.U. by an inner Board dictatorship and pointed out that an organization dedicated to democracy and civil liberties should be the last one in the world to abrogate the democratic process in its own functioning. I stated that the disregarding of the referendum was unjust to the Affiliates and the National Committee and made a mockery of our whole machinery allowing appeal from Board decisions.

Meanwhile, some of the Directors had become increasingly annoyed over my continued opposition to the three policy statements and my drastic criticism of Board tactics. Although I had been a Board member in good standing since 1932, the Nominating Committee did not include my name among the nominees for the 1953-56 term. Nonetheless, the Board early in November amended the Committee's report and nominated me. Then the storm broke. Heavy pressure was suddenly brought on me to withdraw from the nomination because several Directors were threatening to resign if my name went on the ballot and to publicize current controversies in the A.C.L.U. as a great Left-Right battle centering around me. It was the Cold War group in action again.

I refused to withdraw, taking the position that the campaign against me was based on untrue and unjust assumptions, and that it was highly improper and violative of democratic procedures for a minority group of Directors to try to reverse a Board decision through devious threats and pressures. At the next meeting of the Board, however, the majority yielded to these factional tactics and rescinded my nomination. A minor factor in this decision was that some of the Directors were furious about my telephone call to the Chicago Affiliate which resulted in the negative finally winning the referendum and made necessary the Board veto power as the only method of putting the three policy statements into effect. My answer here was that I was merely doing my duty as a Director, that my protest to Chicago had prevented the Board from putting through an unprincipled and unpardonable action, and that if we believed in freedom of speech within the Civil Liberties Union, then a Director had the right to discuss Union affairs confidentially with any other member of the Corporation.

During my 21 years of service as an A.C.L.U. Director I had leaned over backwards to keep confidential Union matters within the A.C.L.U. family of Board, National Committee and Affiliates. But the right-wing, anti-civil liberties group

(Continued on Page Six)

— AFTER

Excerpts from the substitute statement of policy drafted by former Senator Frank P. Graham, Professor Robert Lynd and Morris Rubin, overwhelmingly approved by the affiliates and finally accepted unanimously at the biennial conference:

"The American Civil Liberties Union is gravely concerned over the extent to which the suppression of basic liberties and the corruption of historic safeguards have replaced legitimate police and judicial procedures required to safeguard the security of the country. We therefore stand against guilt by association, judgment by accusa-

tion, the invasion of privacy of personal opinions and beliefs and the confusion of dissent with disloyalty—all of which are characteristic of the totalitarian tyrannies we abhor . . .

". . . the American Civil Liberties Union . . . pledges itself to continue to defend and champion the rightful civil liberties of any person or organization, the essentials of academic freedom, fair hearings and due process, whatever be the issues of the hour, the temper of the times, the alarms of crises and the pressure of groups."

What The Cold War Has Done to the ACLU . . .

(Continued from Page Five)

on the Board had again and again been responsible for direct leaks to the press of confidential Board decisions, often giving out the precise vote recorded. Most frequently these leaks appeared in stories run by the *New Leader*, the *New York Journal American* and the *New York World Telegram*. And sure enough it happened again in reference to the rescinding of my nomination when someone in the inner circles of the A.C.L.U. leaked the news to Frederick Woltman of the *World Telegram and Sun* who ran a story on December 11, 1953, headed "Lamont's Leftist Ideas Rouse A.C.L.U.: Director Taken Off Ballot."

A group of rank-and-file members of the A.C.L.U. in New York City were anxious that I permit them to nominate me as a Director through the special section of the By-Laws making provision for such nomination by 25 regular members of the organization. I declined this suggestion on the grounds that the situation had become too confused and unpleasant for me to go on waging a minority battle at present within the A.C.L.U. Furthermore, as I said in a statement to the Board of Directors itself: "If I were renominated now, the same high-handed group that forced the withdrawal of my Board nomination would in all probability renew the controversy and create a terrible furor which would again plunge this organization into bitter dissension. I am tired of all this. I believe that I can be more helpful to the cause of civil liberties by giving over my energies directly to the fight against McCarthy and McCarthyism than by endlessly debating my able and eloquent opponents on this Board."

The strange history of the Board of Directors of the Civil Liberties Union during the recent past must make us cautious about placing too much store on the successes scored by the Affiliates as the Biennial Conference. Only time will tell whether the headstrong Board of Directors has truly reformed or is temporarily bowing to the pressure of 20-odd militant Affiliates meeting together for the first time in three years.

The pressures from the Right on the Board and within the Board are very heavy. The American Legion has repeatedly called the A.C.L.U. a Communist front and demanded that it be investigated. Many Board members have succumbed to hysteria.

Where the Trouble Began

As Professor Alexander Meiklejohn, ever alert member of the Executive Committee of the Northern California Affiliate and ablest civil libertarian within the ranks of the A.C.L.U., pointed out in a brilliant analysis of the three policy statements, the trouble started with the National Board's famous resolution of February, 1940. That ill-conceived declaration barred as officers of the Union or members of its staff any

person "who is a member of any political organization which supports totalitarian dictatorship in any country or who by his public declarations indicates his support of such a principle." This not only involved the A.C.L.U. in issues of foreign affairs, but also in practice made anti-Communist militancy and purity the main qualification for the nomination and election of individuals to the Board of Directors and National Committee.

The 1940 Resolution, which I never ceased to oppose, was in essence the first Loyalty Oath which a reputable American organization put into effect. In adopting it the Civil Liberties Union set the worst possible example for the nation.

New York's Predominance

The fact that the headquarters of the A.C.L.U. is in New York City and that all Directors, in order to be able to attend the Board meetings every other week, must live in the city or vicinity is a significant factor in the evolution of the organization. New York is also the headquarters of the Communist movement and many of the Directors have had unhappy first-hand experiences with the Communists. This is one reason for a fanatical anti-communist spirit on the Board which does not exist on the executive committees of the Affiliates. The more bitter anti-Communist Directors, often sincere, likable and brilliant individuals, are so wrapped up in the world-wide struggle against communism that they are unable to concentrate on the special task of the Civil Liberties Union, which is to support the American Bill of Rights; they find it difficult to think clearly on civil liberties issues affecting Communists and radicals in general.

While the Cold War group on the Board consists of almost half the Directors, the most energetic and vocal of these persons has probably been Norman Thomas, the outstanding figure in the Socialist Party of the United States during the past 25 years. An amiable enough man personally, Mr. Thomas obviously has a political bone to pick with the Communists and burns with righteousness and Gospel fervor when he gets going on the Communist menace. It was he who publicly initiated the campaign for the 1940 Resolution. He was a prime mover in forcing through the 1953 policy statements. Thomas was always finding signs of dangerous Communist plots within the Civil Liberties Union. When the three policy statements were rejected in the national referendum, he immediately began muttering about "interpenetration by Communists and fellow-travellers."

My conclusion is that the future of the American Civil Liberties Union and especially of its Board of Directors still remains in doubt. But we can be confident that whatever happens on the National Board, the score of Affiliates throughout the country will maintain the original principles of the A.C.L.U.

Bevan on Berlin: "The Chief Hope of Mankind"

(Continued from Page Three)

eral disarmament.

This is why I have always insisted that the solution of the German problem can be considered only in a wider context. Germany is too important in the strategy of the Great Powers to be the subject of a partial settlement.

To many this will appear to be a gloomy conclusion, because disarmament seems so far away and all attempts to achieve it have been lost in a morass of procedural difficulties and bitter recrimination.

But there is a new situation, full of fresh urgency. A final appeal to the atom bomb is now universally regarded as suicidal for mankind. Unfortunately, it cannot be ruled out

merely because of that.

Suicidal impulses might supervene on the strain of delayed decision. That is why the failure to reach a satisfactory settlement of the German problem must not be allowed to cause despair.

There is hope in the fact that private discussions have occurred over the Eisenhower proposal to consider the pooling of fission materials. This proposal unites in itself two main aspects of the world problem which must always be studied together if anything useful is to emerge.

Those are disarmament and assistance for the underdeveloped areas. In the unity of these two conceptions lies the chief hope for mankind.

I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$15 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

March 1, 1954



Vol. 2, No. 5 & 6

AROUND THE CAPITOL

THE HISTORIAN, with more leisure than we, will dwell with irony (we hope) on the interminable debate over the Bricker amendment, now in its fourth week in the Senate. In this topsy-turvy America, it is not surprising that the lengthiest speeches of our time on the menace to constitutional liberty should be delivered by crypto-Fascists engaged in undermining what they purport to defend. The basic issue itself is hopelessly entangled, and the opposing sides might easily exchange positions were an isolationist rather an internationalist President in power. The fact is that Presidents for some time have circumvented the Constitution by using the semantic device of the "executive agreement" to avoid the provision requiring submission of international pacts for Senate approval. The fact also is that the supporters of the Bricker amendment are generally fearful, not of restricting, but of expanding fundamental human rights by international agreement, particularly the rights of Negroes and other minorities. Incidentally, this is an issue on which the American right and the leftist Russians agree—on the menace to national sovereignty lurking in such documents as the UN Declaration of Human Rights.

THE COWARDICE OF THE RESPECTABLE ELEMENTS in our society is one of the principal features of this period, as it was of pre-Nazi and Nazi Germany. As we went to press, there was to be another test of just when high placed worms would turn and fight. Secretary of the Army Stevens was to face McCarthy (with that brave disciple of Wild Bill Hickok discreetly silent as usual under the bed in the Lincoln Room at the White House) in a showdown to determine just how mean McCarthy can be to Generals and get away with it. So far, as the testimony published in our last issue on The Affair of the Siberian Pamphlet shows, the Army has always knuckled under. Behind this affair is not only McCarthy's monumental effrontery but the undercover feud long waged by the FBI against military intelligence, CIA and the capital's other gumshoe agencies. McCarthy is paying off some scores for J. Edgar Hoover.

Apparently the Army has on several occasions dared to find unreliable the information supplied by some of the FBI's pet informers. The Annie Lee Moss case seems to have been an instance. The most nauseating moment in the hearing at

which that was aired came when McCarthy claimed that other witnesses named as Communists by Mrs. Mary Markward, the FBI informer, had all taken refuge in the Fifth amendment. When Senator Jackson (D. Wash.) interjected that they had not claimed the Fifth when asked about Mrs. Moss, McCarthy accused him of breaching the rule against disclosing testimony taken in executive session!

JOURNALISTIC PORTENT: The New York World-Telegram, in printing a dispatch on February 12 about Jenner's speech accusing the Democrats of deliberately seeking defeat in Korea, took an unusual step. It played the story on page one with a two column head but put in this warning to the reader: "Editor's Note: The World-Telegram and Sun prints the following dispatch because it is a statement by a United States Senator. It should be pointed out, however, that Sen. William E. Jenner offered no facts to substantiate his irresponsible charge." When the Weekly phoned Executive Editor Lee Wood, he explained the italic prelude was suggested by Assistant Managing Editor Richard Starnes and okayed by Wood. We applaud this episode in honest journalism, but suggest the office boy be instructed to keep a sharp eye open for subpoena servers from the Jenner committee. Although their boss, Roy Howard, has been underground on Park Avenue for many years, he is reliably reported by confidential informants whose identity cannot be disclosed to have been the lifelong associate of a radical newspaperman named Scripps.

THAT STUPID JOKE being circulated by the Democrats reveals more than intended and will boomerang. It is about a farmer with three sons who voted for Eisenhower and now has his three boys back, one from Korea—the other two from Detroit. This corrosive cynicism reflects a really bankrupt point of view. If the two boys in Detroit cannot be kept working unless the third brother goes on risking his life in Korea, parents may conceivably prefer to get all three back, even at the cost of doubling up at home. We prefer Defense Secretary Charles E. Wilson's wholesome evangelism on the theme that we can have prosperity without war to this sneer at the Korean truce.

FOR YOUR CATHOLIC FRIENDS: Father John Fearon's discussion of "Congressional Investigations and Moral Theology" in the February 19 issue of *The Commonweal*. A Los Angeles priest, a member of the Dominican Order of Preachers, argues the moral case for the Fifth Amendment's privilege against self-incrimination and discusses the moral limitations on any obligation to "volunteer information about Communistic activities." Also recommended in the same issue, William V. Shannon's article, "The Administration and Civil Liberties."

H'M, WE NEVER KNEW THEY HAD TO THINK IT OVER: "The Veterans of Foreign Wars made their choice long ago between freedom and Communism."—Speaker Joseph W. Martin, Jr., at the V.F.W.'s Washington Birthday celebration in Alexandria, Va.

HAT'S OFF: To Robert M. Hutchins, and the editors of *Look*, for a bravely outspoken article in its March 9 issue, "Are Our Teachers Afraid to Teach?"

Some Personal Chatter by the E. and P.

An operation for deafness forced suspension of publication last week. This double issue takes the place of the one missed. We hope you enjoy its special features. The Bevan article gives you a point of view rarely heard in this country where "neutrality" has been made almost as horrid a word as c—ism. Corliss Lamont's story speaks for itself. Even the liberal weeklies have shied away from the internal fight inside the ACLU. The Indo-Chinese war glimpses are from the diary of a French soldier which created a stir when it was published in Paris last winter

by *Editions de la Table Ronde*. We wonder how many of you saw the two column ad about this special issue on page four of the Review of the News section in the New York Times of Sunday, February 21. First returns were good. Many thanks to those who sent their best wishes on the operation. It will be a week or so before the ear clears up and then we'll give you a news bulletin. In the meantime, those of you who still lag, don't forget those renewals. Use the blank on the next page, and don't put it off any longer, please.

The Indo-Chinese War—As Seen in A French Soldier's Diary

By Phillippe de Pirey

Two columns moving towards Cao-Thon . . . Muddy flags of rice paddies surround us, villagers file past, people bent in two, hands joined, endlessly mumbling entreaties and prayers. We fearsome warriors do harden our eyes as we look down upon the women with domineering self-assurance.

The advance elements of the first column, in which I happen to be, are met by a shower of bullets on the outskirts of the village of Co-Quan. The deeper rat-tat of a sub-machine gun seems to dominate the orchestra.

When we finally reach the first canhas (huts) it is too late, the Viet-Minhs have vanished. Only a few women and impotent old men remain. Orders to burn the place down. Walking up to a rather clean and prosperous-looking hut, I find in it a man. True, he is paralyzed from the waist down and drags himself around on a rough pair of crutches. His French is correct as he repeats ceaselessly: "I am poor, do not burn my house." I ask him where the V.M. are, he does not know; they are gone. Lajose turns up holding a torch and sets fire to the straw roof. The man crawls out to the yard and just stands there, stunned; tears run slowly down his cheeks. All I can find to say is: "Well, you know, war is war."

* * *

At 3 a.m. several rifle shots ring out. In a flash every man is at his post, throwing grenades and firing. Cries of "Alert—alert." Mortars and machine guns join the dance, echoed by the Ao-Trach artillery. Lt. Gonzales voice behind me: "There they are! Fire at will!" We do not need to be told, shell-bursts a few inches from our fox-holes are incentive enough, especially as my platoon is in the first firing line. We never stop firing until daybreak.

I do not think it is strange not seeing anything in the stark light of flares and rockets, but as we have plenty of ammunition, I decide we might as well be over-cautious. At dawn, however, officers and men are slightly embarrassed by the discovery that they have been shooting at shadows all night. All the ammunition is gone, the Ao-Trach batteries fired 3,000 rounds With calm restored, it was easy to see how the

mistake was made. The third line of defense threw grenades; these, exploding just under the first line of holes, led us to think an attack was on.

For this great feat of arms we rate an official communique, relayed by press agencies as follows: "Violent V.M. counter-attack on Peak 4 during the night of January 22d. Franco-Vietnamese forces successfully repulsed every assault."

* * *

Feverish activity this morning on the Ao-Trach post. Very intriguing. We are soon to learn the cause of it: the imminent arrival of the Secretary of Associated States. My company is asked to supply two platoons of 21 men. Our uniforms are in rags and our shoes have no soles. So what! The company commander organizes an amazing flea-market. From those remaining behind we glean every decent-looking piece of gear, and in no time 42 apparently well-dressed men line up on the road. The others, with bare feet or bare buttocks, will just have to wait for the return of their boots and trousers . . .

Soon, the official convoy draws up with an impressive escort of tanks, scout cars and half-trucks. M. Letourneau alights from a de-luxe red Willys. He has got himself dressed up as a GI for the occasion, complete with olive drab field jacket from American surplus stores. He is flanked by Generals Salan and de Linares while more brass falls in behind. An American information mission and a Viet-Nameese Colonel supply the international note.

For the next ten minutes reporters' flash-bulbs replace the usual 105 salute. Colonel de Quincerot, with monocled eye, presents the troops in a guttural tone.

Then comes the patriotic speech, inevitably pompous and flowery. The Minister has just reached the crucial point, France's undying gratitude for our splendid action on R.C. 6, when he is interrupted by a sharp detonation from our hill-station. Anguished looks as all eyes turn in that direction. A radio-man is dispatched to report: someone threw an empty can and it hit a mine. Smiles, everybody relaxes. M. Letourneau can resume his speech.

—Operation Cachis (Operation Waste), Table Ronde (Paris).

We'll Be Glad to Send Free Sample Copies of This Issue to Your Friends

This Is Expiration Time

PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name

Street

City Zone State

Enter this gift sub for \$4 more (money enclosed):

(To) Name

Street

City Zone State

8-1-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. 2, NUMBER 7

MARCH 8, 1954



WASHINGTON, D. C.

15 CENTS

McCarthy Insists On Splitting The G. O. P.

The key to the situation developing in Washington is that, though the Eisenhower Administration wants desperately to appease McCarthy, McCarthy does not want to be appeased.

The statement made by the President at his press conference last week was so cautiously, even queasily worded, that it seemed at first glance ignominious. The President had never seen any member of Congress guilty of disrespect toward the public servants appearing before it. He was certain that no one in the government wanted to have his utterances interpreted as questioning the debt we owe the officers and enlisted men of the army. He did, indeed, specifically include General Zwicker in that tribute but he said not one single word to which McCarthy needed to take offense. The statement was designed to save the President's face with his subordinates in the government and the Army and with the decent people in his party aroused by the Stevens affair. But it was also framed to avoid a direct conflict with McCarthy.

It Almost Looked Like Another Crawl

Indeed the first reaction among the reporters streaming out of the most heavily attended press conference Eisenhower has held was one of disgust and disappointment. It looked as if the President had backed away from a fight. The weak answer he gave when asked about McCarthy's attack on Dulles in the McLeod affair made it seem to many present that he was joining Stevens in a crawl, and that the State Department could expect as little real support as the Army had been given last week when the chips were down.

It was the bold effrontery with which McCarthy immediately reacted that put the President's statement in a new light. McCarthy was insisting on a fight. He declined to leave the President any way out. He was demanding abject surrender or a fight which would split the Republican Party wide open. For while Eisenhower defended the loyalty of the Army, McCarthy was now charging that Peress had been the "sacred cow of certain Army brass"—this implied a conspiracy to shield a Communist. Where Eisenhower had praised Zwicker, McCarthy called him "a stupid, arrogant or witless man." The words McCarthy used—"the fact that he might be a General"—must have seemed a warning to Eisenhower himself.

The most remarkable event of the day was when McCarthy late in the afternoon "relented" and sent out a message that he wished to delete the word "now" from the cheeky sentence which said, "Apparently the President and I now agree on the necessity of getting rid of Communists." McCarthy's nerve commands admiration. Who else would have the brass, after being criticized in the Stevens affair by papers as far

right as the *Chicago Tribune* and his own doggedly faithful *Washington Times-Herald*, to claim that he was the victim of an unprecedented mud-slinging campaign "by extreme left wing elements of press and radio?" This is a redoubtable gambler, playing for the highest stakes. His match is not yet visible.

Does McCarthy Prefer A G.O.P. Defeat in '54?

What is McCarthy's strategy? His own party had been looking to him as its main card in the Fall elections. The political strategists of the Administration, Dewey and Brownell, have shown themselves as unscrupulous as McCarthy; Eisenhower has twinges, but overcomes them easily, as was evident from his cowardice on the issue of General Marshall during the campaign. It looked as if McCarthy could have exercised a position of leadership within the party. Did he decide that he did not want to carry the ball for the Eisenhower Administration? Did he feel that with a recession underway the Republicans were bound to be defeated this year anyway? Does he prefer a fight with Eisenhower which can make it possible for him to place the blame for an electoral defeat on the Eisenhower-Dewey conservative Eastern leadership? Does he want to clear his skirts of conservative fiscal policies so he can play a social demagogue's role in a depression? Does he dream of breaking up the old parties and emerging with a movement of his own?

The situation has its advantages for the fight against Fascism in America. During the past year a series of events have finally begun to bring home the meaning of the witch hunt to wide sections of the American people. Earlier only a fringe of radicals and intellectuals had been affected. The Oxnam hearing and the J. B. Matthews charges awakened Protestants to the danger; Brownell's Harry White charges showed the Democrats that they were the ultimate target; the shameful inflation of "security" risk discharges by the Administration angered several million government employes and their families; McCarthy's cruel bullying of Mrs. Annie Lee Moss and her respected Negro lawyer has aroused the Negro community; the Peress affair has antagonized the Army and the conservatives. Though the leadership is weak and compromised, the terrain McCarthy has chosen for battle is advantageous. For the first time the possibility of a broad front against Fascism is beginning to shape up in America. This is the hopeful side of a week's events that literally threaten the very foundations of the Republic, making it seem quite possible that McCarthy (like Hitler) may one day "legally" assume power in America.

Feeble and Evasive Stuff

The Javits Bill: Reforming the Rules of The Witch Hunt

Congressman Jacob K. Javits of New York is the only liberal Republican in the House. The sincerity of his opposition to the witch hunt cannot be questioned. But the concurrent resolution he introduced last week to correct the evils of McCarthyism embodies a popular and dangerous fallacy. This, as the Congressman himself expressed it in the New York Times Sunday Magazine of February 28, is that "the problem is not the need for investigations, but the methods."

This is a popular view because it facilitates evasion. It makes unnecessary any frontal and fundamental attack on the witch hunters. It would be a pity if the current revulsion against McCarthyism were detoured into support of legislation reforming the rules and reorganizing the committees. Senators Morse and Lehman have long advocated similar measures. These promise no real relief, as analysis of the Javits bill will show.

The "Reformers" Would Be Picked by Nixon

Concurrent Resolution 202, as introduced in the House last week by Javits, would substitute a new joint committee of fourteen members for the existing witch hunt committees. But there is no assurance that the membership would be any better, or indeed much different from, the existing committees. The seven from the Senate would be appointed by its President, i.e. by Vice President Nixon, from the Senate Judiciary Committee. This is the committee of Jenner and McCarran. Both as ranking members of the committee and of its Internal Security subcommittee would certainly be on the new joint committee. The House Judiciary Committee, from which Speaker Martin would choose seven members, is not quite as reactionary as the Senate's, but its chairman, Reed, is almost as bad as Jenner. The shakeup in personnel might (temporarily) get rid of McCarthy and Velde but their successors—especially on the Senate side—would not be much better.

There would be four Republicans and three Democrats named to the joint committee from each house. Eight of the 14 would constitute a quorum. There is no provision requiring that any majority decision to be binding contain one or more votes from the minority party. A Republican majority would dominate the joint committee. Since this is the party of Brownell and Jenner as well as Velde and McCarthy, it would be foolish to expect much from it.

With few exceptions all the rights and safeguards set forth in the bill would depend on this majority. Majority approval would be required for the issuance of subpoenas, formal interrogations, the holding of executive sessions, the release of secret testimony, and the issuance of reports. There has been no difficulty in mustering such a majority when needed on the Jenner, Velde and McCarthy committees.

At The Mercy of a G.O.P. Majority

A witness would not be allowed to have counsel at executive hearings if the majority decided otherwise. A witness would have the right to file a supplementary statement, but a majority could keep it from the record as irrelevant. Anyone named adversely at a hearing would have the right to testify and to produce witnesses in his own behalf—unless the majority decided otherwise.

Questions could be submitted by the aggrieved person to hostile witnesses "unless the committee by a majority vote shall determine otherwise." No derogatory information could be circulated on the committee's letterhead against individuals or organizations "except as the committee by a majority vote shall so determine." This is a good point at which to recall that the majority of the House Un-American Activities Committee never did back down from the circulation of false and defamatory material against Bishop Oxnham.

The only rights conferred by the Javits resolution which would not be subject to the majority are rights witnesses in practice already have: the right to counsel at public hearings, the right to know the subject under inquiry, the right to file a sworn statement rebutting unfavorable testimony, the right to shut off radio and television coverage, the right to buy a copy of the transcript. This last right is not extended by the Javits resolution to executive hearings unless this testimony "is subsequently used or referred to in a public hearing."

Two Feeble New Reforms

The Javits resolution would introduce two new reforms both extraordinarily feeble. "Where practicable," says Section 5 (9), "any person named" in derogatory fashion "in a public hearing . . . who has not been previously so named, shall, within a reasonable time thereafter, be notified by a registered letter" that he has been so named, with the date and place of the hearing, the name of the person who so testified, the name of the organization with which he was identified and "a printed copy of the Rules of Procedure of the Joint Committee." He might have to wait months, however, to see the actual testimony against him. Since this covers only public hearings, the accused would probably see the news in the papers long before he got the registered letter.

The other reform recalls the lucrative magazine and lecture business Martin Dies and J. Parnell Thomas enjoyed in their time as chairmen of witch hunt committees. The Javits bill would forbid committee members or employes to write articles, deliver lectures or make any broadcast about any investigation while such investigation is in progress—"for compensation, other than necessary expenses actually incurred." They could still carry on for "expenses" alone.

Javits Accepts The Inquisition

Of such feeble stuff are the reforms compounded. The real objection to the bill lies in its fundamental grant of authority. It would give this joint committee exclusive jurisdiction "to make principal investigations of all subversive and un-American activities, movements devoted to the growth and development of communism, fascism, ultranationalism, and similar ideologies and political ideas, the diffusion within the United States of subversive propaganda or other activities instigated from foreign countries or of a domestic origin seeking changes in the form of government of the United States by unconstitutional means or by force, the organizations engaged therein and all other questions in relation thereto that would aid Congress in the performance of its powers under the Constitution . . ." (My italics.)

This is broad enough to enable a rightist majority to extend the inquisition into every organization and to any individual with whose views it disagreed. What is "subversive"? What is "un-American"? The bill nowhere defines them. They are undefinable. They are epithets not legal standards. To grant the right to inquire into political ideas and their dissemination, to determine which are "un-American", is to establish a new orthodoxy and support a new authoritarianism. These objectives and not the methods are the prime evil; the more polite methods of McCarran and Jenner did not keep the former from crucifying Lattimore nor the latter from slandering Marshall.

Until we recognize that Congress under the First Amendment has no more right to pillory a man for his political views than it has to question him about the Virgin Birth or the Immaculate Conception, the witch hunt will go on, with or without McCarthy.

I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$3 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$15 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

March 8, 1954



Vol. 2, No. 7

Round This Unsteady Globe

URGENT BULLETIN: It is terribly important to push for the appointment of an observation commission representing both sides in Korea to police the truce lines. Eisenhower does not want a resumption of the war but there are elements which do. Pentagon sources are feeding out a weird theory to favored newspapermen. Example: Constantine Brown's column in the Washington *Evening Star* last Tuesday which said the enemy may "infiltrate several thousand North Koreans in some spot close to the armistice lines, cause them to move north and then counterattack . . . claiming that Rhee had put in effect his many open threats." This poppycock could be a cover for an attack by Rhee to upset the apple cart before the Geneva conference.

IF J. EDGAR HOOVER WEREN'T A SACRED COW, Congress would be demanding his head in the wake of the shooting by Puerto Rican Nationalists. That the Nationalists must be watched by the police as terrorists has been evident from their doctrines, their attack in 1937 on the Federal Judge who convicted Pedro Albizu Campos and their attempt in 1950 to kill Truman. We are not dealing here with "subversive ideas" but with fanatics who use murder as a political weapon. Yet at a time when the FBI is busily collecting evidence on every buck contributed to Spain in 1937, has informers in every Left or liberal organization, and listens in on countless telephones, these Nationalists were able to attack a President and shoot down five Congressmen. David Lawrence and Walter Winchell say the FBI knew there was a plot to kill high officials of the government, including Eisenhower and Hoover. As we go to press the Washington *Daily News* appears with flaring headlines, "FBI GAVE DETAILS ON TERRORIST PLOT TO OVERTHROW U.S." This makes it all the stranger that this time (as in 1950) Puerto Rican terrorists were able to come here without being watched, followed or spotted until they opened fire. Where was the FBI? In the Congressional Library, reading the *Daily Worker*?

IKE'S TAX PROGRAM TO COMBAT RECESSION: "Investors and business would get 12 times as much tax relief as individuals with earned incomes . . . The average individual would get \$6 in tax relief, while the average dividend recipient would get \$200 . . . That is 33 times as much. But . . . less

than 4 percent of the taxpayers receiving dividends get more than 75 percent of all dividends . . . less than 1 percent of all American families own 80 percent of all publicly held stock . . . This is 'trickle down' with a capital T. It outdoes anything of the 1920's . . . It will never solve the problem of 'stimulating consumers to spend more money and business men to create more jobs'."—Senator Douglas (D., Ill.) and Representative Bolling (D., Mo.) in the Joint Economic Report.

"STRENGTHENING THE FREE WORLD"—When I read about the military aid to Pakistan, I recall the acres of hovels I saw outside Karachi in the Fall of 1950 where were housed some of the millions displaced on both sides of the border by Hindu-Moslem-Sikh rioting. I think of the millions which will have to be spent by poverty-stricken Pakistan (70 percent of its budget already for military purposes) toward the upkeep and the manning of the equipment we will give them. I think of the arms race which will be intensified between Pakistan and India, and of the smoldering religious hatreds Nehru has struggled so hard to damp down. I think of our quaint theory that belief in God makes for more stable societies and that military aid will "strengthen the free world." What nation ever spent more millions with less wisdom?

WHAT IS A COMMUNIST? This is the question raised by the trial which began in Federal court here last week of Ben Gold, president of the Fur Workers. He is charged with making a false statement when he filed his non-Communist Taft-Hartley Act affidavit on August 30, 1950. Gold admitted that he had been a member of the Communist Party for 30 years. The prosecutor made it clear that the government would not try to prove that Gold ever paid dues, carried a party book or attended party meetings after the date of the affidavit. Thus the case points toward conviction not for an objectively proven fact like membership but on the basis of an alleged state of mind. The danger lies in the establishment of a precedent whereby other labor leaders and radicals who are not or never have been Communist party members may be subjected to punishment as "mental" Communists. It will be a sad day for American law when the principle is established that the government may tap not only telephone wires but thought waves.

GEE WHIZ DEPT.: ". . . the startling disclosure by the immigration and naturalization service that on some days as many as 100 Latin American Communists, from as far south as Guatemala, sneak through disguised as 'wet-backs'."—Victor Riesel, *N. Y. Daily Mirror*, March 1, 1954. And the inspectors just stand there and clock them as they go through?

EINSTEIN'S BIRTHDAY: His seventy-fifth will be marked by the Emergency Civil Liberties Committee with a special all-day conference on "The Meaning of Academic Freedom" next Saturday at the Nassau Tavern in Princeton. Harvey O'Connor will report at luncheon on his nationwide tour and the committee will make public Professor Einstein's replies to a series of questions. The *Weekly* ventures to send its own birthday greetings in homage to one of the greatest and rarest spirits who ever walked this earth.

Even If You Can't Read The Secrets of A Pharoah's Tomb—

And are no Egyptologist and can't decipher hieroglyphs, you can still tell from the not so esoteric symbols under your name and address whether your subscription has expired. Last week's mailing went out on new name plates. If yours is still the old one, with a January or February '54 date on it, you'll know you've forgotten to renew. Please do so now. Henry Luce can afford to send eight or ten reminders, but I can't. The expense of soliciting renewals on the usual scale is beyond the *Weekly's* means and will be for a good many months—at least until c.t.r.

and we, too, carry advertisements for strawberries and cream. So be a pal—turn over to the next page, fill out the coupon, attach \$5 and send it in. This is Vol. II, No. 7, and if you haven't renewed yet, you're already seven weeks behind. Why burden your conscience* and my budget any longer?

—I. F. Stone

* One way to ease the pangs of remorse would be to add a gift sub for a friend. Only \$4—less than the cost of a single visit to a psychoanalyst (with a guilt complex).

Nightmarish Loopholes for The Unsuspecting G.I.

Kafka Might Have Written The Army's Loyalty Form

In the hassle between McCarthy and the Army, no one has bothered to look up the loyalty form used in the armed services. A correspondent has sent a copy to the *Weekly*. The "Loyalty Certificate" (DD 1 Apr 50 98) is divided into two parts, one covering "conduct", the other "associations."

The instructions warn that "concealment of . . . or failure to divulge in full, conduct or associations of the character set forth" may be grounds for court martial or civil prosecution. "Consequently," they advise "you must read the following provisions carefully and be sure you understand them."

This is not easy. The form might have been drafted by Franz Kafka. It contains a nightmarish loophole. This says "Conduct which may be considered as establishing reasonable grounds for invoking appropriate penalties shall include, *but is not limited to*, the following . . ." Similarly the form says "associations . . . include *but are not limited to* membership in, affiliation, or sympathetic association with, any . . . association, movement or group . . . having the following characteristics."

The Soldier Needs A Crystal Ball

This phrase, "but not being limited to", makes a blank check of the certification. Who knows for what other conduct or associations the signer may later be held liable? With most documents, it is advisable to see a lawyer. This one calls for a clairvoyant. The final provision adds a touch of wit. "I understand," it says, "the meaning of the statements made in the certifications above." It may be doubted whether the Judge Advocate General himself could sign that honestly.

Even without this legal beartrap, the wording is hazardous. It seems at one point to revive the old common law of constructive treason. One provision covers "writings and acts which can reasonably be considered as intended to encourage seditious or treasonable opinions . . ." This recalls the crime of "imagining" the death of the King.

Another provision proscribes "advocacy of revolution or of force or violence to bring about economic, political or social change." This would seem to cover non-violent changes which are "revolutionary" only in the metaphorical sense. Provision

(d) also contains an innovation. It refers to unauthorized disclosure, "under circumstances which may indicate disloyalty", of information "of a classified or nonpublic character." What kind of information is not secret but "non-public"? Anything which might embarrass some commanding general?

The final conduct provision is a dragnet. It specifies "Acting, attempting to act, or knowingly failing to act when such conduct is calculated to serve the interests of another government." One has only to look at the controversy raging over Mr. Dulles's conduct at Berlin to see how impossible a standard this is.

Force, Violence or Intimidation

At the Pentagon I was told that a Form 98 A is supposed to be appended. This names the organizations listed by the Attorney General. But the proscribed organizations are "not limited to" these. The loyalty form covers any organization which can be regarded "as seeking to alter the form of government of the United States by unconstitutional means regardless of practice, advocacy or non-advocacy" of "force, violence or intimidation." Our italics underscore another Army innovation—adding "intimidation" to "force and violence." This is broad enough to cover McCarthy, Cohn and Schine. And what are "unconstitutional means" in the absence of "force, violence or intimidation?"

Many lawyers will agree that those like Major Peress who pleaded the Fifth amendment rather than fill this out were well advised. The form naively says that those who invoke the Fifth amendment are required to describe "the specific part of any conduct, membership, or association about which claim is made." If taken literally this would require the soldier to reveal what he was trying to keep from disclosing.

Our correspondent writes that at one induction center soldiers were lined up to sign this form *en masse*. When one soldier said he would like to study the form before signing it, he was ordered to sign and given an extra copy to study at his leisure. A Pentagon press officer assured me this could not have happened in the Army.

This Is Expiration Time
PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.
 Please renew (or enter) my sub for the enclosed \$5:

Name _____
 Street _____
 City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____
 Street _____
 City _____ Zone _____ State _____

3-8-54

I. F. Stone's Weekly

Room 205
301 E. Capitol St., S.E.
Washington 3, D. C.

Entered as Second Class Mail Matter Washington, D. C. Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. 2, NUMBER 8

MARCH 15, 1954



WASHINGTON, D. C.

15 CENTS

But It's Not Just Joe McCarthy

Washington

Buds are beginning to appear on the forsythia, and welts on Joe McCarthy. The early arrival of spring and a series of humiliations for our would-be *Fuebrer* have made this a most pleasant week in the capital.

The events of the week are worth savoring. Blunt Charlie Wilson called McCarthy's charges against the Army "tommyrot" and for once Joe had no come-back. Next day came the ignominious announcement that he was dropping that \$2,000,000 suit against former Senator Benton for calling McCarthy a crook and a liar; the lame excuse promised to launch a nationwide "I Believe Benton" movement. Stevenson followed with a speech calculated to impress those decent conservatives who had grown disgusted with the Eisenhower Administration's cowardice in the Zwicker affair.

When McCarthy sought to answer Stevenson, the Republican National Committee turned up in Ike's corner and grabbed the radio and TV time away from him. Nixon was to reply, and McCarthy was out (unless somebody smuggled him into the program in place of Checkers). While McCarthy fumed and threatened, his own choice for the Federal Communications Commission, Robert E. Lee, ungratefully declared he thought the networks had done enough in making time available to Nixon. Next day a Republican, albeit a liberal Republican, Flanders of Vermont, actually got up on the floor of the Senate and delivered a speech against McCarthy. That same night Ed Murrow telecast a brilliant TV attack on McCarthy.

Under Stevenson's leadership, Eisenhower rallied. At press conference he endorsed the Flanders attack, said he concurred heartily in the decision to have Nixon reply to Stevenson, asserted that he saw no reason why the networks should also give time to McCarthy. Like an escaped prisoner, flexing cramped muscles in freedom, the President also made it clear he had no intention of turning Indo-China into another Korea and even had the temerity to suggest that it might be a good idea to swap butter and other surplus farm commodities with Russia.

The White House conference was no sooner over than Senator Ferguson as chairman of the Senate Republican Policy Committee released a set of suggested rules for Senate investigating committees which are no great shakes at reform but would, if adopted, make it impossible for McCarthy any longer to operate his subcommittee as a one-man show. These may be small enough gains in the fight against McCarthyism, but they were bitter pills for McCarthy to swallow.

Still Silence in the Senate

So far McCarthy's colleagues on both sides of the aisle

have been lying low. When Flanders attacked McCarthy, the Senate was as silent as it was some weeks earlier when Ellender of Louisiana made a lone onslaught and Fulbright of Arkansas cast the sole vote against his appropriation. Only Lehman of New York and John Sherman Cooper (R.) of Kentucky rose to congratulate Flanders. Nobody defended McCarthy, but nobody joined in with those helpful interjections which usually mark a Senate speech. When the Democratic caucus met in closed session, the Stevenson speech was ignored. Lyndon Johnson of Texas, the Democratic floor leader, is frightened of McCarthy's Texas backers.

Need One Be Fair With Satan?

Great issues are rarely resolved by frontal assault; for every abolitionist prepared to challenge slavery as a moral wrong, there were dozens of compromising politicians (including Lincoln) who talked as if the real issue were States rights or the criminal jurisdiction of the Federal courts or the right of the people in a new territory to determine their own future. In the fight against the witch-mania in this country and in Europe, there were few enough to defend individual victims but fewer still who were willing to assert publicly that belief in witchcraft was groundless. So today in the fight against "McCarthyism." It is sometimes hard to draw a line of principle between McCarthy and his critics. If there is indeed a monstrous and diabolic conspiracy against world peace and stability, then isn't McCarthy right? If "subversives" are at work like termites here and abroad, are they not likely to be found in the most unlikely places and under the most unlikely disguises? How talk of fair procedure if dealing with a protean and Satanic enemy?

To doubt the power of the devil, to question the existence of witches, is again to read oneself out of respectable society, to brand oneself a heretic, to incur suspicion of being oneself in league with the powers of evil. So all the fighters against McCarthyism are impelled to adopt its premises. This was true even of the Stevenson speech, but was strikingly so of Flanders. The country is in a bad way indeed when as feeble and hysterical a speech is hailed as an attack on McCarthyism. Flanders talked of "a crisis in the age long warfare between God and the Devil for the souls of men." He spoke of Italy as "ready to fall into Communist hands," of Britain "nibbling at the drugged bait of trade profits." There are passages of sheer fantasy, like this one: "Let us look to the South. In Latin America there are sturdy strongpoints of freedom. But there are likewise, alas, spreading infections of communism. Whole countries are being taken over . . ." What "whole countries"? And what "sturdy strongpoints of freedom?"

(Continued on Page Four)

Justice Black Wins A Victory for The 5th Amendment—

But Clears The Way for McCarran's "Immunity" Bill

THE LAST CONSTITUTIONAL ARGUMENT AGAINST THE McCARRAN IMMUNITY BILL was destroyed last week by the unanimous decision of the U.S. Supreme Court in *Adams v. Maryland*. The argument was that Congress could not compel a witness to give up his privilege against self-incrimination unless it conferred upon him an immunity as broad as the privilege itself. Admittedly Congress could grant immunity from Federal prosecution. But could Congress give a witness immunity from State prosecution? The answer—until last week—was not at all clear. There were decisions which held that Congress could take away the privilege even though the testimony thus elicited might later be used against the witness in the State courts. Last Monday, speaking through Mr. Justice Black, the Court cited Article VI of the Constitution which says laws made in pursuance of it "shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding . . ." For the first time clearly and unanimously the Court held that this clause empowered Congress to confer immunity from State as well as Federal prosecution.

The case involved a gambler convicted in Maryland courts on the basis of testimony he had given Senate crime investigators. The conviction was reversed on the ground that testimony given to a Congressional investigating committee could not (under an 1857 statute) later be used to convict him of crime "in any court," including (the Supreme Court now says) any State court. The decision may help clear the way for passage of S 16, the McCarran immunity bill, which passed the Senate last July (see the *Weekly* of July 18 last for text and a full account) and is now before the House Judiciary Committee.

Few if any newspapers seem to have noticed that Gambler Adams, in appealing to the Supreme Court, cited controversy over S 16 as his final and clinching argument why our highest court should review his conviction. Though the McCarran bill was not mentioned in the decision, Black did say "We granted certiorari because a proper understanding" of the question "is of importance to the national government, to the States, and to witnesses summoned before congressional committees."

ONLY A FEW WEEKS AGO in *Irvine v. California*, Black and Douglas dissenting protested the conviction of a California gambler in the courts of that State on the basis of information disclosed under coercion to the Federal government, despite the Fifth Amendment and California's own "immunity" legislation (see The Case of The California Bookie in the *Weekly* for February 15). The majority dodged the question in that case, declaring it had been raised too late in the proceedings. This time Black won his point, but it may prove a costly victory. Had the right wing of the court gone the other way, they would have raised a serious obstacle to "immunity" legislation.

Even so, a loophole may have been opened by a passage in Justice Jackson's concurring opinion. He said of the ruling, "It does not say Maryland cannot prosecute petitioner . . . she just has to work up her own evidence and cannot use that worked up by Congress. The protection to the witness does not extend beyond the testimony actually received." Though this might not be literally true of a broader Federal statute, the danger is still there. What if an "immunized" witness testified to facts which could have been basis for prosecution in the Federal courts under the Smith Sedition Act—and then Pennsylvania (as in the Steve Nelson case) or Massachusetts (as in the Dirk Struik case) worked up evidence of its own to support prosecution under State sedition laws? Would a majority of the Supreme

Court be as ready in that event to defend a radical as it was to rule in favor of a Maryland numbers operator?

IN ADDITION TO THE McCARRAN BILL and its House counterpart (H.R. 6948 by Wilson, D., Texas) there are five other immunity bills before the House Judiciary Committee. The most extreme HJR 11 (by Boggs, D., La.) provides that the director of the FBI or any designated assistant may compel any person to give information and to produce documents but this person may not afterward be prosecuted because of his testimony other than for perjury or contempt. Any person refusing to talk may be haled before a Federal judge. Presumably he could be jailed until he agreed to testify. This measure is unlikely, even in this atmosphere, to get out of committee. Another freak measure (HR 7658 by Hosmer, R., Cal.) would impose a \$1,000 fine or a year in jail or both on any witness who invoked his privilege under the Fifth amendment "when he either does not in fact fear or does not have reasonable grounds to fear" self-incrimination. Just how this could be determined without forcing the witness to give up the privilege he was invoking is a mystery.

The real battle will be joined over whether the Attorney General or Congress will decide when immunity is to be granted. HR 2737 (by Norrell, D., Ark.), like the original McCarran bill, would shut the Attorney General out altogether. HR 2829 (by Battle, D., Ala.) would give the Attorney General power to grant immunity and compel testimony in court and grand jury proceedings, but not before Congressional committees. HR 6899 (by Keating, R., N.Y.) would give the Attorney General the same power in Congressional investigations as well. But the Keating bill would also require a majority vote of the House of Congress concerned, or a two-thirds votes of the full investigating committee including two members of the minority party.

THE KEATING BILL HAS THE BEST CHANCE OF BEING REPORTED and of passing the House, but is unlikely to win approval in the Senate. The most McCarran would accept last year was a provision requiring that the Attorney General be notified a week before any witness was granted immunity. If the Attorney General did not assent within a week, immunity could nevertheless be granted on majority vote of the House involved. To go beyond this would be to give Brownell, their rival, a veto power over McCarran and McCarthy. The latter, as we have already reported, is not enthusiastic about any kind of immunity legislation and prefers the easy victories to be won by forcing witnesses to invoke their privilege against self-incrimination, thus adding to his box score of "Fifth Amendment Communists." One way to block passage this year is to demand hearings. It is a scandal that legislation making so fundamental a change in American law should have passed the Senate without hearings of any kind.

(Continued from Page Three)

of a European army are planning to set up the German units on a local German geographical basis. "Past experience with the refugee politicians," the *Economist* says "suggests that the right wing have in mind one day to include in the new army not only Bavarian divisions but Silesian and East Prussian." The new German army is being planned for "liberationist" purposes, as was Hitler's. But what if again they strike first at the West, this time outfitted with our own atomic devices? What if the Japanese join them? What traitors, dupes and fools the present architects of American policy will seem to the survivors in our battered cities!

MUST READING—Alan Barth's "How Good Is An FBI Report?" in the March issue of Harper's.

I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$11 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

March 15, 1954



Vol. 2, No. 8

What Traitors, Dupes and Fools . . .

THE STATE DEPARTMENT'S FAR EASTERN POLICY MAKERS ARE APPALLED by Prime Minister Laniel's speech on Indo-China in the Chamber of Deputies last week-end. M. Laniel seems seriously to believe that at Geneva the French can sidetrack Korea for Indo-China and then make a deal with Peiping and Moscow. Ho Chi-minh would be sacrificed in return for recognition of Communist China and the withdrawal of American troops from Korea. The tone of the speech and this "barter arrangement" at which it hinted indicates how uninformed it is possible for one allied government to be about the state of mind existing in another capital. M. Laniel is operating in a completely unreal world. The notion that a colonial revolt with as wide a popular base as Ho's could be snuffed out on signal from the Kremlin is fantastic enough, though not quite as fantastic as the idea that the Eisenhower Administration could possibly enter into a general settlement with Communist China and withdraw from Korea at this time. Arthur Dean destroyed himself politically by suggesting that perhaps we may have to recognize Communist China some day. Dulles is in hot water because he agreed even to sit down with the Chinese Reds at Geneva.

M. LANIEL SEEMS TO BELIEVE THAT FRANCE CAN AVOID any real sacrifice or painful adjustment in Indo-China while the U.S. pays the political bill, buying Ho's head on a platter. The fact is that Washington does not want a settlement of the Indo-Chinese war. Washington fears that given peace the combination of nationalists and Communists behind Ho would ultimately take over the government. This belief in the potency of the Communists would make peace, real peace, impossible anywhere. The American right has long thought that the less free the "free world" is, the less danger that it might make the wrong choice. In Indo-China, if France backs out, we will step in, as we stepped in to replace the British in Greece. There is little doubt that the White House is not only opposed to sending troops but wants to get those American technicians out of Indo-China as soon as possible. Nevertheless the chances are that those circles in the Pentagon which believe Indo-China the key to Southeast Asia will yet find a way to intervene.

SLICKEST OF THE NEW AGREEMENTS WITH JAPAN is that "regarding the guaranty of investments." This has been represented as guaranteeing American investments in Japan against expropriation or non-convertibility of currency. An examination of the text as released here by the State Department shows, however, that this agreement merely permits the American government to guarantee American investors against loss and to assume their assets in Japan. Yen amounts so acquired by the U.S. government "shall be accorded treatment not less favorable" than that accorded private American holdings of yen at the time, and such amounts may be used by the American government in Japan—but only "for non-military administrative expenditures"! There is nothing in the agreement which would prevent Japan from expropriating American investments or making their proceeds non-convertible.

THAT LAST "TWENTY YEARS OF TREASON" will pale beside this twenty years of treason as the American government hastens to rearm Germany and Japan. The worst thing we are doing is to destroy in both countries the popular resistance to remilitarization, the first feeling of its kind in many years and the only basis on which world security could have been rebuilt. As Walter S. Robertson, Assistant Secretary of State for Far Eastern Affairs, said in an extraordinarily fatuous speech at Cleveland last February 6, "Some Japanese—as well as some others in the Far East—are opposed to Japanese rearmament because they fear it would mean a recrudescence of the military caste in Japan. I believe they are too much influenced by the past . . . The Japanese people are now possessed of the means required to prevent the accumulation of power in the hands of a military caste. They have free elections . . . they have a free press," etc. That free press is busily fighting a rearguard action against a legislative tide that is carrying Japan back to police state methods and monopoly; we will intensify the tide by giving the military arms "for internal security" and by provisions in the new agreements which require a tightening of "security" regulations in Japan. These have a sinister history in that country.

IN GERMANY, AS IN JAPAN, THERE IS FEAR OF REARMING. In a dispatch to the *Baltimore Sun* from Bonn last Monday, Paul W. Ward reported astutely that "even more than the French fear the Germans, the Germans fear themselves . . . They have no confidence in the ability of either themselves or their compatriots to hold the military in check by democratic process." England prepares to go along with German rearmament but not out of conviction. It is not surprising to read the warnings of G. D. H. Cole in last week's *New Statesman and Nation* but it is surprising to find forebodings in the pages of the *London Economist*, which has been a supporter of American policy. *The Economist* says that while the German people are either passive or antagonistic and the German business community unenthusiastic about rearmament "in the background of Dr. Adenauer's right wing coalition partners are generals who believe that the Nazi New European Order and the Viking Division of the Waffen SS were the models for the anti-Communist Europe of tomorrow." It is disturbing to see that the German military while paying lip service to the idea

(Continued on Page Two)

(With Apologies to Maimonides) Our Own Guide to the Perplexed

Do you often wonder how the deadly barrage of stereotypes on press, radio and TV could be combatted? How news and information of the kind available in this Weekly could reach a wider audience and thus be made more effective? Why not place it in the hands of your Congressman, your Minister, your local editor? Give any one or all of them a gift subscription at our special rate of \$4 a year,

and help bring the fresh air of dissent and independent reporting into the inner councils of your community. (Another idea is to subscribe for your local library.) Why not turn the page and send such a gift subscription today? Can you think of an easier and less expensive way to influence a speech, a sermon or an editorial?

—I. F. Stone

How Stem Witch Mania While Acquiescing in Demonology?

(Continued from Page One)

Flanders pictured the Iron Curtain drawn tight about the U.S. and Canada, the rest of the world captured "by infiltration and subversion." Flanders told the Senate, "We will be left with no place to trade and no place to go except as we are permitted to trade and to go by the Communist masters of the world."

The center of gravity in American politics has been pushed so far right that such childish nightmares are welcomed as the expression of liberal statesmanship. Nixon becomes a middle-of-the-road spokesman and conservative papers like the *Washington Star* and *New York Times* find themselves classified more and more as parts of the "left wing press." In this atmosphere the Senate Republican reply to McCarthy's silly "Communist coddling" charges against the Army is to launch a formal investigation of their own through Saltonstall and the Armed Services Committee. This will be the Republican and Army analogue of the Tydings inquiry into the charges against the State Department and will be greeted with the same cry of whitewash by the growing lunatic fringe behind McCarthy.

Pandering to Paranoia

There are some charges which must be laughed off or brushed off. They cannot be disproved. If a man charges that he saw Eisenhower riding a broomstick over the White House, he will never be convinced to the contrary by sworn evidence that the President was in bed reading a Western at the time. Formal investigations like Saltonstall's merely pander to paranoia and reward demagoguery. What if McCarthy were next to attack the President and the Supreme Court? Are they, too, to be investigated? Is America to become a country in which any adventurer flanked by two ex-Communist screwballs will put any institution on the defensive?

McCarthy is personally discomfited, but McCarthyism is still on the march. Acheson fought McCarthy, but preached a more literate variation of the Bogeyman Theory of History. Eisenhower fights McCarthy, but his Secretary of State in Caracas is pushing hard for a resolution which would spread

McCarthyism throughout the hemisphere, pledging joint action for "security" and against "subversion." Nowhere in American politics is there evidence of any important figure (even Stevenson) prepared to talk in sober, mature and realistic terms of the real problems which arise in a real world where national rivalries, mass aspirations and ideas clash as naturally as the waves of the sea. The premises of free society and of liberalism find no one to voice them, yet McCarthyism will not be ended until someone has the nerve to make this kind of a fundamental attack upon it.

What are the fundamentals which need to be recognized? The first is that there can be no firm foundation for freedom in this country unless there is real peace. There can be no real peace without a readiness for live-and-let-live, i.e. for co-existence with communism. The fear cannot be extirpated without faith in man and freedom. The world is going "socialist" in one form or another everywhere; communism is merely the extreme form this movement takes when and where blind and backward rulers seek by terror and force to hold back the tide, as the Czar did and as Chiang Kai-shek did.

The Need for "Subversion"

There must be renewed recognition that societies are kept stable and healthy by reform, not by thought police; this means that there must be free play for so-called "subversive" ideas—every idea "subverts" the old to make way for the new. To shut off "subversion" is to shut off peaceful progress and to invite revolution and war. American society has been healthy in the past because there has been a constant renovating "subversion" of this kind. Had we operated on the Bogeyman Theory of History, America would have destroyed itself long ago. It will destroy itself now unless and until a few men of stature have the nerve to speak again the traditional language of free society. The business of saying, "Of course there are witches and their power is dreadfully pervasive and they are all around us, but we must treat suspects fairly . . ." is not good enough. To acquiesce in the delusions which create a panic is no way to stem it.

This Is Expiration Time

PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name

Street

City Zone State

Enter this gift sub for \$4 more (money enclosed):

(To) Name

Street

City Zone State

3-15-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. 2, NUMBER 9

MARCH 22, 1954



WASHINGTON, D. C.

15 CENTS

The FBI, McCarthy and the Witch Hunt

Perhaps the biggest and certainly the most tantalizing untold story of this whole period is the part played by the FBI in the witch hunt. Senator Fulbright (D. Ark.), the only Senator to vote against the McCarthy appropriation, is also the only Senator with nerve enough to talk publicly about it. The Senator told an Associated Press reporter last week that he was no longer giving information to the FBI because he was convinced that the McCarthy committee had access to its files.

In whatever time McCarthy's sudden access of out-of-town speaking engagements leaves for investigation, this is one question the McCarthy committee will not explore. Yet there is evidence which suggests that the FBI has had close, if carefully hidden, links with Congressional witch hunt committees ever since the U.S. Chamber of Commerce in 1946 launched its drive to purge the government, the movies, the air waves, the lecture platform and the arts, sciences and professions generally of "reds" and "pinks."

There are indications that the FBI and the Congressional witch hunt committees were synchronized in the thought control drive, that FBI men moved in to staff the committees, and that the FBI's informers and undercover operatives were released to the committees as witnesses when their usefulness as agents had been ended by exposure, failure to obtain indictments, or their appearance in court.

Publicizing the FBI Files

Robert K. Carr ventures some cautious "general observations" on this in his authoritative work on "The House Committee on Un-American Activities, 1945-50." He writes that "a surprisingly large number" of the hearings in the latter part of this period "made public information already well known to the FBI." He notes "Often the leading witness in such committee hearings was an undercover FBI agent who had infiltrated the Communist movement." Professor Carr concludes, "It is quite apparent that these hearings were designed to serve the purpose of publicizing information in FBI files." (Pages 168-9).

At another point (p. 274), Professor Carr observes, "The investigative arm of the committee's staff has always regarded itself as a 'little FBI.' Ex-FBI men have provided part of its personnel, and its methods and interests have been comparable to those of the FBI."

An important direct bit of evidence is not mentioned in the Carr book. This may be found in the Committee's hearings in July, 1948, when Elizabeth Bentley was first heard by it. In the preceding months, her testimony to a special Federal grand jury had failed to win indictments. Her public appearance then followed. During her appearance before the House committee, there was an interesting remark made by

its chairman, J. Parnell Thomas.

Parnell Thomas Lets Slip The Truth

"The closest relationship," Thomas said (July 31, 1948, Page 561, Hearings Regarding Communist Espionage in the U. S. Government, House Un-Am. Com. 80th Congress. 2d Session), "exists between this committee and the FBI. I cannot say as much as (sic) between this committee and the Attorney General's office, but the closest relationship exists between this Committee and the FBI. I think there is a very good understanding between us. *It is something, however, that we cannot talk too much about.*" (Italics added.)

In this same realm of "something . . . we cannot talk too much about" may lie hidden the story of how the Committee first managed to obtain Miss Bentley and Whitaker Chambers as witnesses, how it gathered the atomic spy scare information it used in the 1948 campaign after this information had failed to stand up as evidence in legal proceedings, and how it learned of the J. Edgar Hoover letter to Secretary of Commerce W. Averill Harriman smearing Edward U. Condon, then director of the National Bureau of Standards. This, too, played its part in the attempt to defeat the Democrats in 1948.

When the full story becomes known, Clayton Fritchie may look very naive for that rejoinder he made last winter to Attorney General Herbert Brownell in the Harry Dexter White affair. Fritchie, speaking for the Democratic National Committee, accused Brownell of "dragging the FBI into politics" by producing J. Edgar Hoover as a witness before the Jenner committee. It is doubtful that an official so powerful as Mr. Hoover may be dragged against his will into anything he does not wish to enter. From his demeanor before the committee, there was no reason to suppose that there had been prior coercion in the dungeons of the Department of Justice. On the contrary, Mr. Hoover sounded like a man who had been saving up a long time for just this occasion.

Hoover Always in the Anti New Deal Corner

The head of the FBI "stayed out of politics"—at least publicly—during the Roosevelt and Truman Administrations because such intrusion might have cost him his job; his own anti-liberal preconceptions were notorious within the two Administrations. But material from his files, and witnesses from the FBI's private stables, began to help the Republicans smear the Democrats after the war.

The career of Robert E. Lee, our newest Federal Communications Commissioner, may throw some light on this relationship. Lee had risen within the FBI to be administrative assistant to J. Edgar Hoover in 1941. According to the biography Lee supplied the Senate Commerce Committee in the

(Continued on Page Two)

"Something . . . That We Cannot Talk Too Much About"

(Continued from Page One)

recent hearings on his appointment, he "was also a public relations representative for the FBI and made over 200 speeches on the work of the Bureau before civic organizations" (p. 2. Lee Hearings, Sen. Com. Com. 83rd Con. 2d Sess.) In 1946 Lee was "loaned" (the word is his) by Hoover to the House Appropriations Committee. It seems to have been a loan to the Republicans. When the Republicans won control of the House in 1946, Lee became chief of staff for the Appropriations Committee. When the Republicans lost control of the House in 1948, he became their minority clerk.

In 1947 Lee went into the State Department files for the Appropriations Committee and compiled that list of 108 "subversives" which later supplied the material for McCarthy's sensational rehash in 1950. The text of the original may be found in the appendix to the Tydings Committee hearings (State Dept. Employee Loyalty Investigation, Hearings Before a Subcommittee of the Senate For. Rel. Com. 81st Con. 2d Sess. Pt. 2. pp. 1771-1813).

Those who think there is any difference between FBI and Congressional witch hunt standards should study this compilation, including the suspect in whose raincoat pocket were found Russian lessons, the official of whom it was "revealed that . . . he held an office in the American Newspaper Guild," the man who was "a member of the American Civil Liberties Union," the subvert who "apparently belonged to questionable groups in college. His parents are both Russian born" and the man who signed a petition "requesting right of asylum for John Strachey, well-known British radical!"

Lee's material was culled from the State Department's own files, and not directly from the FBI. It may be doubted whether Hoover or his assistants have been rash enough to allow a Congressional committee direct access to FBI files. But when so many of the committee personnel are former FBI men, especially FBI men "on loan," they have contacts through which they can get and check information. They also bring with them a good deal of knowledge. There are many discreet ways a committee can be "tipped off" by the FBI without making any move which would provide an embarrassing record.

McCarthy's Close Liaison With Hoover

This seems to be particularly true in the case of the McCarthy committee. McCarthy seems to have closer liaison with Hoover than any of McCarthy's predecessors in witch-hunting. Last year, after the Democrats insisted on the ousting of J. B. Matthews as staff director, McCarthy was in the tightest spot he had yet hit. He let it be known that he was conferring with Hoover on the choice of a successor and as a result of these conferences Francis Patrick Carr, supervisor of the New York office of the FBI resigned to become McCarthy's staff director. That was in July. In August there followed that interview with the San Diego *Evening News* (Aug. 22) in which there were accents of almost hero-worshipping admiration for McCarthy.

"McCarthy is a former Marine," Hoover said. "He was an amateur boxer. He's Irish. Combine those, and you're going to have a vigorous individual, who is not going to be pushed around. . . . I never knew Senator McCarthy until he came to the Senate. I've come to know him well, officially and personally. I view him as a friend and believe he so views me. . . . He is earnest and he is honest." It would appear that just as Hoover's ties were with the Republicans in their fight against the Democrats, so his sympathies today are with the McCarthyite against the Eisenhower wing of the Repub-

lican party. If a fresh staff is needed impartially to investigate the Army charges against McCarthy, Cohn and Carr, some other agency should be available to investigate should the possibility of perjury or some other crime arise from the coming inquiry.

Smearing Other Intelligence Agencies

A genuine and comprehensive investigation would look into whether the FBI has used the Congressional committees as a means of smearing rival intelligence agencies, especially the CIA and those of the armed services. Much of McCarthy's work, in the case of the Army's Siberian pamphlet and in the Fort Monmouth inquiry, seems to have derived from undercover sniping and jealousy. There is also indication that the FBI has used the committees to revenge itself when the loyalty boards of Federal agencies or grand juries have failed to take its informants seriously.

How thin and spurious these charges may be was demonstrated by the case of Mrs. Annie Lee Moss. This elderly colored woman was named as a Communist by an FBI undercover agent, Mrs. Mary S. Markward, who claims to have wormed her way into a leading position in the Communist party in the District of Columbia while working for the FBI from 1943 to 1951. What the press generally has overlooked, however, is the light this case sheds on how vindictive the FBI can be and on how sloppily it can collect its allegations.

The charges against Mrs. Moss made by Mrs. Markward were examined on three occasions by loyalty agencies without the latter's presence as a witness and dismissed on each occasion, the last being in 1951 by the army's loyalty review board. This seems to have rankled with the FBI. The McCarthy hearings brought out that in the Fall of 1951 after Mrs. Markward had been produced as a witness in New York's "second echelon" Smith Act prosecution, Hoover wrote the Army, offering to produce Mrs. Markward as a witness against Mrs. Moss. The Army, however, did not reopen the case, but recently the House Un-American Activities Committee (under the ex-FBI man Velde) held executive hearings from which the McCarthy committee snatched it.

Unconvincing Even to A GOP Prober

It is clear now that had the Army reopened the case to hear Mrs. Markward in person, the results would not have warranted a verdict against Mrs. Moss. A Republican member of the House Committee told the press after hearing her and other witnesses in executive session that he did not feel the evidence was strong enough to warrant public sessions. When the McCarthy committee held a public session, the case fell apart under questioning by the Democratic members, McClellan (Ark.), Symington (Mo.) and Jackson (Wash.). Mrs. Markward was positive in naming Mrs. Moss as a Communist until McClellan asked her whether she could identify Mrs. Moss. This was the answer elicited: "I don't specifically recall that I do know her as a person," Mrs. Markward admitted. "I don't recall that I don't know her as a person, either. I just have no specific recollection on that point."

A typical piece of dirty McCarthy business at the public hearing came when he said that while Mrs. Moss would deny membership, five other members of her alleged cell would be called to testify. McCarthy said he assumed they would plead the Fifth amendment when asked about Mrs. Moss. The implication was damning. Senator Jackson interjected, "As you recall, they did not take the Fifth amendment in the committee as to knowing her." At this McCarthy said in-

(Continued on Page Four)

I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$15 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

March 22, 1954



Vol. 2, No. 9

Round the (Unsteady) Globe

A FEW MONTHS AGO, it was obvious that this was going to be the dirtiest election year in American history, but who dreamed that McCarthy would so soon be on the receiving end, that Nixon would be on a nationwide hookup rebuking McCarthy for exaggerating the menace of Communism, and that the Army and Joe would be locked in a combat that must end in his humiliation?

THE BRICKER AMENDMENT has been revived and negotiations for bases in Canada further slowed up by Dulles' insistence at press conference last week that the NATO and Rio pacts give the President the right to make war without consulting Congress. Many opposed to the amendment will now see it in a new light and its revival in Congress is expected. The Dulles statement will also strengthen Canadian opposition to American bases. The speech made by Canada's Secretary for External Affairs at the National Press Club last Monday reflected a twofold fear in Canada. One is of being propelled into war without that "collective consultation" which Pearson said should precede "collective action." The second is of excessive rigidity in American policy, especially on China. This lay behind Pearson's polite reference to "a fear that seems to freeze us into diplomatic immobility or fire us into something almost like panic." The President's confused effort at press conference to set matters right must be left for later unravelling. In actuality the "instant retaliation" policy won adoption as a kind of smoke-screen for military retrenchment.

IN HIS TV TAX ADDRESS, the President looked like a man who was performing a chore in which he had no real interest, before climbing back into bed with that Western. His eyes were focussed on the manuscript behind the cameras instead of on the audience, and like a small boy being taught elocution he often puts his gestures and winning smiles in the wrong place. His tax program will haunt the G.O.P. by Fall. The chances are that the Democrats will win enough support to pass higher income tax exemptions, thus getting the credit, while the Republicans must bear the onus of a Presidential veto, which will be upheld. The idea of helping business by reducing taxes on dividends instead of raising exemptions in the lower brackets is pure 1920 Hooverism, which will antagonize not only the lower and middle third but the business community which depends on retail sales and consumer goods.

IT WILL TAKE A FEW WEEKS for the news to get past the clouds of self-generated praise but the American public will soon begin to realize that Mr. Dulles' hit-and-run visit to Caracas was no triumph and left a bad taste in Latin America. The obsession with Communism while we turn a blind eye to military dictatorship in the hemisphere is sourly observed below the Rio Grande. The invocation of the Monroe Doctrine makes poor reading for Latin American intellectuals aware that Monroe and Canning were acting against

a reactionary Holy Alliance much like the Vatican-blessed counter revolution now being waged under U. S. auspices. The question below the border is not whether Communists may have disproportionate power in Guatemala but whether the same excuse may be utilized for intervention whenever some other Latin American country gets tired of slipping on banana peels.

THE EISENHOWER ADMINISTRATION is under great pressure from Britain and France to ease up on East-West trade, and privately the White House is friendly to the idea, though deathly afraid of the China Lobby crowd. The French have even been led to believe that we might possibly ease up the embargo on China if Peiping agreed to a settlement on Indo-China. Eisenhower and Stassen are for trade relaxation. The President's reference to butter surpluses a week ago recalls the argument advanced "off the record" in another department when the butter deal was still pending some weeks ago. Officials told reporters that if we sold butter to Russia, that would hurt NATO. Why? Because it would cut into Denmark's sales of butter to Russia—and Denmark is part of NATO.

FOR ALL THE CHANGE in American policy, Eisenhower has not entirely forgotten the war. "I understand," the Paris correspondent of the London *Sunday Times* reported last week, "that at Bermuda Sir Winston Churchill proposed direct German rearmament should France reject EDC, but that President Eisenhower would not agree." The news from the Reich reflects a resurgence of the old German arrogance. When the *Verband Deutscher Soldaten* (Union of German Soldiers) met recently at Bonn to demand the release of all war criminals, there were cheers when the President of the Bundestag, Dr. Ehlers, said "The German soldier is entitled to the same respect for his task as are the soldiers of other countries." This puts the task of sending people to the gas chambers on a par with rescuing them.

OUR ATTORNEYS GENERAL steadily degenerate and it was left for Tom Clark, speaking for the U. S. Supreme Court, to rebuke Attorney General Brownell last Monday for the habit of announcing decisions in advance of hearings. The appeal was from a Joseph Accardi who was listed by Brownell publicly as an "unsavory character" and set down for deportation in advance of the administrative hearing. Accardi said this made a fair hearing impossible. A majority agreed; Jackson, Reed, Burton and Minton dissented. The decision casts an interesting light on the litigation brought by the National Lawyers Guild against the Attorney General for similarly publishing his verdict first—and holding his trial afterward. So Clark upholds due process, and Nixon calls for a curb on witch-hunting . . . and wonders (of a sort) never cease.

A COMMITTEE OF 10,000 to raise \$1,000,000 to help victims of the witch hunt was launched at last week-end's Emergency Civil Liberties Conference to honor Einstein's 75th birthday in Princeton. We will make a fuller report on the project soon. Dr. Horace B. Davis of the University of Kansas City—a Jenner committee victim—will speak for the Committee next Thursday in New York, March 25, at 110 W. 48th Street, and Harvey O'Connor will report on his Western trip.

The Old Fashioned Gas Meter—

Went off when the quarter expired. We can't be quite as ruthless as the gas company. A minority of readers, as the old German song goes, *legt mir im herzen*. Please use that business reply envelope we sent lagards last week and renew without further wooing. You'll feel so much better when it's over.

**Though the FBI's Informer Was So Certain
There Seem to Be Three Annie Lee Mosses in Washington, D. C.**

Slippery Cohn: "Never Inquired Into His Race"

(Continued from Page Two)

dignantly, "Let us keep the record straight. If we are going to discuss the executive testimony, I would prefer not to."

Cohn thereupon claimed that there were other informants, still in "confidential" status and gave the impression that he had the run of the FBI files.

Senator Jackson. I take it that information is in her FBI file?

Mr. Cohn. Yes, sir, it is.

Senator Jackson. The Annie Lee Moss FBI file?

Mr. Cohn. That is correct. There is only one Annie Lee Moss FBI file. We have ascertained that and have been told that the Annie Lee Moss Mrs. Markward is talking about is the Annie Lee Moss that the file deals with, and there is no other.

McCarthy Ducked Out Early

But when Mrs. Moss appeared before the committee last week in an unforgettable session, she said there were three Annie Lee Mosses in the Washington directory. First Senator McClellan and then Senator Symington went out of their way by sharp questioning to demonstrate their indignation and sympathy and to protest Cohn's putting into the record what some unnamed witness was supposed to have said. McCarthy left early, knowing (after an executive session) what was coming and the acting chairman, Mundt, made no effort to stop the applause that interrupted McClellan and Symington on four occasions when they made points in Mrs. Moss's favor.

The most striking collapse of evidence, and the strongest testimony to sloppy FBI investigating methods, concerned Mrs. Moss's alleged close relations with Robert Hall, formerly Washington correspondent of the *Daily Worker*. It turned out, however, that this connection was limited to one occasion in 1943 when Hall is supposed to have sold a *Sunday Worker* to Mrs. Moss's family. Mrs. Moss did admit knowing a Robert Hall, but insisted that he was a Negro. Hall is a white man and Cohn by his evasiveness indicated an awareness of

this when Robert Kennedy, the minority counsel, asked him about it. Kennedy asked Cohn whether Hall was a Negro or a white man.

Slippery Footwork by Cohn

Mr. Cohn. I never inquired into his race. I am not sure. We can check that, though.

Mr. Kennedy (with some surprise). I thought I just spoke to you about it.

Mr. Cohn. My assumption has been that he is a white man, but we can check that.

Never Heard of Karl Marx

This correspondent then sent a note up from the press table to Senator Symington assuring him that Hall is a white man. Hall, when reached by telephone in New York at the *Worker* office after the hearing, said he did not get to Washington until 1946 and was not in the capital during the war. So (1) he was not here at the time, (2) he is a white man and (3) as a one-man bureau for the *Daily Worker* he would hardly have had time to go around selling the *Worker* personally. None of these facts are hard to establish. In all these years and after three loyalty hearings based on FBI information, the FBI either had not learned them or had suppressed them to strengthen the case against Mrs. Moss. No one who heard her could doubt her honesty. This poor utterly non-political woman ("Wazzat?" she cried when Symington asked her if she had ever read Karl Marx) has been cruelly persecuted and ruined by the FBI and the McCarthy committee in their feud with the Army.

The truth is catching up with McCarthy. Cohn will not survive the Army's damning memorandum on his interventions on behalf of Schine. But McCarthy and the FBI man, Carr, will probably outlast this inning. And in the uproar, all too few will notice the key role the FBI has been playing in the witch hunt from J. Parnell Thomas to Joe McCarthy, and will continue to play behind the scenes as one adventurer succeeds another in the center of the stage.

We'll Be Glad to Send Free Sample Copies of This Issue to Your Friends

This Is Expiration Time
PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.
Please renew (or enter) my sub for the enclosed \$5:

Name _____
Street _____
City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____
Street _____
City _____ Zone _____ State _____

3-22-54

I. F. Stone's Weekly

Room 205
301 E. Capitol St., S.E.
Washington 3, D. C.

NEWSPAPER

Entered as Second Class Mail Matter Washington, D. C. Post Office

I. F. Stone's Weekly

VOL. 2, NUMBER 10

MARCH 29, 1954



WASHINGTON, D. C.

15 CENTS

Eisenhower (Like Bao Dai) Could Use Some Outside Help

The idea that other countries have a right to intervene when internal conditions become a danger to world stability was recently made explicit at Caracas. It is written into the North Atlantic Pact, which brings the alliance into play when the "political independence" of a member State is threatened by "internal aggression." The UN Charter, perhaps because the German experience was fresh in the minds of the framers, gives the Security Council a power to act against any "threat to the peace" broad enough to deal with the rise of some new Hitler. It is a pity there is no world combination of powers strong enough to apply so ready a remedy to Washington. Eisenhower (like Bao Dai) is beginning to need outside help.

This conceit, of course, is not meant to be taken too seriously. Though so much has been done in recent years to cultivate mutual suspicion and distrust in this country, Americans are a long way from taking up arms against each other. The courts still operate. The roads are safe. The police and Army are politically loyal. McCarthy is a long way from being the threat to this Republic that Hitler was to Weimar in 1932, or even in 1928. But a political development which deprives the government of the world's most powerful country of capacity to act efficiently and sensibly is a development which endangers world peace and security.

Life and Death in Flabby Hands

The U. S. is the leader, organizer and paymaster of a huge coalition in a world split in two. It holds in its hands the most terrible instruments of destruction ever developed by the mind of man and it claims the right to use these for "instant retaliation" under certain circumstances, yet those hands show themselves increasingly shaky and incompetent, the will behind them is flabby and at the mercy of emotional tides which make sober reasoning ever more difficult.

A government which insists that in some circumstances it must have the right to unleash hell on earth without consulting its own people or others; the right to judge quickly and perhaps fatally obscure questions of aggression on some distant border; this government cannot pull itself together sufficiently to make one upstart Senator and a brash young lawyer stand aside while it settles a cheap and scandalous little affair in which they have tried to bulldoze the Army.

"Instant" Action—and Nine Retrials

The Secretary of State who announced the "instant retaliation" policy is so poorly equipped to make independent decisions against sinister pressure that after prolonged study he has ordered an accused young diplomat, John P. Davies, to undergo another trial—a *ninth* trial—on "subversive" charges so spuri-

ous they would have been thrown out of court in any stable country long ago. The difficulty here is more than moral—a favorite term of the unctuous Secretary's. It is political. Davies was one victim of the secret power Chiang Kai-shek has exerted to drive out of Washington all those who took an astringent view of his regime and a sober attitude toward the great convulsion in the Far East. This was McCarran's victim, and behind McCarran is the China Lobby, and because of its power we move toward Geneva unable to recognize realities in China or Indo-China.

On every hand there is evidence of terror in American life, freezing into fearful inaction all those on whom an alternative policy might be based. Though there is instinctive resistance to intervention in Indo China, there is no peace movement, there are no peace meetings. The undertow toward a new intervention grows more powerful despite the President. A situation is building up in which inept men may be pushed by some unexpected turn of events into terrible decisions in sheer funk.

Afraid to Talk Peace

An example is at hand, of the extent to which sane thinking in America has been made almost impossible. The great Super H bomb has just been exploded in the Pacific. The Alsop Brothers last Wednesday had a column discussing its significance. They reported that a Civil Defense study showed that a modern nuclear attack on this country would leave 22,000,000 injured and 9,000,000 dead. The official who made the estimate asked helplessly, "Just as a practical matter how in hell are you going to bury 9,000,000 dead?" The answer, according to the Alsops, "is that this kind of mass slaughter simply cannot be permitted to happen." They see "only one way to prevent it." The only sure way to prevent it is to remain at peace, but this idea is "subversive"; there is a block against it. The Alsop solution is "to get the people out of the cities before the bombs fall," if necessary on foot!

This sort of thinking is not confined to the Alsops. It is omnipresent. Everyone has another solution—some a bigger air force, others a radar fence around the country, etc., but no one says, "Look, the situation is so terrible we've simply got to live in peace with the Russians." No one talks that way any more, at least no one who can reach more than a handful of people. The country is afraid to talk of peace. It is being conditioned for war, and war will engulf all mankind.

This atmosphere, this growing impotence in Washington, is one no army of intervention could cure, but it is a far greater threat to world peace and security than the petty conflicts in Indo-China or Korea.

An On-The-Scene Report from New Orleans by Jennings Perry

The Congressional Inquisition Moves South . . .

By Jennings Perry

New Orleans—While the major banners in the press clung to the McCarthy-Army entanglement, the great latter-day witch-hunt quietly moved south and opened here last week under the sole management of Sen. James O. Eastland, of Mississippi.

For three days at New Orleans, Eastland, as a one-man "task force" of the Jenner Internal Security Committee, held hearings into the possibility that the Communist conspiracy has been "masquerading behind the facade of a humanitarian educational institution" in Dixieland—the Southern Conference Educational Fund. The fund is an offshoot or outgrowth of the old Southern Conference for Human Welfare, founded in the depression years and dissolved in the '40s.

The hearings were conducted in a federal district court room at the New Orleans postoffice, a dark-panelled hall embellished, on the wall behind the high bench, with the emblematic scale of justice, in precise, even balance. Throughout the hearings the emblem managed stolidly to keep its balance only because it is carved in wood.

Statesmen at Work

At the very beginning of the hearing, Eastland emphatically informed counsel for the several witnesses present under subpoena that the right of cross-examination was unknown in congressional inquiries and that, as for other rules, the chairman would announce them as occasion required. At that first look, it struck some in the room that of the two principals on the bench, Eastland and Richard Arens, the committee's counsel, Arens, with snowy hair and knitted brows, had the statesmanlike appearance. Later however, as Arens began to chomp gum, where the Senator only chewed his cigar, this impression was altered.

The announced purpose of the hearing—to inquire into the activities of the fund—got no notice, once the proceedings began. Leo Sheiner, an attorney, and Max Shlafrock, contractor, both of Miami, the first witnesses called, refused to say whether or not they ever had heard of the fund. Both claimed protection of the Fifth Amendment, though Sheiner also insisted upon his rights under the First, Second, Sixth, Eighth, Ninth and Ten Amendments, a move Eastland took as an affront. Recognizing the appeal to the Fifth, he roared, "All the rest of that stuff is bunk!"

These witnesses were stood aside; Dr. James A. Dombrowski, executive director of the fund, was called; and immediately the force of the reasons which have been given by other witnesses for "taking the Fifth" began to appear. It was known that Dombrowski would not take the Fifth.

A soft-voiced scholar, whose work always has been in opposition to racial discrimination, he repeatedly attempted to explain the activities of the fund, which were supposed to be in question. Instead he was pressed hour after hour upon his indorsements of peace pleas, amnesty pleas, etc., without number, and his reason for such indorsements. His reply that "if it was for peace, I probably signed it" again and again amused the committee counsel.

Refuses to Name Contributors

As to the amnesty pleas, he at one point quietly lectured his inquisitors, "It apparently is difficult for you to imagine, but there are people who speak for mercy to others for no other reason than mercy." He answered willingly any questions put about himself and the fund, but in the end denied on the grounds of "the rights of others" to produce a list of contributors to his organization.

At the end of the first day, the witnesses still to be heard were Aubrey Williams, president of the fund, Virginia Durr and Miles Horton, officers of the fund. The courtroom had been orderly, though among the spectators at the back hard

looks could have been seen and deprecatory whispers passed behind screening hands.

One newsman, mistaken for a witness, was approached in the corridor by a woman who had sat tensely forward on her bench during the proceedings. "You want to rule the world, don't you?" she said between clenched teeth. Outside, in Lafayette Square, the azalias and camellias were in full springtime flower. The weather had improved and New Orleans went about its vast business largely unmindful of the inquisition shaping up at the federal building.

The Witnesses Against Williams

Friday morning, Williams was called. He identified himself at Arens request: publisher of the Southern Farm and Home Magazine, circulation 800,000, former National Youth Administrator, before that deputy administrator of the WPA. He is president of the educational fund. He asked no immunity under the fifth, testified freely, save that, like Dombrowski, he refused to give the names of those who have contributed to the fund. Eastland and Arens were cautious and courteous. Their chief "friendly" witness, Paul Crouch, took the stand; he claimed to have been introduced to Williams by Communists. John Butler, the committee's other witness was next; he said he had met Williams as "comrade Williams" at an event 12 years ago, and later had attended a communist party meeting at which Williams had been present.

Williams branded both statements as lies, challenged the witness to come out into the corridor and in the presence of newsmen repeat the statements, "I'll sue for everything you've got." But Eastland intervened. Neither Baker nor Crouch would accept William's challenge repeated at the adjournment of the session.

All of the accusations of party ties at this hearing were made by Crouch and Butler. Both are ex-Communists. Crouch claims a party membership of 17 years. He gives his address as Honolulu and smirkingly admits that he is a "professional witness." Butler is an earthworm of a man for whom it is possible to have compassion. Crouch is different; tall and once robust, he has a pudgy face browned by many hours under kleig lights on the witness chair.

Served Two Years At Alcatraz

Court-martialed for inciting to disaffection among the soldiers at Schofield Barracks, Crouch was sentenced and served two years at Alcatraz. He recites with relish all the incidents of an infamous career. He wears rimless glasses which, as he waits in the witness benches to do his next denouncement, catch the light with the glitter of a monocle. He has spent "5,000 hours" relating his past to the FBI "and is not through yet."

Evidently, a great part of Crouch's confessional has been rehearsal for appearances as a committee witness in subversive hearings. He is mechanically glib, speaking in a quaint sing-song you would expect of a Hollywood extra impersonating a Canton coolie. He appears to enjoy hugely the mental strain put upon those whose honor and self-respect his testimony impugns.

According to his own word, he was a "top flight" Communist organizer in the South in the days of the New Deal. He is a sort of juke box in which many recordings have been filed; committee counsel has only to press a button marked with any name and Crouch instantly gives with his tale. It was during his accusation of Williams that he was touched off by Arens with regard to Clifford Durr.

Clifford Durr, Rhodes scholar, sometime lecturer on law at Princeton, former member of the Federal Communications Commission, had come to Eastland's hearing as counsel for his friend and neighbor Williams, and also for Miles Horton, founder and teacher at Highlander Folk School in the

... Smearing Aubrey Williams and The Durrs

Tennessee mountains. He is, of course, the husband of Virginia Durr and a resident of Montgomery, Alabama. He is quiet of manner, with sensitive features in which sincerity is indelibly written.

Durr Cross-Examines Crouch

In the course of Williams testimony, Eastland suddenly decided to permit Crouch to be examined. Durr asked Crouch, "Can you prove *you* are not a Communist?" Crouch said he could and Arens leaned from the bench, "Is Mr. Durr a Communist?"

"I do not know whether he still is," Crouch replied.

"Do you know that he was?"

"Yes."

Whereupon Durr himself requested to be sworn as a witness; his client Williams left the chair, and young attorney Ben Webb, of New Orleans, who had come to the hearing to represent Dombrowski, stepped forward to ask permission to appear now also as the attorney for Durr.

"Like Trying to Catch an Eel"

The interchange now was keenly dramatic. With question after question Durr sought to pin down Crouch to names, places, times—even approximate times—at which Crouch claimed he had seen Durr in Communist company. It was like trying to catch an eel with buttered fingers, and Durr did not succeed.

On the last day of the hearing, Myles Horton, who previously had been questioned in executive session and had demanded hearing in public, was called. When he refused to discuss names other than his own, Eastland ordered him thrown out, and he was ejected physically from the room still trying to put into the record a comment on civil rights—by Pres. Eisenhower. Durr, left without his client, and trembling with indignation, moved to the witness benches.

Eastman was ready to round out and wind up his show. Crouch was returned to the chair and, in a long statement disclaiming any intent in previous testimony linking the late President Roosevelt, Mrs. Roosevelt and Justice Black with the Southern Conference "to attack the patriotism of any of these people" made the additional declaration that "Mrs. Virginia Foster Durr, Justice Black's sister in law, had full knowledge of the Communist conspiracy and its work" when she allegedly persuaded Black to address the organizational meeting of the Conference in Birmingham in 1938.

Durr Leaps at Crouch

It was too much for Durr. Whipping around the railing in front of the witness benches and crying "You say that about my wife!" he threw himself at the grinning Crouch "to kill him with my bare hands." He was restrained—with gentleness and understanding even by the brawny marshals

who had with evident relish, earlier, manhandled Horton from the room. Durr was taken to the hospital because of a heart condition from which some time ago he had suffered.

And Senator Eastland's hearing in New Orleans was over. Writer Richard English, of California, a well-fed citizen not otherwise involved in the inquiry, had been put on the stand to discuss Communist methods in a genteel manner. Mrs. Durr, on the advice of her Montgomery counsel, John P. Kohn, had refused to give more than her name and to deny any Communist tie—now or ever—, giving in response to all other questions "I stand mute" for answer.

The committee's "trained dog" witnesses, Crouch and Baker, had asked for and been assured police protection till they could get out of the city. In a cab with them on the way to their hotel, one of the policemen assigned to accompany them, Joseph H. Klein, a member of the New Orleans force for 27 years, collapsed and died.

The question remained and will be debated in the South this spring of why Eastland staged his inquiry at this time, why he came into the deep south to match his zombie witnesses against fellow southerners and close neighbors like the Durrs and Aubrey Williams, why no other member of the Jenner Committee would come with him.

Rankin's Forays Recalled

Southern newsmen inevitably recalled that in other election years Congressman John Rankin, also of Mississippi, always could be counted on to discover that the "Jews and niggers" were about to take over the world, beginning with Mississippi. This year Eastland is up for reelection with strong opposition from young Lt. Gov. Carroll Gartin. He has let it be known that other "task force" hearings into the Communist conspiracy in the Land of Cotton will be held in May or June in Birmingham. New Orleans is a stone's throw from Mississippi on the south, Birmingham a stone's throw on the east. News of the Senator's brave deeds in defense of "security," it is pointed out, well could be depended upon to travel that far, and fast.

The Press Is Called

On the last day of the hearings, Fred Andersen, assistant managing editor of the Montgomery Advertiser, circulated among the nine reporters who had covered the inquiry the following query:

"On the basis of what you have seen and heard here, who of the principals represents the greatest threat to American ideals?"

There were four votes for Sen. Eastland, two for Paul Crouch, one for Dr. Dombrowski, one for Shlafrock, the Miami contractor, and one for Richard Arens, chief sub-committee counsel.

Henry Luce (That Other Weekly Publisher) and I

Agree (I am sure) that the bane of publishing is that minority of readers who need to be urged, prodded, coaxed, cozened, cooed and billed when renewal time comes around.

Life, *Time* and *Fortune* send no less than eight notices, each more beautifully and colorfully printed than the other to the laggards and some of their renewals finally cost more than the money they bring in. But Mr. Luce can make up the difference out of advertising revenue. I can't.

This is the situation. Thanks to the majority of our readers, we are solidly in business for another year. But like other publications we find that we have a minority (among them some of our best friends) who just don't seem

able to get around to renewing. We cannot afford to send eight notices; we just haven't the energy to spare, much less the money.

Your expiration date is marked on your name-plate. Turn the page and take a look. If your sub has expired, please renew TODAY. You can use that business reply envelope I sent all "expires" a week ago and save the trouble of finding a stamp. And you can make amends for your tardiness by sending a gift sub to a friend, or to your local library, minister, or newspaper for only \$4 extra. But please do it NOW.

—I. F. Stone

Mundt Follows Parnell Thomas in Letting Slip The Truth

More Evidence of Liaison Between The FBI and the Witch Hunt

Evidence of liaison between the FBI and the witch hunters is accumulating. In last week's issue we quoted a statement made by J. Parnell Thomas when he was chairman of the House Un-American Activities Committee. This week we offer one from Senator Mundt (R., S. D.), who succeeded Thomas as acting chairman of that committee when Thomas was prosecuted for a "kick-back."

The Mundt statement was made public by Senator Fulbright (D., Ark.) but ignored by most papers. Mundt, the ranking Republican on the McCarthy committee, made a speech last November in Salt Lake City. In that speech he said (*Salt Lake City Tribune*, Nov. 22), ". . . these probes are a valuable supplement to the investigative work of the FBI. The FBI may compile much evidence on Communist infiltration, but not enough to justify indictments. Often in such cases, said the Senator, *the FBI will tip off a Congressional Committee* as to a situation where it is convinced American security is endangered. The committee's inquiry makes it possible to bring the case into the open and, with the suspected Communist spy usually taking refuge in the Fifth amendment's protection against incriminating himself, it is possible to eliminate that particular threat."

Mundt speaks of situations in which the FBI does not have enough evidence "to justify indictments." The purpose of the grand jury system, particularly the secrecy which surrounds it, is to protect accused persons from the obloquy and expense of a public trial unless there is enough evidence to warrant it. In this way weak, dubious or unfounded accusations can be disposed of.

Undercutting the Grand Jury System

Here we have Mundt saying that when the FBI cannot get an indictment because it has insufficient evidence, it "often in such cases" tips off a Congressional committee. Thus the FBI circumvents the grand jury system, and destroys in the public pillory those whom it cannot fairly indict and convict. They lose jobs and reputation and are as effectively destroyed as if they had been sent to jail. This is obviously what hap-

pened with those whom the FBI was unable to indict with the testimony of Elizabeth Bentley.

Mundt made quite a revelation in that Salt Lake City speech but so powerful is the FBI that even men and papers fighting McCarthy are afraid to look at the full implications. Senator Fulbright himself, in giving this out last week to a largely indifferent press, said that he was "concerned that the FBI, as our foremost safeguard against subversive activities, not be destroyed by the misuse of its confidential material." This is putting it in reverse. The misuse is the misuse of Congressional investigating committees by the FBI to terrorize all whom the secret police regard with disfavor or suspicion. But how get editors and judges to look at this gangrenous growth on a free society when they themselves have grown afraid of this same power, and of the dirt which may be hidden in its swollen files?

The FBI and the China Lobby

The mail evoked by Senator Fulbright's daring in lifting the curtain on this situation has also brought him evidence of possible links between the FBI and private witch hunters. A reader in Boston contributed page twelve of the *Boston Herald* of March 15. On the same page with Brownell's denial, "McCarthy Access to FBI Tips Denied." The *Herald* ran a story on the speeches at a New England Anti-Subversive Seminar conducted by the American Legion with Kohlberg, Victor Lasky, J. B. Matthews and Bella Dodd among the speakers. "I have seen FBI files on several persons still operating in the [State] Department," Kohlberg was quoted as saying.

The other speakers, incidentally, covered a wide swath. Lasky saw "seeds of treason" among business men who want more East-West trade, Matthews spoke on Communist infiltration in religion (mainly Protestant, of course) while Dodd was quoted as saying, "the only thing we have to fear in this country is the educated man." We can already see that FBI man asking the neighbors, "Does he read? I mean books . . ."

We'll Be Glad to Send Free Sample Copies of This Issue to Your Friends

This Is Expiration Time

PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

3-29-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. 2, NUMBER 11

APRIL 5, 1954



WASHINGTON, D. C.

15 CENTS

Warning: The Drift Is Toward War and Fascism

The Delusions of Mr. Dulles

I

The key words, the fateful phrase, in the Dulles address to the Overseas Press Club was "by whatever means." This was a new departure. To understand on what uncharted seas it would launch the U. S. if not the United Nations, one must compare it with what President Eisenhower said on Indo-China last April and Dulles last September. The former said that the Korean truce would be a fraud if it merely released aggressive armies for attack elsewhere. Dulles warned that if Communist China sent its own army into Indo-China that would result in grave consequences which might not be confined to Indo-China. These were clear and explicit warnings against a Chinese military invasion of Indo-China. This is fully within the power of Peiping to avoid, and an invasion would be a concrete move people everywhere could understand.

But Dulles went beyond this Monday night. He said the imposition "on South-east Asia" of Communism "by whatever means . . . should not be passively accepted, but should be met by united action." This calls for united action not merely against an invasion by China but against internal change "by whatever means" brought about. This is broad enough to cover not only revolution, but a peaceful settlement that might set up a coalition regime in Indo-China or even a democratic election in which the Communists lawfully won a majority.

It is not intended to imply that the Communists could muster a majority in Indo-China today in a free election. The point is that U. S. policy is being laid down which says in advance that we will not accept certain political ideas in the area "by whatever means" chosen. This is hardly compatible with our usual insistence on free elections. This is not an extension of the Monroe Doctrine—as Dulles hints—but of the Holy Alliance the Monroe Doctrine was intended to combat. For the Holy Alliance sought by force to stamp out those revolutionary ideas which the French Revolution had brought into the world, and to stifle even those moderate movements which Their Most Christian Majesties feared might trend in the same direction. "It was this so-called Holy Alliance," H. A. L. Fisher writes in his *History of Europe*, "which muzzled intellectual life in Germany, stamped out the constitutional movements of Italy, restored autocracy to Spain, refused to recognize the insurgent democracies of South America . . ." This is the direction in which we have been drifting since the intervention in Greece. The implications of the Truman Doctrine are extended and made explicit by the Dulles declaration.

II

The dangers in this commitment lie in its diffuse character. A warning to China not to invade Indo-China may be met with war. The nuclear weapons on which we rely may be used with telling force. The policy may precipitate world war but at least it is calculable. But what do we do if the Chinese do not intervene and yet Indo-China does not settle down comfortably into what we consider a safely anti-Communist groove? We can destroy the country with our favorite weapon. We can blast its pro and anti Communists impartially with lesser bombs and napalm as we blasted Korea. We can send our own soldiers in to fight the guerrillas in their own way, but past experiences of our own in Mexico and Nicaragua do not promise that we should be more successful than the French in such a course. None of these alternatives would endear us to Asia, and one of them—use of our new nuclear weapons against human beings—would make us odious to all mankind.

There is something to be said for reliance on force if force works. But there is nothing more objectionable than a policy of force which can only hurt and destroy without creating stability of any kind. It is important to focus on that phrase "by whatever means" because Dulles did his best to hide its full implications by pretending that we were somehow helping a great popular movement in Indo-China. One need go back no further and to a source no more liberal than the Judd committee report of last week-end to see how false this is. This Congressional study group made a trip to Indo-China under the chairmanship of Congressman Walter H. Judd, a rightist Republican and ex-missionary who sees the world through the same eyes as Chiang Kai-shek. Their conclusions—no "Munich" in the East—are the same as Dulles, but the facts they brought back do not support their conclusions.

What does the report say? First, that "the country is war weary and would welcome peace." Secondly, that independence is a political necessity, that "the near monopoly" Ho Chi Minh "has enjoyed on nationalist sentiment will be broken if Viet Nam achieves by peace what Ho Chi Minh professes to seek by war." With peace there must come a complete renovation of the government. "The present government," the Judd report says, "has been hand-picked by Bao Dai. Some of its members not only have no popular support but have been associated with anti popular movements . . . The current situation is expressed in military terms. But the real problem is a weak political base."

This is not the kind of problem which can be solved by force. The only "strong" government which can be established by military means is a rightist and authoritarian regime like that of Papagos in Greece or Rhee in South Korea. To shut the door on conciliation, to rely on force, is to set in motion a course of action which must end with our supporting something close to Fascism in the name of freedom.

III

Even this might be defended in a world eager above all for peace if it could be kept confined to Indo-China. But a repressionist policy must create tension in the Far East. To understand Chinese reaction we need only imagine the consequences if Communist China were pouring money, ammunition and technical aid into Mexico in support of a regime hostile to the U. S. The situation is further complicated by our call for "united action" and our hope of intervening with Asian allies instead of our own men. The only Asian allies willing and ready are the soldiers of Chiang Kai-shek, and here again it is useful to compare the Dulles picture with that in the Judd report.

Dulles would have them rescue us under the guise of rescuing them. "Should the free nations," he asked, "facilitate and encourage the bloody liquidation by the Chinese Communists of these free Chinese on Formosa?" But the danger Formosa fears is not "liquidation" but, as the Judd report reveals, being allowed to die peacefully on the vine.

"Inadequate numbers," the report says of Chiang's forces, "will push the Army's age to a point where its combat capabilities will diminish. Most observers agree that the decisive date will be in about five years. Thus the government must weigh the possibilities of a mainland invasion while it has offensive potential, or risk the danger of supporting an over-aged military establishment."

The report goes on to say, in a flash of illumination, "It [i.e. Chiang's regime] is not unmindful that the Chinese Communists may choose to sit this one out. The choice of alternatives, open to the National Government," the report concludes lamely, "can only be made in the light of many interrelated factors not the least of which is the role of the United States."

In plainer language this means that whether Chiang's army just dies away of old age depends on whether in the next five years we use it for war on the mainland, either in Indo-China or against China itself, in which case we will be drafting an elderly flea for use against a vigorous young elephant. In this connection, in view of all the talk about the political advantages of using Asians against Asians, it would be just as well to take note of another observation in the Judd report. "In northern Viet Nam," the report says, "the memory of the unpleasant Chinese military occupation in the postwar period has sharpened local animosities against the Chinese community." Chiang's army has been there already, and—though "fellow Asian"—is none too popular. The notion that intervention with Chiang's troops would be politically more palatable than the use of our own is another of the minor delusions Mr. Dulles has fostered.

IV

A major delusion is that "united action" can be obtained by a speech which, only a few weeks before a peace conference with Communist China, slams the door on negotiation and demands unconditional surrender to American objectives in Korea and Indo-China. This may achieve unity with the Republican Senators of the China Lobby bloc but not with Britain and France, or New Zealand and Australia, much less India or Burma. The dangers they might be willing to face after a conference at which attempts at negotiation and compromise had failed are not dangers they will freely risk in the wake of a speech which seems to torpedo the conference in advance. Dulles terms his position "soberly rational" but what is sober or rational about a position which could logically be taken up only if we were the conqueror of East Asia, and not in the wake of a military stalemate in which we were fought to a standstill by far more poorly equipped North Korean and Communist Chinese forces?

Only those who mistake rigidity for strength will think that Dulles has taken a strong position. His position reflects the weakness of the Eisenhower Administration. For while the big business men who are at its core want disengagement, economy and relaxation of tension, they have been impelled by their own extremist wing and the character of the Democratic opposition to take up attitudes which must bring a third world war closer. The extremist wing has long set its course toward war with China, while the Democratic opposition—instead of calling for peace—are critical of the relaxed arms race and as ready at the next election to accuse the Republicans of "losing" Indo-China as the Republicans have been to accuse them of "losing" China itself. The atmosphere in Washington is such that few members of Congress dare oppose anything, whether in the direction of the police state at home or war abroad, which would put him in the position of opposing something which is advertised as anti-Communist.

The tide here is running toward war and fascism, though few are lunatic enough to want either. The President, who opposed military intervention in Indo-China only a few weeks ago, now will not commit himself against sending troops. The whole world fears an atomic holocaust but the best lead the Administration can give is a frigid and meager statement by the head of the Atomic Energy Commission. In the Senate, where Douglas already calls for war, only Stennis of Mississippi points out the obvious. "Atomic energy," he interrupted Symington's febrile appeal for a bigger air force to say last Tuesday, "has reached the point where there is no effective defense, where there is no security to be had against it." Only one voice, Chet Holifield of California, is thereupon raised in Congress to hint that joint action for peace is thus the only way out. The silence of the liberals is thunderous. Our friends and allies must save us and themselves from our impotence. A great nation is being driven toward catastrophe like a herd of sheep, moved onward and held together by the nips and growls of a few fierce dogs. A free people has rarely exercised less control over its own destiny.

I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$15 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

Vol. 2, Number 11



April 5, 1954

Wire-Tapping Mythology— Brownellism In Action

In their morning mail last Tuesday, members of the House were notified by the majority whip that there would be a vote on Wednesday, Thursday or Friday on a bill to authorize wire-tapping. The notification was extraordinary in that no bill had yet been reported, and the House Judiciary Committee was only to begin meeting on a bill that morning. The notice reflected the intense pressure suddenly turned on by Republican leadership, under urging by Attorney General Brownell and FBI Director J. Edgar Hoover.

Brownell and Hoover had already won a notable success. Last July, after three days of hearings, House Judiciary Subcommittee No. 3 had unanimously reported H.R. 477 by its chairman, Keating (R., N.Y.), an able lawyer and (in the past) legal conservative. Keating's bill authorized wire-tapping in "security" cases but only after the issuance of a permit—the equivalent of a search warrant—by a U.S. judge. In this the bill followed the procedure of New York State, where wire-tapping by the police is legal when a judicial order has been obtained.

The report favoring the Keating bill was a defeat for Brownell and Hoover. The Department of Justice bill, H.R. 408, by Reed (R., N.Y.), chairman of the full committee, would permit wire-tapping without a court order, on the sole approval of the Attorney General. Wire-tapping seemed to have bogged down between the Department's insistence on a free hand and Congressional reluctance to allow wire-tapping without judicial supervision. Then Keating executed a flip-flop. On Saturday, March 27, after a luncheon with Brownell and Hoover, he issued a statement reversing himself, accompanied by the draft of a new bill giving the Attorney General the power to authorize wire-tapping in "security" cases.

Political gossip on the Hill attributed the reversal to Keating's ambition to run for Governor of New York when and if Dewey decides to bow out. Keating himself said in his statement that conferences with Brownell and Hoover "have convinced me that in the limited field of treason, sabotage, espionage and sedition, our crime detection and law enforcement officials would be seriously hampered in bringing to justice the enemies of our country if they were required to obtain court approval before tapping a wire." The implication is that even the courts cannot be fully trusted. The further implication is that the FBI and the Attorney General can. In the police state, the police alone are pure.

In an address on March 18 before the National Civil Liberties Clearing House here in Washington, the Attorney General made a plea for wire-tapping. He pictured an "interlocking web" of Communist activity and said "As a matter of necessity, they turn to the telephone to carry on their intrigue. When they will next strike, who will be their victim, what valuable government secret will be the subject of a new theft, where a leading fugitive conspirator is being concealed—these are all matters that Communist agents talk about

Stop Press Bulletin

Capitol Hill—That dispute—the one between Senator Mundt and the American Bar Association—is still holding up important government business. One Senator, from Wisconsin, claims that until this controversy is resolved he cannot go ahead with hearings on alleged infiltration in Alaska, among the Eskimos.

A grocery store keeper at Point Barrows, according to an informant whose identity cannot be disclosed, is said to have planted the seeds of subversive doctrine by wrapping fish for Eskimo purchasers all through the summer of 1943 in pages torn from copies of *Das Kapital* in the original Russian.*

The merchant, who changed his name from Boris to Igor to avert suspicion, is said to figure in sensational testimony already taken in executive session from a former member of the Alaskan Politbureau converted to capitalism by Roy Cohn.

According to this ex-Communist, the merchant slyly assured his customers that by wrapping their fish in those book pages he was giving them surplus value!

* That *Das Kapital* was originally written in Russian and not as hitherto supposed in the language of our God-fearing German allies will also be disclosed by the McCarthy committee as soon as hearings resume.

over telephones today, knowing that they cannot be confronted in a criminal proceeding with what they say."

This belongs in Bulfinch's Age of Fable. It conveys the impression that men desperate enough to steal government secrets discuss their activity on the telephone and that the FBI must listen in helplessly because "they cannot be confronted in a criminal proceeding with what they say." It may not be possible to "confront them with what they say" but that is principally because it is difficult to make crime of conversation. It is certainly possible to confront them with evidence of what they do, if they really do it.

In his own statement Keating said he had been "authoritatively informed" that intercepted communications "have already yielded information about serious crimes involving *disloyalty* to our country." The italics are added, and the word chosen may be significant. "Disloyalty" can be conversational. Keating also says that while he favors the court order for wire-tapping he has become "convinced that an exception must be made in the case of evidence obtained against *potential* traitors, saboteurs, espionage agents and seditious conspirators." Again the italics are added. If a man is only a "potential" traitor, etc., he has not yet committed a crime and has only given evidence of opinions or associations some people may consider dangerous.

This is the kind of evidence which can be obtained by listening in on people's telephones, and may be enough in a period like this to obtain convictions for such vague if sinister charges as "seditious conspiracy," "conspiracy to advocate" under the Smith Act, and failure to register under the treacherously loose provisions of the Foreign Agents Registration Act. The new Keating bill would permit wire-tapping in suspected violations of these statutes. They are an easy vehicle for the transplantation to the courts, via the conspiracy doctrine, of the kind of evidence as to opinions and associations which have figured so notoriously in loyalty proceedings. This may prove to be the real purpose of wire-tap legislation if it passes; those engaged in real crimes do not chat about them over the telephone.

Personal Note: IFS will speak in Los Angeles April 22 under the auspices of the Citizens Committee to Preserve American Freedom and in San Francisco April 23 under the auspices of Californians for the Bill of Rights. The subject will be a general report on McCarthyism and the witch hunt.

Treason Amendment Too Reactionary for Pentagon

Capitol Hill—That current Republican line about "twenty years of treason" would be transposed from the realm of rhetoric to that of prosecution by a sweeping new amendment to the treason clause of the Constitution.

This would make it treason to "collaborate" with "any agent or adherent" of a foreign nation "in working for the overthrow or weakening of the Government of the United States, *whether or not by force and violence.*" (Italics added). This is vague and broad enough to hale into the courts some of those unfortunate diplomats the China Lobby has blamed for Chiang's downfall.

Despite the revolutionary character of this proposal, it has been launched here in almost "top secret" fashion. It was given a "public" hearing on February 3 but no one was heard but the two Congressmen, Keating (R., N.Y.) and Bennett (D., Fla.) supporting it. The hearing was before a subcommittee (No. 4) of the House Judiciary Committee, but many members of the full committee are unaware of the measure. The hearing is not being printed and the reporting firm cannot sell copies of the transcript because, almost two months later, it has not yet been "corrected."

Perhaps one reason for not printing the hearing is that the record, unnoticed by the press, contains a letter from the Department of Defense strongly opposing the proposed amendment. It had been submitted to the Department by Committee Chairman Reed (R., N.Y.) for an advisory opinion. H. Lee White, Assistant Air Force Secretary, signed the letter.

"Treason," the Defense Department letter said, "is the only offense which is specifically named in the Constitution itself. An exclusive definition is given for the offense, and the method of obtaining a conviction is then set out in meticulous detail. Such deep concern with this one crime came about partially as the result of the insidious nature of the crime itself, *and partly because experience had shown that an extremely broad power to punish for treason might become an instrument of oppression.*" (Italics added).

The Defense Department suggested that the lesser political offenses the treason amendment would cover be handled by ordinary legislation. There was a similar hint in the letter

from the Department of Justice, by Assistant Attorney General William P. Rogers. He said the Justice Department preferred to make no comment on whether the amendment should be approved but said the Judiciary Committee "may wish to consider whether it is possible to attain the worthy objectives of these resolutions by the ordinary legislative process."

The origin of this amendment, which has already been touted by such columnists as George Sokolsky, is obscure. It was first introduced in 1949 by Bennett. Originally, it broadened the definition of treason and deleted the constitutional provision requiring two witnesses to each overt act. Later, as a result of criticism, Bennett took out this latter portion of the measure. But this year Keating introduced the bill in its original form. Bennett's measure is H.J. Res. 8. Keating's is H.J. Res. 45.

At the hearing, Bennett was subjected to sharp questioning by another member of the subcommittee, Meader (R., Mich.). Meader wanted to know whether an American who advocated world government and worked to strengthen the UN might not be accused of treason, since this would be "weakening" the American government.

"I may say," Bennett replied, "that I think that a person who collaborated with an agent of a foreign country along the lines you have suggested, frankly for the weakening of the U. S. government, for the building of a strong sovereign power in the UN, in my opinion would be guilty of treason and should be tried for treason and convicted of treason."

The Constitution strictly defines the crime of treason as giving aid and comfort to an enemy in time of war. Keating told the House Judiciary Subcommittee the Constitution embodies an "unrealistic definition . . . coupled with an unworkable standard of proof." But Madison in the Federalist Papers explained that the treason clause was so strictly worded because "new fangled and artificial treasons have been the great engines by which violent factions . . . have usually wreaked their alternate malignity on each other." The Framers, as Henry Adams wrote, "feared despotism more than they feared treason."

We'll Be Glad to Send Free Sample Copies of This Issue to Your Friends

This Is Expiration Time

PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.
Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

4-5-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. 2, NUMBER 12

APRIL 12, 1954



WASHINGTON, D. C.

15 CENTS

Did Dulles Tell The Truth On Indo-China?

The drift toward war is taking on momentum. The straw at which the hopeful grasp is the President's statement that we will not go it alone. But only a few weeks ago he was saying that we would not intervene altogether. The Secretary of State and not Mr. Eisenhower seems to be at the helm, and Mr. Dulles is building up support for unilateral intervention if necessary. His statement to the House Foreign Affairs Committee was inflammatory and may have been unreliable. Our authority for casting doubt on his word is the curious and little noticed contradiction between what he said on Monday and what Senator Kennedy (D., Mass.) next day told the Senate. The difference between their versions of what is happening in Indo-China is crucial.

Mr. Dulles said the Chinese "are coming awfully close" to active intervention in China. He claimed to have an intelligence report which said that Chinese officers were advising the Viet Minh attackers at Dien Bien Phu and Chinese soldiers manning the radar and anti-aircraft guns. It would be interesting to know whether the Pentagon considers this report reliable, and whether the source is our own intelligence or Chiang Kai-shek's. Obviously Kennedy, who is remarkably well informed on Indo-China, does not believe this because he told the Senate next day, "I think the Senate should know whether the call by the United States for united action is due to the fact that the Vietminh forces are perhaps now stronger than the Vietnam forces, or whether it is due to the extent of the Chinese assistance to the Vietminh."

Kennedy Disagrees With Dulles

If Secretary Dulles is to be believed, the strength of the Vietminh is due to greater Chinese assistance. Senator Kennedy disagreed. "I believe," he told the Senate, "it is the former. I believe it is because the forces of the Vietminh have become so powerful that they are pressing hard on the French, and therefore it is to assist in a civil war that the call for united action has been made." This power, as was noted in the Senate debate, is a power of spirit and not of numbers. Senator Mansfield (D., Ohio), who also knows Indo-China at first hand, pointed out that the rebels are winning though outnumbered almost two to one; they have 291,000 men, as against the 591,000 men marshalled by the French.

Senator Kennedy's reply to this was a grave warning few if any papers reported. These were his words. "If the United States intervenes," he said, "in order to save the present situation, prior to a massive intervention by the Chinese from the North—and it appears that such intervention may be necessary on the present basis because the Vietminh seem to be winning—the Chinese will send in additional manpower, and our intervention would be useless."

The choice would then be between another bloody repetition of the Korean struggle or "massive retaliation" against China, the open door to World War III. Yet aside from Stennis (D., Miss.) and Dirksen (R., Ill.) there were no voices raised against intervention. The Democrats are if anything more ready to line up for it than the Republicans, except for Knowland (R., Cal.) and the other China Lobby Senators. The only newspaper of importance which has spoken up against intervention is the *Chicago Tribune*.

Bi-Partisanship for Repression, Too

The gravity of the international situation is matched by that of the domestic. No one who heard the President speak last Monday night and the McCarthy answer to Murrow Wednesday night could fail to be struck by the contrast between the well-meaning but intellectually feeble weakling who is President and the evil genius who is struggling to wrest from him control of the party and the country. The synthetic soft-soap of Mr. Eisenhower's well-drilled recitation is a poor substitute for leadership. While he somewhat disparaged talk of a Red menace at home his Attorney General was preparing a quite different sort of speech and is rushing through Congress a program of repressive legislation which must endanger every citizen who has ever been active in social protest or reform. The celerity with which the House moved toward passage of the wire-tap bill is indicative. The Republicans are out to make a record of "anti-Communist" legislation and the Democratic leadership is as anxious to be "bi-partisan" for repression as for war.

The developing atmosphere is conducive to the panic and paranoia on which McCarthy fattens. Had it not been for a question by Miss May Craig of the Guy Gannett newspapers and the quick reaction of the Boston press, his own adherent, Sears, might have been chosen to investigate his row with the Army. A reactionary lawyer from Tennessee has been substituted, but McCarthy himself is off to fresh fields and pastures new, as in his extraordinarily mendacious charge of an 18-month delay on the H bomb. This seems to be a lie made up out of whole cloth, like his assertion that Murrow was once a Wobbly; its audacity is breath-taking. This ill-shaven man with the veiled eyes is on his way to fresh triumphs; the possibility of his some day coming to power must be taken very seriously; the hierarchy of the Catholic Church, as indicated by Cardinal Spellman's approving presence at his address to the New York police Holy Name Society, is more openly lining up behind this unscrupulous adventurer. Besprinkled with a little holy water, he may be an American Franco, another devoted son of the Church, ready to make America unsafe for heretics.

Is There A Psychiatrist in the House? . . .

EISENHOWER IS NOT NECESSARILY TO BE CLASSED AS A FELLOW TRAVELLER, but the Communists may have taken over. This is the considered opinion of no less an authority than the ever vigilant Senator McCarran, famous from here to Madrid. Just a few hours before the President went on TV and radio last Monday night in his effort to allay fear, the Nevadan rose in the Senate with alarming news. He began by calling attention to testimony given earlier this year by J. Edgar Hoover. The FBI chief said Communist activity in this country during the past year had four main objectives—a settlement in Korea, the recall of American troops from abroad, a five power peace pact to include Red China and the resumption of East-West trade. McCarran called the Senate's attention to the fact that these are all on their way to being attained. He said a settlement was in sight in Korea, that our troops were being withdrawn, and that East-West trade was picking up. As for the Geneva conference, Senator McCarran said, "whether a five power pact, including Communist China, comes out of that meeting remains to be seen" but he added, "I would not bet a plugged nickel against it." Those were strong words for a Senator from Nevada, where betting begins in the cradle.

Unlike some of his Republican colleagues, this firm Democrat refrained from accusation. "I do not mean to say," he told the Senate, "that everything which has been done in furtherance of any one of these four Communist objectives has necessarily been done for Communist purposes . . . Nor do I say that the fact that certain Communist objectives appear to have been attained in this country, or to be well on the way towards attainment, means that the Communists are running the country. I have simply wanted to point out certain facts which the people of this Nation may wish to take into account in drawing their own conclusions . . ." The conclusion seems to be that a vote for the G.O.P. is a vote for Moscow.

SO SUBTLE ARE THE DANGERS ABOUT US that even Senator McCarran may have fallen into a trap. The government has been busily engaged for months in proving that the Communists are plotting so steadfastly for its overthrow by force and violence as to constitute a clear and present danger. A dozen Smith Act cases are in various stages of prosecution. The head of the FBI chose this moment to advise that the main objectives of the Communists are world peace and greater trade. Naturally Mr. Hoover speaks, or claims to speak, as an anti-Communist but how damaging if his testimony turns up to confute the government in Smith Act trials? Any lesser holdover from the Democrats would be subpoenaed to explain himself.

THE SPREAD OF COMMUNISM UNDER THE GOP was also noticed by sharp eyes in the House. During the debate on the Eisenhower public housing program, two Democrats rose to warn their Republican colleagues and the nation. Mr. Colmer of Mississippi found it "unbelievable" that so many Republicans were prepared to vote for public housing. "It is my considered judgment," he told the House on April 2, "that this so called public housing is the most inimicable (sic) to the continuation of the Republic. It strikes at the very bulwark of the Republic. It is un-American. It is socialistic in the truest sense of the word." Mr. Colmer said, "down in my country" when a man's eight hours of work are over "he goes home and with his own hands and often with the assistance of his wife, builds himself a modest home out of his savings." Mr. Colmer said the notion that "the Federal government owes it to any minority group of normal people to furnish them housing" could "in the end only destroy our system of government."

Mr. Dies of Texas rose to say that advocates of public housing "believe that the end justifies the means." He told of how hard he had fought such ideas under Franklin D. Roosevelt. "I remember one night," Dies said of those parlous

times, "I could not sleep. I just broke out in sweat." And now, under a Republican President, he found himself bathed in perspiration again. "The people elected you," Dies reminded his Republican colleagues, "because they believed that you believed in private enterprise . . . But now the President of the United States has recommended public housing and you are confronted with a very, very unpleasant situation . . ." Mr. Dies said he despised the man who voted against his convictions on the excuse of party loyalty. "There is no dishonesty," Mr. Dies said, "worse than intellectual dishonesty." The Republicans, stung by such words, rallied against their own President's housing program. The crypto-Communism of the White House was defeated. But it was a close call. Mr. Colmer recalled that last year when the House killed off the public housing program, only 23 of the more than 200 Republicans in the House voted for public housing. This year, however, despite the appeals of Messrs. Colmer and Dies, 51 of the 201 Republicans in the House went on record for a four year program. It was defeated, but twice as many Republicans as last year were for public housing. Thus does Marxism slowly engulf the Grand Old Party.

THE DEMOCRATS, THOUGH STILL TAINTED BY NEW DEALISM (there were 124 Democrats for and only 61 Democrats against public housing), proved their loyalty in a brilliant tactical maneuver. The minority leader, McCormack of Massachusetts, offered an amendment which showed how careless or indifferent the Administration is to ideological purity in housing, else this provision would already have been in the bill. The McCormack amendment provides that no Federal agency shall make "any loan, grant, annual contribution, advance or other financial assistance" to housing of any kind, public or private, unless the owner or buyer obligates himself not to allow anyone to occupy the housing until "the prospective occupant or purchaser" has supplied a certificate that he is not (presently) a member of any organization listed by the Attorney General as subversive. The maximum penalty for false statement would be ten years in jail and \$5,000 fine. This provision, if accepted by the Senate, will be an endless headache, requiring loyalty investigations for all kinds of housing and mortgage transactions. One member, a Mr. Hugh D. Scott, a Representative from Philadelphia, though a Republican, was irreverent enough to interrupt Mr. McCormack with a snide question. "I am curious," Mr. Scott said, "to know how much this overall brain washing will cost the Federal government." (Mr. Scott, as might have been expected, was one of those Eisenhower Republicans who later voted for public housing). The question was brushed aside and this patriotic amendment adopted without debate or roll call, but not without an egalitarian twist worthy of the great party of Jefferson and Jackson:

Mr. HAYS of Ohio. As I understand it, the gentleman's amendment applies to Communists all up and down the economic scale, not just to those at the bottom of it.

Mr. MCCORMACK. It applies to all of them. A Communist is a Communist whether he has not got a nickel or has a million dollars.

NOBODY TO THE LEFT OF CARDINAL SPELLMAN seems entirely free nowadays from a kind of political anxiety which impels him to prove that he is not a Communist. The Republicans began a real push last week for the passage of a series of repressive measures which they can cite when and if accused of coddling, harboring or furthering Communism. But Mr. McCormack again beat them to it. Bright and early Monday morning, when a House Judiciary subcommittee opened hearings on 11 bills (no less) to outlaw the Communist party, there was the minority leader in the witness chair, from which he could not politely be removed until he had put himself on record in favor of them. The rotund bald and bespectacled chairman, Mr. Graham of Pennsylvania,

... An Addled Week In Our Addled Congress

was considerably annoyed when Mr. McCormack slipped into a stump speech on the evils of Communism before a single Republican could say Karl Marx. Mr. McCormack testified that he had been trying to outlaw Communists as far back as 1934. "As you remember," Mr. McCormack reminisced, "the activities of a gentleman named Hitler were very prominent in those years. Hiding behind them were the activities of atheistic communism." In a passage which would have delighted Cotton Mather, Mr. McCormack warned of the Communists, "We are not dealing with ordinary human beings." It was a little disappointing that he did not bring with him any stereopticon slides showing Elizabeth Gurley Flynn flying over Foley Square on a broomstick during the last full moon.

A SUBVERSIVE NAMED NORMAN THOMAS appearing on behalf of the notorious American Civil Liberties Union followed Mr. McCormack on the witness stand and tried hard, but without success, to confuse the committee. Mr. Thomas said he had been fighting Communism long before that became fashionable, but urged the committee not to outlaw the Communist party. He said that while the Communist movement is "indeed conspiratorial," outlawry would merely eliminate "that part of the communist movement which holds conventions, adopts platforms, nominates or endorses candidates, is engaged in a legitimate and essential feature of our democratic way of life." Thomas said that in the Fort Monmouth inquiry one scientific worker had been suspended because he had been a member of the Young People's Socialist League between 1936 and 1939. "In view of such circumstances as these," Thomas declared, with a flash of his old-time fire, "I should expect our reactionaries and neo-fascists to do their utmost to stretch a bill outlawing the Communist party into the outlawry of any party which might believe that water-power belongs to the nation and should not be turned over to private utility companies."

The committee members sat there with the furrowed brows of men confronting a profound problem. But they could not understand how the witness could brand the Communist party as bad and yet plead for its right to live. It was obvious from their questions that Jefferson has been dead a long time. If a man was a burglar, one committee member suggested, should he not be outlawed? Thomas objected to "oversimplified analogies in dealing with complex problems." If a man committed burglary, he countered, arrest him for burglary, but do not pass a law forbidding him to be good to his mother. This was another reference to the legitimate activities of the Communist party, but some committee members seemed startled at the thought that a man could be a Communist and still be good to his mother. Thomas had objected in the course of his testimony to those ads which show Communism and Socialism as two twins, but by the time he had finished it was clear that most committee members felt that Thomas was just like that with the Kremlin.

ONE BIT OF THAT TESTIMONY should have disturbed them. Communism's oldest political antagonist in this country said that he could testify "from my own personal contacts that within recent months there is not more but less understanding of the real evils of communism in the United States, not less but more sympathy with it." Thomas predicted, "The outlawry of the party will strengthen this movement of sympathy among thousands of persons who doubtless will not voice it openly, but whose secret sympathy would, nonetheless, be hurtful to the growth of sound understanding of communism and its threat to freedom."

To most committee members this probably made it seem all the more urgent to pass a law punishing Communism; intellectually the Congress of the United States seems to be full of Romanoffs. The bills would make that task easy; they would enable the government to send people to jail not only

for mere ideas but on suspicion that they had the wrong ones. In a time when charges of communism are made as loosely as they are today, the dangers should be obvious.

One bill would make it a crime to collaborate with an "adherent" of a foreign nation to "weaken" the government of the United States and Thomas wanted to know what happened if he had a talk with the French Ambassador and then made a statement opposing EDC. Would he be guilty of a crime? Had there been a roll call, there would have been a majority for conviction.

IT WAS A BAD WEEK FOR HAROLD LASKI. Tuesday morning there was a tantalizing item on the ticker. The Jenner committee (of which Mr. Thomas' colleagues on the ACLU executive think so highly) was about to interrogate Jonathan Mitchell, once on the *New Republic* and *New York World*, about Harry Dexter White and Henry Morgenthau. It looked like hot stuff coming up. What came up was this: In 1939 Mitchell wrote some speeches for Morgenthau on the need for venture capital. The speeches were not delivered. In 1944 Mitchell went to the Institute for Advanced Study in Princeton where he stayed for four years. There he heard that White had undue influence over Morgenthau and began to suspect that maybe White's influence had blocked those speeches. In 1945 he arranged to have lunch with White. The speeches were not discussed, but Laski's *Faith, Reason and Civilization* was. Mitchell said White became overwrought and tried to hit him when Mitchell spoke disparagingly of the book. Charles Grimes, the Jenner committee's new Deweyite counsel, depicted the Laski book in cross-examination as a work which held that capitalism and Christianity were dying faiths, to be replaced by Bolshevism (a jazzed up version which would make Laski turn over in his grave). Mitchell was led on to the question: Had not White by his attitude toward the book shown 100 percent acceptance of communism? The witness said the word communism had never figured in the conversation. This was a disappointing denouement to this inquiry ten years later into one dead man's remarks about another dead man's books.

Thereupon while Mitchell sat there looking more and more uncomfortable the committee's research director, Benjamin Mandel, once business manager of the *Daily Worker*, read a collection of thrice used "documents" into the record. There were selections from Hull's memoirs saying that White had been "emotionally upset" by Hitler's persecution of the Jews and had authored the Morgenthau plan to cripple Germany. The Jenner committee was back on a favorite theme: to rewrite the history of World War II. The outlines of an American Hitler myth were visible. Laski, a Jew, wrote that Christianity and capitalism were finished; White, another Jew, admired him and tried to ruin our main bulwark against Bolshevism. Der Fuehrer was the victim of a plot. The committee seemed to have contacted Goebbels on its ouija board. One document, a translation from an article in *War and the Working Class* in Moscow showed that at Bretton Woods White was passionate about beating the Russians at volley ball!

THAT SAME NIGHT on the Ed Murrow program, Laski came up again when McCarthy "revealed" that Laski dedicated one of his books to Murrow. If Laski were not dead, there would be a demand for his extradition. This is the mood of our Mad Hatter Congress.

I. F. Stone Speaks on the Witch Hunt

In Los Angeles, at Embassy Auditorium, Ninth and Grand, April 22, 8:15 p.m.

In San Francisco, at California Hall, Polk and Turk Streets, April 23, 8 p.m.

News and Comment of the Week

Stephen Mitchell Imitates Pontius Pilate

"On the other hand," Democratic National Chairman Stephen A. Mitchell wrote to California National Committeeman Paul Ziffren last week, "serious and continuing charges concerning the loyalty or reliability of a Democratic candidate for Congress must be dealt with as real problems of our political life." Mr. Mitchell's recipe for dealing with real problems seems to be to run away from them.

In making public a letter refusing aid to Congressman Robert L. Condon, a California Democrat, in his campaign for reelection, Mr. Mitchell sets up the premise that a man is to be considered guilty until he proves himself innocent. Condon was barred from an A-bomb test as a "security risk" last year on the basis of just the kind of false or trivial rubbish which figures in most loyalty proceedings. Condon denied under oath that he was a Communist but has never been given a chance to know or face his accusers.

How can Mitchell talk against McCarthyism and fail to face up to this typical witch hunt situation? The precedent can be most dangerous to the party. There are many occasions much less spectacular than A-bomb tests in which Congressmen obtain confidential information. Is the orbit of the loyalty purge to extend into Congress? Is the voter's choice to be subject to the veto of FBI investigation and clearance? And is the Democratic party under such cowardly leadership that it will not defend the right of an accused Congressman even to a fair hearing in which he can confront his accusers? These are the real issues and we hope that California voters will turn in a more manly answer on them than has Mr. Mitchell.

One Way to Frighten Juries

In Remmer v. U. S. decided March 8, the Supreme Court reversed a conviction for evasion of income taxes because unbeknownst to the defendant the FBI had investigated the jury while the trial was on. "A juror," the court held, "must feel free to exercise his functions without the FBI or anyone else looking over his shoulder." The FBI questioned

three jurors during the trial of Ben Gold of the Fur Workers on Taft-Hartley oath charges without the knowledge of the defense. Other jurors were also told of the FBI inquiries. Five members of the jury were government employes, easily susceptible to intimidation. Two jurors were dismissed but a mistrial was denied. Gold was found guilty of being a member and of supporting the Communist party at the time he took his T-H oath.

It is difficult enough for a radical to get a fair trial in the District of Columbia before a jury on which government employes serve. It will become impossible if the Department of Justice and the FBI are encouraged by the complaisance of the courts to go around interrogating jurors on one excuse or another while they are trying a case. The excuse in the Gold case was thin and we hope it will be aired on appeal. When it is remembered that most of the witnesses were ex-Communists now employed by the Department of Justice as professional informers, one can see the extent to which the cards are stacked against the defendant in cases of this kind.

Right to Counsel Strengthened

The Supreme Court struck a blow in favor of the fast disappearing right to counsel when it reversed the disbarment of Harry Sacher for contempt in the first Foley Square Smith Act trials. The judges ruled 6-2 that in view of Sacher's record "permanent disbarment in this case is unnecessarily severe" and remanded it to the lower courts where a temporary suspension order is thus indicated. Pending before the court is a petition for rehearing in the case of Abraham J. Isserman, the other Foley Square trial counsel who was disbarred in the wake of a contempt citation by Judge Harold S. Medina. The severity visited on these defenders of Communists contrasts with the public treatment of Judge Medina who spent \$75,000 of his own money defending the rights of Nazi collaborators in the Cramer treason case during the last war without creating a ripple of disapproval.

We'll Be Glad to Send Free Sample Copies of This Issue to Your Friends

This is Expiration Time
PLEASE RENEW NOW
I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.
Please renew (or enter) my sub for the enclosed \$5:
Name
Street
City Zone State
Enter this gift sub for \$4 more (money enclosed):
(To) Name
Street
City Zone State
4-12-54

I. F. Stone's Weekly

Room 205
301 E. Capitol St., S.E.
Washington 3, D. C.

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. 2, NUMBER 13

APRIL 19, 1954



WASHINGTON, D. C.

15 CENTS

Behind the Attack on Dr. Oppenheimer

I

The most important conclusion to be drawn from the Oppenheimer affair is that the United States is becoming a sick nation. In an earlier religious age, it would have seemed that a curse had fallen on the people who first dared use against other human beings the awful potential of the atom. A sense of insecurity has grown among us ever since we discovered the weapon which seemed to promise an almost absolute security. Only in an atmosphere grown morbid would so much public energy and discussion be wasted on a series of spurious melodramas at a time when war and depression are urgent problems.

The day the Oppenheimer documents were released, the Washington *Evening Star* in an editorial on the next horror, the C-bomb, said the fact that it "might bring about the end of the world" was "good insurance that the thing will never be produced or set off." This assumes, however, the paper concluded, "that nations and their governments will not go berserk, like Samson, and commit suicide by pulling down all the pillars of civilization." It also assumes that after the agony in store for Dr. Oppenheimer other scientists will be intrepid enough to object on those "moral grounds" which are made to seem so sinister in the charges against him.

II

Our allies must now take seriously into account the pathological state of our politics. The nation which holds the greatest destructive power in all history is itself in the grip of panicky fears which make reasonable policies unlikely. Behind this attack on the scientist who did more than any other one man to develop the atom bomb may be described two forces. One, in which the FBI and McCarthy bulk large, is driving toward an American Fascism. The other stems from the Air Force, and particularly from the Strategic Air Command, with its apocalyptic conception of a new war.

The issue between Dr. Oppenheimer and the Strategic Air Command is fundamental. It deserves to be debated as policy and not dramatized as spy soap opera. It was spelled out by Dr. Oppenheimer in that famous article on "Atomic Weapons and American Policy" in *Foreign Affairs* last July in which he likened the U. S. and the U.S.S.R. "to two scorpions in a bottle, each capable of killing the other, but only at the risk of his own life." The issue may also be seen in the article which alerted McCarthy to this new opportunity last spring—the unsigned piece (Charles J. V. Murphy was the author) published by *Fortune* last May called "The Hidden Struggle for the H-Bomb: The story of Dr. Oppenheimer's

persistent campaign to reverse U. S. military strategy." This was of Air Force inspiration.

The issue is whether national resources are to be diverted from the super Wagnerian glamor of the overwhelming air attack to the construction of defenses against a similar attack from an enemy. "A high officer of the Air Defense Command said—and this only a few months ago in a most serious discussion of measures for the continental defense of the United States—," Dr. Oppenheimer revealed in *Foreign Affairs*, "that it was our policy to attempt to protect our striking force, but that it was not really our policy to attempt to protect this country, for that is so big a job that it would interfere with our retaliatory capabilities." The related issue, as set forth in the *Fortune* article, is whether both sides might not forswear strategic air warfare, thus "bringing the battle back to the battlefield."

This would put the Strategic Air Command out of business and deprive it of all that lovely boom-boom. At one point, according to the *Fortune* article, Dr. Oppenheimer "produced an explosion . . . by a veiled suggestion that Air Force doctrine was based on the slaughter of civilians." It would be interesting to know by what secret device our Hell bombs will damage only uniformed personnel.

The *Fortune* article sneered at the electronic "Maginot Line" proposed by Dr. Oppenheimer and his associates: "an early warning system of interlocking radar stations far out on the Arctic rim; and behind this a deep air-defense system utilizing guided missiles, supersonic aircraft, even squadrons of aircraft borne by 'mother' aircraft on continuous patrol."

Fortune complained that "he (Dr. Oppenheimer) and his followers have no confidence in the military's assumption that SAC as a weapon of mass destruction is a real deterrent to Soviet action. On the contrary, they believe that, by generating fear in the Kremlin, it has been a goad to the development of counter-atomic weapons. They argue that it has aroused misgivings in Western Europe; and that a renunciation of atomic-offensive powers by both major adversaries is essential to an easing of world tensions." This led Dr. Oppenheimer to argue against the H-bomb. This is the heresy for which he must now be destroyed.

III

There is a hint in the *Fortune* article that Eisenhower, perhaps because he is an Army man, has been friendly to Dr. Oppenheimer's views. "Sensing defeat in the Pentagon," *Fortune* says of Dr. Oppenheimer and his allies, they "now sought the support of the man charged with the defense of

Western Europe. Early in December, 1951, they turned up at NATO headquarters with the Vista report [the report which carried the "veiled suggestion" about slaughter of civilians, IFS]. General Eisenhower was heartened by its optimistic views of the feasibility of holding Europe. *It is doubtful, however, that he concerned himself with its implications as they pertained to SAC.*

The italics are added. Eisenhower does not seem to have objected to these implications. The article goes on to say that his air adviser did. The Air Force finally defeated the plan. Eisenhower is in a more powerful position now than he was then. And his atomic address to the UN General Assembly last December echoed Dr. Oppenheimer's views, particularly in the assertion that even a "vast superiority" such as we possess was no safeguard against the "fearful" toll that an enemy could inflict.

IV

Those who were pressing for an "Operation Candor" to debate the momentous issues of "defense" vs. "massive retaliation" were a menace to the Strategic Air Command, since any revision of policy would be at its expense. Questions of judgment, policy, and morality have been submerged in the hobgoblin atmosphere of a "loyalty" proceeding. The mystery lies in how this was opened and why—since it was opened—there was such long delay in revoking Dr. Oppenheimer's security clearance. The Eisenhower security order of last May did require a security review for all employes and consultants concerning whom there was "substantial" derogatory information. But who decided that the stale earlier charges of Communist association and the inflated later charges of delaying the H-bomb were "substantial"?

None knew better than Major General K. D. Nichols, general manager of the AEC, the signer of the loyalty "charges," how insubstantial they were. General Nichols, a West Pointer and an engineer, was General Groves' deputy all through the Manhattan District experience. The charges were not considered "substantial" by Groves nor later by those including President Truman to whom the same charges were brought by the FBI.

We come here to another strand in the story. The FBI had been excluded from the most important intelligence assignment of the war—the safeguarding of the atom bomb. The Manhattan District had its own intelligence service, responsible like the rest of the project to General Groves. It was not until the Atomic Energy Commission took over from the military in January, 1947, that the FBI assumed responsibility for atomic security.

According to a story published in the late edition of the *New York Times* last Tuesday, the loyalty of Dr. Oppenheimer seemed to be on the first order of business for the FBI. Early in March of that year, J. Edgar Hoover phoned David Lilienthal asking for his personal attention to a special report which would reach him soon. The report, when it arrived on March 8, dealt with Dr. Oppenheimer, who had been made chairman of the General Advisory Committee. The charges were then passed on by the Atomic Energy Commission, by the powerful military liaison committee, by Senators McMahon and Hickenlooper, and by President Truman.

Dr. Oppenheimer was strongly supported then as he is now by General Groves. If the *Times* story is correct, Mr. Hoover shortly afterward resumed the attack but again without success. Vice President Nixon did not consider the charges substantial and according to the *Washington Evening Star* of last Wednesday dissuaded the McCarran committee in 1950 from going into the subject after the California State Un-American Activities Committee had obtained testimony from Paul Crouch which Dr. Oppenheimer was able to prove false. What made them substantial again last July?

V

The old charges have not even been brought up to date. The Nichols letter refers to other scientists. An outstanding example is "Scientist X," Joseph W. Weinberg [see the *Weekly*, Vol. 1, No. 9, "The Ordeal of Scientist X" for the full story]. No reference is made to the fact that Weinberg denied the charges made against him, was tried for perjury and acquitted. Yet the government's ignominious failure to prove a case after so many years of smearing Weinberg casts a doubt on the charges against others named.

As for the new charges of opposing and delaying the H-bomb, Homer Bigart in the *New York Herald-Tribune* last Wednesday reported Dr. Oppenheimer "'outraged' that such a charge was not promptly and publicly repudiated by Admiral Lewis L. Strauss, chairman of the AEC, and Dr. Henry S. Smyth, another member of the AEC" who "were in the AEC when the controversy arose and must have known that there was nothing sinister in the arguments advanced openly by Dr. Oppenheimer."

The strangest question is this: if last July these old and new charges were considered substantial enough to warrant a new investigation of Dr. Oppenheimer, why was he not deprived of security clearance by the President until last December, six months later? It is here that the shadow of the Harry Dexter White case may fall across the Oppenheimer story. Attorney General Brownell in November accused Mr. Truman of ignoring an FBI report on Harry White. Did this help bring pressure on Eisenhower? Was it argued that he ought not to put himself in the same position by ignoring an FBI report on Dr. Oppenheimer? On December 8, Eisenhower echoed Dr. Oppenheimer's views before the UN General Assembly. On December 23, he revoked Dr. Oppenheimer's clearance. That same day General Nichols sent Dr. Oppenheimer the letter which put "veracity, conduct and even your loyalty" in question.

VI

So the decision was made to initiate a case more explosive even than that of Hiss. Dr. Oppenheimer has far more powerful friends; to destroy him would damage the reputation of many others, including General Groves, Nixon and the members of the Joint Congressional Committee, perhaps of Eisenhower himself. The outcome is far from certain. The battle joined is a battle for the future of America. The ruin of Dr. Oppenheimer would intensify political paranoia and increase the power of those like McCarthy who live upon it. His vindication would be a setback from which they might not recover.

Will A Super McWhoozis Some Day Think This Sinister?**Mr. Brownell, Too, Opposes Outlawing The Communists**

It seems that during the Administration of FDR all was not treason. According to Attorney General Brownell, preparations for the recent trial of the Detroit Communist leaders began during the Roosevelt Administration. At that time, according to Brownell's radio and TV address of April 9, several FBI undercover informants "began their training in counter-espionage."

Their first feat, however, does seem a little disappointing. "With patience and skill," Brownell said, "(they) were able to become members of the Communist party cells" and thanks to their indoctrination "were accepted as members in the Communist party without suspicion." This is less than breath-taking. In those years, at least, it was as easy to join the Communist party as to join the YMCA.

Their assignment, as Brownell related, was to uncover Communist efforts "to infiltrate commerce and industry in that great industrial center." Detroit is full of plants to be sabotaged and industrial secrets to be stolen; the radio and TV audience must have tingled with anticipation, waiting to hear what the FBI men found out.

This, too, proved disappointing. For when the six leaders of the Communist Party in the Detroit area were finally brought to trial, it was not for stealing defense secrets or sabotaging key production or even for planning to do so some time in the future. The charge was indeed "conspiring" but only "conspiring to advocate." The main evidence there as in Smith Act trials elsewhere were the same books — by Marx, Lenin and Stalin. It was from the use of these books that the government deduced an intent some time in the future to advocate revolutionary doctrine.

The Attorney General smirked proudly as he told how since 1948 (still, though he did not mention it, part of those 20 years of Democratic treason), 105 of the principal leaders of the Communist party had been indicted and 67 convicted of this same crime, "conspiracy to advocate." It must have been disappointing for listeners to realize that not a single leader had been indicted for anything more dramatic.

Mr. Brownell smirked again and said that the success of the FBI had been "so outstanding that the Communist party in this country doesn't know which of its Communist members to trust." He paused and added, "I assure you that makes their conspiracy a very hazardous occupation."

It is a measure of these "crimes" that they are hazardous only because Congress enacted the Smith Act in 1940, with the first peacetime sedition provisions in American history since the Alien and Sedition Laws of 1798, making "advocacy" and "conspiring to advocate" a crime. From 1798 to 1940, it was not a crime to advocate revolutionary ideas. There were and are, of course, laws against disturbing the public peace, attempting to overthrow the government, and engaging in seditious conspiracy, laws against treason, espionage and sabotage, but the FBI was not able in the case of a single Communist leader among the 105 to find enough evidence to justify even an indictment for these more tangible crimes.

If there were evidence of these real crimes, it would not be necessary for the Attorney General to be asking for new anti-Communist laws. These (like the Smith Act) would make it possible to punish people for their ideas (or alleged ideas) alone in the absence of evidence that they had committed, or conspired to commit, crimes against public order.

Mr. Brownell claims to be acting within the framework of the Constitution. But how can he fit into the Constitution the bill he wants to allow an employer to dismiss from defense plants "during a national emergency" (we "emergencies" awful easy) "any person whose record shows he

is likely to engage in sabotage or espionage?" Where in the Constitution, or in Anglo-American tradition, or in the law of any free society, will he find precedent for legislation which determines (by peering into a man's skull?) that he is "likely" to commit a crime? The only precedent that occurs to us is the "preventive arrest" of Hitler's Reich.

By now there must be so many FBI men in the Communist party as to give our secret police a vested interest in keeping the party alive. In past years, other Attorney Generals and J. Edgar Hoover have always opposed bills to outlaw the Communist party. Mr. Brownell followed in their footsteps before the House Judiciary Committee last Monday.

"To the extent that such a bill would force the Communist movement underground," the Attorney General testified, "cause it to close its headquarters, terminate its publications, it would at the same time and to the same extent increase the already difficult investigatory job of the FBI." A legal Communist party is a convenience.

No lawyer hired by the Communist party could have argued more ably the dubious constitutionality of any measure to outlaw the Communist party, and the complications it would create for the government. The McCarran Internal Security Act rests on provisions requiring Communist and Communist front organizations to register their officers and members. But under the Fifth amendment (which says no person shall be compelled to testify against himself), you cannot make a person register himself as a Communist if at the same time being a Communist is made a crime. Mr. Brownell said enactment of a bill to outlaw the Communist party and make membership a crime would undercut the McCarran Act.

Mr. Brownell said a bill to outlaw Communists would also be open to attack as an infringement of the First amendment, and as a legislative fiat declaring a group of persons guilty of a crime without individual proof. The party would go underground, destroying all membership records. "Thus," Mr. Brownell pleaded, "proof of party membership in many cases might well be established only through the oral testimony of confidential informants, people whose value for such purposes would be thereafter completely destroyed." To protect its confidential informants, the FBI must protect the Communist party.

If the paranoid delusions fostered by the American government for a decade should spread, Mr. Brownell and Mr. Hoover may shudder some day over the sinister light in which this testimony may be read by a Super McWhoozis.

Non-Communists left-of-center who think the outlawry of the Communist party would solve their problems are very foolish. The bills before Congress would do more than declare the Communist party illegal; they would make all suspected Communists guilty of a felony.

When and if a bill to outlaw the Communist party is passed, the U.S.A. will have taken a major step toward Fascism. The Department of Justice for its own reasons has again moved to block such legislation. Its reasons are quite simple. It believes that bills to outlaw the Communist party might never get past the Supreme Court, that the same end may be achieved more skilfully by the use of the McCarran Act.

Mr. Brownell never said so too plainly but the steps he envisages are these: The Communists will refuse to register when and if the final order of the Subversive Activities Control Board is upheld by the Supreme Court. In that event they can be prosecuted for failure to register, and the "they" can be made flexible enough to hound a wide assortment of other radicals and liberals. Instead of merely being black-listed, radicals could then be prosecuted for non-registration. This is the meaning of the position taken by Mr. Brownell.

JENNINGS PERRY'S PAGE

Friends Seed Jenkins, if Scratched, to Skin Joe

KNOXVILLE—The first congressional district of Tennessee, lying between Walden's Ridge and the Great Smokies and including the site of the Free State of Franklin, the first republic organized in America, proudly claims to be "more Republican than Maine." Ray Howard Jenkins, 57-year-old, six-foot-three-inch special counsel in the McCarthy-army "you're another" row, claims to be as good a Republican as any in the district. He supported Taft before the convention, Eisenhower after. He has no preconceived notions, he has asserted, as to the merits of the controversy he has been chosen to investigate—and, furthermore, that he has expressed no opinion "publicly or privately" on McCarthy or McCarthyism. His friends and associates here, where he has practiced law for 33 years, say they believe him.

"He just wasn't interested. Ray Jenkins," they insist, "is interested in just two things—a case before a jury and the size of the fee."

Jenkins was recommended to the Senate subcommittee after the quick bow-out of Boston's Sears by Sen. Dirksen of Illinois and Rep. Howard Baker of Tennessee. The rising question is whether he was picked for a mission of pulling the party's chestnuts out of the showdown fire. His own law partner predicts that Jenkins will be "on the lookout for ways and means to minimize differences, if possible." Concurring, other Knoxville lawyers of both parties declare that Jenkins would not have been sponsored by Dirksen and Baker "if there had been the remotest idea that he would try to wield a switch-blade knife on McCarthy's hide."

The truth is, viewed *ad hominem*, that the Republican Party can expect as much service from its Tennessee son as requires no self-sacrifice, and that McCarthy's hide will be safe as long as (a) McCarthy refrains from scratching Jenkins and (b) Jenkins, not McCarthy, takes 51 per cent of the headlines. For the tall, lean Knoxville lawyer carries a switch-blade knife in his head, delicately geared to the liveliest appreciation of the main chance for himself.

Jenkins is a trial lawyer, a high-priced trial lawyer in his neck of the woods, with the impressive reputation of never in over 300 murder cases losing a client to the "chair." His ambition is to be a higher-priced trial lawyer and to enlarge his woods. Upon his appointment by the committee, Old Guard Republicans in his state rushed to propose him as a candidate for the seat of Sen. Estes Kefauver: Jenkins stomped on that promptly and decisively. To him the hearing is not a step to any office, but possibly a ticket to \$25,000 and \$50,000 retainers in tough criminal cases in the South—and perhaps beyond.

He does not like being tagged a "hill-billy Darrow." "Darrow," he retorts, "had brains." This is too much modesty; Jenkins has brains, but on the lazy side. His forte is pleading: once he got off a client on eight separate charges of murder. A few years ago in a case celebrated in East Tennessee he undoubtedly saved the life of Clarence Darden, a Negro, charged with killing his restaurant-keeper employer with a penknife. First he sent Darden back to his church to raise \$5000, then Jenkins took the case and melted judge and jury to tears with a demand that Northern critics be shown that "justice and fairness" lives in the South.

Another time, he won acquittal in what had seemed an open and shut arson case with an impassioned appeal to the jury to reveal its own greatness of soul by freeing "this immigrant Greek." Whereupon his joyful client kissed not only his attorney and the jurors, but the witnesses and attorneys for the prosecution as well. Judges and juries love his performances, and sedate jurists have been known to duck behind the bench to laugh at his salty tales.

Conceivably his new role under the great eye of TV may throw him; his friends think not. McCarthy may tangle with him; his friends say McCarthy would be a fool. For Ray Jenkins, they assure you here, "knows how to take care of himself, and, come right down to it, that's the only concern he ever has."

We'll Be Glad to Send Free Sample Copies of This Issue to Your Friends

This Is Expiration Time

PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

4-19-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. 2, NUMBER 14

APRIL 26, 1954



WASHINGTON, D. C.

15 CENTS

Free To Do Anything But Make Peace

The free world enters the Geneva conference today free to do anything it pleases except make peace. The united front of freedom has been achieved by denying its members freedom of choice. Whether in Indo-China, France or the United States, decisions are being taken in complete and scarcely concealed disregard for the wishes of their peoples. This is what the Nixon speech to the newspaper editors revealed.

Dulles had already made it clear that we would not take into account the wishes of the Indo-Chinese or the French people. Compromise of any kind, partition, coalition or free elections, was foreclosed when Dulles said we would oppose any communist advance in southeast Asia "by whatever mean" accomplished. Now Nixon has made it clear that the administration is equally indifferent—and prides itself on being able to be indifferent—to what the American people want.

New Variant of the Public Be Damned

These are his words, as reported next morning in indirect discourse by the *New York Times*. Nixon said the United States was "the only country that is strong enough politically at home to take a position that will save Asia." What do these shrewd words mean? They mean that the American government, unlike the British and French, is strong enough to disregard the popular demand for negotiation and peace.

The Administration regards the American people as uninformed and does not intend to be governed by their wishes. Here are Nixon's words again. "With regard to the view that it might be politically expedient to agree to negotiations with Red China," the report of his speech continued, "he said that if the United States left its policy to an uninformed public opinion, it would go down the long road to disaster."

This is a new variant of "the public be damned." The philosophy of big business is being applied by a government of big business. "With or without the support of public opinion," the report continued, "if the situation in Indo-China requires that American troops be sent there to prevent area from disappearing behind the iron curtain, the Administration must face the issue and send the troops, he declared."

A Profound Distrust of Democracy

The leaders of a democratic country have rarely been so transparent in revealing their contempt for democracy and their lack of faith in it. Nixon said the communists would never agree to free elections in Korea because they would lose the election. But apparently we, too, will not risk the verdict of free choice.

Touching upon negotiations for partition or for free elections in Indo-China in which communists might win a place

in the government, Nixon said "negotiations in any form would end up in communist domination of a vital new area." This implies a curious faith in the potency of communism.

A New Colonialism

How can this faith in communist potency be reconciled with our criticism of French colonialism? Were this the reasoning of the British and the Dutch, they would still be fighting to deny India and Indonesia their independence lest they fall prey to communism and what kind of independence are we offering Vietnam, Laos and Cambodia if they are to be independent only to follow dictation, eschewing peace, negotiation and free elections?

This distrust of the popular will is reflected in that portion of the Nixon talk which inadvertently cut the ground out from under the Administration's own propaganda about meeting aggression in Asia. He said even an alliance would not "meet the real danger in Asia, which is not aggression but internal subversion."

This kind of a foreign policy comes naturally to the co-author of the Mundt-Nixon bill, which later became the internal security act of 1950, setting up our first subversive activities control board. The implication of what we are doing at home is also the direction of policy abroad. (U. S. News and World Report last week said we would help the French build a new "constabulary" in Indo-China to deal with local "trouble-makers.") Like Japan before the war, we are proposing to police East Asia against "dangerous thoughts" and communism.

A New Co-Prosperity Sphere

Nixon disclosed more fully than ever before the degree to which this Administration sees East Asia through Japan's eyes, as it sees East Europe through Germany's. The main target of the communists, Nixon said, was Japan, not in the sense that they might take over Japan but that they might take over those trading areas on which Japan depends. Of Korea and Indo-China, Nixon said, "conquest of area—so vital to Japan's economy would reduce Japan to an economic satellite of the Soviet Union."

Having fought one war to free the East from Japanese domination, we are now being led back into another war to make it safe again for Japanese exploitation. Just as the Russians are to be "rolled back" in Europe to give the Germans *Lebensraum*, so the fighting is to go on until Southeast Asia can become part of Japan's co-prosperity sphere. We are picking up where the Axis left off. This is why we are so anxious to bolt the doors at Geneva against peace.

Not An "Anti-Traitor" But An "Eavesdropping" Bill

Martin Dies and Two Ex-FBI Men Oppose Wiretapping

Capitol Hill—Ever since 1940, the Department of Justice has tried to get Congress to authorize wire-tapping. Twice before, in 1940 and 1942, bills passed the House only to die in committee when they reached the Senate. A wire-tapping measure has again passed the House this year, the first item in the Brownell witch hunt program to achieve passage, but may again die in the Senate. The debate in the House showed how well the basic issues are understood and how deeply wire-tapping is feared. Though only 10 members* voted against the bill on final passage, the result was a blow to the prestige of FBI Chief J. Edgar Hoover. The House was told that Hoover preferred no bill at all to a bill which required a court order before wires could be tapped. Yet the Administration bill was rewritten on the floor to make a court order necessary for future wire-tapping.

The most unexpected and one of the best speeches against wire-tapping was made by Thomas J. Dodd, a Democrat from Connecticut, one of two ex-FBI men who opposed the original bill. The speech which revealed most about Congressional opposition to wire-tapping came from another unexpected source—Martin Dies of Texas. This threw new light on why Dies "voluntarily retired" from Congress in 1945 and also put our earliest Congressional witch hunter in the position of a severe critic of the way loyalty cases are tried. Dies complained that three years ago when he defended a former Texas official of the NLRB against charges of Communism, the hearing panel "refused to present a bill of particulars . . . they notified us that the burden of proof was on the defendant . . . the board refused to give us one iota, one scintilla of information that would acquaint us with the nature of the charge or the identity of the accusers."

Dies Called Pro-Hitler

This reflected some painful experiences of his own. Dies told the House his own telephone had been tapped during the war and that he saw "a brochure" of more than 100 pages containing his purported conversations. "There were public officials," he complained, "who said I was subversive . . . In fact, one of them said I was the agent of Hitler."

Dies appealed to the Republicans. He asked them, "If Mr. Biddle were Attorney General today—would you for one moment consider this legislation?"

Dies also advanced the cleverest argument against the bill during the debate. The Texan argued that after the passage of the bill "there is not a spy of any country on earth, however benighted that country may be, who would risk the telephone." Since the FBI does tap wires at present, Dies argued, "you are denying to the FBI sources of information which are now available to them." Rogers (D. Col.) disposed of this altogether by telling the House "former Communist agents have testified that individuals engaged in espionage or treason are trained never to discuss important matters over the telephone." It was Rogers who suggested that the bill ought to be termed an "eavesdropping bill", not an "anti-traitor" measure.

Official Lawlessness

The ex-FBI man, Dodd, was the first of several speakers to take exception to the cheap semantics of calling the wire-tap bill an "anti-traitor" measure. Dodd wanted to know whether the purpose was to label as "protraitor" those who had the temerity to vote against the bill. Dodd said the Department of Justice "for many years with its tongue in cheek" had flouted the legislative intention of the Federal

Communications Act "by claiming the disclosure of wiretap information as between employes of the Department of Justice is not disclosure at all." He charged that "what public officials do in New York under the wiretapping authority of the State of New York is forbidden under the Federal Communications Act" and should be prosecuted by the Attorney General. He added that there would be no such prosecutions because "the Federal government has dirty hands."

Dodd protested that the bill failed to make wiretapping by "private snoopers" illegal and that it did not cover the two crimes in which telephones are used—kidnapping and extortion. He objected to the two hour debate limitation under which the House was being asked "to weigh these great constitutional questions against this request for new and terrible police powers."

Breeds Corruption and Blackmail

Yates (D. Ill.) said he did not doubt that a great deal of additional evidence could be obtained by wiretapping as it can be "by other familiar totalitarian law enforcement measures, such as brutality, the third degree, and illegal search and seizures." He quoted a recent Columbia Law Review study (Vol. 52, pps. 164, 196-97) as finding that "corruption, blackmail, misuse of warrant procedures, failure to prevent unauthorized wiretapping, and loss of general confidence in the security of the telephone as a medium of communication," had been the result of New York's experience even under judicial supervision.

Another ex-FBI man, McCulloch (R. Ohio) rose to say, "I know the temptations that police problems present." He said that "one of the worst features of police power" was "the ability to intercept and interfere with private wire communications." He warned that the bill before the House was "the explosive trigger which can set off by chain reaction the destruction of our American democracy and leave us in the ruins of a police state dictatorship."

The Brownell-Hoover argument against requiring a judicial order was that this might lead to "leaks". "It horrifies me," said Willis (D. La.), "to think that when the Attorney General, his assistants, a stenographer in this department, a mechanic, an official of the telephone company—when people will be assigned to listen in to these conversations for months at a time, when they can all be in on this business, we then do not want a Federal judge to get in on it because we do not trust him."

"Search and Seizure of The Mind"

One of the strange features of the debate was the reversal in position of two leading members of the House Judiciary Committee. Keating (R. N.Y.), under pressure from Hoover and Brownell, had given up his long fight to prevent wire-tapping without a court order and was urging that the Attorney General be given this power. Celler (D. N.Y.) who had sponsored the 1940 and 1942 bills giving this power to the Attorney General without judicial supervision now led the fight for a court order. Celler said there would always be the temptation to use the taps for political purposes, that FBI reports were already being used "by certain officials" for such purposes, and that wiretapping was "search and seizure of the mind."

But by far the most revealing remark in the entire debate was made by a proponent of wiretapping under court order, Forrester, (D. Ga.) who spoke—in one breath—of "the do-gooders and the traitors." The do-gooder, the social reformer, is the same as a traitor in the eyes of those who advocate repression. The wiretap bill is framed to make easier the surveillance of liberal and Leftist opinion, not of crime.

* Condon (D. Cal.), Curtis (R. Mo.), Kelley (D. Pa.), Keogh (D. N.Y.), Klein (D. N.Y.), Multer (D. N.Y.), Powell (D. N.Y.), Reams (Ind. Ohio), Thomas (D. Tex.) and Wier (D. Minn.).

I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$15 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

Vol. 2, Number 14



April 26, 1954

Round This (Unsteady) Globe

Though ordinarily not deficient in humanity, our favorite headline of the past week (it appeared after the Army's bill of particulars against McCarthy, Cohn, Carr and Shine was published) is "Cohn Rips 'Leak' of One-Sided Smear." We would be happy to see one of our better bar associations investigate. Hasn't it often been pointed out that one way to spot a you-know-what lawyer is by his violence in criticizing the procedures of Congressional investigating committees?

We are grateful to Bishop Sheil for his speech against McCarthy. It would be tragic for the Church and it would be tragic for America if clerics like Cardinal Spellman were to succeed in identifying McCarthyism with Roman Catholicism. In these days, when there is often the anguished feeling of seeing the end of the American Republic, one really begins to appreciate the atmosphere and the ideals which made this a nation of nations, a country in which men of all races, of all faiths and none, managed to live together in considerable peace and to approximate in their lives that equality which has been our basic faith. One has only to remember Frank Murphy to realize that a pious Catholic can be a great libertarian. One has only to remember Al Smith to realize that a Catholic can be a social reformer. These things need already to be said. The weakness of McCarthy in the South derives from anti-Catholicism. Bishop Sheil is wiser than Cardinal Spellman. Our hat is off to him.

France's leading newspaper, *Le Monde*, carried two interesting dispatches from Indo-China on April 8. These concerned the sensational charge made by Secretary of State Dulles on April 5 that a Chinese Communist General, Li Chen-hou, was at the Dienbienphu headquarters of the rebels. Both dispatches were by *Agence France Presse*, the official French news agency. The earlier, from Saigon, said French military quarters would not comment on this charge, but it was made clear that the information used by Dulles did not come from French military intelligence. Later in the day, there was a second dispatch, this time from Hanoi, which quoted a member of the French high command as saying more tactfully that the Ho forces were using Chinese military methods and that there might be a Chinese general with them but that there had been no contact with Chinese in the Indo-Chinese war. As for General Li Chen-hou, this same source identified him only as a Kuomintang general who had been in Indo-China in 1945 when Chiang's armies of occupation held the country north of the 16th parallel.

Israel needs peace, peace with its Arab neighbors, peace in the world. A distinguished committee linked with *Nation Associates* last week produced an excellent plan for a Regional Resources Development Board for the Middle East and a program for the resettlement of the Arab refugees. Unfortunately the report seeks to curry favor with cold war policy by attacking the Arabs as neutralists while Israel

"would stand with the democracies were freedom endangered." The trouble is that Russia will go on blocking Arab-Israeli peace as long as she feels that if peace were once made the entire area would become a military base against the U.S.S.R. The trouble also is that the Arabs feel that if they sulk long enough the United States may sacrifice Israel to their desire for revenge. Should war come, the Middle East and its oil resources will be the first proving ground for the H-bombs of both sides. There can be stability only if the area is neutralized; only neutrality can safeguard its Holy Places. Israel is too small, too weak, too easily extinguishable to play the dangerous game hinted at in this report. Its friends would be better advised to help build public understanding of the need for the neutralization of the Middle East as a linchpin of world peace than to talk as if the tiny *Yishuv*, established at the cost of so much sacrifice, is worthy of support because it offers itself as a military ally for a new war which would snuff out its life in an instant whichever side won.

In our March 8 issue ("Kafka Might Have Written The Army's Loyalty Form") we published for the first time the Loyalty Certificate Form D D98 used in the armed forces. This has now been supplemented by Defense Directive No. 5210.9, effective April 7, which makes it "the duty of every member of the Armed Forces to report to his commanding officer any information coming to his attention which indicates that retention of any member of the Armed Services is not clearly consistent with the interests of national security." "In future," the London *New Statesman* said of this, "it will be the duty of every American soldier . . . to spy on his comrades and to inform against them if ever they express an unorthodox political opinion." It suggests that the next step should be Political Commissars for the American armed forces. Anybody who ever belonged to or was closely associated with any "front" organization on the Attorney General's list, or of any organization which fronted for such an organization, will be debarred from any but "non-sensitive" duties at the lowest rate of pay and if separated will be denied an honorable discharge. The armed services are ordered to cooperate with Federal investigative agencies "and will avoid action tending prematurely to warn suspects that they are under suspicion or to compromise confidential sources of information." The witch hunt has badly disrupted the State Department and other civilian agencies of the government. It can easily do as much for the Armed Services. There is a law which makes it a crime to undermine the morale of the armed services, and to create disaffection among them. It ought to be applied to the man who thought up these Army loyalty procedures. We can think of no better way to serve an enemy than to make the Army a stamping ground for snoopers and stoolpigeons.

The ordeal of Owen Lattimore showed what could be done, Inquisition style, in tripping up a witness during a prolonged interrogation. The longer a man is questioned, the easier it is to trap him into contradictions. At present these contradictions can be utilized in a perjury prosecution only if the government can prove one of the two statements false. Attorney General Brownell, who seems to think the purpose of legal reform is to make life easier for prosecutors, has introduced a proposal which would make the contradictory statements themselves sufficient. Though the contradictions would have to be "willful," that safeguard is metaphysical and illusory. In practice, a witness who changed his mind or refreshed his recollection would be in danger of going to jail for perjury merely on the basis that he had contradicted himself. Since perjury is now a favorite device for circumventing the statute of limitations and "getting" radicals, this proposal will bear watching. As presented, it applies only to grand jury and court proceedings but could easily be amended to include Congressional committees. This would really give the witch hunters a holiday.

A Sermon No Pulpit Dares to Preach

Last week-end Easter and Passover coincided. These are the two spring festivals of what is so often referred to as Judaeo-Christian civilization. This is the civilization whose values we are getting ready to defend against those who do not believe in God, think the end justifies the means, place a low value on human life, deny the existence of spirit, and do not hold—as we do—that man is sacred because made in the image of his Creator.

The dual occasion provoked an outpouring of sermons. There were even sermons in unexpected precincts. Popular magazines meditated for a moment—in full color—on the Meaning of the Resurrection. Columnists who prided themselves on being intellectuals wrote (rather ostentatiously) on going to mass or seder. But amid this chorus of piety I did not notice that anyone dealt with what I should have thought an obvious but striking theme. This was the inclusion, among the charges against Dr. J. Robert Oppenheimer, of the allegation that he had opposed the making of the hydrogen bomb on "moral and political" grounds.

I suppose that on the basis of rendering unto Caesar what is Caesar's, the Church could excusably shy away from any comment on the latter half of this indictment. To say that Dr. Oppenheimer opposed the H-bomb on "political" grounds is in any case too terrifying; it seems to imply that out of some affinity he wickedly objected to blowing the enemy, ideology and all, to smithereens.

But the "moral" half of the indictment is another matter. Is not morality the province of Church and Synagogue? Have we not been told over and over again of the dangers which flow from divorcing science from morality and morality from religion? When a scientist is accused of objecting to the H-bomb on "moral" grounds, it begins to sound as if there were circumstances under which the government regards morality as subversive.

We have seen many conversions in our time. What if Dr. Oppenheimer should get up at his hearing and say that after long thought he had returned to the faith of his fathers

and now took literally the injunction "Thou shalt not kill?" What if the hearing board were forced to bar him from all defense work on the ground that he took the Ten Commandments literally?

Or what if Dr. Oppenheimer got up and said that after long brooding he had been drawn to Jesus and become a Christian and felt impelled to live by the injunction, "Love your enemies . . . resist not evil?" What if he were to say that he could not reconcile the making of newer and bigger bombs with his new found religious belief? How embarrassing if the hearing board were forced to declare Dr. Oppenheimer a security risk because he had become a Christian.

What if the learned judges were to say to him, "But Dr. Oppenheimer, we too are believers. We, too, honor these injunctions. Yet not to make the most powerful weapon possible is to run the risk that the enemy may overcome us." And what if he were to answer, "I no longer believe the end justifies the means?"

What if Dr. Oppenheimer were to say, "I do not believe that preparations for the mass immolation of human beings, the innocent and the guilty, the civilian and the soldier, the young and the old, the believer and the unbeliever, can morally be justified by any rationalization? Have we not said that we believe each individual precious as a spark struck from some greater Anvil, the vessel of Spirit, the image of his Creator?"

How embarrassing if the Board is compelled to rule that holding such beliefs, though not necessarily proof of disloyalty, nor even intrinsically subversive, does make a man something of a security risk?

And what if Dr. Oppenheimer takes none of these extreme and radical attitudes, does not speak as a Tolstoyan or a pietist but merely admits that he opposed the H-bomb because he felt that slaughter on so vast a scale was—to use an unscientific, an old-fashioned, a simple-minded term—*wrong*? Suppose he thus pleads guilty by admitting he opposed the H-bomb on moral grounds?

We'll Be Glad to Send Free Sample Copies of This Issue to Your Friends

Why Not Send a Gift Sub Now?

PLEASE RENEW NOW

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

4-26-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. 2, NUMBER 15

MAY 3, 1954



WASHINGTON, D. C.

15 CENTS

Talking Tough, While Brandishing A Twig

The issue of *Newsweek* dated April 26 described the Eisenhower Administration in the Indo-Chinese crisis as "calm but implacable." The *Washington Post* of Sunday, April 25, had carried an eight column streamer, "U.S. Will Be Playing Strong New Hand at Geneva." This was the general impression created by Dulles and Nixon. But overnight something happened. "U.S. Spurns More Active Indo Rule," said the same paper's headlines next morning. "Loss of Country to Reds Regarded as Preferable to Belligerent Status." That same day the President, addressed the U.S. Chamber of Commerce in a quite different key from that of his Vice President and his Secretary of State. Eisenhower expressed the "hope that the logic of today's situation would appeal to all peoples, regardless of their ruthlessness" to "see the futility of depending upon war or the threat of war" and that at least a "modus vivendi" might be reached in Geneva. "Modus vivendi" means a way of living together, i.e. of co-existence. Perhaps the President was afraid to say this in a language more Congressmen could understand.

The climbdown continued. On Tuesday Nixon explained to a conference of state governors that the Eisenhower Administration does not want to send troops into Indo-China "but we can't let the Russians know that." Presumably the Air Force had strict orders to shoot down all carrier pigeons carrying copies of that day's newspapers to Moscow. Next day David Lawrence reported from Geneva, that nobody wanted war but that "the new development which has Soviet Russia guessing is that American representatives talk as if they are prepared to go the limit to save Southeast Asia." Lawrence went on to add in an aside not meant for the ears of the Kremlin, "But it should be clearly understood America has not the slightest intention of 'going it alone' and will enter a local war in Southeast Asia only if all the other nations agree to collective action." What had happened to that talk of taking any risk to prevent Indo-China from going Communist? The Eisenhower Administration had reversed Teddy Roosevelt's maxim about walking softly but carrying a big stick. It talked big, and unsheathed an undersized twig.

The G.O.P. Preferred A Bipartisan War

Washington has never looked sillier than in last week-end's reversal. Some of the factors which played a part may be spelled out. There was first of all an unsuccessful effort by Dulles and Admiral Radford to sell two forms of intervention to Congressional leaders. The first was limited intervention by airpower from U.S. carriers in Indo-China waters. The second was for a Congressional resolution giving Eisenhower a blank check in advance to intervene in Indo-China as he saw fit. Many Republicans, still deeply isolationist, hung

back. Many Democrats, interventionist by conditioning, were willing to go along on Indo-China [Senator Ed Johnson, see his speech on page 3, is an exception] but only if the Administration took the responsibility for "Ike's war." The Republicans preferred to share the honors.

Dulles and Nixon set out to prepare the public mind for war, but only succeeded in waking the popular desire for peace. There was a flood of mail against intervention, and as we went to press the House leadership was trying hard to beat down an appropriations rider by Congressman Coudert (R., N.Y.) forbidding the President to send troops abroad without Congressional approval. The China Lobby crowd was finding few takers for its line that no American boys would be needed since we could "release the armed forces of the free nations of Asia" (Jenner), placing at our service "the fourth and fifth largest armies on earth, the Nationalist Chinese and the South Koreans" (Bridges to the D.A.R.); who would do the fighting for us "more than 1,100,000 strong" (Knowland). No doubt the possibility of an alliance with Chiang and Rhee played its part in the next big failure of the Dulles-Radford team—the inability to sell "united action" in London and Paris.

Peace By Some Miracle . . .

One cannot exclude the possibility that Peiping let it be known that it would intervene in Indo-China if we did. The risks of going it alone politically at home and militarily abroad weighted the scales against Dulles and Radford. In any case there is little reason to believe that more men and materiel, even if they could be gotten into the Indo-Chinese jungles, would turn the tide. According to Senator Mansfield (D., Mont.) the French Union forces are losing though they have a 5-3 edge over the rebels in manpower and are getting ten times as much tonnage from us as Ho's forces get from the Chinese. Dien Bien Phu was given up some time ago. The real worry is whether the French can hold on in the North, or at least make an orderly withdrawal along the single road and rail line which connects Hanoi with the South, and which are constantly being cut by the rebel forces.

Except for Radford, the Chiefs of Staff have been opposed to intervention, though ready to be "united" if Dulles and Radford could find other nations to supply the "action." In this they reflect the national mood; we have no objections to policing the world so long as it can be done by pushbutton. We are ready to fight Communism everywhere, if others will carry the guns, and especially if only Asians (whom we regard as bargain basement warriors) will fight Asians. So with the backdown at Geneva, peace by some miracle has a fighting chance.

Can Dissenters Be Deprived of Profession and Livelihood?

Only A Supreme Court Minority Upholds Their Right to Work

As part of the American thought control drive blueprinted by the U.S. Chamber of Commerce in 1946, radicals are being deprived of the right to work and to practice their professions. Last week the U.S. Supreme Court touched upon the issue in the case of Dr. Edward A. Barsky, a noted New York surgeon, who has been hounded ever since he served in Spain and became chairman of the Joint Anti-Fascist Refugee Committee.

Dr. Barsky had appealed to the Supreme Court against a six month suspension from practice imposed upon him by the New York Board of Regents. The penalty was the result of his conviction (and six months sentence) for contempt of the House Un-American Activities Committee in 1946 when he refused to turn over the records of the Joint Anti-Fascist Refugee Committee. The Supreme Court, 6-3, upheld the suspension.

Because of the importance of the case and because even the New York Times did not give text, we are reprinting the heart of the separate dissents by Justices Frankfurter and Black and the text of the dissent by Justice Douglas, which we believe will prove historic.

Mr. Justice Frankfurter, dissenting, in *Barsky v. Regents*:

"It is one thing thus to recognize the freedom which the Constitution wisely leaves to the States in regulating the professions. It is quite another thing, however, to sanction a State's deprivation or partial destruction of a man's professional life on grounds having no possible relation to fitness, intellectual or moral, to pursue his profession."

Mr. Justice Douglas, dissenting, with whom Mr. Justice Black concurs:

"Mr. Justice Holmes, while a member of the Supreme Judicial Court of Massachusetts, coined a dictum that has pernicious implications. 'The petitioner may have a constitutional right to talk politics,' he said, 'but he has no constitutional right to be a policeman.' See *McAuliffe v. New Bedford*, 155 Mass. 216, 220, 29 N.E. 517. By the same reasoning a man has no constitutional right to teach, to work in a filling station, to be a grocery clerk, to mine coal, to tend a furnace, or to be out on the assembly line. By that reasoning a man has no constitutional right to work.

"The right to work, I had assumed, was the most precious liberty that man possesses. Man has indeed as much right to work as he has to live, to be free, to own property. The American ideal was stated by Emerson in his essay on *Politics*, 'A man has a right to be employed, to be trusted, to be loved, to be revered.' It does men little good to stay alive and free and propertied, if they cannot work. To work means to eat. It also means to live. For many it would be better to work in jail than to sit idle on the curb. The great values of freedom are in the opportunities afforded man to press to new horizons, to pit his strength against the forces of nature, to match skills with his fellow men.

"The dictum of Holmes gives a distortion to the Bill of Rights. It is not an instrument of dispensation but one of deterrents. Certainly a man has no affirmative right to any particular job or skill or occupation. The Bill of Rights does not say who shall be doctors or lawyers or policemen. But it does say that certain rights are protected, that certain things shall not be done. And so the question here is not what government must give, but rather what it may not take away.

"The Bill of Rights prevents a person from being denied employment as a teacher who though a member of a 'subversive' organization is wholly innocent of any unlawful purpose or activity. *Wieman v. Updegraff*, 344 U.S. 183. It prevents a teacher from being put in a lower class scale than white teachers solely because he is a Negro. *Alston*

v. School Board, 112 F. 2d 992. Those cases illustrate the real significance of the Bill of Rights.

"So far as we can tell on the present record, Dr. Barsky's license to practice medicine has been suspended, not because he was a criminal, not because he was a Communist, not because he was a 'subversive,' but because he had certain unpopular ideas and belonged to and was an officer of the Joint Anti-Fascist Refugee Committee, which was included in the Attorney General's list." If, for the same reason, New York had attempted to put Dr. Barsky to death or put him in jail or to take his property, there would be a flagrant violation of due process. I do not understand the reasoning which holds that the State may not do these things, but may nevertheless suspend Dr. Barsky's power to practice his profession. I repeat, it does a man little good to stay alive and free and propertied, if he cannot work.

"The distinction between the State's power to license doctors and to license street vendors is one of degree. The fact that a doctor needs a good knowledge of biology is no excuse for suspending his license because he has little or no knowledge of constitutional law. In this case it is admitted that Dr. Barsky's 'crime' consisted of no more than a justifiable mistake concerning his constitutional rights. Such conduct is no constitutional ground for taking away a man's right to work. The error is compounded where, as here, the suspension of the right to practice has been based on Dr. Barsky's unpopular beliefs and associations. As Judge Fuld, dissenting in the New York Court of Appeals, makes clear, this record is 'barren of evidence reflecting on appellant as a man or a citizen, much less on his professional capacity or his past or anticipated conduct toward his patients.'

"Neither the security of the State nor the well-being of her citizens justifies this infringement of fundamental rights. So far as I know, nothing in a man's political beliefs disables him from setting broken bones or removing ruptured appendixes, safely and efficiently. A practicing surgeon is unlikely to uncover many state secrets in the course of his professional activities. When a doctor cannot save lives in America because he is opposed to Franco in Spain, it is time to call a halt and look critically at the neurosis that has possessed us."

Mr. Justice Black, with whom Mr. Justice Douglas concurs:

"This record reveals, in my opinion, that New York has contravened the Constitution in at least one, and possibly two respects. First, it has used in place of probative evidence against Dr. Barsky an attainder published by the Attorney General of the United States in violation of the Constitution. . . . the lawyer of the Regents introduced evidence that the Refugee Committee headed by Dr. Barsky had been listed by the Attorney General of the United States as subversive. Pages and pages of the record are devoted to this listing, to arguments about its meaning and to other innuendoes of suspected Communistic associations of Dr. Barsky without a single word of legal or credible proof. . . . This Court, however, has held that the Attorney General's list was unlawful, *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123. My view was and is that the list was the equivalent of a bill of attainder which the Constitution expressly forbids. The Regents' own reviewing Committee on Discipline recognized the illegality of the list and advised the Regents that no weight should be given to it. . . . The Regents, however, accepted and sustained the [contrary] determination of the Grievance Committee. . . . New York's highest court said it was without power to review the use of the Attorney General's list. Our responsibility is, however, broader. . . . Dr. Barsky had a constitutional right to be free of any imputations on account of this illegal list. That reason alone should in my judgment require reversal of this case."

The Textual Documentaries on These Two Pages Are Examples of Coverage

Senator Johnson's Historic Anti-War Speech**Free World vs. Communism? "I Wish It Were That Simple"**

On Monday, April 19, after the Nixon "off the record" speech, Senator Ed Johnson (D., Col.) rose in the Senate to say that "as a guest at a private party in the company of a large group of Democratic Senators some weeks ago, I heard the Vice President, Mr. Nixon, 'whooping it up for war' in Indo-China." The Senator promised a more extended statement in a few days, saying only at that time "I am against sending American GI's into the mud and muck of Indo-China on a blood-letting spree to perpetuate colonialism and white man's exploitation in Asia." The "extended statement," last Monday, was the first forthright anti-war speech in the Senate during the crisis and those who want peace should arm themselves with copies for their friends. Because too little attention has been paid to the speech (not a line in the Nation of May 1 or the New Republic of May 3) we are devoting this page to the text of the principal points made by Senator Johnson:

A Half Million American Lives

"This present crusade to send troops to Indo-China, with its uncalculated cost for an uncalculated result, is the most foolhardy venture in all American history. It is my guess that it would mean, at the very minimum, 500,000 American casualties and a very minimum of \$100 billion of borrowed money [which would mean] . . . a 25-cent dollar instead of our 50-cent dollar . . .

"Such a war could last ten years, or it could touch off and spawn a world war which would have to be fought for 100 years without victory. It could drive the brown and Malay races into the arms of the Communists in a solid front against the white race in a death struggle, which eventually would destroy all civilization. . . .

"The other day a Senator whose sound judgment I respect greatly questioned whether military intervention by the United States in Indo-China would not give Red China the excuse it wants also to intervene. There are no reasons to doubt that result . . . Such an American-Chinese war would be fought not in a place of our own choosing, but in China's back-yard and 7,000 miles from the shores of America . . .

Our McCarthyite Diplomacy

"A few hours ago the President said in Kentucky that regardless of how this war started, it was now the free world versus communism. I wish it were that simple . . . Edward R. Murrow says that Senator McCarthy thinks every critic is a Communist. In world affairs, our diplomats seem also to be making that basic McCarthy error . . .

"I am unable to support the belief that the conflict between the French-supported Viet Nam and the rebel Viet Minh is, in truth, a war of the forces of freedom, on the one hand, and the forces of communism, on the other hand. Soviet communism, with its contempt for the rights of the individual, is a despicable tyranny. But it is not the only tyranny. Unbridled imperialism, the law of the jungle that says the strong shall devour the weak, the 'haves' shall exploit the 'have-nots' is no less . . . the uncompromising enemy of our American principles . . .

Peace Is Voiceless in the USA

"Forces are at work to get this nation committed to war in Asia. Some of these forces we know to be our enemies . . . Unfortunately, there seems to be no articulate force in America determined to keep us out of war. But because it is not articulate, do not think for a moment that this force is not present. Congress must give it a voice that will be heard and that will be heard in time . . .

"Our press and radio during the past few weeks have pulled no punches . . . in describing France's Indo-China ene-

mies, the Viet Minh as 'the Communist forces! This war has been going on for nearly eight years. As recently as 5 years ago the Viet Minh were not labelled, even by the less responsible press, as Communists. As recently as 5 months ago, they were not so identified, even by the French. In fact, even 90 days ago dispatches from Saigon discreetly and consistently called them the Communist-led Viet Minh, but never the Communist forces, or the Communist Viet Minh. "At what point, and to what degree, has this war, which every record shows to have been a war for freedom and independence, a war against imperialism, at what point did it suddenly become a war of Communist aggression? . . .

"Asia is in revolution—revolution against colonialism. The promulgation of what we in America believe are the inalienable rights of every man, and the right to walk as equals with dignity in the world community is sweeping Asia . . . The astonishing victories of the Japanese Army in China . . . taught Asiatics for the first time that the Western powers were not invincible . . . The inspiration of Japan's success, coupled with the arms provided by Japan's surrender, literally all over Asia, supplied the two essentials for these nationalist movements . . . It was largely on the crest of this popular tide that Mao Tse-tung rode to final victory . . . Russia was not a factor in Mao's success; in fact, it did nothing for him until after Chiang's defeat . . .

We Thwart What We Inspired

"Nationalism, inspired originally by America, is being thwarted by America, with the aggregate effect of driving independence movements to Moscow . . . In the minds of a great many Asiatics and Europeans, and members of the Arab States as well, America does not quite know what it is for, and only faintly what it is against . . .

" . . . They [our European and Asian allies] know that the war in Indo-China is not a war of Communist aggression. They know that the forces opposing France's colonial rule in Indo-China are just. They know . . . [that American aid to France] from their point of view might well justify China in helping her southern Asiatic neighbor with traffic in arms and munitions.

"Suppose, for example, Mexico were conquered and held by an Asiatic power. Suppose the people of Mexico rose up and struck down their oppressor. Then suppose an even stronger Asiatic power intervened, to support the status quo . . . Would not we feel obligated in the name of freedom to give our Mexican neighbor revolutionists all aid and comfort? And if the other Asiatic power embarked troops in Mexico, would not we also feel justified in sending our forces to drive them out?

What Sense In Such Slaughter?

"Whether every one of 24 million people of Viet Nam is a Communist or whether not one of them is, is not the question. If all of them are Communists, what is to be accomplished by sending 10 American divisions there, to make them live as we want them to? The only way to combat an idea is with a better idea. What better idea is being advanced by our sending tanks and bombers to slaughter the people of Indo-China? . . . Have we so completely abandoned the principles of freedom? . . . What kind of people have we become?

"If we want to make Communists of all the people of Asia . . . if we want to bleed ourselves of all principles and vigor . . . let us join the jungle war . . . But . . . if we mean to restore America to the place it has held for nearly 180 years in the minds and hearts of men, let us demand peace with honor, now, for France in Indochina before it is too late. The negotiations beginning today in Geneva give us one last chance. May we have the wisdom to make the most of it."

Important to Peace and Liberty You Will Not Find As Fully or At All Elsewhere

JENNINGS PERRY'S PAGE

Pity It Took Army to Tie the Can to Joe

I am not of those who believe that because nothing much is apt to happen at the McCarthy-Army hearing nothing much is happening to Joe McCarthy. True, when the strange show is over he still will be chairman of the permanent Senate subcommittee for investigations, furnished with the ample funds his colleagues were afraid to deny him; he may be minus Cohn and certainly will be minus Schine, but ferrets of this order always can be found. He will be ready to start rummaging for Reds again under the beds of his betters. Withal he will not be able, I think, to stir up the dust he has been able to stir up in the past.

This is not because he himself has been put on the ducking stool nor even because the Eisenhower administration is determined—as in the Dr. Oppenheimer case—to take the play away from him. These things have helped, especially in giving to large sections of the press timidly tolerant of McCarthyism in the past the opportunity to grow a backbone. But the real cloud that is spreading over McCarthy's fetid fireball is the popular awakening, in this pause, to the folly of the witch-hunt and the too-widely shared shame of the nation that has let its self-confidence be shaken by arrant and spiteful fear-mongers.

Those of us who never have forsaken the American tradition of freedom of the mind all along have had to assume that the good sanity in which our foundation principles were written would return. That at some time when we should have a moment to recollect and to re-assess we would slough off the sickness of suspicion and panic with which so many have been possessed. That the values of fearless thought and open speech and choice of association would come back in the land.

The time-out from the witchhunt for the McCarthy-Army "who lied" inquiry has allowed that interlude for reflection, and the signs of sanity are mending. Later on, loosed on us again, McCarthy will not be able to pull out of his hat any sensation that will not appear to us all shoddy theater, class B and second-run.

The copy-cat witchhunters also, at the moment, have been headed in; and there is no room for regret in the whole matter—save that the tribe could not have been brought to bay on the issue itself: the rights of the individual in a democracy.

The Army is great and powerful in our day, and great and powerful interests in our land which have not bothered to intercede for lowly citizens fallen prey to congressional calumniators have found it possible and prudent to stand up against McCarthy when the turn of slander has begun to threaten military "morale." Perhaps one should not quibble; perhaps tactically this is the point at which the stand against the witchhunt most advantageously could be made. Yet, measured by the height of our principles, it is a pity that the rally could not have come where "only" the morale, the good name, the civil rights of some one American—college professor, scientist, government clerk or simple "leftist" housewife—was at stake.

The issue is not clear: whether McCarthy lied or whether the Pentagon lied has nothing to do with political persecution. The fight is a diversion; yet the fight is important as a diversion, permitting all eyes to view more objectively the body of the real crime in the field from which McCarthy has been drawn. The chances are that during the by-play at Washington the nation will grow up again.

Watch for Our Forthcoming Story on A Visit With Hank Greenspun at Las Vegas

Why Not Send a Gift Sub Now?

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

5-3-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. 2, NUMBER 16

MAY 10, 1954



WASHINGTON, D. C.

15 CENTS

Chiang's Secret War Plan

The Red River delta in northern Indo-China, and its port of Haiphong, is the natural outlet to the sea of the adjoining provinces of South and Southwest China. It was for centuries a Chinese sphere of influence until the French ousted the Chinese from the area about 70 years ago. Its strategic importance was enhanced by the construction of the French railroad line from Haiphong to Kunming in the Southwestern Chinese province of Yunnan. Before the war, after the fall of Canton, this railroad became Chiang's life-line until it was shut off by the French in their anxiety to appease the Japanese. After the war, one of the conditions for Chinese withdrawal from Northern Indo-China was the establishment of a free port at Haiphong. Only last week a reliable source in Tokyo reported that Communist China had secretly sounded the French on a settlement which would involve recognition of Peiping and the grant to it of the right freely to use the railway system, the Red River and the port of Haiphong.

Chiang's strategic dream is to reverse the historic pattern and use Haiphong, the railroad and the Red River as his *inlet* to China. Intervention in the Indo-Chinese civil war would give him a bridgehead on the mainland, a protected landing place, and then a base of operations from which to penetrate Yunnan and Kwangsi provinces. "United action" would provide for the use of his troops. Their task would be to seal off the Chinese border. If this brought the Communist Chinese into the Indo-Chinese war, as it almost certainly would, Chiang's line is that with strong aerial support he might be able to establish himself across the border and begin on the job of "rolling back" the Communists. This grandiose scheme is being sold as a form of "letting Asians fight Asians." It is argued that it would not involve any need for American ground troops, that Chiang would require only logistic naval and air support, and that he could by this means establish a *cordon sanitaire* in the South which would really contain the Communists. So runs the siren song from Formosa.

A Hint Was Enough for London

It was the hint of just such concrete planning rather than the more generalized question of "united action" which led the British so firmly to rebuff Dulles. The plan is unpopular with all sides in the Indo-Chinese dispute. The French, like the British, fear it would be the beginning of what Chiang has all along wanted—a World War III to restore him to power. The French do not in any event relish the idea of handing over the northern part of their colony to the Chinese pretender. The Vietnamese—right and left—had their fill of Chiang during the period in which his troops occupied the territory north of the Sixteenth parallel. One reason Ho is

said to have accepted the Hanoi agreement of March 1946 for a Vietnamese Republic within the French Union, with temporary re-entry of French troops, was so he could get rid of the Chinese, whom the Annamites have long regarded somewhat as Poles do the Russians and Irish do the British. Both sides in Vietnam seem to oppose "internationalization" of the conflict and to oppose partition as only another way of setting the stage a la Korea for international conflict at their expense.

Chiang's scheme is making headway in Washington, despite its obvious dangers. Secretary of Defense Wilson, who is a moderating influence, has been persuaded to visit Formosa soon to judge for himself the capability of Chiang's troops. Dulles and Radford in the Administration, Nixon and Knowland in Congress, are strongly in favor of such an adventure. Eisenhower is being drawn weakly along in tow. His statement to Senator Flanders that "no military operation would be undertaken alone unless it had the support of the people of the region—unless we were fighting for them" has been misconstrued as reassuring. On the contrary, it envisages American intervention without Western aid if it had "the support of the people of the region." What is the region? Obviously not East Asia as a whole, which opposes intervention. Is it hoped that an "independent" Bao Dai, with French control cast off, may gravitate to the American orbit and call for "help?" What is the restive Syngman Rhee supposed to do if Chiang's troops and America's planes go into action in the South? Resumption of the Korean war would suit his temperament and the necessities of such a conflict—providing, of course, he did not collapse if left to hold his front alone.

Only Way to "Stop Communism"

The liberals who write lugubriously of Dulles's defeat at Geneva as some kind of national catastrophe ought to have their noggins examined. The revolt against the reckless and faltering leadership of Washington is the one hope not only of world peace but, if we must use invidious phrases, of "halting the march of Cummunism in Asia." For it is only by recognizing Communist China and ending the hopeless attempt to squelch native aspiration in French Indo-China that stability may be restored and a firm line drawn, not for war but for peace and co-existence. It is only on such a basis that the great Asian neutrals may be led to underwrite and stabilize a settlement. This is London's perspective, but here the liberals quail at uttering such suspect words as "compromise," "negotiation," "coexistence" and "peace." With few exceptions, as the hasty defeat of the Couderet amendment last week showed, only rightists dare to speak up for military non-involvement and diplomatic sobriety.

Long Secret State Dept. Report Reveals That in World War II

Ho Chi Minh Worked With Chennault to Rescue U.S. Fliers

In the Library of Congress we came across a mimeographed once secret State Department intelligence report (UB 250-U33) on Indo-China, dated October 25, 1945, declassified in 1947. We reprint major portions for the light it throws on the remarkable career of Ho-Chi-Minh and for its tantalizing glimpse of the cooperation between Ho and Chennault in rescuing American fliers during the war, and between Ho and an unidentified American group against the Japanese. The report refers to him under his original name, Nguyen-Ai-Quoc, "now known as Ho-Chi-Minh."

Son of a Mandarin

Nguyen-Ai-Quoc is reported by source to be the most experienced and intelligent of the Annamite Nationalist-Communist leaders. Born 1892, he is the son of a mandarin in Nghe-An Province of Annam, where the revolutionary tradition was strong. He received his education in Hue at the famous College Quoc-Hoc. From his earliest childhood (which was said to be not very happy—his father was an alcoholic addict, and later dismissed from his administrative position), he resented the servility of the mandarin to the French. As a youth, source says, he had a strong desire for knowledge and travel. In 1911 he is said to have left his home in Saigon at the age of nineteen and worked his way around the world. Described as possessing a natural gift for languages, he was able during his peregrinations to learn English in New York, French in Marseille and Russian on Montparnasse (Paris).

In Paris, he practiced several different trades but specialized in photo-finishing. According to source, he lived an austere life, used his savings to buy books and magazines which contained extremist treatments of politico-economic and social questions, and associated with the French Communists . . .

Pleaded for Annam at Versailles

At the end of the First World War, he is said to have drawn up a list of Annamite claims and to have presented it to the Versailles delegates. He founded in Paris the International Union of Colored Peoples . . .

Ai-Quoc was one of the leading exponents of a "new trend" in Communist policy which, after 1923, advocated attacking European countries through their colonies and establishing an alliance with Sun Yat-sen. In 1923 Ai-Quoc went to Moscow as the representative of Indochina to the International Peasant Conference. He remained there several years studying the Bolshevik doctrine and revolutionary methods and associating with Soviet leaders, who were said to respect him for "his remarkable intelligence." When "thoroughly prepared," he was sent to Canton to work in the press bureau of the Soviet consulate. There he said to have founded a branch of the League for Oppressed People, and the Society of Young Revolutionary Annamites, which was the first Communist organization for Annamites in China. In 1926 he published, *Le Procès de la Colonisation Française* (Paris) in which he violently attacked colonial policy . . .

Emphasized Nationalism

The orientation Ai-Quoc gave to his program is said to have been nationalistic rather than communistic; he regarded the latter as a subsequent stage. Recognizing the Annamites' love for property and their patriarchal family system, as well as the numerical and intellectual weakness of the proletariat, he planned, according to source, first to assure Annam's independence under a democratic-bourgeois regime and then, by a second step, to integrate it into the Soviet Union. Under his direction, syndicates [trade unions] of students and workers were organized, and he founded the Annamite section of the "League Against Imperialism and

Colonial Oppression . . ." In Cochin China he organized syndicates among workers in the Franco-Asiatic Petrol Co., in the arsenal, in the electric plants of Cholon and Saigon. In Tonkin, the workers of the cotton and silk mills of Haiphong and elsewhere were organized. In Annam, the same thing occurred in the railroad companies, the forest service and the schools.

Jailed In Hong Kong

In 1931, when the Communist party was at its period of greatest strength (six years after its birth in Indochina), it numbered 1,500 members with 100,000 affiliated peasants. Ai-Quoc was termed its "founder, mentor and savior." That same year, however, he was arrested in Hong Kong, reportedly through the cooperation of the British police on 6 June . . . He escaped from Hong Kong to Canton . . . However, shortly thereafter he passed through Hong Kong on his way to Saigon. This time he was arrested and sentenced to two years imprisonment. He made an appeal to London, and while awaiting its result, he was held at the prison hospital because of his precarious health. Source says he was cared for in prison with a devotion that can only be attributed to the fear that his death (he was very ill with tuberculosis) would make him into a popular martyr . . .

Another source reports that after his prison sentence, Ai-Quoc was released through the efforts of Mr. Loownsby, an English attorney. Under the name of Ho-Chi-Minh he went to Fukien where he stayed some months, then to Shanghai, and finally back to Indochina. During his imprisonment and thereafter until 1942, he and the League were active underground. In this year, he went to China as the representative of the Viet-Minh League. Immediately upon crossing the frontier, he was imprisoned by the Chinese for 13 months.

Worked With Gen. Chennault

After his release at Liuchow, he went to Kunming to contact the Chinese and Americans, and his own underground organization. While there, he did some translating for the Office of War Information. From Kunming, after having been in contact with General Chennault, he flew to Posen and went from there with an AGAS team to Caobang. He worked with this team and its organization, establishing a network all over Tonkin Province to aid American pilots who were forced down in French Indochina. This work continued until the end of the war, but an additional American group worked with him against the Japanese in July 1945 . . .

Ai-Quoc was reported by Paris newspapers on 2 September 1945 to have assumed the title of President of the Viet-Nam Republic, following the abdication of Bao Dai, Emperor of Annam . . . On 17 September Ai-Quoc was quoted as saying that his government is willing to accept "even French advice, so long as the French come as friends and not as conquerors." . . .

According to De Gunzberg, representative of the French press, and Thorpe, of the Associated Press, who have had interviews with him, Ai-Quoc made a favorable impression upon them. He appears to be a sincere and capable man. Jean Dorsenne in *Le Peril Rouge en Indochine*, gives his physical description as follows: "Ai-Quoc has the appearance of a Russian nihilist; he has a high and well-formed forehead; his deep-set eyes are soft and reflect the incurable melancholy so natural in certain types of Dostoyevsky; his high and hollow cheeks reveal the inner flame and are feverishly colored; a line of bitterness deforms somewhat his mouth." Another source describes him as "mystic and ascetic." All sources, however, agree he has a remarkable degree of organizing ability. . . .

I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$15 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

Vol. 2, Number 16



May 10, 1954

The Week in Washington

Best news of the week was the order handed down by the U.S. Circuit Court of Appeals here against the Attorney General in the National Lawyers' Guild case. The decision was by two conservative members of the Circuit bench, Wilbur K. Miller and Prettyman. It will force Brownell to hold up his kangaroo court proceedings for putting the Guild on his subversive list while the courts pass on the Guild's contention that the Attorney General has no lawful power to draw up such a list anyway.

The Attorney General's list, begun privately by Francis Biddle, made public by Tom Clark, has become an American Index used in ever wider circles to deny employment to persons suspected of subversive association, whatever that means. Only a few days ago it was announced that insurance agents in the District of Columbia would have to obtain loyalty clearance; the list figures in this. Earlier listings were made by the Attorneys General without hearings of any kind. In belated response to a Supreme Court decision of several years ago Brownell set up ersatz hearings like that in loyalty proceedings. Interminable interrogatories must be answered (under penalty for false statement) to qualify for the hearing and in this there is no right to know the exact charges or to examine accusing witnesses.

The ever widening tendency to exclude men from professions and employment was touched on in a little noticed dissent by Douglas and Black the other day from a Supreme Court order upholding the interstate compact by which New York and New Jersey govern the employment of longshoremen. Conviction for a crime, affiliation with Communists or being held "a danger to the public peace or safety" is enough to debar one from employment. The order does not foreclose constitutional challenge later, but Douglas and Black felt the terms should be "tested at the very threshold."

Herbert Brownell's unscrupulous manipulation of falsehood and melodrama in his attacks on the Left were again exemplified this week by the way the Department of Justice launched its action before the Subversive Activities Control Board to have the Veterans of the Abraham Lincoln Brigade listed as a Communist front under the Internal Security (McCarran) Act of 1950. This hounded mutual aid organization representing that brave handful of men who fought Fascism in Spain will some day again be accorded the respect it deserves. The Department came up with the headline-catching floozie that the real purpose of the Abraham Lincoln Brigade was to train Communist soldiers for "der Tag" in this country!

Another bit of Brownelliana: In a plea for wiretap legislation on March 18 (as readers will recall) the Attorney General said "When they will next strike, who will be their victim, what valuable government secret will be the subject of a new theft . . . these are all matters that Communist agents talk about over telephones today." But browsing

through the 1955 Justice Department budget hearings before the House Appropriations Committee we came across (pages 162-3) this testimony of J. Edgar Hoover, "The security measures which the Communist party have taken in order to thwart the efforts of the FBI have been many and detailed in character . . . The use of the telephone and telegraph is avoided . . . They communicate through couriers and avoid the use of written communications." Brownell ought to start by tapping Hoover's wires so he could get his facts straight.

The Senate's investigating committee in the McCarthy-Army row ought to summon J. Edgar Hoover to testify about the mysterious letter suddenly produced by McCarthy. From the queasy disclaimer given by Hoover to a committee aide, it is clear that McCarthy's document is substantially a copy or summary of a letter sent by Hoover in January 1951 to the then Army Intelligence Chief about "dangerous" security conditions at Fort Monmouth. Since extensive inquiry has failed to turn up even a "Fifth Amendment" case at Fort Monmouth, the document would seem to reflect an unflattering light on FBI processes. It is useful to recall at this point that the Mrs. Annie Lee Moss case also involved a letter by Hoover to Army intelligence warning that this poor woman was a security risk and that the committee hearings, like the Army's, weighed Mrs. Moss's word against those of Mrs. Markward, Hoover's informer, and found in favor of Mrs. Moss. We have long thought there was an undercover feud between FBI and Army Intelligence in which McCarthy was being used. It is a pity there is no one on the Senate committee (or anywhere else in Washington) with the nerve to question Hoover about the leak to McCarthy of FBI material damaging to the Army.

As for the McCarthy circus itself (watching the TV is becoming a morbid national affliction) the important thing is not so much what happens in Washington as in the minds of the beholders around the country. Since we have subscribers in every State of the Union, we'd like to make our own informal survey. Would readers kindly send us what information they have on public reaction in their area for a roundup story? If you have a suppressed desire to be a reporter, here's your chance.

Mexicans, who have fewer votes and therefore fewer rights even than Negroes in this country won a victory in the Supreme Court last week when a unanimous ruling by Chief Justice Warren in the *Hernandez* case (see the *Weekly* for last January 18) reversed the conviction of a Mexican for murder because there were no Mexicans on the jury. This is a blow to Anglo-Saxon white supremacy in its stronghold, Texas.

The weakness of anti-war sentiment in Congress may be seen in the swift and summary defeat (377-58) of the Coudert amendment to the defense appropriation bill which would have forbade the President to use American troops abroad (except in self-defense or fulfillment of existing treaty obligations) without a vote of Congress. The mood of most members: they don't want to take responsibility either for war or for measures to safeguard peace. A liberal Republican, Javits (N.Y.) led the fight against Coudert and only one liberal Democrat (Condon of California) had the nerve to support Coudert in the debate. (Franklin D. Roosevelt, Jr., made a long speech that same day on the need for giving more milk to soldiers—to sop up the milk surplus—but was silent on this anti-war amendment.) Only an ultra-conservative like the New York corporation lawyer, Coudert, dares fight war involvement these days; the liberals are too scared. Remembering the Rapp-Coudert witch hunt in the New York schools, some teachers may have noted wryly that colleagues have gotten into trouble for sentiments less radical than those Coudert himself voiced—to his credit—last week.

Clairvoyant remark as the Taft-Hartley debate begins in the Senate: "1954 might well be the last chance for a number of years to improve the Taft-Hartley Act"—U.S. Chamber of Commerce Washington Report, April 23, 1954.

How Vulnerable Are We to Atomic Attack?

Enlightening Session With Wilson and Radford

Mr. CANNON. We were told about two years ago, Mr. Secretary, that if Russia should send over 10 planes carrying atomic bombs, 7 of them would get through . . .

What is the situation now with respect to that? . . .

Secretary WILSON. Admiral Radford is going to appear before you tomorrow, or whenever you want him, and he has a good analysis of the situation—how many we could stop. It would depend partly on the time of day they came. It would depend upon how much warning we had and it would depend upon whether they did it now, or 3 years from now.

I will say this, my analysis would indicate that the Russians have been much more afraid of us than we are of them, and their buildup has been a defensive buildup. . . .

Mr. CANNON. But going back to the real point at issue, whether under modern conditions with the Russians starting 10 planes from a Russian airfield at the time, and under the circumstances they considered most favorable, how many would reach their targets in America?

Secretary WILSON. Well, I would like you to have Admiral Radford answer that question . . . I do not want to get into the category of people who express opinions off the cuff.

Mr. CANNON. To a Secretary of Defense such a vital subject should not be off the cuff . . . You would not say that none would get through?

Secretary WILSON. No, I would not say that. I would rather say that I do not expect the Russians to try in the near future . . .

Mr. CANNON. Then, while you will not say that none of these Russian planes will reach their target, you think fear of retaliation rather than the difficulty of getting through might prevent such an attack?

Secretary WILSON. Yes. But they would lose many bombers and trained crews and I do not believe they could keep it up. **IT WOULD BE A TERRIBLE THING FOR OUR PEOPLE TO TAKE FOR A WHILE.** [Emphasis added.]

This is what happened when Admiral Radford appeared:

Mr. MAHON. The American public is attracted to the spectacular possibility of an atomic blitz. Everybody thinks in those terms . . .

Admiral RADFORD. I would like this answer off the record. (Discussion off the record.)

Mr. MAHON. If a Member of Congress goes to his district and makes a speech and yields for questions, which many Members do, one of the very first questions that the audience will ask is, "Congressman, how vulnerable is this country to an atomic attack?"

That is the question that Congress is interested in and the country generally.

What can you say about our vulnerability to atomic attack? I am not saying there is a probability or the likelihood of an atomic attack, but my question is how vulnerable would we be if someone in his foolhardiness, shall we say, should undertake an atomic attack?

Admiral RADFORD. I would like to answer that off the record.

Mr. MAHON. On the other hand, if you could say something on the record that would be appropriate, I think it would be good.

My point is, in World War II, 95 percent of our bombers got through to their targets, I believe. That is a conservative figure. Well, if we should be attacked today, could 95 percent of enemy bombers, under favorable conditions, get through perhaps on a one-way raid? I am trying to get some kind of an over-all estimate.

Admiral RADFORD. Off the record.

Mr. MAHON. I would like for you to discuss the degree of vulnerability of this country to atomic attack, what the possibility would be of enemy planes getting through to their targets, and so forth, in the event of an all-out emergency. I realize that you will have to use discretion in putting certain information on the record.

(Discussion off the record.)

—House Appropriations Committee Hearings on the 1955 Defense Department budget, Pps. 71-3, 139-40.

Why Not Send a Gift Sub Now?

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

5-10-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. 2, NUMBER 17

MAY 17, 1954



WASHINGTON, D. C.

15 CENTS

What Kind of Independence Do We Offer in Southeast Asia?

Free Elections in Indochina Now? Mr. Dulles Says "No"

It would be foolish to imagine, because of the setbacks suffered by Mr. Dulles, that the danger of American intervention in Southeast Asia is over. The United States has almost always gone to war reluctantly, and after assurances by its leaders that they would keep us out of war. But the interventionists seem to manage ultimately to have their way, whether it be in a good cause or a bad.

As Republicans and Democrats begin to draw together in a revival of bipartisanship (see survey on page two) and the conditioning of the public mind for intervention is continued by the State Department, it would be well to focus attention on the question of "independence." Every war has to be a crusade. It must find a high purpose. The emotional mobilization requires some glittering conception as its center. The liberals and the idealists need its bright sheen to mesmerize themselves into the proper frame of mind for another outburst of human slaughter. The key concept in this case seems to be that of independence. All our liberals repeat that if only the French would give the Indochinese their independence . . . The implication is that this would make it a "good" war, a war in which we might join with clear conscience.

The Questions Nobody Faces

That there is something phoney in this is indicated by the fact that no one stops to analyze what independence means. An independent people has a right to determine its own destiny. But no one stops to ask what we should do if the Indochinese, on being set free by France, were to decide that they preferred peace to war, even at the expense of compromising with their own Communists. No one stops to ask what we should do if Indo-China, on becoming independent, were to establish a coalition regime. After all Bao Dai has been at various times the puppet of the French, the Japanese and of Ho Chi-minh himself. What if he were to settle for an Imperial throne over a coalition government? Or what if there were to be an election and Ho Chi-minh were to win? Everyone who knows Indochina seems to agree that Ho is regarded with reverence as a national hero even by his opponents.

We tried to draw Mr. Dulles out on these questions at his press conference last week, and believe his answers were revealing, though few if any papers reported them. We give them as he made them, except that we do so as required by State Department rules, in indirect discourse. The first question was whether the Secretary would favor genuinely free elections in Indochina. Mr. Dulles replied that he would favor genuinely free elections under conditions where there

would be an opportunity for the electorate to be adequately informed as to what the issues are. At the present time, he continued, in a country which is politically immature, which has been the scene of civil war and disruption, he would doubt whether the immediate conditions would be conducive to a result which would really reflect the will of the people. His answer, in other words, was "No."

This, on reflection, is a bit puzzling. If those in rebel-held territories are victims of Communist oppression, as we insist they are, then surely they would vote against Ho in a genuinely free election. If the rest are menaced by aggression, as we insist they are, then they would surely vote against their aggressors in a genuinely free election. Here we are being asked to intervene and "save" the Indochinese—yet the Secretary of State is not sure that they want to be saved, i.e., that they would vote right if given a chance. On the other hand, if he regards them as politically immature—the phrase is his, as the official transcript will verify—then how does he differ from the French colonialists who think that Indochina is part of their white man's burden?

The next question we put to Mr. Dulles was this: he had said it was government policy to oppose any Communist advance in Southeast Asia "by whatever means" achieved. What would be his attitude toward the victory of Ho or a coalition in a free election. Would he recognize such a government? Mr. Dulles ducked the question the first time but when it was pressed again he replied that he had just said that he did not think present conditions conducive to a free election there and he did not care to answer the hypothetical situation that might result if they did have elections.

Since Bao Dai for the Vietnamese is now proposing elections as a solution, the question is hardly hypothetical in any distant sense. It seems to me that the answers indicate that Mr. Dulles does not like the idea of free elections in Indochina and is not at all sure that the rebels would lose.

Just Like Eastern Germany?

A little later we put another question which followed naturally from what had already been said. We asked—Mr. Secretary, if you regard the Indochinese people as too immature politically for free elections, do you regard them as politically mature enough for independence at this time? Mr. Dulles replied that he did not say that the people were too immature for free elections. He asserted that he had said that conditions were not conducive to them. He went on to say that when we had the discussion of the possibility of having elections in the eastern part of Germany, it was

(Continued on Page Four)

Puncturing Some Delusions About A "Great Debate"

Democrats on Foreign Policy: Not A Voice for Peace

Capitol Hill—A week's burst of Democratic oratory on foreign policy has made clear (1) that the Democrats are not a peace party, (2) that they have no real foreign policy, and (3) that they are ready and eager to associate themselves with Eisenhower's, though neither they nor he seem to know just what that policy is.

The principal criticism made by the Democrats of the Republicans is that they have alienated our Western allies. But there is no indication that the Democrats are any more ready than the Republicans to amend the attitudes which created the rift. Mr. Dulles went to Geneva the way Mr. Acheson went to a whole series of conferences, ready to negotiate nothing but unconditional surrender.

If Mr. Dulles can be accused of "unilateralism," here too he was but carrying on the pattern. It was Mr. Acheson who (after private negotiations with Dr. Adenauer) sprang German rearmament on Britain and France in the autumn of 1950 without advance consultation. It was under Mr. Acheson's aegis that Mr. Dulles crammed an unpopular Japanese treaty and the prospect of Japanese rearmament down the throats of reluctant allies.

There was no indication in Democratic oratory of any readiness to see the British point of view on recognition of Communist China or any French view but M. Bidault's on Indo-China. The Democrats did not advocate negotiation, compromise or conciliation, and they talked by and large as if the Indo-Chinese war were a simple matter of Chinese aggression.

At the Jefferson-Jackson Day conference, Senator Gillette of Iowa said Mr. Dulles' hands at Geneva were tied, but he showed no readiness to untie them. "We could have hauled the Red aggressor before the bar of public opinion," Gillette said, "but we preferred to revert to outworn methods of military intervention." Senator Green of Rhode Island spoke of McCarthyism's bad influence on the foreign service but provided no line on policy. Texas Senator Lyndon Johnson's highly overrated speech derided Mr. Dulles for not standing up to the Communists at Geneva.

Humphrey Still Believes In Navarre

In the Senate next day Mansfield of Montana got up to say that "to withdraw now, to negotiate a settlement which would lay open all of Indochina to the conqueror's heel, would be to break faith with those of Dien Bien Phu who gave so much." Humphrey of Minnesota rose to commend him, saying "there is still time." "General Navarre," Humphrey said, "has a long range plan of military operations which, if given an opportunity to be worked out and put into effect, can and should lead to ultimate victory." Humphrey ended by saying, "I plead with the Administration to share its burden, to share its information, and to share its responsibility." The Democrats are ready to enlist.

Kefauver of Tennessee on Monday implied that if the Republicans had not been so critical of intervention in Korea it would have been easier for them to manage intervention in Indo-China. "Echoes of such phrases as 'Mr. Truman's war,'" he told the Senate, ". . . helped to make this great nation ineffective in dealing with the threat of Communist aggression in Indo-China."

One Republican, Flanders of Vermont, and the Independent, Morse of Oregon, joined in that day's assault. Flanders was incredibly confused. At one moment he praised the Colombo conference and in the next criticized Nehru for saying that in America every issue was seen in simple terms of "black and white." Nehru "must understand," Flanders said, illustrating the Indian's point beautifully, "that when the moral values are scorned and the souls of men are attacked there can be no neutrality."

Morse rose to say that it was "reassuring" to listen to all this "common sense." He said that "following Dulles would be following the Administration into war in Asia" but he himself is for military intervention in Indo-China if we can go in "as part of a United Nations program."

The prize for pathos goes to Smathers of Florida for the speech he made later that same afternoon. Smathers thought the time had come "to reinforce those ancient and honored but tired and worn allies of the Old World, with the vigorous, young forward looking nations of the New World." (Like Peron's Argentina?)

"While Dien Bien Phu," he told the Senate, "marks a point of despair, and Geneva makes us feel alone and naked before the world, when we come home and embrace again the friends and neighbors who surround us, we must admit a warm secure feeling." Not a single Senator rushed to the rail, so hardy are now the stomachs of the Conscript Fathers.

It was in the course of arguing for this alternative policy that Smathers committed what was probably the finest mixed metaphor in the history of the Senate, the world's richest source of these literary treasures. Smathers complained that Venezuela "one of the closest friends of the United States and a country which pays cash for what it needs" (how we love the bosom friends who pay cash!) had to buy destroyers recently from Britain although in this country "there are," Smathers observed solemnly, "acres of destroyers in moth balls."

Kennedy's "Ideal" Solution

Kennedy of Massachusetts, made a speech in Princeton Tuesday night in which he suggested that if Bidault's terms were rejected the ideal solution would be resumption of the war, and training of more native troops "with additional assistance by the United States," though it might be two years (he said) before these native troops were strong enough to allow French withdrawal. Kennedy urged larger defense appropriations and a greater air force and confessed "It is difficult for a Democrat not to rise to his feet and cheer when the President speaks of 'unleashing' Chiang Kai-shek . . ." Byrd of Virginia, in his speech here Monday night to the plumbing contractors, was the only one of these Democratic Senators to say that "as of now I am of the firm conviction that we should not become a fighting participant in the Indochina war." Even with him the "as of now" qualifies the "firm."

Mr. Truman's visit was pleasant; the man who seemed a pigmy after FDR seems a scholar statesman beside his successor. But his speech to the press club offered little on foreign policy beyond those cliches about partisan politics stopping at the water's edge. Bipartisanship in war may be patriotic and necessary, but bipartisanship on foreign policy in peace time means withdrawing from discussion and democratic decision the most fateful decisions of our time. Why should there be bipartisanship on the China question or on the H-bomb? The result is to leave national policy to be made by the State Department and the military bureaucracy.

Senator Knowland got in the last word on the Truman plea for bipartisanship when he recalled to the Senate last Friday that neither the Republican opposition nor the Democratic leadership was consulted by Mr. Truman in the making of the decisions which led to intervention in Korea.

Ready to Join "Ike's War"

Though the Republicans made much of "Truman's war" in the 1952 election, all the signs indicate that the Democrats will go along loyally and willingly with Ike's, any time he gets up nerve enough to take the plunge.

Brownell's Developing Program for War and Fascism

Two New Police State Bills by Ike's Chief "Political Assassin"

Former President Truman referred to Attorney General Brownell as a "political assassin." The Attorney General came forward last week with two new police state bills, S. 3427 and S. 3428. These are (like the detention camp provisions of the Internal Security Act) in the developing pattern of legislation designed to punish people not for wrongful acts or even for ideas deemed wrongful but for acts they are held "likely to commit" some time in the future. Prospective guilt has not hitherto been an Anglo-American legal conception.

S. 3427 is to liquidate "Communist-controlled" corporations, labor unions or other organizations "which are in a position to affect adversely the national defense or security." The Internal Security Act already sets up the categories of "Communist action" and "Communist front" organizations. To this, the bill would add a third, "Communist-infiltrated" organizations. These may be thrown into liquidation by the Subversive Activities Control Board, without proof that they have ever done anything unlawful.

S. 3428 is designed to bar from industrial establishments "individuals believed to be disposed to commit acts of sabotage, espionage or other subversion," the last named term being as usual undefined. Brownell slickly explained that this bill by requiring "specific charges and hearings" guaranteed due process. But Section 3 (b) says nothing contained in the Act "shall be deemed to require any investigatory organization of the United States Government to disclose its informants or other information which in its judgment would endanger its investigatory activity." This means that as in loyalty cases the source and content of accusations may be withheld from the accused, leaving him to defend himself in the dark.

The loose charges and political mendacity for which Brownell has distinguished himself should be enough to put the Democrats on notice as to the danger of giving this man such extraordinary powers over people and institutions he may attack as "Communistic." But there is no sign that Democratic leadership in Congress has the nerve to oppose any legislation which purports to be against Communism. S. 3427 is thinly sugar-coated with a provision repealing the non-

Communist oath provisions of the Taft-Hartley Act (as recommended last year by the House Un-American Activities Committee!) It is appalling that even so liberal a Democrat as Murray of Montana, in the debate which saw the defeat of the bill to amend the Taft-Hartley Act, criticized the amending legislation because it failed to do anything "about the problem of Communism in the labor unions." Brownell has now come forward with his own solution. The Butler bill would subject "communistic" unions to the Subversive Activities Control Board. Brownell would liquidate them altogether.

Contempt Charged Against Gold's Lawyer

Whether as another means of intimidating lawyers who defend radicals, or as backfire to the jury-tampering charges against the government in the Ben Gold case, the Department of Justice has initiated criminal contempt charges against Gold's counsel, Harold I. Cammer for sending a questionnaire to the grand jury which indicted Gold. Cammer's purpose was to determine the effect of the loyalty program on jurors who are Federal employes. The use of such questionnaires derives from the Dennis contempt case (339 U.S. 162) in which the Supreme Court refused to hold that a jury of government employes could not give a radical a fair trial but said "The way is open in every case to raise a contention of bias from the realm of speculation to that of fact." This meant that such jurors could be disqualified if the defense was able to prove that the atmosphere made fair consideration impossible.

A questionnaire was used by the defense in challenging the presence of Federal employes on the jury in the Case of Scientist X (Weinberg) last year. The defense in the Emspak case made a similar jury challenge. The government in opposing a hearing on the jury issue, argued "There is not the slightest indication in the long motion and offer of proof that an attempt had been made to interview a single one of the persons," i.e. of the grand jurors who indicted Emspak. Cammer is now charged with criminal contempt for doing in the Gold case what the government complained that defense counsel failed to do in the Emspak case.

Senate Testimony on How Easily Wire-Taps May Be "Forged"

Senators Told How A Famous Churchill Speech Was Distorted

Almost unnoticed, despite its sensational character, was the testimony given by Hon. Robert Coar, director, Joint House-Senate Radio Facility, U.S. Congress, on May 6 before the special subcommittee of the Senate Judiciary Committee considering legislation to authorize the use of wire-taps as evidence. We give the most important portions here:

MR. COAR. Some 20 years ago I was District Plant Engineer for the New York Telephone Company, and in that capacity one of my assignments was to make searches for wire-taps . . . Subsequent to that, I have, prior to coming to Washington and shortly after . . . some 19 years ago, done some development work for the FBI in design of wire-tapping equipment. . . .

MR. COLLINS. Mr. Coar, when you play back and record the information obtained, can that tape recording be altered?

MR. COAR. Yes, I have a graphic demonstration of that . . . Simply by playing it back on to a plastic tape, recording on the tape and re-recording from the tape back to the wire, there is no way at all that anyone can tell that there have been changes made in what was on the original wire . . .

You may recall that when Winston Churchill addressed the House we made a tape recording of his speech, and he had just had some new teeth put in, and so the reporters

missed some of it, and asked if they could come up and hear the recording of the tape.

You may recall that he said: "I came not to ask you for money. I came to ask for military aid. We English are putting out all we can towards this effort." And so on and so forth. Mr. Clark changed it around so that Mr. Churchill in very good voice and without any detecting it said: "I came here to ask you for money. The English do as they please. What we do with your money is our business."

So the reporters came in the room and started to take down this testimony and continued taking it down with a straight face, exactly as we had it on the tape. We stopped them after two or three minutes, because we knew they were busy. It just shows what can be done. And these people were right there in the Chamber when that was said. . . .

SENATOR WILEY. With all this scientific work that has been done you mean that there is no way to know that the second tape is phoney?

MR. COAR. That is right, sir.

SENATOR WILEY. Then it all goes to the question of the integrity of who is tapping the wire, the integrity of that fellow?

MR. COAR. That is right, sir. . . .

The Familiar Answer to Colonial Aspiration Everywhere

Mr. Dulles Thinks Indochina Too Immature Politically

(Continued from Page One)

the plan—the so-called Eden plan—that the elections should not take place until there had been a preparatory period, because it was felt that the people were so terrorized, so misinformed that quick elections held there under existing conditions could not be expected accurately to reflect the real views of the people and their intelligent judgment. If we felt that way, Mr. Dulles concluded, as regards Eastern Germany, certainly we are entitled to feel the same as regards Indochina.

This reply will also bear study. We had been told that the people of Eastern Germany are so full of hate for the occupying power and their Communist puppets that only force holds them down. Under the circumstances, why should a preparatory period be necessary to register their "intelligent" judgment?

Says Bao Dai Doesn't Want Independence Now

Our final question was, then do you favor independence for Indochina at this time? The answer in effect was no. But we shall let Mr. Dulles give the answer his own way. He began by saying that he believed that their complete independence should be absolutely assured. But he continued by saying that now the question as to the exercising of complete independence is another matter. He said he had spoken to their representatives. He said he had a long talk with Bao Dai. They don't, any of them, Mr. Dulles continued, feel at the moment they would want the French to withdraw or want to sever their relations with the French Union because they know that there would have to be a transitory period during which they are able to build up the strength necessary to exercise independence.

Today, Mr. Dulles went on, if they attempted to be wholly independent and if the French were withdrawn, which is the Vietminh proposal, their independence would not last probably for more than a few days. And just as the United States would not have granted independence to the Philippines in the middle of the Second World War, it would be foolish to

expect and in fact the governments of these countries do not expect, that they can instantly exercise full independence. But there should not be any doubt whatever, Mr. Dulles concluded, but what their independence is assured them under times and conditions so that they will actually be able to exercise it and enjoy it.

This is agile, if not succinct. The analogy with the Philippines is clever but specious and serves only to confuse. The Philippines were occupied by the Japanese in the middle of the Second World War. The analogy would be closer if in the Philippines we had been helping the Japanese and their war-time puppet government to hold the country against a popular resistance movement. In Indochina we have been supporting the occupying power, France, and its puppet, Bao Dai, against the resistance movement which fought first the Vichy French and then the Japanese during the war and the French since. In this context it is natural to fear, and correct to assume, that if Bao Dai, the puppet of these successive foreign powers, were cut adrift and real independence granted the country, his regime could not survive more than a few days. Popular sentiment is largely on Ho's side, and even on the far right against Bao Dai.

Mr. Dulles is against independence for Indochina or free elections there until he feels sure its people can be counted for "the free world." But it must seem to Asians an odd kind of free world that fears free elections and independence.

This talk of "political immaturity" is familiar in Asia. It has for many years been the answer of the West to every colonial demand for freedom. This is the language of Kipling, and Kipling is not exactly the Bible of any colored or colonial people. He is the poet laureate of white supremacy.

These answers by Mr. Dulles deserve a better fate than to gather dust in the State Department's files during the weeks ahead when we may be asked to send our sons to Indochina, to safeguard its "independence," and to preserve its "freedom." We ask our liberal friends, before they are sucked into the maelstrom of war emotion, are you prepared to defend Indochina's right to real independence, even if that means letting its people choose Ho Chi-minh over Bao Dai?

Why Not Send a Gift Sub Now?

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

5-17-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. 2, NUMBER 18

MAY 24, 1954



WASHINGTON, D. C.

15 CENTS

The Negro Strides Toward Full Emancipation

For weeks on Mondays, when opinions are handed down, the Supreme Court press room had drawn a full house, including an unusually large number of Negro reporters. Last Monday, after we had all begun to give up hope of a school segregation decision that day, an unusual event occurred. Ordinarily opinions are given out in the press room after word comes down the pneumatic chute that they have been read in the courtroom above. This time the light flashed and there was a different kind of message. The press aide put on his coat and we were all shepherded into the court chamber to hear the opinion read and receive our copies there.

In that tense and crowded marble hall, the Chief Justice was already reading the opinion in *Brown et al. v. U.S.* He read in a firm, clear voice and with expression. As the Chief Justice launched into the opinion's lengthy discussion of the Fourteenth Amendment, the reporters, white and Negro, edged forward in the press boxes, alert for indications of which way the decision was going. "We come then," the Chief Justice read, "to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities?" In the moment of suspense which followed we could hear the Chief Justice replying firmly, "We believe that it does." It was all one could do to keep from cheering, and a few of us were moved to tears.

There was one quite simple but terribly evocative sentence in the opinion. For Negroes and other sympathetic persons this packed the quintessence of the quieter misery imposed on members of a submerged race. "To separate them," the Chief Justice said of Negro children, "from others of a similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." So the 58-year old ruling of *Blessy v. Ferguson* was reversed and the court ruled "Separate educational facilities are inherently unequal . . . segregation is a denial of the equal protection of the laws."

Among the audience streaming out of the Chamber when

the Chief Justice had ended, the lawyers for the NAACP suddenly began to embrace each other outside the doors. They had achieved a giant stride toward the full emancipation of their people. The growing political power of the Negro had prevailed over the growing wealth of the Republican party's newest recruits, the Texas oil millionaires. In a showdown, American democracy had proven itself real. It was the votes which counted.

The unanimous ruling seemed too explicit to be whittled away in the enforcing decree. The rehearing next Fall on the form of that decree, the invitation to the Southern States to be heard, offer a period in which tempers may cool and bigots be allowed second thoughts. At the best, Jim Crow will not be ended overnight. The clue to what is likely to happen in most cities, North and South, may be found in a clause of the questions on which the Court will hear argument in the Fall.

The Court is to consider whether "*within the limits set by normal geographic school districting*" Negro children shall "forthwith be admitted to schools of their choice" or a gradual changeover be arranged. Since most Negroes in most cities already lived in more or less segregated Negro sections, these will still have largely Negro schools. It is on the borderlines that mixing will begin; ultimately the pattern of segregated schools will break down with the pattern of segregated Negro housing areas. The ultimate impact must revolutionize race relations and end the system of inferior status and inferior education which has kept the ex-slave a menial.

The decision may be enough to ensure a Republican victory in the Fall elections. If we have not blundered into war, if there is not serious unemployment, the reaction of the Negro to the segregation case may be decisive in many industrial areas. This is especially so if there is a prolonged outburst of bitterness in the South. Were the Democratic party not irremediably split on the race question, the issue of Federal aid to education and a Federal school building program might give the Democrats a chance to steal the G.O.P.'s laurels and make inroads among the building trades. But of such a strategy there is little prospect.

The Drift Toward War Continues

Some basic observations may be useful guides amid the confusing day-to-day news from Geneva, Washington and Indochina. The first was well stated by Nehru in opening the foreign policy debate in the Indian parliament last week. Nehru said the contending forces in the world were now so evenly matched that neither could impose its terms on the

other. "If there is to be a settlement," he declared, "it has to be a negotiated settlement and not by imposition."

The second observation is that only one side feels it can afford peace. While the two hostile blocs are evenly matched at the moment, one of them will fall apart if there is a negotiated settlement and real peace. The world Communist

movement and its dictatorships can hold the Soviet bloc together even if there is peace. But only the danger of war can cement the much more loosely organized American bloc. Given a settlement between the U.S. and the U.S.S.R. and consequences must follow which will dissolve the American-organized alliance. Without a sense of tension and fear, Congress cannot be counted on to keep up the flow of dollars abroad and military appropriations at home. Most of our allies—perhaps all of them except Turkey—do not feel immediately threatened by the Soviets. Most of these allies are concerned with older, nearer and easier rivalries: the French with the German, the Italians with the Yugoslavs, the Arabs with the Israeli, the Pakistani with the Indians.

The Germans and the British are the only ones who have a history of rivalry with the Russians, and neither are any longer strong enough to stand the gaff of prolonged tension (the cold war) or a new world war. The somewhat milder tone of the Kremlin since Stalin died and the risky character of American policy have been enough to bring London and Bonn (and of course Paris) closer to Moscow. Churchill's change of attitude is the most striking evidence of this; he obviously feels that he did not become Her Majesty's First Minister in order to liquidate the Empire as an American satellite in a new world war.

This accounts for much of the confusion and desperation evident in Washington's shifting policy on Indochina. So much more than Indochina is involved. A chain reaction threatens, has indeed begun. In Germany, Adenauer is already having trouble holding back his right wing and big business allies who want to deal directly with Moscow for trade and for the reunification of the Reich. At Bonn, as in Paris, the moderate Catholics on whom our policy depended in the construction of a "Little Europe" are slipping from power. The rift between London and Washington over Geneva is serious. But should fighting flare up, the British would be swept in behind us to protect Hong Kong and Malaya. That is why we are drifting again toward the policy of the *fait accompli*. Chiang may create the situation; new air fighting off the China coast will bear watching.

There is a third observation, perhaps the most important one of all. It is that the leadership of American society basically has no faith in the capacity of our system to stand

up in peaceful competition and co-existence with the Soviet bloc. The Soviet bloc needs peace and its leaders feel sure that eventually the rest of the world will go their way without there having to do much about it. The dictatorship of the proletariat is in many ways the most effective device yet invented for compulsory saving and the exploitation of labor, i.e. the diversion of huge sums from consumption to capital accumulation and investment. Our leadership fears the swift pace of Communist industrialization; the increased military power it will bestow; and the trading benefits it can offer the in-between powers like Germany and Japan. Washington fears that given ten or twenty years of peace, and the Soviet bloc will become too strong to be defeated. A profound defeatism and pessimism, perhaps a subconscious admiration for communist dictatorship, lie behind the views of those like Dulles and Radford who think it is now or never.

Against that background one must place Indochina. As long as the war between the French and Ho promised to go on, we were not excited about it. The prospect of a settlement upset Washington because a settlement meant a French withdrawal and a victory for Ho. An extension of Communist power southward to Haiphong and Saigon portended another shift in the balance of power to the advantage of the Soviet bloc. This is more than Washington can take.

The British who have more maturity, better nerves, a longer experience and less money to spend believe rightly that the longer a settlement with Ho is delayed the worse the ultimate terms will be. They think such a settlement necessary before a new line and a new balance can be achieved and the Far Eastern situation stabilized. But for the reasons outlined above our leadership is not sure it wants the situation stabilized. We did not recognize the revolution in Russia for 15 years, and hope that by not recognizing the revolution in China maybe it will go away, or crumble, or that Chiang can do from Formosa with 250,000 men what he could not do in China with 5,000,000 men.

Thus a neurotic great power, unsure of itself, goaded by extremists at home, with its peace movement gagged, and still (despite Korea and Indochina) under the delusion of quick and easy victory by airpower, drifts toward war. It would be unwise to underrate the danger where such weak hands are on so skittery a wheel.

Of (McCarthyite) Cabbages and (Banana) Kings

The decision to continue the McCarthy hearings is a decision to carry the fight between the Eisenhower Administration and McCarthy to a final showdown in which (barring some accident like war to bring about a party reconciliation) one must destroy the other. This is not a fight McCarthy can win, and the result must be to drive him out of the party and toward the leadership of some minority fringe group. Prediction seems hazardous in assessing a combat between a man as resourceful as McCarthy and one as weak as Eisenhower but more than personalities are now involved. McCarthy took on the Army and the party too soon. . . .

The State Department and the Pentagon have begun to indulge in some pretty shabby "documentation" to condition the public mind for war. An indication on a smaller plane of how foolish they—and the White House—can become is the

outburst over supposed arms shipments to Guatemala. The whole affair has stirred derision in Latin American circles here, though none of it is openly expressed. The fact seems to be that Guatemala, denied arms by the United States and allied countries, has been shopping elsewhere. As a sovereign government, it has a right to buy arms where it pleases. What we are really trying to do is to enforce an illegal arms embargo against Guatemala because it is engaged in a dispute with the United Fruit Company. The actual facts of the present affair are still in doubt. As we go to press, the owners of the Swedish vessel have denied in Stockholm that it carried arms from Stettin. In much the same hysterical vein was the attempt by Dulles to link the Honduras strike with Guatemala. The fact is that Honduras has no labor legislation whatever, and labor unrest there was long overdue.

Around the Capitol

Wire-Tapping Can Be Beaten: It may already be dead insofar as this session is concerned. The able and exhaustive series of speeches against wire-tapping of any kind begun by Morse (Ind., Ore.) in the Senate last Tuesday is indicative. Morse's relations with McCarran are friendly and the latter, ranking Democrat on the Senate Judiciary Committee, is as hostile to Brownell on this issue as are the liberal Democrats. With Morse, there is a clear majority against wire-tap legislation altogether or for the McCarran bill, which provides severe penalties for unauthorized wire-tapping. The Justice Department prefers no legislation to this measure, since its operatives admittedly tap wires. Hostility to Brownell and pressure from the more militant Students for Democratic Action led the ADA this year to reverse itself and oppose wire-tapping of any kind. So did the CIO. The ACLU this year at last was ready to accept limited wire-tapping ("there is no such thing as limited wire-tapping," Morse told the Senate) under safeguards. Morse put into last Tuesday's Congressional Record the full text of a report by the Chicago Bar Association recommending the defeat of all wire-tap bills.

Knowland on Munich: Dulles' latest speech on the impossibility of co-existence "between freedom and despotism" will recall to many persons his readiness to co-exist with Axis despotism before the war. But few know that his comrade-in-arms Knowland was also an "appeaser" vis a vis Fascism. The May 15 issue of the London *Economist* (p. 533) digs up the editorial on Munich published by the Oakland, Calif., *Tribune*, the Knowland family newspaper which the Senator was helping to run at the time. The paper praised Chamberlain for his decision to meet with Hitler and a few days later said, "To those responsible for today's conference at Munich too much credit cannot be accorded . . . It may be necessary for sacrifices to be made in certain quarters but when the alternatives are countless human lives and the destruction of untold millions in property values, such sacrifices are worthwhile. This is an eventful day in world history." The real question in the

minds of people like Dulles and Knowland is not "freedom or despotism" but revolution or counter-revolution, and dictatorship is acceptable, whether Hitler's or Chiang's, as long as it serves to hold back revolutionary change.

Our Last Major Peace Movement: By contrast the old America First crowd, now reorganized as *For America*, is as opposed to a war against communism as it was to a war against Fascism. In this it follows the line of its chief sponsor, Colonel McCormick of the Chicago Tribune. Since this crowd would be McCarthy's chief base in the event of a complete break with the Republican party leadership, and he is out to oppose whatever Eisenhower wants, do not exclude the possibility that McCarthy may take a demagogic line in opposition to intervention in Indo-China, as he has taken a 100 percent parity line with the farmers. McCarthy's obsession is not communism but power.

God Is Still Being Protected by the FBI: While an uproar from the Protestants forced McCarthy (and later Velde) to drop J. B. Matthews, J. Edgar Hoover is still spreading the gospel according to J. B. While Hoover does not take the line that the Protestant churches are the chief danger, he continues to picture (as in his recent speech here to the Military Chaplains Association) a Communist plot to infiltrate and take over the churches. Since such plotters would hardly preach plain and simple communism from the pulpit, all who preach the social gospel or voice a social conscience must be suspect. Conclusion: The pulpit must be policed by the FBI against dangerous doctrine and dangerous thinking as evidence of subterranean conspiracy.

And Speaking of Plots: The Jenner committee last week, opening a new series of hearings on the strategy and tactics of communism, put on a prize witness, an anti-Communist Russian professor on leave of absence from Georgetown University to organize underground struggle against the Soviets. His testimony: that Moscow was plotting to drag the U. S. into another Asian war. Does this mean that Dulles, Nixon, Knowland and Radford are Red plotters, or just dupes?

Why Excommunicate A Blessing in Disguise?

A Glimpse of the Real Italian Attitude Toward Communists

All who love Italy, and appreciate the subtlety and kindly cynicism of the Italian, will be charmed by a dispatch from Rome, "When Catholics Turn Communist," published in the May 7 issue of the Catholic weekly, *The Commonweal*. The Pope four years ago issued a decree excommunicating Communists. The dispatch deals with a report on the results published by "the venerable fortnightly of the Italian parish clergy, *La Palestra del Clero*."

The decree seems to have succeeded neither in driving Catholics out of the Communist party nor in making them anti-religious. The report shows that in the four years since the decree 1,626,957 "more baptized Italians have voted Communist or pro-Communist, which brings the total number of 'Catholic Communists' to nearly ten million" or more than one-third the total vote cast. On the other hand, "the amazing thing—and this is the difference between Italy and France—is that a great proportion of the people who regularly vote Communist have proved (particularly in the countryside) to be as attached to their religious traditions as to Communism."

"It is natural," the report in the *Commonweal* says, "that the Italian parish clergy are most disturbed by this overlapping between Communism and Catholicism. But it is asked if a more rigorous policy would be of any avail. Is it possible to treat approximately one out of every three Italians as if he were personally excommunicated?"

So Italian Communists continue to receive the sacraments

and Italian anti-Communists, being Italians, are sharp enough to see the advantage of having Communists around. If it were not for the Communist danger the correspondent reports, "Italy would not have received half the American aid which in fact has been given." A right-wing cartoonist in Rome "recently represented Italy as a machine, fed with American dollars, producing Communists who in turn stimulate Uncle Sam to pour more dollars into the machine."

That is not the end of the covert blessings the Italian sees in the Red Menace. Thanks to it, "one out of every three soldiers is politically unreliable." This and "the number of Communists in the Italian factories and ministries, means that in case of war the West would use the Italian army and Italian factories as little as possible . . . Consequently, unless Italy was to become a theatre of war, which is unlikely, she would be safer from destruction than she would be if the Communists were not there."

So, according to the *Commonweal's* Rome correspondent, the Italians feel that the presence of a large Communist minority serves to protect Italy from a future war. "The non-Communist Italians . . . rightly refuse to call it consciously Machiavellian policy, for it is not. They simply consider it to be luck, the luck which Italy has so often had—'la stellone d'Italia,' Italy's big lucky star." So Il Pape winks at the padre and the padre winks at his Communist parishioner in this typically Italian tableau.

JENNINGS PERRY

Ike Passes Political War Buck to the Holy Joes

Despite the occasional envy of their home-keeping brethren of the cloth, the life of our military chaplains is not all interesting travel and soft billets. It has not been made easier by the President's recent injunction to them to do a better job of seeing to it that every American soldier knows what he is fighting for. Indeed it is not beyond the mercy of understanding to suppose that even after their commander-in-chief's directive, and time for prayerful meditation upon it, the good chaplains may be at a loss as to just how to proceed.

The task laid out for them in Mr. Eisenhower's address to the 22nd annual convention of their association is specifically that of instilling in the soldiers the religious values vital to "defend freedom against totalitarianism." Such a ministry to soldiers naturally would have for aim the improvement of the fighting quality of the troops. It is a job delegated in some other modern armies to political commissars. What must give pause to our chaplains is, first, the necessity of selecting only those religious tenets which strengthen a man's spirit and arm for battle, since many religious teachings are downright pacifistic, and, next, an inevitable doubt as to the practical merit of any religious motive as a tactical support in armed conflict.

In other times, it is true, the levies could be sent forth under the Cross or the Crescent with the cry "In this sign conquer!" and great deeds of valor were done both by the true believers and the dogs of infidels, and great loot was taken. But in warfare in our day the tough admonitions of the sergeant rather than the counsels of the clergy seem to steel the recruit. And at Dien Bien Phu, now gazetted for glory, the heroic tenacity of a mixed garrison composed largely of Foreign Legion adventurers of all faiths and no faiths admittedly was due to two quite secular factors—discipline and desperation. Gen. de Castries' last report was to his commanding superior, his last salute "Vive la France." The nameless soldiers who fought to the end with "matchless courage" could have done no more for lofty ideals than they did in the wan hope of keeping their heads alive upon their shoulders.

Considering the forces whose military effectiveness was exemplified at Dien Bien Phu, our chaplains well may be disturbed by the reflection that the other side, with or without benefit of clergy (and without a plane to cover its heads) fought bravely too; and that in all wars one side as much as the other will be convinced that its cause is the just.

These things cancel. The chaplains are of course part of the armies whose uniform they wear, and as adequately imbued with patriotic bias as their fellow officers. They do not have to be told to preach crusades any more than they have to be told that if they should perchance so yield to the promptings of conscience as to dwell on those religious values vital to defend mankind against all thought of war, they would not long continue in uniform and rank.

They have a proper function in the camps and behind the battle lines—consolation, whenever it will be received. Whenever they become propagandists, they are apt to place the dieties they serve in very embarrassing situations. "Gott mit uns" is a dangerous doctrine. It has not been long since, in our own land, partisan clergy devoutly blessed one section and damned another . . . Which no doubt is why my veteran grandfather, in his age, preferred Kipling to Beecher and nodded knowing assent to Fuzzy-Wuzzy the "pore benighted heathen, but a first class fighting man."

Wanted

One thousand more readers before summer sets in. Will you help by renewing now if you have not yet done so or by sending a gift subscription to a friend?

—I. F. Stone

Why Not Send a Gift Sub Now?

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

5-24-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. 2, NUMBER 19

MAY 31, 1954



WASHINGTON, D. C.

15 CENTS

Why Brownell Had to Crawl in The Lorwin Case

Behind the sensational collapse of the Lorwin perjury case in Federal District Court here last week was a month's desperate maneuvers by the Attorney General, first to save a leading Republican brain truster from being made to appear a malicious fool and perhaps a perjurer in public, and then to save himself from a possible citation for contempt. The extent of the desperation may be measured by the gravity of the steps taken to resolve the crisis.

The brain truster is Harold W. Metz, a product of Brookings Institution, the academic kept woman of American big business. The loyalty board testimony by Metz which Federal District Court Judge Curran ordered the Justice Department to produce would have done more than hurt Metz's reputation. The full revelation of Metz's political illiteracy would have damaged the Republican National Committee, for which Metz was research director from March, 1936 to May, 1942, and the Hoover Commission, on which he currently holds the same position.

The Lorwin indictment last December, coming as it did a month after Brownell's attack on Truman in the Harry White case, was intended to be an Eisenhower Administration showpiece, at once a means of appeasing McCarthy with a personal triumph and a demonstration that the Executive department could be trusted to clean house on its own. Val R. Lorwin, once a minor State Department official, was the first of those on McCarthy's famous list of "81 Communists" to be indicted, and his trial was in effect also to try and condemn the "old State Department" loyalty board officials who had appraised those charges and cleared Lorwin.

The Government Suddenly Balks

Lorwin was indicted for falsely denying that he had ever been a member of the Communist party, carried a party card and held a Communist party meeting in his home. The case began to collapse on May 7 when Federal District Judge Curran ordered the Justice Department to produce the transcript of the testimony Metz had given against Lorwin before the State Department loyalty board. Though the specific charges depended upon Metz and it would have been necessary to produce him in court to convict Lorwin, at this point the Justice Department suddenly balked. The government argued that production of the hitherto secret testimony would endanger internal security, breach its "confidential" classification, endanger sources of information, etc.

Unfortunately for the government these familiar pleas were impotent on this occasion. For one thing, the FBI did not consider Metz a "confidential informant." The FBI last April handed over the text of the statement made by Metz to it in July, 1950, during the investigation precipitated by

the McCarthy charges and the loyalty inquiry. This statement had been produced in response to the usual pre-trial defense motion for examination of any statements by prosecution witnesses. It was at this point that for the first time Lorwin learned that his accuser was Metz, an old friend and one-time associate of his father, Lewis L. Lorwin. The defense then moved to subpoena Metz's loyalty board testimony under a recent Circuit court ruling (*Fryer v. U.S.* 207 F. 2d 135) which held that the defense is entitled (by Rule 17c) to all documentary evidence which may be used to impeach the witness.

Judge Curran ruled that no question of internal security was involved and that the alleged confidential character of the loyalty board proceedings had been waived when the government gave Lorwin a transcript of the proceedings minus Metz's testimony. Perhaps the Judge was also impressed by an affidavit from Benjamin C. O'Sullivan, Lorwin's counsel in the loyalty proceedings. O'Sullivan affirmed that the loyalty board, when asked to disclose the identity and testimony of the accusing witness at the time, saw no reason not to make this available if the witness were willing.

O'Sullivan said the board first "invited" Metz to appear and confront Lorwin. When Metz refused, it next asked him to permit his testimony to be made available to the defense. When Metz also objected to this, he was then asked by the board whether it might show Lorwin the testimony without disclosing Metz's name. This was also refused. Obviously this was not a case of a "confidential informant" (his name in that event would not have been disclosed to the loyalty board) but of a man who was afraid or ashamed to repeat in public the testimony he had given in private against an old friend, with whom he had once in 1935 shared a room.

A Well-Known Socialist Family

The loyalty board did not think much of Metz's testimony. The Lorwin-Strunsky clan to which Val Lorwin belongs is a well-known Socialist family. Among the 99 witnesses on his behalf was Norman Thomas. That such charges should ever have been brought against Val Lorwin attests the incredible ignorance and lack of elementary political sophistication among our inquisitors. One of the bits of evidence which particularly impressed the loyalty board was that Communists in 1935 did not have party "cards" but carried little 16-page booklets while Socialists at that time did have red "cards." This, plus a Socialist meeting and a remark made in jest, all remembered 15 years later by a man "hipped" on the question of Reds, may explain the accusation.

(Continued on Page Four)

Can Ex-Communists Ever Redeem Themselves?

The Long and Sinister Shadow Cast By The Galvan Decision

The case of Robert Norbert Galvan decided last Monday in the U.S. Supreme Court went so far in its invasion of civil liberties that it brought together in his defense the two extremes within the American Civil Liberties Union. Side by side on his brief were Osmond K. Fraenkel and Morris L. Ernst. Both are veteran directors of the ACLU but their sharp divergence of outlook is indicated by the former's activity as a leading spirit in the National Lawyers Guild, the latter's as personal counsel to J. Edgar Hoover.

Galvan v. Preis grew out of an order of deportation against a Mexican cannery worker in Southern California. It was the first test of the constitutionality of that provision of the Internal Security Act of 1950 ("the McCarran Act") which makes aliens deportable for past membership in the Communist party, without regard to why they joined, how they left or what their present opinions may be.

Galvan himself was so anxious to prove the sincerity of his break with the Communist party that he had offered to rejoin it as an informer for the government. If Galvan is deportable for past membership, then so are other past members now employed as informers for the FBI and as anti-Communist experts by other branches of the government. The Galvan decision is in this respect the *reductio ad absurdum* of the Red hunt.

How Are Ex-Communists to Be Treated?

Fraenkel and Ernst converged on the case from opposite directions. Mr. Fraenkel, an uncompromising libertarian, who regards civil liberty as indivisible, has long defended the rights of Communists. Mr. Ernst, who regards Communists as "conspirators" and therefore outside the orbit of the Bill of Rights, has set himself up as the champion of the ex-Communist, of his right to the three R's of rehabilitation, redemption and respectability. The Galvan case raised sharply, in the field of deportations, a question that must be resolved in other areas of public policy. How are ex-Communists to be treated?

The defense in the Galvan case argued the thesis put forward two years ago in the Ernst and Loth book, *Report on the American Communist*. "Absent a special juncture in Party affairs making dissimulation a likelihood," the brief urged, "it is much more probable than not that a resignation is bona fide."

Indeed, the brief continues, "the basic premise of our democracy, that truth will be accepted over error, indicates the likelihood that Communists will come to recognize their error." On the basis of FBI figures, the brief notes, most Communists do not stay in the party long enough for a real indoctrination: "among the approximately 700,000 past members of the Communist party in this country, the average length of membership was two or three years."

The Law's Inconsistency

One provision of the McCarran Act recognized the possibility of redemption by allowing aliens who have been members of the Communist party to become citizens if ten years or more have elapsed since they left the Party. Yet the provision tested in the Galvan case would make the same alien automatically deportable, though his membership may have ended 20 or 30 years before! "Indeed," the brief said, "as here interpreted, a past member would be deportable though his change of view had been manifested in his having 'actively opposed' the Communist ideology."

The law thus embodies that old joke about the Sheriff who slugged the man who claimed to be an anti-Communist. It doesn't care what kind of an ex-Communist the alien is. Pro or anti, he is equally deportable. This attitude is made plainer in two other cases recently decided by the Board of Immigration Appeals, *Mita v. Brownell* and *Gomez v. Brownell*. The Board held in *Mita's* case that proof of active

hostility to Communism and present loyalty were irrelevant. The Board ordered Gomez deported as a past member though he had done no more than attend two meetings in 1937 and resigned because he felt that membership conflicted with his faith as a Catholic!

The Cruel Fiction of "Sending Him Home"

Like so many current deportees, Galvan came here as a child and spent most of his life in this country; he is "alien" by legal rather than common sense definition. He was six and a half when he emigrated from Mexico. He has lived here 36 years. He has an American wife, four American children and a stepson who was a paratrooper in the U.S. Army. It is a cruel fiction that deporting him to Mexico would be sending him back "to his own country."

In its details, as in its over all significance, the Galvan case is an affront to traditional standards of fair legal procedure. An uneducated cannery worker, Galvan joined the Communists in 1944 when they were still organized in the Communist Political Association. Then the program (according to the U.S. Supreme Court itself in the Dennis case) was "one of cooperation" with the government (341 U.S. 498) and therefore still lawful. He left, according to the government's finding, in 1946 shortly after the "line" had changed.

There was none of the usual evidence required to prove membership—an application, a card, payment of dues, adoption of a party name. Aside from one confused witness on whom the government itself did not rely in finding the duration of membership, the evidence was Galvan's own admission, given when first arrested in 1948. He was without counsel "and a perusal of the examination as a whole," the main defense brief argued, "clearly indicates he had been led to believe that acquiescence and docility, rather than an attempt at self-defense, was his best chance to avoid deportation."

Where Galvan's Fate Was Sealed

Poor Galvan's fate, it turned out, was sealed by the *Harisiades* case (342 U.S. 580). In that case the Supreme Court in March 1952 had to decide for the first time whether a man could be deported for *past* membership in an organization that advocates overthrow of the government by force and violence.

The Galvan case involved provisions which went a little further than this "extreme application" because the Internal Security Act makes past membership in the Communist party grounds for deportation and so eliminates the need to prove that the party advocates overthrow of the government by force and violence.

The facts in the Galvan case were also more extreme than in *Harisiades*. Galvan's lawyers argued that the latter involved persons whose membership may have been severed by

What The Dissenters Said in 1893

Mr. Justice Brewer: "It is said that the power here asserted [of deportation] is inherent in sovereignty. This doctrine of powers inherent in sovereignty is one both indefinite and dangerous. Where are the limits to such powers to be found, and by whom are they to be pronounced? . . . The governments of other nations have elastic powers. Ours are fixed by a written constitution. The expulsion of a race may be within the inherent powers of a despotism. History, before the adoption of this constitution, was not destitute of examples and its framers were familiar with history, and wisely . . . gave to this government no inherent power to banish."

—*Fong Yue Ting v. U.S.* (149 U.S. 698).

the party itself for reasons of legal strategy while Galvan's case would determine the fate of ex-Communists who could demonstrate that they had broken with the party. The distinction was of no avail.

In Anything But Deportation

In any but a deportation case, a statute of this kind would be vulnerable on many grounds. It could be attacked as a bill of attainder, since by legislative act it finds a whole group guilty of a crime. It could be held a violation of due process, since no proof is required that the alien himself agrees with any unlawful purpose of the condemned group. It could be declared unconstitutional as *ex post facto* legislation, since membership in the Communist party was not unlawful at the time any of these people were members (and indeed is not unlawful *per se* today). It could be criticized as unreasonable, since its proclaimed objective is to break up a Communist "conspiracy" yet under its terms because he was once a Red a proven anti-Communist may be punished. It would be open to attack under the First Amendment since it punishes for associations and activities protected by that Amendment.

Mr. Justice Frankfurter held for the majority in the *Galvan* case last week as Mr. Justice Jackson held for the majority in the *Harisiades* case that a long line of precedents too firm to be shattered made none of these pleas applicable in the deportation of an alien. The law as they handed it down is substantially the law as it was once summed up in a famous Circuit Court decision, "There is no constitutional limit to the power of Congress to exclude or expel aliens." (16 F. 2d 423).

Deportation is a hideous anomaly. Aside from that, under the law as it stands an alien legally resident in this country has all the rights of a citizen except the right to vote or hold office. Neither his life nor his liberty nor his property may be taken without due process of law. Yet the severest punishment of all, in some cases worse than death itself, banishment from the country and separation from his family may be imposed without due process. The accepted doctrine is that deportation is not a punishment, that it is a civil rather than criminal proceeding, that the usual constitutional safeguards do not apply (though they do to other civil actions), that it is a "political" matter outside the jurisdiction of the courts.

Mr. Justice Murphy attacked this whole web of ideas in the *Bridges* case (326 U.S. 135). Justices Black and Douglas protested it in their dissents in both *Harisiades* and *Galvan*. Only two years ago Mr. Justice Jackson (with Mr. Justice Frankfurter concurring) noted uneasily (343 U.S. 169) that this doctrine of the special character of deportation "has been adhered to with increasing logical difficulty."

Both Jackson and Frankfurter washed their hands of blame. "Judicially," the former said in *Harisiades*, "we must tolerate what personally we may regard as a legislative mistake." "One merely recognizes," the latter said last week in *Galvan*, "that the place to resist unwise or cruel legislation touching aliens is the Congress, not the Court."

These wistful expressions do not flow inescapably from the nature of the law. The unwary reader would gather that the precedents which deny aliens full constitutional protection in deportation cases go back to some legal Sinai none may question.

Little Older Than Plessy v. Ferguson

But the precedent which dictated the deportation of the poor Mexican laborer Galvan is only two years older than the precedent the Supreme Court overturned the preceding Monday when it ruled against segregation in the schools. If *Plessy v. Ferguson* was not too hoary to be reversed, neither is *Fong Yue Ting v. U.S.* (149 U.S. 698). The latter was handed down in 1893, also by a split Court, with Chief Justice Fuller and Justices Field and Brewer dissenting. It was not until then, just sixty years ago, that a bitterly divided court ruled for the first time that deportation was not a crim-

What Black and Douglas Said

Mr. Justice Douglas dissenting: "As Mr. Justice Black states in his dissent, the only charge against this alien is an act that was lawful when done . . . I cannot agree that because a man was once a Communist he always must carry the curse . . . Galvan is not being punished for what he presently is, nor for an unlawful act, nor for espionage or conspiracy or intrigue against this country. He is being punished for what he once was, for a political faith he briefly expressed over six years ago and then rejected."

inal punishment and therefore not fully protected by the due process and *ex post facto* clauses. That hardly makes the doctrine coeval with the laws of Moses or of Manu.

If the reversal of the old Jim Crow ruling can hark back to those affirmations of human equality made at the foundation of the Republic, a reversal of the old deportation rule can invoke no less venerable authority. The three dissenters in 1893 were able to quote the Father of the Constitution himself against the doctrine being laid down by the majority. For James Madison, in his Report on the Virginia Resolutions against the Alien and Sedition Laws, said "it can never be admitted that the removal of aliens . . . is to be considered, not as punishment for an offense, but as a measure of precaution and prevention." (4 Elliott's Debates 555).

Majority opinion on the Court now accepts the principle that Congress may order whole groups of persons deported for racial, political or other reasons. The government's argument in the *Galvan* case is as sinister as it is complacent.

"The power of Congress to name the Communist Party specifically is also supported," the government brief argued (p. 11), "by the history of the country's expulsion legislation which contains some famous precedents for group designation without regard to individual worthiness. The Chinese deportation laws are the prime illustration. The Alien Enemy Act of 1798, on which Congress drew by way of analogy, is another, as is the anarchist deportation statute."

The terrible words are "expulsion . . . without regard to individual worthiness." This is not justice as we have thought of it in the past. If a poor alien like Galvan may be separated from his wife and children and country for past membership in the Communist party, may not citizens some day find themselves divested of citizenship and deported in the same way without regard to "individual worthiness," guilt or innocence, Communism or anti-Communism?

The Fatal Progression

Closely linked with deportation is denaturalization, which makes aliens of citizens. Eisenhower has asked Congress for legislation to deprive Communist "conspirators" of their citizenship, whether acquired by naturalization or birth. The idea is being sedulously propagated, often by people who will be themselves victims of it, that all Communists are conspirators.

If conspirators, will they not pretend to be other than they are? Can ex-Communists, though anti-Communists, escape the widening repercussions? Will not some argue, as McCarthy did in Wechsler's case, that the anti-Communism is only assumed? If the safety of the state rather than justice to the individual is to be the norm, will not the doubts be resolved against the individual?

If the foreign born can be made to see the menace of that old 1893 decision, it can be reversed by their political pressure as *Plessy v. Ferguson* was reversed by the political pressure and growing political awareness of the Negro. Events have shown that the fundamental rights of alien and citizen, naturalized and native born, are so closely intertwined that what impairs the liberty of one eats away the liberty of all.

Epilogue: Though the Innocent May Sometimes Go Free**The Guilty Continue to Sit In The Seats of Power***(Continued from Page One)*

In a competently run Department of Justice someone would have reviewed all this carefully before obtaining an indictment. When in response to Judge Curran's order the record was reviewed, it was realized how poor a case the government had and what a fool Metz would appear. But by that time, after two delays, the Attorney General was faced with the possibility of a contempt citation if he failed to obey the order to produce. To drop the case rather than obey the order would have been unseemly, perhaps risky. The dilemma was resolved by the discovery that the prosecutor, William Gallagher, had obtained the indictment by misrepresenting the facts to the grand jury (1) by claiming that two FBI informants were ready to identify Lorwin as a Communist and (2) that there was no point in questioning Lorwin (as the grand jury desired to do) because he would plead the Fifth. Both were untrue and the latter was idiotic, since if Lorwin had pleaded the Fifth there would have been no way to indict him for perjury or false statement. Gallagher was thereupon suspended and made the "goat" and on the basis of these new revelations the government was allowed to drop the indictment without producing Metz's testimony.

The honorable course would have been to obey the court order, and to make a statement clearly saying that there had been no basis for indicting Lorwin. But this would have made a liar of Metz, and disclosed the kind of intellectual who had been chief researcher for the G.O.P. in the 1936 and 1940 campaigns against Roosevelt, and who was now fulfilling the same function for a Commission empowered by law "to study and investigate organization and methods of operation for the executive branch of the Government." This time the egghead was a Republican, and the egg smelled bad.

What Wayne Morse Said of Metz's Work

Metz through the Hoover Commission will continue to occupy an influential place in the inner councils of the government while Lorwin goes back to his teaching position in the University of Chicago with his name still not completely

cleared. The Metz testimony recalls the controversy stirred in 1947 when Senator Wayne Morse in the May-June, 1947, issue of *Labor and Nation*, attacked a Brookings study by Metz and Meyer Jacobstein, called "A National Labor Policy."

The review was headed "Brookings Institution Fixes Facts to Anti-Union Ends" and in it Senator Morse said, "This volume is full of inaccuracy and distortion. It piles innuendo upon half-truth. It is superficial and misleading and inaccurate." His view was supported in the American Economic Review, organ of the American Economic Association. In the June, 1947, issue Herbert R. Northrup said of this book and Metz's previous Brookings Institution study on labor policy published two years earlier, that the two "taken together, are replete with errors and with misstatements of fact and policy, which are in turn derived from questionable sources and biased or unwarranted interpretations." The bias was indicated by Northrup's observation about the 1947 book that its recommendations "present a curious anomaly. On the one hand, the authors would reduce unions to local organizations. On the other, they would subject them to enormous federal control." This is, of course, the kind of scholarship now in favor here.

Metz has been saved from the spotlight, while people like Lorwin, despite clearance, are pushed out of the government. Like many others who have been cleared, he resigned on reinstatement because the ordeal and the state of mind it revealed made staying in public service too unpleasant. It will be interesting to see when and whether Gallagher's suspension will be lifted; his past conduct in this and similar cases makes the government's revelations about this action before the grand jury no surprise. Brownell, having run away, will live to smear another day—perhaps picking his next victim more circumspectly. As for Low Blow Joe, his crimes are so many, who will bother to recall this ignominious collapse of the government's case against the only one of his "81"? Such is the dirty smog that hangs over our national capital in 1954. The innocent may still sometimes obtain justice, but the guilty continue to sit in the seats of power.

Why Not Send a Gift Sub Now?**I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.**

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

5-31-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. 2, NUMBER 20

JUNE 7, 1954



WASHINGTON, D. C.

15 CENTS

The Meaning of The Oppenheimer Verdict

I

The underlying assumption of the Oppenheimer verdict is that he and other scientists like him are no longer needed. His past Communist associations and radical sympathies were fully known to General Groves when Dr. Oppenheimer became his right hand man in the building of the A-bomb. The report of the special hearing board says "a calculated risk" was taken. Indeed the report discloses for the first time that the alternative considered by those in charge of security was "to open up the whole project and throw security to the winds rather than lose the talents of the individual." "What we have learned in this inquiry," the report observes, however, "makes the present application of this principle [of the calculated risk] inappropriate in the instant case." This says obscurely what has been evident for some time from a close scrutiny of official utterance, that the H-bomb is believed to be just about the limit of destructive power which can be safely used. The problem is no longer one of theoretical physics in the discovery of new and vaster weapons, but of applying known theory to the perfection and accumulation of fissionable and thermonuclear weapons.

But this, if true, is only true if one believes that no adequate defense is possible, or even worth exploring on any scale comparable to that expended on the A and H-bomb. The assumption that men like Dr. Oppenheimer can be dispensed with is interlocked with the assumption that the only real defense is overwhelming offensive power. This, too, is implied by the report. For it says that in "evaluating advice" from a scientist, government officials concerned with military matters "must also be certain that underlying any advice is a genuine conviction that this country cannot in the interest of security have less than the strongest possible offensive capabilities in a time of national danger."

This is the Air Force doctrine, *schrecklichkeit* in a new guise. The unfavorable verdict in this respect echoes the indictment brought against Dr. Oppenheimer by the Air Force. As was charged in the May, 1953, issue of *Fortune* in an article reflecting the Air Force point of view ("The Hidden Struggle for the H-Bomb"), "he [Oppenheimer] and his followers have no confidence in the military's assumption that SAC [Strategic Air Command] as a weapon of mass destruction is a real deterrent to Soviet action." The "General Considerations" with which the report seeks to establish principles for future cases makes this the orthodox standard and says advice which conflicts with it is to be regarded as suspect. In this guide to heresy hunting, it is the Air Force on which infallibility is conferred.

II

The full implications of this deserve the widest debate. It is well to recall that the decision to make the H-bomb was taken without consulting Congress or the public; it was only a chance indiscretion by a Senator which leaked the news in the fall of 1949. Now a further decision is taken by a hearing board which went beyond its sole constituted purpose—the Oppenheimer case. Without special military hearings, without listening to the opposing views in the Army and Navy and perhaps the Air Force itself, conformity with the point of view of the Strategic Air Command is made the standard for adjudging whether scientists and others are "security risks."

Thus another fundamental decision of military policy, on which nothing less than the life and death of our country itself may depend, is in danger of being foreclosed. "The strongest possible offensive capabilities" means that nothing is to detract from the main job of mounting the offensive. The psychology of that attitude was made vivid by Oppenheimer himself in the July, 1953, issue of *Foreign Affairs* ("Atomic Weapons and American Policy") when he lifted the curtain a little on a bitter intra-mural dispute. Oppenheimer reported, "A high officer of the Air Defense Command said—and this only a few months ago, in a most serious discussion of measures for the continental defense of the United States—that it was not our policy to attempt to protect this country, for that is so big a job that it would interfere with our retaliatory capabilities." Here we are at the heart of the real controversy which led to Oppenheimer's disgrace and banishment.

III

But do the people of this country want to give up the job of finding new and perhaps adequate defenses against A and H bombs? Are they to acquiesce like sheep in so fundamental a matter? Is the theory correct that massive and overwhelming retaliatory power will ensure peace by frightening the other side into submission? There is a passage in the same section of the report which suggests that history has already shown that this is false. The report discusses Oppenheimer's moral qualms and "emotional involvement" in having helped "to unleash upon the world a force which could be destructive of civilization." Then it says—and these are the words every American should ponder closely—"Perhaps no American can be entirely guilt-free, and, yet, these weapons did not bring peace nor lessen the threats to the survival of our free institutions." (My italics).

This is quite a confession. If the hearing board does not think the A-bomb brought peace when we had a monopoly

of it, what makes the board think bombs can bring peace when both sides have the power to destroy the other? This was the point made by Oppenheimer's famous simile in the same *Foreign Affairs* article when he compared U. S. and U.S.S.R. to two scorpions in a bottle. As for lessening "the threats to the survival of our free institutions," those threats are certainly internal as well as external. And this whole report shows how the spirit of our free institutions are being poisoned from within by the increased fear, hysteria and suspicion the fatal gift of nuclear fission brought with it.

IV

To cope with the dangers from the Pandora's box we ourselves unlocked, we must now seek "absolute security" (as the report puts it) and in that search resolve all doubts against the individual and in favor of the State. This is the first premise of totalitarian society. Just how far the shadow of this case may fall when extended by this means will be evident on reflection. All who agreed with Oppenheimer that the H-bomb should not be built must become suspect with him. The Atomic Energy Committee was 3-2 against the H-bomb; David Lilienthal, Sumner T. Pike and Dr. Henry D. Smyth agreed with Oppenheimer. The AEC General Advisory Committee was unanimously against an H-bomb "crash" program. According to the *Fortune* article, of all the scientists only Enrico Fermi of the University of Chicago "forthrightly sided" with the AEC minority, Lewis Strauss and Gordon Dean. Do all these become security risks or at least men whose advice is suspect?

The infection of the heresy reached into the hearing board itself. The one-man dissenter, Professor Ward V. Evans of Loyola University, who thought Oppenheimer's clearance should be restored, said of the scientist's qualms: "Only time will prove whether he was wrong on the moral and political grounds." And what of those men in the Administration, of Secretary of the Treasury Humphrey and Secretary of Defense Wilson and of Eisenhower himself who have been cutting Air Force appropriations and believe balanced forces and a healthy economy important to true defense? The theory made the orthodox standard by the hearing board is not the theory on which this present Republican Administration has proceeded, nor the theory implied in the President's famous atomic message of last winter. Can there be true debate and honest advice, mutual trust and respect, in the atmosphere this report reflects and will in turn deepen?

V

The impossible search for "absolute security" is incompatible with a free and healthy society. If this is to be national policy, why should anyone be trusted? There is a momentum here which plays into the hands of those who are prepared to be most unscrupulous and extreme in pandering to a growing paranoia. One of the charges against Oppenheimer is that he testified for others who were security risks. Shall we, then, trust the long list of men who testified on his behalf? They included some of the most distinguished names in American banking, business, education and science. But will this protect them from a Jenner or a McCarthy? Will the men who smeared General Marshall hesitate before these lesser lights in their struggle to achieve power by panic?

The way is cleared for them by the draconian rhetoric of the report. "There can be no tampering," it says, "with the national security, which in times of peril must be absolute, and without concessions for reasons of admiration, gratitude, reward, sympathy or charity." This is resonant with the fanaticism of Terror; this is the spirit in which Robespierre sent Danton to the gallows, and Stalin condemned Trotzky and Zinoviev. Neither "gratitude" nor "charity" is to stand in the way of "security." The only difference is that the wrinkled face of the counterrevolution, frightened of the future, peeps out from between these fallacious lines.

Why fallacious? Because they carry terrible and familiar hidden assumptions. "Security" is set up as a standard, as if it were a known quantity, easily weighed and determined. But actually where does security lie and who is to determine it? The answer of this report, if read closely, is that the military and the secret police are to be the judges. Not Congress, not popular discussion, not free debate, but the Generals and the FBI are to determine what "security" is and make the rest of us conform to that standard. The society sketched out by this report is a combination of the garrison and police states.

Attention is invited first to the final section of the "General Considerations." This deals with "the role of scientists as advisers in the formulation of government policy." It says that officials dealing with security and officials "charged with the military posture of our country" must be certain that the advice they seek "appropriately reflects special competence on the one hand, and soundly based conviction on the other, uncolored and uninfluenced by considerations of an emotional character."

This is naive. It tacitly assumes that somehow the security officers and the military men do approach these problems with objectivity and without emotional bias. But what is more emotional than J. Edgar Hoover talking on the Red menace, or one of our Generals invoking God (as they do nowadays in all their speeches)? The work of the secret police and of the military breeds special types of mentality, with their own characteristic professional biases and emotional colorations. These things are unavoidable in these special tasks. The point is that in a free society special biases tend to cancel off in free debate, and that special constitutional safeguards are set up to prevent control by those very types of men on which this report relies. The very structure of the government was designed to perpetuate civilian as against military control, and the main bulwarks of the Constitution were erected against abuses by the police.

VII

We have come full circle in our constitutional development. One of the tests set up by this report for a security risk is whether a man is prepared to subordinate his private judgment to that of the security police. In the section on whether a man may be loyal and still a security risk, the report says a proper attitude of mind "must include an understanding and an acceptance of security measures adopted by responsible Government agencies." This implies that the government knows best and its decision must be accepted. "It must involve," the report continues, "an active cooperation with all agencies of Government properly and reasonably

concerned with the security of our country." "Active co-operation" would seem to be a euphemism here for informing.

But this is not all. The report goes on to say that this proper frame of mind "must involve a subordination of personal judgment as to the security status of an individual as against a professional judgment in the light of standards and procedures when they have been established by appropriate process." Finally, the report says, "It must entail a wholehearted commitment to the preservation of the security system and the avoidance of conduct tending to confuse or obstruct." What is thus called for is complete allegiance to the FBI. Anything which might "confuse or obstruct" is to be avoided.

On the altar of security as thus established all else is to be sacrificed. In discussing Oppenheimer's readiness to defend Dr. Edward U. Condon* and his continued friendship for certain security suspects, the report says pompously, "Loyalty to one's friends is one of the noblest of qualities." But it adds immediately afterward, "Being loyal to one's friends above reasonable obligations to the country and to the security system, however, is not clearly consistent with the interests of security."

It is because of these friendships that the majority found Oppenheimer a security risk, though loyal. It complains that several times Oppenheimer declined to answer questions by the FBI about friends, declaring the questions irrelevant. It uses an extraordinary phrase to condemn Oppenheimer for this. It says "he has repeatedly exercised an arrogance of his own judgment with respect to the loyalty and reliability of other citizens to an extent which has frustrated and at times impeded the working of the system."

A medieval inquisitor might have used that phrase—"the arrogance of his own judgment." At least an ecclesiastical court would have been setting up over private judgment some system of ancient and venerable tradition. This sets it up against the anonymous judgment of a notoriously unreliable and politically illiterate secret police.

VIII

A striking example of how wrong, unfair and vengeful the secret police can be is afforded by this report's references to Joseph W. Weinberg, once notorious as "Scientist X." He is flatly called a Communist and accused of having been involved in espionage. Yet nowhere in this report is there the slightest reference to the fact that when Weinberg denied these charges under oath and was tried for perjury here in the District of Columbia he was acquitted. He had been long pursued by the FBI and smeared by the House Un-American Activities Committee (in its 1948 pre-election special Atomic Espionage report). Yet when he failed to plead the Fifth and the government finally got him into court, the government failed ignominiously to prove a case.

One of the witnesses against Weinberg was the same Paul Crouch who gave testimony against Oppenheimer. Crouch is one of the government's stable of kept witnesses. His testimony is shot through with distortions and contradictions, and typical splurges of remembering years later what he

* The report does not call Dr. Condon a security risk but criticizes Oppenheimer for being ready to defend Condon even though Condon criticized him. Oppenheimer is condemned for not being vindictive!

McCarthy Slips On The Banana

Mr. Chavez. At the beginning of the address of the Senator from Wisconsin—and I believe everyone agrees with him that we should prevent enslavement by any Communist government—he mentioned Guatemala. What about the enslavement of the people of Guatemala by economic pressure? Would the Senator from Wisconsin care to give us his ideas on that subject?

Mr. McCarthy. Let me say to the Senator from New Mexico that the enslavement of people in Guatemala is the same as Communist enslavement anywhere else. Guatemala is under the thumb of the Communist conspiracy, which at this time is attempting to sweep into other Central and South American countries.

Mr. Chavez. That is bad; but what about enslavement by the United Fruit Company?

Mr. McCarthy. I cannot answer as to that.

Mr. Chavez. I will tell the Senator from Wisconsin: The people of Honduras and Guatemala are starving under a form of economic enslavement.

—U. S. Senate, May 19.

could not earlier recall. The one allegation of Communist association against Oppenheimer which the hearing board dismissed as "inconclusive" was Crouch's story that the Communists held a meeting in the scientist's home with Oppenheimer in attendance in the summer of 1941.* Oppenheimer presented evidence to show that he was away from home during that period and no such meeting could have taken place. One wonders why the hearing board could do no better than to call this allegation "inconclusive." Was this an example on its own part of that wholehearted acceptance of security methods (informers and all?) which it sets up as a standard for judging risks?

IX

Nothing that ever came from the pen of Edgar Allan Poe quite matches in horror the full report of the special hearing board in the Oppenheimer case. A great scientist, a sensitive man, a loyal and devoted citizen (by the board's own findings) was confronted again with the regurgitation from the sewers of the security files.

But perhaps nothing in the story is more horrible than the defense offered in the dissenting opinion. Professor Evans said there was not "the slightest vestige of information" to indicate that Oppenheimer was not loyal, and added—as if this was the highest recommendation—"He hates Russia."

Not just communism alone, but "Russia," a whole nation, a historic concept, a hundred million people. But where but in present day Russia could one match the standards, the police state philosophy, the suspicions of this report? Must a scientist "hate Russia" to be respectable? Is it not his province to try and understand what "Russia" is? Can a Christian nation thus enforce a new Gospel of Hate? Can a nation be really secure which demands blind unreasoning hatred instead of understanding? Is it not likely this way to blunder into war and disaster?

* Last week Crouch threatened to file a \$1,000,000 libel suit against the Alsop brothers for exposing him in their columns and demanded an investigation into what he termed a conspiracy by the Alsops, Drew Pearson, the Honolulu Record, the Daily Worker, the Nation and I. F. Stone's Weekly to damage his reputation.

By Ralph Barton Perry: A Plea for A Live-and-Let-Live World

Because of its urgent timeliness, we are reprinting from the New York Times of May 27 a letter by Ralph Barton Perry, Professor Emeritus of Philosophy at Harvard, which we believe deserves to be circulated as widely as possible by peace groups here and abroad.—IFS.

Some years ago the country was persuaded to adopt the policy of "negotiation from strength," and during the interval the strength has been achieved and published at home and abroad. This policy was taken to mean that when it became apparent that our policy was not dictated by weakness the emphasis would be shifted to negotiation. But this is not what has happened. In proportion as our military and industrial power has been increased we have become increasingly disposed to threaten and to lay down ultimata.

In order that their political support may be obtained the American people have been encouraged to believe that they can have their way in the world provided only that they keep ahead in efficiency of atomic weapons and in the size of the stockpile. We are increasingly dictatorial in relation to our associates and increasingly bitter and suspicious toward our opponents. This attitude of mind is unrealistic and fatuous.

The world is likely for some decades to come to be divided into two opposing camps so evenly balanced that open war, implemented by modern technology, would be so devastating as to prevent the realization of the aims of either party. There is no possibility of peace by force in any constructive sense of the term "peace"; in the sense, namely, of a resumption of the social and cultural progress through goodwill and cooperation. The only alternative to a peace by negotiation is a prolonged stalemate or an era of violence in which all parties are ruined altogether.

Peace Requires Patience and Mutual Concessions

Peace by negotiation does not mean the abandonment of principle. It means that the realization of the kind of world which we desire, and rightly desire, must be postponed until it can be realized by peaceful persuasion; as is now, after centuries of wasteful bloodshed, recognized in the sphere of religion. Meanwhile we must live together on the surface of the same planet with those with whom we profoundly disagree and whose creed we hope and believe will ultimately be rejected by the suffrage of mankind.

Peace by negotiation implies that there shall be a flexibility of policy adapted to time, place and circumstance. It implies making concessions as well as demanding them. The door to negotiation is closed by every absolute laid down in advance, such as the nonrecognition of Communist China, or the nonadmission of Communist China to the United Nations, or the nonpartitioning of Korea, Germany or Indochina.

Peace by negotiation implies a residue of comity, patience despite provocations. It implies a will to agree, never silenced or weakened by the acrimony of dispute. Peace by negotiation implies that the initiative and leadership in world affairs pass from the bitter-enders, however strong, and the utopians, however idealistic, to statesmen who contrive workable formulas of settlement.

Officials Imprisoned By Their Own Propaganda

The diplomatic agencies are said to be imprisoned by public opinion and by domestic policies. This is undoubtedly true, but it is often forgotten that these agencies themselves are largely responsible for the imprisonment. Public officials themselves create political forces and popular attitudes. They are the principal instruments not only of political action but of political education. Through their perpetual harping on the menace of communism they have created a political atmosphere in which anti-communism has become the chief condition of social prestige and of appointment or election to office.

In this atmosphere paramount political power is exercised by full-time career anti-Communists who have no other asset or qualification whatsoever—no ideas, no solutions of problems, no enlightenment, nothing but the tedious reiteration of this negative appeal to fear and suspicion.

Strength means not only bargaining power, but also magnanimity. A powerful America can afford to make concessions without loss of pride. There is a kind of pride which manifests itself in self-congratulation, boasting or the brandishing of weapons, and which has to be excited by a tribal war dance. This is the pride of the weak. The pride of the strong manifests itself in the steady pursuit of long-range objectives of the sort which can be achieved only by understanding and generosity.

Extra Copies of This Issue Are Available—Why Not Distribute Some?

Why Not Renew Now?

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

6-7-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. 2, NUMBER 21

JUNE 14, 1954

WASHINGTON, D. C.

15 CENTS

The Split Is Over World War III, Not Indo-China

The split within the Eisenhower Administration is not merely a split over what to do about Indo-China. The division of opinion is more fundamental. It is between those who think World War III unavoidable, and those who believe peace is possible.

Those who think World War III unavoidable believe the U.S. will lose it unless war is precipitated before the Russians have a long range continental bomber and an ample supply of H-bombs. This, by their calculation, is two or three years.

The Pentagon Is Also Divided

In assessing the situation, some familiar stereotypes are deceptive. The "Pentagon" and "the military" are not in this meaningful concepts. The Army Chief of Staff, Ridgway, and the Army generally (Van Fleet is the exception, as was MacArthur) tends to take a conservative view, quite unlike Radford and most of the Air Force and Navy crowd.

There is one report in Congressional circles that Ridgway was so strongly opposed to intervention in Indo-China that he threatened at one point to resign. The Army view reflects the thinking of the infantry, and the feeling that after the glamor boys of the Air Force get through it is still the foot soldier who has to do the dirty work and take the terrain. Eisenhower, as an Army man, shares this view.

The conflicting reports, statements and speeches out of Washington become less confusing if read not as statements of policy, but as efforts—by sharply differing officials—to win public opinion to their side. Nixon, Knowland, Radford, Carney and Dulles have all been trying to condition the public mind for war.

"Big Business" Also Not Single Minded

Another deceptive Leftist stereotype links "big business" with war. "Wall Street" is also divided. As a matter of fact the only organized opposition to war at the moment comes from this sector. Its two spokesmen in the Cabinet, Secretary of the Treasury Humphrey and Secretary of Defense Wilson, are both on the side of peace. This contrasts sharply—despite another stereotype—with the belligerence or cowed silence of our labor leaders.

The Carney speech was an indirect reply to that made a few days earlier by Secretary Humphrey at the Farm-City Conference in New York City where he received a Government Economy Award along with Hoover and Senator Byrd. The Humphrey stress was on the need for a sound economy: "the worth of our defense must be measured not by its cost, but by its wisdom." More important than the speech were the private talks in which Humphrey, Hoover and Byrd rallied support against a reckless military policy.

Wilson Returns Unconvinced

The Carney speech, though cleared only as a "personal" utterance, made page one headlines. The press buried the more important address last week by Secretary Wilson, his first on returning from the Far East, though it reflected dominant policy. It got a big play in the British press, but ours is so conditioned to war alarms that it missed what Wilson was saying.

Wilson was prevailed upon by the "wild men" to go out to the Far East and see for himself in the hope that he might change his mind about intervention. He came back, as might have been expected, more strongly confirmed in the views that he had when he left. He is stubborn, shrewd and plain spoken, with a good shop foreman's instinct for the tangible and distrust of big vague talk.

At his last press conference before leaving, Wilson argued against an oversimplified view of the Indo-Chinese war. "I know," he told the press, "that wars aren't things to be quickly rushed into and it is going to require a lot of patience and understanding and effort to avoid war, and it's worth the try." He warned against trying to police the world alone and ended by asking the reporters, "Do you think the American people think we ought to intervene over there and send ground troops in and take over the war?"

In his speech, Wilson struck themes on which he has dwelt before. "War and the preparation for war," Wilson said, "can never be real prosperity, for such military programs absorb materials and the efforts of millions of people that could otherwise be used for raising the standard of living of the people."

Wilson warned that a third world war was not the answer to communism, that "even a victory" in such a war would set back human progress and that after it was over we would still be faced with "the problem of what to do." He suggested that we "strive to figure out what it would take to win the peace even after a third disastrous war in the hope that by putting those policies into effect now before such a war the war itself could be averted." Nobody in government has spoken quite this way since Wallace.

Dulles In A Slump

Despite offstage noises by Knowland, the interventionists and the preventive war crowd are for the moment defeated. This may explain the apathetic attitude of Secretary Dulles at press conference last week. The starch has gone out of him. But the situation is still fluid, the enemies of peace determined. Miscalculations at Geneva or in Indo-China may yet give the wild men their chance.

As Pressure Builds Up In the Wake of the McCarthy Hearings

Liberal Democrats Present A Fair Play Code Worth Support

Capitol Hill—That joint resolution introduced last week by eighteen Democrats (and one Independent) in the Senate and six in the House for reform of investigating committee procedure is worth support, and would really give witnesses some protection against slander-by-investigation. Pressure for a "fair play" code has been building up steadily in the wake of the McCarthy hearings.

The obstacles: despite the growing Eisenhower-McCarthy feud, the Republican Senate leadership is in no mood to curb McCarthy's powers; the White House either hasn't tried or can't change that picture (the former is more likely); McCarthy's friend, Jenner, is chairman of the Rules committee; and the Democratic leadership can't make up its mind. "A month ago," said one Democrat in close touch with this picture, "the leadership would have turned us down flat. Now, after the stir caused by the McCarthy hearings, they aren't quite sure." Factors in this indecisive attitude: a disinclination to tangle with McCarthy and an unwillingness to curb committees which will be run by Democratic witch-hunters like McCarran and Eastland if the Republicans lose control of the Senate in November.

The Missing Names Are The Tip-Off

The tip-off on the situation in the Senate lies in the names of the sponsors. An effort was made, but without success, to get Republican support for a bi-partisan measure. On the Democratic side, only "liberals" could be marshalled. Only two Democrats from the South, Sparkman and Hill of Alabama, were among the sponsors, and neither of them are Southerners who "really count." The party leadership today is with the Southern conservatives; Byrd (Va.), and Russell and George of Georgia. They and those close to them are conspicuous by their absence. Beside Morse and the two Senators from Alabama, the sponsors were Kefauver (Tenn.), Lehman (N. Y.), Douglas (Ill.), Anderson (N. M.), Humphrey (Minn.), Mansfield (Mont.), Green (R. I.), Gillette (Iowa), Chavez (N. M.), Hunt (Wyo.), Murray (Mont.), Neely (W. Va.), Magnuson (Wash.), Gore (Tenn.), Hennings (Mo.), and Pastore (R.I.). None of the three Democrats on the McCarthy committee, neither McClellan (Ark.), Symington (Mo.) nor Jackson (Wash.) were among the sponsors.*

Yet if ever there was an opportune time for a campaign to curb investigating committees, this is it. The demand was strong enough to make the Senate Republican Policy Committee go through the motions of reform earlier this session. The 7-point program announced by Knowland for the committee last March 10 (see this year's Con. Rec. p. 2795 for text) would do no more, however, than curb one-man rule of committees. The only "right" it accorded witnesses was one they already have, the right to be accompanied by counsel. The joker in this program was that the Republican Policy Committee did no more than authorize its chairman, Ferguson (Mich.), "to transmit" these rules as "suggestions" to the various committee chairmen, including McCarthy.

Knowland Wants Action Put Off

Since then Knowland has said that Republican leadership will support a uniform code for all investigating committees but he wants action put off until next year. Last Monday, in an effort to anticipate the Democratic proposals, a Republican, Bush (Conn.) introduced a proposed code, but without the support of his party leaders. This goes far beyond the 7-point program in curbing one-man rule and would also give some limited rights of rejoinder, explanation and written interrogation of hostile witnesses to persons involved in testimony or releases which "may tend to defame, degrade or incriminate" them (text Con. Rec. May 24 pps. 6606-7).

* The sponsors on the House side are Celler (N.Y.), Roosevelt (N.Y.), Yates (Ill.), Howell (N.J.), Rhodes (Pa.), and Ewins (Tenn.).

The liberal Democratic proposals are more comprehensive and more carefully prepared than anything yet proposed in Congress. They also have the distinction of providing for the first time some means of enforcement—a Senate committee of five members to which complaints could be made of unfair procedure. This committee in turn could present its findings to the Senate, "with such recommendations for remedial and disciplinary action, if any, they deem appropriate."

The proposed "Code of Fair Committee Procedure" would end one of McCarthy's favorite practices—the leak of one-sided accounts from executive sessions. It would forbid the issuance of any testimony "or summary thereof" from executive sessions without majority vote of the committee. Any testimony adversely affecting a person could not be released unless "the complete evidence or testimony offered in rebuttal thereto" were released at the same time.

Counsel Allowed Objections

For the first time defense counsel would be allowed "to make brief objections to the relevancy of questions and to procedure." A person adversely affected would have the right to recall his accuser within 30 days, to cross-examine him (in person or by counsel) and "subject to the discretion of the committee" to subpoena "witnesses, documents and other evidence in his defense."

A person adversely affected by material obtained in executive session would be given the right to inspect such material or testimony in advance if it were to be made public. A hostile witness, "may be required by the committee to disclose his sources of information, unless to do so would endanger the national security."

Witnesses would be given the right to explain their answers briefly. "At least 24 hours" before testifying a witness shall be given a copy of that portion of the resolution scheduling the hearing and stating its subject, with a statement of "the subject matters about which he is to be interrogated." (This notice is much too short a time in which to obtain counsel and prepare a defense, especially since counsel for such purposes are not easily obtainable in this atmosphere and charges often go far back into the past making preparation of a defense difficult). Insofar as practicable adverse material before its release "shall be first reviewed in executive session to determine its reliability and probative value and shall not be presented at a public hearing except pursuant to majority vote of the committee."

It's Sen. Res. 256

These are the high-lights of the measure, enough to show that unlike so many previous proposals these would begin to give witnesses some substantial protection. (It is a pity the sponsors did not also add a provision permitting witnesses to be heard through counsel before a contempt citation is voted). The "code" would not end the witch hunt—this has its roots in the confusion which permits a committee of Congress to engage in ideological inquisition and to operate as a public roving grand jury for the exposure of crime. The former violates the First, and the latter the Sixth, amendment to the Bill of Rights.

But this code would put a curb on the worst evils of McCarthyism and give victims greater power to defend themselves. Now is the time to write your Congressman and your Senators for action. The McCarthy hearings are educating a large public and something should be done now before the effects wear off. S. Res. 256 is the number of the Fair Procedure Resolution. Copies can be obtained from any sponsor or read at pages 6812-13 of the Congressional Record for May 27.

Witch Hunt Bulletin: McCarran's Latest Reported Out

Right to Work and Free Union Elections Endangered

Capitol Hill—Without a dissenting vote, the Senate Judiciary Committee has favorably reported to the Senate S. 23 by McCarran, which would make it unlawful for a member of a Communist organization (as defined by the Internal Security Act) to hold an office or a job in a labor union "and to permit the discharge by employers of persons who are members of organizations designated as subversive by the Attorney General of the United States."

Communist "organizations," as defined by the Internal Security Act, include both "action" organizations like the Communist party itself, and "fronts" which may be organized for lawful purposes. The basic premise of the bill is that members of labor organizations cannot be trusted to choose their own officials and that the State may void an election won by a Communist or "frontier."

The McCarran bill was one of three similar measures (the other two, S. 1254 by Goldwater and S. 1606 by Butler) on which hearings were held earlier this year. These bills raise two questions for the future. If the government may bar Communists from labor union jobs, can it also bar others whose views may be considered "subversive"? The other is: if labor union members cannot be trusted to choose their own officials by ballot, if the State may interfere with free choice to bar "subversive" candidates, can it interfere with free choice and

screen candidates for Congress or other public office? If the principle is allowed in the one case, it would seem equally applicable in the other.

The second half of the McCarran bill, according to the description by the Judiciary Committee, would "permit" employers to discharge any employee who is a member of an organization on the Attorney General's list, who conceals such membership, or refuses to answer questions about such membership put by a duly constituted congressional committee. The bill itself, however, merely says nothing in it or any other act "shall preclude an employer from discharging" an employee of this kind "without liability."

Until now, though the ambit of the witch hunt has widened from government employment to defense plants to port facilities, there has always been some special excuse of "security" for denials of the right to work. This measure applies political discrimination nakedly in all employment to members of any organization on the Attorney General's list. The Committee in its report says naively that the bill involves "no curtailment of the right to work" because it applies only to those who "voluntarily" continue their membership in such organizations. In fact, however, the worker would have to choose between his daily bread and his political freedom.

Miscellany: Dien Bien Phu Fell and Mrs. Nixon Hit The Jackpot

Stiffening Resistance in the West: "Because of a party held at the French Embassy yesterday afternoon, \$15,000 will be sent to the wounded in Indo-China. It wasn't a gay dancing party such as the ball would have been that was originally planned for last night. The tragedy of Dien Bien Phu changed all that. But it was a charming gathering of the Capital's creme de la creme society who had paid \$25 per and were concentrating like school children on walking off with one of the prizes contributed to the benefit . . . Mrs. Nixon hit the jackpot. She won a case of French champagne, Schiaparelli perfume, a compact and Canadian whiskey . . . For the second time in a row Mrs. Joseph E. Davies won a fur capelet—this one a blue fox. And the top prize, a diamond, sapphire and gold pin from Cartier's went to Mrs. Arthur Woods, niece of J. Pierpont Morgan."—Washington Star society column, May 22. Who dares say the "free world" does not offer rewards as glittering as those of Communism to keep up the spirits of its partisans?

Dies Agrees With Sidney Hook: "I would defend," said the Texan in a radio interview with Congressman Stuyvesant Wainwright May 23, "the right of anyone to believe in and to preach communism as such, or socialism, or any other heresy, or so-called heresy. It isn't that. It's the fact that the people who now belong to the Communist party have shown by their deeds that they are criminals." The New Republic picked another advocate of this "heresy, yes—conspiracy, no" line, Sidney Hook, to review Henry Steele Commager's new book defending civil liberties. The result was about what might have been expected. The New York Journal-American, which not so many years ago was attacking Hook's right (as a Marxist) to teach, reprinted the review on its editorial page May 28 under the heading, "What 'Liberals' Forget." Hook thought Commager paid too little attention to the problem of security risks, and the NR, of course, did not point out that by prevailing standards Hook is a security risk, too.

Page Velde: A State circuit court judge in Alabama has declared unconstitutional a textbook labelling law much like that suggested by Chairman Velde of the House Un-American Activities Committee for all books in the Library of Congress. The law would have required all textbooks to carry

a statement "indicating clearly and with particularity" not only the answer to the \$64 question about the author but also whether the author of "any book or writings cited therein as parallel or additional reading is or is not a known advocate of communism or Marxist socialism," a Communist or a member of a "front" organization. Though the law passed with only one dissenting vote, the State has decided not to appeal the decision. A survey had shown that at Alabama Polytechnic alone, the law would have required labelling of 150,000 books and checking some 42,000,000 other authors cited in them. The court called the act "completely unworkable."

Civil Liberties a la Hollywood: The militant Southern California branch of the American Civil Liberties Union recently acquired an advisory council on which the most glamorous name is that of Dore Schary. Schary's first "advice" was to threaten his resignation unless the ACLU cancelled the meeting of May 28 last at which Corliss Lamont was to have spoken on Congressional inquisition. P.S. The meeting was cancelled, though Lamont protested that in 30 years of public speaking he had only once before had a meeting cancelled on him.

Mystery: Last August 23 Robert A. Vogeler filed suit for \$500,000 in New York against I. T. & T. "for what I went through" during and after his imprisonment in Hungary where he was arrested for espionage. The suit was settled out of court last week, reportedly for \$55,000. Puzzle: if Vogeler was unjustly accused, how was I. T. & T. liable for what happened to him in Hungary?

All He Needs: "Finally we should let Chiang Kai-shek, who now has 23 divisions of well-trained soldiers on Formosa, know he has our approval if he decides to return with his troops to the mainland of China"—Joe McCarthy, Senate floor, May 19.

Pitfalls of Prophecy: The June 11 issue of U.S. News, which appears on the newstands June 8, featured an article, "Why Stocks Are Higher." That same day the market suffered the sharpest break in four years. Peace jitters?

Recommended: "What Every American Should Know About Indo-China" in the June, 1954, issue of *Monthly Review*, 66 Barrow St., N. Y. 14 . . .

The St. George Bill for a Postal Censorship

A Way to End Freedom of the Press "Legally"

HR 9317 is a bill to prohibit "the transmission through the mails at less than cost" of papers, magazines, books and films "containing material contrary to the best interests of the United States." The phrase "less than cost" refers to the special second class, bulk mail and book rates allowed for various types of printed matter. These rates are so much below ordinary rates that few publications could survive the loss of their second class mailing privileges. This is a bill to drive radical papers, films and books out of business.

The sponsor of HR 9317 is Mrs. Katherine St. George, an upstate New York Republican. In introducing the bill, she said she favored the exclusion of such material from the mails altogether. "But," she said, "objections have been raised against such a sharp departure from past policy." (Freedom of the press?) Mrs. St. George went on to explain that these objections were based on hostility "to censorship which would of necessity be a part of the administration of such a prohibition." She herself seems to regard this innovation with equanimity, and indeed told the House she sees her bill as "a first step, a long first step" toward exclusion.

In this she did not exaggerate. This bill involves censorship by the postal authorities in as full a degree as would a bill to exclude from the mails. The Postmaster General would be instructed to revoke or deny the special mail rates to any "publication, book, film or printed matter" containing (the actual words deserve careful reading) "*Material which advocates, advises, or teaches, or explicitly or by implication favors the political, economic, international, and governmental doctrines of communism or any other totalitarian form of government, or the establishment in the United States or any foreign state of a Communist or other totalitarian dictatorship.*"

These words have the full flavor of *dementia americana*. One can see brigades of postal inspectors, specially certified by the literary division of the FBI as politically pasteurized for their delicate task, determining what magazines and books may "by implication" favor "the political, economic, international and governmental doctrines of communism." A

book or paper which pleads for peace might be open to loss of postal privilege as by implication favoring one of the "international . . . doctrines of communism." And if people like Westbrook Pegler had their way (and Mrs. St. George is a Peglerite), a paper favoring the income tax would also be vulnerable, since the income tax (as we are constantly being reminded) was advocated by the Communist Manifesto a century ago, and is therefore Communist economic doctrine.

The bill would make discussion of foreign policy hazardous. It would apply to anything favoring "communism or any other totalitarian form of government," and to the establishment of such government not only in the United States but in "any foreign state." A newspaperman or writer who had a good word to say for Communist China would be in danger of losing his postal privileges—as would one who praised Franco Spain or those dictatorial Latin American good neighbors of ours.

Mrs. St. George herself gave the House a list of papers and magazines which would at once be affected. No rightist publication, even of the most paranoid type, was on her list. All those she named were Leftist of one kind or another, including the *Lawyers Guild Review* (but not—touch wood—this *Weekly*). The postal ban would apply at once to every publication on the House Un-American Committee's notorious "Guide," America's own *index expurgatorius*; to those on the Attorney General's list and to publications of any organization ordered to register under the Internal Security Act. The Guide and the "list," of course, are drawn up without hearings of any kind.

A Postmaster General under a McCarthyite President could use these powers effectively against a wide range of opposition papers. This is one of the devices which could some day be used—it is not too early to think about such things—to end freedom of the press in America "legally." The scheduled hearing on this bill last Tuesday was suddenly postponed, but the more protest the better, and as many organizations as possible should ask to be heard against it.

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name.....

Street.....

City..... Zone..... State.....

Enter this gift sub for \$4 more (money enclosed):

(To) Name.....

Street.....

City..... Zone..... State.....

6-14-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. 2, NUMBER 22

JUNE 21, 1954



WASHINGTON, D. C.

15 CENTS

The Return To Dollar Diplomacy

With that gift for inauspicious utterance he so often displays, Secretary of State Dulles spoke of "forced labor on a vast scale" in his speech at Caracas calling for intervention in Guatemala. He was referring, of course, to the Soviet bloc, but the phrase itself to a Latin American must conjure up a picture closer home. "Forced labor on a vast scale" is something Latin America knows all too well. Guatemala's history in particular is a history of slavery. The two-thirds of its people still Indian in culture and speech have long been serfs in one form or another to the one-third of its people who are "ladinos."* These in turn have been exploited by the tiny majority of their own great landholders and a few foreign companies, notably United Fruit. These are the conditions the present regime in Guatemala has been seeking to eliminate ever since the dictator Ubico was overthrown in 1944.

All this, after a lifetime in Sullivan & Cromwell, must be well known to John Foster Dulles. The law firm in which he was senior partner is counsel for International Railways, which controls the transport system of Guatemala for United Fruit, and counsel for the Schroder bank, which served German coffee interests whose plantations in Guatemala were expropriated in the last war. It is Guatemala's misfortune that the beginnings of free government and of social reform should coincide with the appearance of an American Secretary of State who was himself closely associated with the old order in Central America. With Mr. Dulles, we are back in the era of Philander C. Knox.

Unfortunately a decade of ideological inquisition culminating in McCarthyism has so cowed American intellectuals that no one in the government and few outside dare raise their voice in defense of a regime which has been officially stigmatized as "communistic." Outside the government, in the various international and labor organizations which make Washington their headquarters and are familiar with Latin America, there is a strong current of sympathy for Guatemala, but it is "off the record." The average American ever since a famous *Reader's Digest* article of a few years ago has seen only the alarmist picture of a Communist "beachhead" established in the New World "midway between the Panama Canal and the Texas oil fields." A small country whose total population is less than the armed forces of the U.S. is being blown up by propaganda into a menace—as was Mexico by the oil interests during its similar but more revolutionary agrarian reform.

* "Until 1944, the Indians were recruited for this work [heavy unskilled labor on the Ladino plantations, farms and mines] under a succession of legal-economic systems of forced labor and debtor servitude"—National Planning Association, "Communism vs. Progress in Guatemala," p. 6.

Is the Guatemalan regime Communist? Even the unfair National Planning Association study, "Communism Versus Progress in Guatemala" (December, 1953), with its scarcely veiled call for civil war, says the Guatemalan Labor Party (Communist) "is the smallest group in the governing coalition. It holds only four of the fifty-one seats in the national legislature . . ." To bring pressure on Guatemala to purge them, though admittedly chosen in fair elections, is to go back on all we preach. To do so while wooing Peron and supporting Somoza is to suggest that we are following a double standard in Latin American relations.* To press for intervention against social revolution as a form of "internal aggression" is to revive dollar diplomacy in the guise of anti-communism.

The new regime in Guatemala may be overthrown, but that will hurt us more than the Communists. In Latin America it would again associate the U.S. with reaction. American intellectuals of all kinds must see that in the dynamic but limited confines of the Guatemalan revolution, the crushing of the Communists by force can only lead to the victory of the most backward native elements and their foreign corporate allies. The balance of forces is too precarious. Another Army dictatorship could be the only result. On the other hand, there is much the U.S. could do—if it chose—to prove itself a friend of the Guatemalan people. At present our Embassy has no contact with the laboring and agricultural masses, and our "technical assistance program" has largely helped the big planters. It is in this context that we wish to express our solidarity with the Guatemalan people and to offer, in the documentary exhibits of this special issue, a glimpse of the other side of the question.

We believe it especially important to call attention to the World Bank report, because this shows how honest observers, no matter how conservative, were impelled to see the need for radical reforms and socialistic development of resources in Guatemala. Capitalist interests can ultimately survive only if they show a willingness to play their part within the limits of such a program. Force may set the process back a few years, but only at the expense eventually of bringing to victory the very things we purport to fear.

* An example was the speech made last October 14 by the Hon. John M. Cabot, then Assistant Secretary of State for Inter-American Affairs, calling at one and the same time for intervention against "communism" in Guatemala but saying of Peron's Argentina that its "different economic and political philosophy . . . frankly is none of our business." Mr. Cabot, now Ambassador to Sweden, has family ties with the First National of Boston, the United Fruit Company bank.

The World Bank's Mission to Guatemala Proposed . . .

To do our part in deflating the Red scare campaign against Guatemala and to provide the corrective of background information from unimpeachably conservative sources, we here present a bird's eye view of Guatemala's basic problems as set forth in the report presented to President Arbenz of Guatemala on June 15, 1951, by Eugene R. Black, president of the International Bank for Reconstruction and Development. This was a 300-page study by a Bank mission to Guatemala (Johns Hopkins Univ. Press published the text as a book, "The Economic Development of Guatemala"). It may serve to indicate that the abuses of which the little Republic complains and the reforms on which it has embarked are something more than figments of conspiratorial imagination.

Do the Foreign Enterprises Pay Their Fair Share of Taxes? "Related to the question of the new income tax [as advocated in the report, IFS] is the problem of taxation of foreign enterprises, such as *Empress Electrica de Guatemala*, United Fruit Company and the International Railways of Central America, which are now largely exempt. Substantial possibilities appear to exist here." p. 272.

What About Wage Increases? "There are indications that, since 1944 [when the revolution began, IFS], real wages—aside from social benefits—have in some cases not increased substantially. Money wages have barely kept pace with the rise of the general price level." p. 255.

Poverty and Illiteracy: "Better methods of crop production, livestock breeding, disease control and marketing cannot be learned by people who are illiterate and who have no clear

Why They Opposed Land Reform

"All but a very small proportion of the people are landless . . . in spite of the fact that nominally public land is still available to buyers in large amounts . . . Large landowners often feel that if a thoroughgoing distribution of land to the Indians were carried through, cheap labor might no longer be available; and the economic basis of the life of the republic would thus be undermined."

—*Guatemala, Past and Present*, by Chester Lloyd Jones, Univ. of Minn. Press. 1940. p. 176-179.

conception of the conditions of the outside world with which they have to deal as purchasers and sellers.

"These things must be taught in the schools. But the schools can do little for children who are too anemic, undernourished, or debilitated by disease to benefit from instruction, or are so badly needed in their impoverished households that they attend school only irregularly or not at all." p. 75.

Foreign Companies Must Change Their Attitude: "The foreign companies should refrain from any direct or indirect

If the USA Were Treated Like Guatemala

"Suppose a group of big dailies and magazines in England, France or Argentina should send a flock of reporters to investigate conditions in the United States. Suppose, after such a visit, the reports sent home should be based on nothing but the accusations of Senator Joseph McCarthy, the National Association of Manufacturers, or Gerald L. K. Smith concerning the dominance of Communism in the Truman Administration. Suppose that in questions pertaining to labor, the foreign correspondents had confined themselves to quoting the two extremes of the U.S. Steel Corporation and Harry Bridges, with nothing said about recent advances in social security, community housing, public health, rural development, new schools and victories in racial relations and human rights. Suppose the conclusions reached were that the United States was controlled by the Communists, who would soon drive out private enterprise and make this country the New World Center for Communism unless a really democratic foreign nation should intervene."

—*Samuel Guy Inman: A New Day in Guatemala*
A Study of the Present Social Revolution.
(Worldover Press, Wilton, Conn. 1951. 50 cents).

political activity against the government; and they should accept, perhaps less reservedly than they have thus far done, the need to adapt their legal status and their operations to changed conditions." p. 283.

Public Power Development Suggested: "Establish an autonomous National Power Authority: (1) to plan and supervise an integrated program of power development; (2) to construct and operate publicly owned power facilities." p. 233.

Private Power Companies: "Of the private companies . . . the most important is the *Empresa Electrica de Guatemala*, a subsidiary of American and Foreign Power. This organization supplies approximately four fifths of all electric service in the country. Of this large fraction, about 92 percent is sold in the Guatemala City area . . . Under a 50-year agreement dating from 1923, this company supplies electric energy to the capital area without direct government control except as to maximum rates." p. 220.

Regulation Proposed: "Private power companies . . . should, of course, be required to conform to the national plan for power development and integration (when such a plan exists) and should also come under the impartial rate jurisdiction of the Public Utilities Commission as elsewhere recommended." p. 238.

A Rightist Texas Daily on the Red Bogey in Guatemala

"Everyone has been reading about Guatemala being the center of world communism for the Western Hemisphere. The story goes that Communist headquarters are set up in Guatemala with the idea of a communist Guatemala that would dominate Central America as well as any and all countries in the Western Hemisphere.

"That is the silliest and biggest lie to ever come out of anyone's mind. In the first place this same story has been told so often about other countries that it's getting a little shopworn. We all know that a few years ago the Russians were supposed to set up the Western Hemisphere of communism in Mexico City. And for the propagandists and wild eyed boys it was good copy. But Mexico proved to be less communistic in its government than our own State Department which gave away China! So the ghost story writers and tombstone shakers have now picked a country

which couldn't produce as much gunfire power as Peoria, Illinois . . .

"This propaganda is boomeranging against the U.S. because this propaganda is coming from friends of three U.S. corporations. These corporations' whole purpose is to control Guatemala and get a stranglehold over her. Certainly the United Fruit Company is important to Guatemala. The American Power & Electric Company is important to Guatemala and the Grace Steamship Lines are important. But the facts are that through their concessions they have a stranglehold on the future generation as well as the present generation of Guatemala. And 99 percent of all the propaganda originates from friends of these three monopolies."

—*Editorial in the Laredo (Texas) Times, Jan. 28, 1954.*

... A 6-Year Plan and a More Socialistic "New Deal"

Port Monopoly: "Puerto Barrios is the only deep-water port in Guatemala where vessels can tie up alongside a pier. The International Railway Company pier is the only one existing at the port . . . Puerto Barrios is isolated from the rest of the Republic as far as highway traffic is concerned because of the inexplicable failure of the Government to construct the portion of National Route 4 lying between Los Amates and Puerto Barrios . . . Access to the pier areas and to the pier itself is limited to railway facilities . . . The situation has the practical effect of sending all traffic over one pier and all freight movement in this area over one artery, the railroad . . . To all intents and purposes, the area is under the complete control of the United Fruit Company and the

Why Land Reform Was Needed

"Since monoculture [one-crop agriculture] rests upon the large landholdings (and vice-versa), raising the standard of living through diversification and mechanization is greatly dependent upon changes in the distribution of the profits and/or the land. The foreign corporations and the native large landholders oppose diversification and the development of a domestic market.

"To increase production per capita in the monocultural products only benefits the owners who spend their profits abroad during trips or by the importation of foreign luxury items, or, as in the case of the United Fruit Company, the major portion of the profits goes abroad to foreign shareholders. The standard of living under these conditions can not move strongly upwards without some changes in the distribution of profits or ownership."

—*Aspects of Social Reforms in Guatemala, 1944-49.*
By Leo A. Suslow, *Colgate Univ. Studies*. 1949.
p. 78. Available in mimeograph form at Library of Congress.

International Railway Company. That control extends over the movement of practically all import and export cargo through the Atlantic areas. . . .

"Back of the situation lies the agreement, or series of agreements, under which the various links in the present railway system were constructed. In brief, Guatemala agreed that until about the year 2004, the Railway Company might operate free of taxation on its properties, free of payment of duties on its imports, free of control on its rates except as to certain very liberal maxima, and free of competition from other railroads . . . It is inevitable that this situation should give rise to charges of discrimination in rates and services between customers and to complaints of excessive charges

How They Used to Treat Labor

"During the extensive strikes in Guatemala, Honduras and Colombia martial law was declared and soldiers were dispatched to the scenes of conflict. In some cases soldiers sympathized and fraternized with strikers, with the result that soldiers were replaced by more dependable armed forces. In Guatemala, where legal strikes are practically impossible [this was written in 1936, IFS], many workers were killed, imprisoned or deported under the military rule. The Colombia strike was suppressed by the military with terrific bloodshed. The commander of the army estimated that forty strikers were killed and over 100 wounded; one of the strike leaders estimated that 1500 were killed and 3,000 wounded. More reliable estimates range between these two extremes."

—*Social Aspects of the Banana Industry*, by Charles David Kepner, Jr., *Columbia Univ. Press*. 1936.
p. 197.

against the public.* Some of these complaints as to charges may be justified, as a review of ton mile rates indicates. Likewise the heavy use of Puerto Barrios by the United Fruit Company, a large stockholder in the Railway Company, may justify some complaints as to the slow handling of other cargo . . ." p. 183-5.

Freight Rates Are Higher in Guatemala Than in the U.S.: "A comparison of the factors affecting costs of operation of the IRCA and a typical railroad in the United States, for example, would indicate that IRCA rates should be the lower of the two. Wages are substantially higher in the United States and the railroads there are subject to heavy taxes. Legal requirements for safety measures and for service impose added costs that do not now prevail by law in Guatemala. Further, winter conditions increase operating costs in the colder United States areas." p. 172.

How to Beat the Rates Down: "A much less expensive and less hazardous method [than nationalization of the railway, IFS] of accomplishing the same benefits would be through regulation by the Public Utilities Commission recommended above. The introduction of competition in freight hauling, through highway construction and the provision of more pier facilities, would likewise tend to insure proper rate levels, faster service to ships and prompt handling of merchandise. Both methods would be more certain in their effects than

* A stockholders' suit against United Fruit Company by minority stockholders in International Railways, alleging unfair rate practices for the benefit of the former is now being tried before Judge Hammer in the Supreme Court of New York. Secretary Dulles' law firm, Sullivan & Cromwell, represents the management of International Railways in fighting the suit.

Guatemala's Answer to the "Soviet Arms" Charges

"For several years the Government of Guatemala made unsuccessful efforts to buy armament in the United States with the object of properly equipping the Guatemalan Army for the national defense. But the U.S. Government has systematically refused to furnish it, and it has not been possible to obtain even pistols to fill requirements of the Police Force. This situation has gone to the extent that authorization even to sell low caliber ammunition to the Hunting and Fishing Club of Guatemala has been denied . . .

"It is important to point out that while Guatemala was denied the most essential elements for its defense and was prevented from getting them in other countries, the Government circles in the United States were not only furnishing arms and ammunition to several Governments that have taken an unfriendly and even aggressive attitude towards

the Government of Guatemala but also concluded military treaties with these governments, thus causing justified alarm in Guatemala . . .

"The Government of Guatemala emphatically states that it has never negotiated purchase of armament from the Soviet Union or from Poland, and, furthermore, declares that in our territory there is no armament or military equipment whatsoever, made in any of the above mentioned countries. But it considers necessary to state categorically that, had negotiations taken place with the above mentioned countries, the government would have been exercising its legitimate right as a sovereign nation to freely trade with any country in the world. Guatemala is not a United States colony . . ."

—*Statement by the Government of Guatemala, May 21, 1954*

Conservative U.S. Bankers Moved Left in Guatemala

would nationalization of the railway system and would save the Government the financial burden of acquiring and operating the Railway." p. 174.

Why Most Guatemalans Go Barefoot: "Most Guatemalan shoes are made by hand . . . A large part of it is done in small shops . . . There are two mechanized shoe factories in the Republic. Only one of these, at Coban, is allowed to manufacture shoes for domestic consumption. Apparently to avoid competition with inefficient hand workers, the In-catecu factory in the Capital is required by decree to export its output. As a result, both domestic and imported leather shoes are extremely expensive and most people wear sandals or go barefoot despite the fact that shoes are a primary need for health and social welfare." p. 109-10.

Criticism of Guatemalan Capitalists: "Guatemalan management has not yet been won over to the economy of high wages, a large volume of production and low prices. Mark-ups and profit margins are usually high. It is argued that since the market is so small the manufacturer must make a large profit on each sale. Local manufacturers are not easily attracted to the idea that lower prices might broaden their market . . . even in cases where it appears practicable, there has been reluctance to try it." pp. 96-7.

Profits Hide Abroad: "Yet financial resources for productive investment are not lacking in Guatemala. Their importance can be seen from the large amounts of funds belonging to Guatemalans but held outside the country. According to the latest statistics of the Federal Reserve System, private holdings of Guatemalan citizens in the U.S. alone amounted to around Q14 (roughly \$14) million in 1950. This figure is conservative.

"It is unfortunate that such an important volume of funds, originating in a country that is so much in need of productive capital, should be kept abroad." p. 278.

Capital Gains Tax Proposed: "Yet it appears necessary not only to encourage productive investments, as has been done so far, but also to discourage unproductive ones. The proportion of relatively unproductive capital formation is very high. Probably one of the most useful correctives would be the capital gains tax to discourage speculative, nonproductive investments, particularly in real estate and inventory purchases. At present such activities are taxed only at low rates." p. 279-80.

Greater Social Investment by Government Advocated: "It is clear that a deliberate government policy encouraging business and the provision of tax incentives are not in themselves enough to allow reliance on private capital as the main source of economic development. It would be too optimistic to expect private capital to finance more than a small

Socialist and Labor Warning

"Intervention by the United States Government—economic or in any other form—would be disastrous. One reason the Communists have been able to rally support is that they have been able to play on the deep nationalistic strain of many Guatemalans. State Department protests on behalf of the United Fruit Company gravely offended the nationalistic susceptibilities of many Guatemalans. Any further intervention by the U.S. would only serve to throw into the arms of the Communists that increasingly large element which is concerned with Communist influence and wants to combat it."

—*Hemispherica, March-May, 1954. Bulletin of the U.S. Committee of the Inter-American Association for Democracy and Freedom (including Norman Thomas, and Serafino Romualdi of the A. F. of L.).*

part of the basic improvements required in transportation, communications, power, warehousing, education or health facilities. These, in the initial stages must be essentially the task of public authorities in order to facilitate economic development." p. 280.

Poverty Makes "Socialistic" Measures Easier: "Finally, the unequal distribution of national income in Guatemala tends to make it easier to divert resources to investment purposes. In more developed countries, where income distribution tends to be more uniform and living standards are appreciably higher, any diversion of resources towards investment by taxation or other means is bound to reduce the real incomes of most consumers with all the difficulties involved in any such downward adjustment. In Guatemala, on the contrary, the measures that have been proposed here (including the tax increases) will hardly affect the traditional way of life of the great majority of Guatemalans." pp. 291-2.

Six Year Plan Suggested: "Amplify a broad six year plan of economic and social development—along the lines proposed by this Mission—as well as more specific one-year programs" p. 246. And use the government agency INFOP (Institute for the Expansion of Production) "to increase and diversify national production in fields where private entrepreneurs" are inactive. "Such an institute," the World Bank Report said of this government institution, "can constitute a center of long range economic programming. . . . It can pioneer in fields too new, too risky, or requiring too heavy capital investment to be successfully cultivated by private initiative." This was advice from Washington, not Moscow.

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

6-21-54

I. F. Stone's Weekly
Room 205
301 E. Capitol St., S.E.
Washington 3, D. C.

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. 2, NUMBER 23

JUNE 28, 1954



WASHINGTON, D. C.

15 CENTS

Made To Order (By Brownell) For McCarthy

Capitol Hill—There were no television cameras in Room 346 Old House Office Building last Wednesday morning. When the hearing began, a member of the House Judiciary Committee, Walter D., Pa.) scolded the witness for giving out his testimony to the press in advance. The Congressman might have saved himself the trouble if he had noticed that while the statement was on the press table, there were only one or two reporters present to receive it. The almost empty hearing room in which Russell Nixon, legislative representative of the United Electrical Workers of America (UE) addressed himself to HJ Res. 527 and 528 was in stark and eloquent contrast to that other hearing room where the Senator from Wisconsin had starred. That the chamber should have been so empty testified to how little the McCarthy hearings had educated the public and the President. For these two bills, framed by Attorney General Brownell, were made to order for McCarthy.

To understand their full meaning, imagine an America in which McCarthy has come to power. Imagine McCarthy intent on preserving a facade of legality. Imagine that these two Brownell bills have become law. It would then be within McCarthy's power legally under HJ Res. 528 to put a special receiver in charge of their businesses and organizations, to seize their financial assets and to liquidate them. He would also be able (under HJ Res. 527) to set up a blacklist which would bar opponents from employment almost anywhere in American industry under penalty of \$10,000 fine or 5 years in jail.

To read these two Brownell bills in the light of McCarthy's record—and indeed the Attorney General's readiness to impute treason to the Democratic opposition—is to see what power for evil they would give the unscrupulous. Under HJ Res. 528, the Attorney General could go before the Subversive Activities Control Board and move to liquidate any private business, trade union or other organization which he believes has been "infiltrated" by members of "Communist action" organizations.

It would not be necessary to show domination and control. The standard would be "the extent to which" the positions taken by the organization "do not deviate from those of" Communists and "the extent to which" the organization or business was "in a position to impair the effective mobilization or use of economic resources or manpower" for defense. The use to which such vague standards could be put by a McCarthy should not be difficult to imagine.

Under HJ Res. 527, any time a President "finds . . . that the security of the United States is endangered by reason of . . . subversive activity . . . or threatened disturbance of the

international relations of the United States" he may bar from employment in "defense facilities" (as broadly defined to cover virtually all civilian industry) any "individuals as to whom there is reasonable ground to believe that they may engage in sabotage, espionage, or other subversive acts."

This is crystal ball legislation; it requires a determination of prospective future guilt. While a hearing would be accorded, nothing would be "deemed to require any investigatory organization of the U. S. Government to disclose its informants or other information which would endanger its investigatory activity." Hearings would be held in the dark.

These are the key bills of the security program Eisenhower in his broadcast of June 10 termed "protection against Communism, without any degree damaging or lessening the rights of the individual citizen as guaranteed by our laws and the Constitution." It is difficult to describe such a characterization politely. Ferguson (R., Mich.), who introduced the bills in the Senate, spoke more honestly when he said of them in a speech on June 17 that they went "contrary to our nature and traditions. . . We are groping along paths unaccustomed to most Americans." These are in sober fact the paths toward Fascism.

The silence and apathy which surround the effort to rush these bills through Congress should dispel any easy illusions about the therapeutic effect of the McCarthy circus. The *Wall Street Journal* (June 1), the *Louisville Courier-Journal* (May 12), and the *St. Louis Post-Dispatch* (May 20) have been critical, but most papers, organizations and trade unions are afraid to oppose anything which comes wrapped as anti-Communism. There is danger of what Nixon in his able testimony* called a "sneak blitz".

The UE has Paul Revered enough pressure to get the House hearings extended. Congressmen Eberharter (D., Pa.) and Condon (D., Cal.) will testify against the bills. In the Senate, where Langer (R., S. Dak.), chairman of the Judiciary Committee, is opposed to the bills, a similar measure (McCarran's S. 23) was reported out by a ruse and called up on the consent calendar last week by the majority leader, Knowland (Cal.). Objections by Gore (D., Tenn.), Morse (Ind., Ore.), Hendrickson (R., N. J.), Lehman (D., N. Y.) and Magnuson (D., Wash.) blocked passage. No hearings have been held in the Senate; Brownell has not testified on his bills. Everyone who has learned anything from those McCarthy hearings should do their bit to rally protest. This is urgent.

* Copies of it and the appended legal memoranda may be obtained as ammunition from the UE national office, 11 E. 51 St., New York 22.

A Story The Newspapers Suppressed

Hushing Up Ike's Honest Naivete On Guatemala?

United Nations, N. Y.—Though anything about the President is news, not a single newspaper seems to have reported the extraordinary story told about Eisenhower by the Guatemalan representative at the special session of the UN Security Council last Sunday.

According to this story, the President last January proposed the formation of a joint commission to take up disputes between the U.S. and Guatemala. When informed of the role played by United Fruit and of the relations between the company and Secretary of State Dulles and then Assistant Secretary for Inter-American Affairs John M. Cabot, Eisenhower suggested these two officials be left off the commission!

Here is the story, as told by the Guatemalan delegate, Castillo-Arriola, to the Security Council:

"Mr. Toriello Garrido, Guatemalan Ambassador in Washington, had a farewell interview of several minutes with President Eisenhower [last January IFS]. It is interesting to note that in those few moments President Eisenhower knew nothing about, or had entirely different information on, the state of the United Fruit Company's business in my country.

"The former Guatemalan Ambassador [now Foreign Minister] informed him fully of the manner in which the United Fruit Company and other U.S. monopolies had been operating in Guatemala, with full control over all our ports and communications and in occupation of vast tracts of territory, with Guatemala's national economy virtually subject to their interests.

"President Eisenhower told Ambassador Toriello that that situation could not continue in the same form and that it would be necessary to come to an arrangement. Mr. Toriello then informed President Eisenhower of the implications of the fact that both Mr. John M. Cabot, Assistant Secretary for Inter-American Affairs and Mr. Foster Dulles, the Secretary of State, himself had close connections with the fruit monopoly.

"In view of that situation, President Eisenhower suggested the formation of a joint commission which would not include those officers, to study the problem and work out just solutions."

As pointed out in the last issue of the *Weekly*, Mr. Cabot's family is a major interest in the United Fruit Company Bank, First National of Boston, and Mr. Dulles's law firm, Sullivan & Cromwell, represents the United Fruit railroad, International Railways of Central America.

Cabot Transferred to Sweden

On February 11, a few weeks after this reported conversation at the White House, Mr. Cabot was appointed Ambassador to Sweden. Henry Cabot Lodge, the U.S. representative at the Security Council, in his rejoinder to the Guatemalan delegate, made no reference to the story of this interview at the White House.

The press also passed over the charges made by the Guatemalan delegate to the Council against a former U.S. Ambassador and Mr. Lodge's answer to those charges.

The delegate said Richard Patterson, the former U.S. Ambassador to Guatemala, "announced openly that the Government then headed by Dr. Juan José Arevalo [Arbenz's predecessor] would be overthrown as the result of international pressure; incited various groups of conspirators to engage in subversive activities against the constitutional regime and expressed to high officials of the Guatemalan government the opinion that the Guatemalan problem was a matter which could easily be settled, as it represented a just claim and involved only a few million dollars, but that, if the United States were to give way in the case of Guate-

mala, it would be obliged to do so elsewhere, which would mean a loss of many thousand million dollars."

Just One of Those Democrats

Mr. Lodge's reply to this was, "Mr. Patterson does not hold office under this administration; he has never held office under this administration." The U.S. delegate also did not reply directly to the charge that operations against the Guatemalan government were directed by the former chief of the U.S. Military Aviation Mission to Guatemala, who asked for his discharge from the U.S. Army in 1952 "and then came to live and work in Guatemala."

Mr. Lodge (and the press) also passed over the Guatemalan's reply to Secretary Dulles' statement of June 8, "If the United Fruit matter were settled, if they gave a gold piece for every banana, the problem would remain just as it is today as far as the presence of communist infiltration in Guatemala is concerned."

"Mr. Dulles did not consider," the Guatemalan delegate told the Security Council, "that there is a reverse side to this medal. I could tell him—and tell him truthfully—that if tomorrow the Communist party (which has a following in Guatemala because Guatemala is a free country which allows freedom of thought) were to be outlawed by the Guatemalan government and all its members deported, a new pretext would be found for the campaign. For the purpose is to aid the monopolies . . . which have lost their sources of exploitation by Guatemala's exercise of its sovereign rights . . . The agrarian reform, for instance, is a piece of legislation which has been introduced in my country quite legitimately and in according with the principles of the United Nations."

Indo-China and Guatemala

The press also ignored the part played by the Indo-Chinese crisis in the Security Council session on Guatemala. The delegates from Honduras, Nicaragua, Brazil and Colombia "ran interference" (as they say in football) for U.S. policy, with a resolution referring the Guatemalan complaint to the Organization of American States.

The French delegate upset the U.S. plans. M. Hoppenot rose to recall the words used by Mr. Lodge two days earlier in bringing the Thai request for intervention in Indo China before the Security Council against the wishes of France. This was the French way of retaliating.

"The United States was a small country for a long time," M. Hoppenot quoted Mr. Lodge as saying, "and still looks at many things from the standpoint of a small country. I hope that I will never live to see the day when a small country comes to the United Nations and asks for protection against war and is simply greeted with the question: What is the hurry?"

M. Hoppenot thereupon amended the resolution to call for a cease-fire and asked for a separate vote on the amendment. When the sponsors insisted that the resolution be accepted or rejected as a whole, it was vetoed by the Soviet Union.

M. Hoppenot then offered the cease-fire resolution as a substitute and it was unanimously adopted. Mr. Lodge sarcastically disparaged the importance of the cease-fire resolution at the close of the session and said sourly, "I commend the representative of France for having been able to find the lowest common denominator."

The French were opposed to the Thai request for a peace observation mission as a step toward internationalization of the Indo-Chinese war. The cease-fire resolution they sponsored made unanimous action possible, instead of leaving the Soviet Union in the position of "blocking peace" by a veto. The cease-fire also left the door open to a new appeal by Guatemala to the Security Council. The Latin American Republic had asked for an observation mission. The U.S. favored such a mission for Thailand but not for Guatemala.

Nobody Seems to Like John Foster Dulles

Round The Capitol And The Globe

"Massive Retaliation"—Against Little Guatemala: John Foster Dulles's "banana war" against Guatemala is liable to end with the overthrow of Dulles as Secretary of State. The repercussions throughout Latin America are unfavorable to the U.S. The hypocrisy of the State Department was never more transparent than in its appeals at the United Nations to keep the Guatemalan dispute "within the family." The Guatemalan delegate to the UN behaved with great dignity and spoke with impressive restraint at last Sunday's session. The rebels are not taken seriously; there is little likelihood that they can succeed without an Army coup d'etat inside Guatemala and that does not seem to be in the United Fruit Company's cards. *The war itself, on the heels of our demand to search ships on the high seas, left an unpleasant impression on public opinion in friendly Western nations, the impression of a clumsy and arrogant diplomacy, prepared to change the rules at our convenience, even rules for which the U.S. has itself fought long and hard—like freedom of the seas. Respect for Dulles was never lower.*

The New Mendes-France Government: The French Embassy here blames Dulles for the fall of the Laniel government and Bidault's loss of the Foreign Ministry. The Embassy feels there was no need for Dulles suddenly to make so brutally plain that the U.S. was no longer interested in Indo-China, thus destroying Bidault's bargaining power at Geneva and Paris. The fact is, however, that a subtle game was going on. Bidault did not want American intervention; he wanted American *threats* to intervene which would strengthen his own hand in negotiating a peace which would maintain French position in Indo-China. Dulles understood this. He was not interested in making it possible for Bidault to make as good a peace settlement as possible. Dulles was anxious to keep the war going, to take over the Associated States from France if necessary and to create another South Korea in Indo-China. When it became clear that Bidault did not share these objectives, Dulles dumped him. The realization of this helped Mendes-France with the French right. Bidault's fall has ended the Catholic MRP monopoly of the French Foreign Office since the war, and with it may have ended an era in American relations with Western Europe which were based on a "Little Catholic" Europe.

Behind the Churchill Visit: Another sector in which trouble is brewing for Dulles is in Anglo-American relations. Neither Churchill nor Dulles like Eden and a main purpose of the visit is to establish direct contact with Eisenhower. Churchill's ties with Eisenhower are old and close and the State Department crowd does not relish being short-circuited by the Prime Minister. The fear is that Churchill is coming in an effort to sell the President the idea that China can be weaned away from a too close dependence on Russia if doors to the West begin to open, first in a relaxation of trade restrictions, then (when public opinion has been prepared) in recognition.

Eccles for Recognizing Red China: The British still do not seem to realize how powerful is the hold of the China Lobby on American politics. The only national figure in many months who has dared suggest recognition of Red China is Marriner S. Eccles, former chairman of the Board of Governors of the Federal Reserve System. "Nothing is solved," he told the National Association of University Presidents in a speech last May 3, "by our denial of the fact that the Communist Government is the Government of China. In fact our attitude toward China only serves to weld the Communist world more closely together. A solution of the involved problems of Korea and Indochina, which so directly affect Red China and the free world . . . will not be hastened by Mr. Dulles' refusal to either speak or look at Mr. Chou En-lai, Red China's premier, as recently reported by the United Press."

7

Frankness on Capitol Hill

Washington—For the second year in a row, the House Republican leadership has rejected an Eisenhower request for a small appropriation (\$185,000 asked for the 1954 budget, \$100,000 for the 1955 budget) to establish a Federal-State program to help migratory labor. The Labor, Health, Education and Welfare appropriations bill did include a \$1,500,000 Mexican farm labor program.

Van Zandt (R. Pa.) on June 9 tried unsuccessfully to amend the bill to provide the \$100,000 asked for Eisenhower, saying that the welfare of a million American migratory farm families was at stake. O'Konski (R. Wis.) supported him, pointing out that the bill contained 15 times as much "for Mexican migratory workers as for American migratory workers." This brought an unusually frank reply from Bosbey (R. Ill.), the chairman of the subcommittee which was in charge of this portion of the appropriations bill.

Busbey said "the money that is appropriated in this bill for the Mexican farm labor program is not appropriated for the benefit of Mexican labor. It is appropriated to recruit Mexican labor for the farmers who need this stoop-back labor in this country and cannot get it any place else. The crops could not be harvested unless we appropriated this money to recruit that Mexican farm labor."

Maury Maverick on Dienbienphu: Among those in Congress and out who had a good word to say in death for former Congressman Maury Maverick, none mentioned one of his last public statements. In this, Maverick took issue with Senator Knowland, who had likened the defenders of Dienbienphu to the defenders of the Alamo. Maury, outspoken and warm-hearted to the last in his sympathy for the underdog, told the *San Antonio Light* (May 9) that this was an insult to the Texans. "The defenders of the Alamo," Maury said, "were free men fighting for liberty. The defenders of Dienbienphu were all mercenaries, fighting for French colonialism. They were defending the most disgraceful and corrupt administration in Asia." This was worthy of Maury, who led the first mixed delegation in history from Texas to a Democratic national convention in 1952. We salute his passing, and send our warmest sympathy to his family. Maury Maverick was the kind of man the name American once denoted.

Right of Asylum in Britain: It is hardly a secret among Left intellectuals that a whole generation of American refugees is beginning to grow up abroad as repression increases at home. It is thus of interest to note the wide support in the British press given to Dr. Cort, an American lecturing at the University of Birmingham, who has appealed for asylum in England after his passport was lifted by the Embassy in London. The ever generous *New Statesman and Nation* came to Dr. Cort's defense with a long leader in its issue of June 19. More surprisingly, the *London Times* in a leader on the same date also expressed sympathy. "The existence of close and friendly relations with a foreign state," the *Times* said, "is, in principle, no reason for refusing political asylum to its subjects. There can be no geographical boundary or bias upon this boon." It was England's glory in the Nineteenth century to shelter exiles from older forms of despotism, and in the Twentieth Century to give a home to those fleeing oppression in the Fascist States and in the Soviet bloc. We hope the same principle will be upheld in the case of refugees from the brand of Fascism developing in America.

The Debate Which May Have Killed The Wiretap Bill

A Southern Democrat Warns Against Thought Control

On June 11, Morse (Ind. Ore.) rose in the Senate to deliver the second in a series of address he has been giving against wiretapping. The surprise was the speech which followed from Johnston of South Carolina, a ranking member of the Judiciary committee and one of the conservative Southern Democrats who wield so much power in the Senate. Though little attention was paid by the press to what was said, this debate seems to have ended Attorney General Brownell's hope of getting legislation permitting the FBI legally to tap wires.

Mr. JOHNSTON of South Carolina. As a member of the subcommittee which is holding hearings on the bills relating to wire-tapping, I have become very much interested in this question. My convictions are deep-seated. Whatever proposals of a permissive nature may come from the Judiciary Committee as a result of its consideration of the several measures before it, it will not meet with my approval. I am against them one and all. Every one of them does violence to my concept of the democratic way of life. . .

We shall be asked to support a measure permitting our every expressed thought to become public property. Make no mistake about that. Look out for the day when mechanical mind-readers shall be employed to search for and reveal our contained thoughts. The proposals in these measures are only entering wedges. Later on we must amend and amend and amend. When amendments are over, total surrender of all our rights will have been accomplished. . . .

This proposed legislation gives every government official under the Attorney General a license to become a peeping tom. . . . He will take his ill-gained knowledge and with it the remains of every remnant of a priceless inheritance under our Bill of Rights. No threat, peril, nor imminent national disaster appear on our horizon which would justify this kind of sacrifice on our part. . . .

I do not know whether the Senator has ever seen an FBI report or not, but I think it would awaken many people in the United States if they knew just how the FBI obtains records, and how it goes about wiretapping at the present time. I think it should be prevented from wiretapping. . .

Mr. WELKER. I certainly agree with the Senator in his

conclusion that all private wiretapping should be eliminated. However when our country is in danger, and espionage agents are working day and night, it seems to me that we should not put roadblocks in the path of our police officers and open the gates for subversives, saboteurs and espionage agents.

Mr. JOHNSTON of South Carolina. That is where I differ with the Senator from Idaho. . . I believe the security of our country can be very well protected without such a practice. . . I do not believe anyone should be allowed to tap wires, even with the consent of a judge. . .

Mr. WELKER. How, on God's green earth, could an innocent man object to his wire being tapped if, in fact, J. Edgar Hoover felt that the man was a subversive?

Mr. MORSE. I may say most respectfully, in the vein of two lawyers disagreeing, that I think it is highly non-sequitur argument on the whole issue of protecting the privacy of Americans to say, 'If you do not have anything to hide, what objection do you have to giving up your privacy?' . . .

The privacy of the home, which is the castle of a free man, is so precious to freedom, that I do not believe any American ought to be forced by law to give it up simply on the basis of the argument, 'What do you have to hide?' The answer to the argument is, 'Nothing; but what I want to preserve is my right to complete privacy.' . . .

Mr. JOHNSTON of South Carolina. Mr. President, from this discussion I think it can be seen that there will be differences upon methods of handling the situation, but I certainly believe, so far as I am concerned, that wiretapping should be prohibited in any form.

When this is done we will begin to restore a measure of freedom to a people encircled by fear and hysteria. We will begin the task of making more secure all the protective provisions of our Bill of Rights. We will begin the work—so long neglected—of protecting the individual in the rights he has won through the struggle of the centuries. We can then proclaim freely to the world: 'Others may lose their individual rights but we intend to preserve ours.'

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.
 Please renew (or enter) my sub for the enclosed \$5:
 Name _____
 Street _____
 City _____ Zone _____ State _____
 Enter this gift sub for \$4 more (money enclosed):
 (To) Name _____
 Street _____
 City _____ Zone _____ State _____
 6-28-54

I. F. Stone's Weekly

Room 205
301 E. Capitol St., S.E.
Washington 3, D. C.

NEWSPAPER

Entered as Second Class Mail Matter Washington, D. C. Post Office

I. F. Stone's Weekly

VOL. 2, NUMBER 24

JULY 5, 1954



WASHINGTON, D. C.

15 CENTS

Why Churchill Talks Like Henry Wallace

The huge and garish Presidential Room at the Statler was jammed. The Marine Band, in red coats and white trousers, added to the din with the kind of music one hears at the circus. There was the excitement of a super gladiatorial event: Sir Winston had agreed (or seemed to have agreed) to take on questions from all comers, no holds barred. Mrs. Trollope would have been charmed with the scene and rushed home to add a new chapter to the Manners and Customs of the Americans. The block long dais was crowded with the cream of the press corps, i.e. its leading trained seals, whited sepulchres, and housebroken oracles. There was (or seemed to be) one Negro on the dais, though the National Press Club is still Jim Crow, but he turned out to be the Ambassador from Ceylon, and thus by protocol lily-white.

Sir Winston, with that big cigar, looking more and more like the late W. C. Fields, brought the house down when he appeared, followed by Anthony Eden, who had the pleased and incredulous look of a small boy allowed to go along and watch a gifted grandpa do card tricks. Churchill was magnificent. I never expect in my lifetime to hear and see a greater man. Beyond the puckishness and the hamming, there came through with tremendous sincerity the last, desperate effort of a noble old man to stem the tide toward war. His plea for "a good hard try" at peace and co-existence could not have been spoken in a more unfavorable context; such talk has long been regarded here as subversive. The atmosphere

was vividly indicated for all time when Churchill felt it necessary to assure his audience that he was not a Communist! I blush for my country.

Why does Churchill now speak the language we used to hear from Henry Wallace? The basic pattern is the familiar one of balance-of-power politics. After the war, a Russo-American settlement would not have been to Britain's interest. The two giants would have divided the world over London's head. Funds for reconstruction in Britain could only be obtained from Congress by anti-Communist scare and alarm. More recently, as the value of American aid has fallen, its risks have risen. British recovery has made greater independence possible; the threat of losing more British spheres of influence to the U.S. (as in Iran) has made greater independence necessary. An H-bomb war would ruin Britain.

At the same time, tension between Moscow and Washington makes possible a profitable mediatorial role for London, especially in the China trade. Churchill's passion is Britain, not anti-Communism. He sees a chance to get the best of both worlds for his country. He sees its desolate end in a new war. He is also, with a seer's vision and a poet's tongue, anxious at death's door for one last exploit in the service of humanity. His has been an unquenchable thirst for glorious achievement. But how FDR would have been surprised and pleased at Cousin Winston's change of tune!

The Meaning of Locarno: Eden, Dulles and Munich

Eden was introduced to the audience as the man who resigned rather than acquiesce in Munich. To that audience it seemed an implied rebuke; was he not now engaged in a new chapter in appeasement in the Far East? Eden and Churchill represent conservatives who were not prepared to make their peace with Hitler; Dulles (as can be seen on page 3) represents the conservatives who were not only for appeasing the Axis, but applauded its aims. Like so many of those now in positions of power in this country, Dulles was then pro-Munich, pro-German, anti-British. (He still is). Churchill's earlier pro-Fascism, like his recent anti-Communism, stopped where British interests and the balance of power were endangered.

The difference between the two sets of men now is this. The British see a Far Eastern Locarno as a means of sta-

bilizing the situation and saving Malaya. The Dulles crowd does not want the situation stabilized. A Locarno means recognition of Peking, the abandonment of Chiang Kai-shek and the ultimate restoration of Formosa to China. The void in the White House and the cowardice elsewhere have made this American policy. But this policy is being destroyed by a veritable revolution in world affairs signalized by Churchill's shift, the fall of the Catholics from control of foreign policy in Paris, the triumphal appearance of Chou En-lai on the world stage. The Nehru-Chou meeting dramatizes the liberation of Asia and the colored races from four centuries of white domination. The axis of world power is shifting fundamentally; the process can only be stopped if America, like a blinded Samson, brings down the whole house of humanity in common ruins. The U.S. is being pushed screaming, but inexorably, toward co-existence.

Toward A New Colonialism of Our Own

The process will take time, and will be turbulent. The possibility of war through misstep, miscalculation or just plain mischief will never be absent. The next stage may be a West European revolt against a new colonialism—the colonialism represented by American air bases in England and France. Ever since the Dulles "massive retaliation" speech,

London and Paris have been haunted by the fear that one day, without consulting them, the U.S. might plunge into an atomic war which would bring immediate strikes by Russia at West European air bases. So long as the bases are there, whether used in the first attack or not, England and France are fatally at the mercy of any American adventure. They

cannot stay out of a Russo-American war even if they want to. This will become a more serious problem for them as, if and when the steady deterioration of American government and opinion brings closer to full power a combination of the military, the China Lobby Senators and the crypto-Fascists like McCarthy.

The pattern of events in Iraq and Syria may repeat themselves in this new context. Just as the British and French established bases in these colonial countries as allies against domestic revolt and foreign attack, and stayed on to dominate their political life, until they were forced out, so the U.S. came to Western Europe as an ally but may end up as an unwelcome guest. What if a new American government uses these bases to interfere in internal politics, or refuses to relinquish the bases, standing on "contractual rights" as Britain and France have in Egypt and Morocco?

This will not sound as fantastic a few years hence as it may now. A deepening of xenophobia, a mood of bitterness, and an intensification of the trend toward a closer society may be expected in the wake of a Far Eastern settlement. The wild men will use the loss of Indo-China against the conservative Eisenhower Republicans as the Republicans used "the loss of China" against the Democrats. An unfriendly attitude toward Western Europe, an orientation toward Japan and Germany, will be the trend. Remember that the wild men are pre-war American Firsters.

After Guatemala, the Hemispheric Police State

With the success of the revolt staged by the U.S. in Guatemala and in the mood of "disillusion" with Europe, the "Fortress America" isolationists will join hands with those who would like us to retire into the Western Hemisphere and "cultivate our own garden." The real trouble with this metaphor is that the Western Hemisphere below the Rio Grande is a garden we regard as full of weeds, lesser and darker breeds we must flatter and control. They don't especially care for the gardener, but the masses are easily ruled by a few thousand armed men whose allegiance can be bought or manipulated as in Guatemala.

The Guatemalan counter-revolution carried out the new principle laid down by Dulles at Caracas—that we would

But bitterness against England and France is not limited to their ranks. During the debate in the Commons on June 23 after the Eden "Locarno" speech, a Mr. Donnelly, a Laborite from Pembroke, made a remark which will illuminate the difference in attitude on the two sides of the Atlantic. While praising Eden's work at Geneva, Donnelly said maintenance of the Anglo-American alliance "was vital because it gave us a chance to influence and guide the American government's policies." He said that "if broken the chance of preventing American policies doing irreparable damage to the world would be lost." There is bitterness here in the State Department if not the White House because the Anglo-American entente has worked in just this way.

Though there has been no agreement on the Far East, the British have succeeded again (as Atlee did at a crucial moment in the Korean war) in restraining the Americans from recklessness. This is what rankles in Dulles' grumbling about operating under a British veto which in turn may reflect a veto by Nehru. Dulles is accustomed to act unilaterally, and to get obedience—as he has been getting it in Latin America. In this unfortunately he faithfully reflects the dominant mood in Congress: if these foreigners won't go along with us on EDC or the Far East or Guatemala, we shut off the money . . .

intervene against internal "subversion" as well as foreign aggression. This implies a hemispheric police state, with inter American control of travel, the mail and thoughts to keep out the dangerous. It is all there in the recommendation at Caracas that member governments enact "measures to require disclosure" of the identity, activities and source of funds of persons "spreading" Communist propaganda and to control their movements. The tactic of the Un-American Activities Committee and the authority of the FBI must become hemispheric (the latter already is). As the Communists go underground, we must be prepared to screen the political life of Latin America to sift out hidden "subversion." This will, of course, make it easy to get rid of anyone who agitates against banana, copper or oil companies.

Oppenheimer and The Brain-Washing of U.S. Intellectuals

As the sun of freedom begins to rise elsewhere, it is setting here. For the cruel savagery of the Atomic Energy Commission verdict on Oppenheimer, one must go to the great Moscow trials where the Old Bolsheviks were entrapped in a spider web woven by the secret police. Brownell's attack on Harry White last winter, the Oppenheimer proceeding now, represent another stage in the adoption here of the Russian practice of rewriting history to defame the opposition, to terrorize critics, to impose total conformity and to brain-wash the intellectuals.

Notice that the heart of the case against Oppenheimer is that he failed to cooperate fully with the secret police. This runs like a sinister thread through the majority opinions—the intellectuals must learn to obey their police masters, and to obey without question. The FBI is to be as sacred here as

the NKVD in Russia.

We hope to discuss the Oppenheimer report in more detail later but would warn now against sentimental expectation of a revolt of scientists. Scientists, like most human beings, tend to follow the line of least resistance; personal comfort and safety outweigh moral and political considerations. The crucifixion of Oppenheimer will serve as a sensational warning to the younger men that they had better toe the mark and eschew social consciousness. The ideal scientist is to be, as indeed our engineers have long tended to be, a kind of more mobile though less dependable IBM machine. "Security" is to be the watchword and "security" is a watchword incompatible with a free society. Defeat abroad is turning us inward, and it is fitting historically that the Oppenheimer decision should come on the heels of Churchill's rebellion.

Bulletin on the Brownell Police State Bill

Now is the time, as they say in the typing classes, for all good men to come to the aid of those fighting to maintain a free America. The battle is not lost if only enough of us will rise up to fight it. Which brings us to the Brownell bills discussed in last week's issue—one to set up a gigantic blacklist for virtually all industry, barring the subversive from employment; the other giving the Attorney General power to seize and liquidate trade unions, other organizations and businesses he considers "Communist infiltrated." (We are to get the same treatment we are giving Guatemala.)

The A. F. of L. and the C.I.O. joined in the protest against those bills last week. There is growing distrust and dislike of Brownell in Congress. The Senate Judiciary Committee is opening hearings on Thursday. Get your organization to make an appearance. The bills can still be blocked if there is enough pressure.

Hot-Weather Gremlins in last week's issue garbled a reference to Churchill and Eden both disliking Dulles, made it read that Churchill and Dulles both disliked Eden! Sorry.

When Eden Balked at Munich, John Foster Advocated Appeasement

Dulles and Locarno: A Revealing Bit of History

The Locarno treaty of 1925 was a mutual guarantee of the Western frontiers as established at Versailles. Germany agreed not to invade France and Belgium. Britain and Italy agreed to come to the defense of the victim if either side struck at the other across the Rhine. In this treaty, Germany also promised not to violate Articles 42 and 43 of the Versailles Treaty.

These were the articles which sought to buttress the disarmament of Germany by providing for the demilitarization of the Rhineland. "In case Germany violates in any manner whatever the provisions of Articles 42 and 43," the Locarno pact said, "she shall be regarded as committing a hostile act against the Powers signatory . . . and as calculated to disturb the peace of the world."

Ten years later Hitler tore up the disarmament provision of the Versailles pact and reconstituted the German General Staff. When neither France nor Britain acted, it was clear that the Locarno settlement was dead. The following March Hitler formally repudiated Locarno and marched into the Rhineland.

These events were discussed by John Foster Dulles in an article called "The Road to Peace." It was published by the *Atlantic Monthly* in October, 1935, just seven months after Hitler put into effect his "Law for the Reconstruction of the National Defense Forces."

Not So Moral, Then

Today all Mr. Dulles's utterances are heavily larded with morality. But he did not then view the scene in moral terms. He set out on a quite different line of argument. He began by enumerating the treaties—the League Covenant, the Kellogg pact, the Locarno Treaty—with which the world after World War I sought to prevent war. He noted that "in the face of all this, we sense that we are inevitably moving on toward war."

"Faced by a situation which superficially seems so inexplicable," Mr. Dulles went on, we adopt the time-honored expedient of postulating a 'personal devil'. Hitler, Mussolini, and Japanese war lords in turn became the object of our suspicion."

This implies that the menace represented by these men was somehow unreal, a figment of the imagination. Mr. Dulles said, "We forget that isolated individuals [Fuehrer and Duce were just "isolated individuals"—IFS] could never prevail against world sentiment for peace, except as they are the instrumentalities of powerful underlying forces. It is these which we must identify and counteract . . ."

And what were these "powerful underlying forces" which had to be counteracted? "The true explanation of the imminence of war," Mr. Dulles continued, "lies in the inevitability of change and the fact that peace efforts have been misdirected toward the prevention of change."

The trouble with peace plans, Mr. Dulles wrote, is that they fail to take into account "the present lack of any adequate substitute for force as an inducement to change." If only—Mr. Dulles implied—France, Poland, Ethiopia, China could be induced to accept "change," force would not be necessary . . .

Peace Downright Selfish

"It is easy," Mr. Dulles said, warming up his theme, "to explain the confounding of peace with stability. Those whose lives fall in pleasant places contemplate with equanimity an indefinite continuation of their present state. 'Peace' means to them that they should be undisturbed. 'Aggression' becomes the capital international crime and 'security' the watchword. The popular demand for peace is thus capitalized by those who selfishly seek to have the world continue as it is."

"It is not mere coincidence," Mr. Dulles goes on, "that it is the presently favored nations—France, Great Britain and the United States—whose governments have been most active

in devising plans for perpetual peace. If other countries like Germany, Italy and Japan," he continues suavely, "adhere only reluctantly if at all to such projects, it is not because these nations are inherently warlike or bloodthirsty. They too want peace, but they undoubtedly feel within themselves potentialities which are repressed and they desire to keep open the avenues of change."

The effect was to picture France, Great Britain and the United States as somehow in the wrong. Germany, Italy and Japan were not "inherently warlike or bloodthirsty." They just wanted "change."

It was in the light of these principles that Mr. Dulles surveyed existing treaties. The trouble with the Covenant of the League, he said, was that if observed "existing frontiers would be perpetuated for all time, save as one state freely ceded its territory to another." This was "both impracticable and undesirable." The Kellogg pact was "perhaps the most futile of all peace efforts" because "force is thereby forever renounced as an instrument of national policy."

China, Not Japan, Was At Fault

Mr. Dulles included in his criticism the Stimson doctrine of "nonrecognition of the fruits of aggression" as enunciated "with reference to the situation brought about by Japan in Manchuria." (Note the delicacy and tact of Mr. Dulles's phrasing.) He did not know "whether such changes as have been occurring in the Far East are warranted by the facts" but he thought it "at least conceivable that they reflect a logical and inevitable tendency." If so, Mr. Dulles went on, he saw no reason why they should be "held in suspense until that hypothetical date when China was prepared freely to acquiesce therein so that the change could no longer be treated as 'aggression'."

Rape might be defended the same way by saying that natural passion could not be held in suspense until that hypothetical date when the victim was prepared freely to acquiesce therein.

Mr. Dulles proceeded to contrast such ill-advised efforts to "stabilize the peace" (his quotation marks, of course) with other "events, not so labelled, which have perhaps been a more genuine contribution to peace." He begins with British renunciation of naval supremacy, and goes on to "the return to Germany of the Saar." The benefits of this to Franco-German relations, however, were "offset" by French insistence on German disarmament.

Here Mr. Dulles finally came—among these "genuine contributions to peace"—to what Hitler was doing, and this is how he phrased it. "Germany," Mr. Dulles said, "had become increasingly restless . . . The time had come to release her from the treaty limitations. This was not done, with the result that Germany, by unilateral action, has now taken back her freedom of action." That's all.

What of the Locarno Pact? Mr. Dulles disparaged it as "another instrument which seeks peace by perpetuating frontiers." But it at least had the virtue of being limited. "It relates only to boundaries between France, Belgium and Germany. Many changes can occur consistently with its terms, and the fact that the parties were willing to make so limited a compact was interpreted as implying the possibility of changes in other quarters. Thus, by indirection," Mr. Dulles concluded, "the Locarno Pact may have served the peace."

This veiled and subtle language requires some explanation. The Germans at Locarno refused to include their eastern frontiers in the system of mutual guarantees. Poland and Russia felt that Locarno was a menace because it left open the door to German aggression eastward, i.e. to pick up Mr. Dulles's language, it implied "the possibility of changes in other quarters." Then as now, Mr. Dulles was for "liberation." But it would be hard to match the lush cynicism of the double-talk with which he then served as apologist for appeasement.

The Case Against Paul Crouch

Is Brownell Afraid of Being "Hoist By His Own Perjurer"?

The extent to which the government has become enmeshed in the toils of its own informers may be seen in the briefs filed with the Board of Immigration Appeals last week in the case of Jacob Burck. "Jake" Burck of the Chicago *Sun-Times* is one of the country's most distinguished cartoonists, the recipient of many honors, including the Pulitzer Prize. He has been ordered deported to the Poland he left at the age of ten because two decades ago he was for a short time a member of the Communist party and a cartoonist for the *Daily Worker*.

Though a long list of distinguished men, including Bishop Sheil of Chicago, have come to his aid, Burck is in serious danger of banishment and separation from his American born wife and children. Unlike dozens of obscurer folk being put through the deportation mill on the grounds of present or past membership in the Communist Party, Burck has had the resources to counter-attack. The Immigration and Naturalization Service has a stable of ex-Communists employed as informers in deportation cases. The two produced against Burck were Paul Crouch and Maurice Malkin. Burck's lawyers have filed separate briefs analyzing the confusions, contradictions and perjuries in the past testimony of these hired witnesses.

The kind of men thus employed may be seen in the brief's thumb-nail biography of Malkin. "He entered Sing Sing upon conviction for a particularly brutal, felonious assault. By his own admission, he obtained citizenship fraudulently. He voted illegally for many years; is a perjurer by his own admission and the finding of a criminal court jury; and was discharged from the WPA on grounds of forgery, fraud and falsification of time sheets. By his own admissions, subject to denaturalization and guilty of espionage, he continues a citizen and unprosecuted as he continues to testify."

In calmer times, the testimony of such witnesses would be rejected as tainted—not merely because they are paid to testify as they do, but because if they ever refused to testify they themselves would be in danger of prosecution and deportation. Pay and blackmail shadow their words.

This is neither the end nor the worst of the evil. As in other criminal enterprises, the tool can menace its master. This was demonstrated when Roy Cohn introduced in the McCarthy hearings a seven-page memorandum by Crouch on alleged infiltration of the armed forces by Communists. The man employed by Brownell to convict scores of the helpless turned up to supply ammunition for McCarthy's attack on the Eisenhower Administration.

The 27 affidavits attached to the Crouch brief in the Burck case provide a damning record of perjury by this professional informer. "I am amazed," Judge Holtzoff said in Federal District Court here after Crouch testified in the Weinberg case, "that the Immigration and Naturalization Service should employ him as a member of its staff." An honorable Attorney General would have fired Crouch and cleaned out that stable of informers long ago.

But the momentum of events has put Brownell and the government in a position where they can no longer shake loose from their hirelings. Among the cases studied in the Crouch brief are the two Steve Nelson trials in Pennsylvania, at least one Smith Act prosecution, several deportation actions, the Bridges trial and the government's registration proceeding against the Communist Party before the Subversive Activities Control Board. This windbag, this self-confessed cultivator of fantasy, has starred in all of them. To try Crouch now for perjury, even to drop him from the payroll without punishment, would admit that there was tainted testimony in all these proceedings.

The man who hires a killer soon fears for himself. So it is with the man who hires a liar. Crouch has powerful friends among those he has served in Congress. He testified for McCarthy in the Government Printing Office inquiry; for Eastland, in smearing the Durrs and Joseph Lash.

Who knows what Crouch might say about Brownell if Crouch were now to be cashiered? Who knows what stories he might furnish McCarthy? To paraphrase Gospel, one might say that those who take up perjury shall themselves perish by it.

Let Us Send A Sample Copy Free To Your Friends

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

7-5-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. II, NUMBER 26

JULY 19, 1954



WASHINGTON, D. C.

15 CENTS

The Time to Save America from Fascism Is Now

The atmosphere here in Washington is ludicrously like that of a tottering banana republic in deadly fear of an imminent Leftist coup. In the murky July heat of the capital, a kind of frenzy has seized on the Administration. It is pushing hard in the closing days of Congress for a repressive program so harsh and extensive that it must amaze the foreign observer.

The House on July 8 passed a bill so draconian it aroused the misgivings of Martin Dies, a bill which widens the definitions of espionage and sabotage, eliminates any statute of limitations in their prosecution, makes death a penalty even in time of peace. On July 13 the Un-American Activities Committee reported to the House a bill already passed by the Senate requiring all "subversive" organizations to register their printing facilities, even their mimeograph machines. So fearful are we become of the printed word.

Under pressure, long buried "immunity" bills to suspend the ancient guaranties of the Fifth Amendment against self-incrimination will be given a public hearing today (July 19) by the House Judiciary Committee. The heat is on to complete the final stages on a wiretap bill.

Somnolent monstrosities now safely bedded in committee may awaken at any time: one of them would set up a postal censorship over "subversive" publications, the other—a pet Eisenhower measure—would deprive of citizenship native born Americans convicted of "conspiring to advocate" radical doctrines. As if in preparation for a man-hunt, the House July 7 passed a bill imposing savage penalties on those who harbor fugitives.

In these measures, and above all in the Brownell bills to blacklist "subversives" from employment and to liquidate or brand "Communist infiltrated" businesses, trade unions and other organizations, there is reflected a strange desperation. It is as if we were on the verge of a terror by frightened men who feel power slipping from their hands.

So serious has the situation become that the sober Brotherhood of Railroad Trainmen warned in the July 12 issue of its newspaper, "Americans had better beware! Legislation is pending before Congress that would make this country over after the pattern of totalitarian regimes, with a government 'labor front' like Hitler's . . ."

A last-minute awakening of the labor movement is taking place. The A.F. of L., the C.I.O. and the United Mine Workers have really gone to work "on the Hill." Walter Reuther and George Meany in a similar appeal to the House Judiciary Committee have succeeded temporarily at least in getting that body to substitute for the Attorney General's two main bills a proposal that the President appoint a bipartisan committee to study the problem of "infiltration."

Those who wish to see the strategy and the target of the Brownell program will find it in a little known document prepared for the Senate Republican Policy Committee early in May a few days before Brownell launched his "security" program. This is called the "Republican Pursuit of American Communists" (Supplement to Vol. II, No. 18 of Senate Majority Memo) but might better be termed the Republican blueprint for the destruction of the Democratic party.

The thesis of this Republican policy committee study is simple. It is that the Republicans won the Congressional election of 1946 and the Presidential election of 1952 on the Communist issue and can win the next election the same way. Like McCarthy, therefore, it says that despite the Eisenhower victory "Communism remains a serious and fundamental issue in 1954," indeed that "it is even more compelling now." It echoes the 20 years of treason theme, and like Joe makes them appear to be 22.

It says that under Roosevelt the entire government "even the armed services" were "infiltrated." It accuses the Truman Administration of setting up "a system of Executive censorship . . . to obstruct the investigation of Communist infiltration." It says every major Congressional step to deal with the problem—it lists Taft-Hartley, the Internal Security Act and the McCarran-Walter Immigration bill—had to be passed over Truman vetoes. This is the perspective in which to read the Brownell bill to liquidate all "Communist infiltrated" organizations. The Democrats themselves are a target.

A minuscule, discredited and spy-riddled Communist party has been made the excuse since 1946 of a deliberate campaign by the U. S. Chamber of Commerce to establish thought control in this country. The Chamber now fears in view of the improving situation abroad and the dissatisfaction at home that—as it said in a recent bulletin—"1954 may well be the last chance." The main prize—the pay-off—is the labor movement. It is "infiltrated" with ex-Socialists and ex-Communists. A bill giving the Attorney General power to liquidate or to brand-by-registration any "infiltrated" trade union could be the end of free trade unionism in this country. This is what Lewis, Reuther, and Meany now realize. And Democratic politicians, craven as they mostly are, are beginning to see that they lose their grass roots sources for a come-back if labor can be hobbled.

We are fighting a delaying action, hoping for the recovery of sanity in this country, and for a recrudescence of courage. The one chance at the moment is to sidetrack the Brownell bills with the proposal for a commission to study the problem. You can help by writing your Senators and your Congressman. Do it now. In this the midsummer of 1954, American liberty may be lost.

How The Lattimore Decision Menaces A Free Press

Washington—"If this indictment had been sustained in the lower court," counsel for Owen Lattimore argued in their brief before the U. S. Circuit Court of Appeals, "it would have cleared the way for a Congressional committee to call any newspaper editor, ask him the character of its contributors, compel him to evaluate the results of their writing on political issues and then subject him to an indictment in which the jury would be permitted to speculate as to the sincerity of such evaluations." Unfortunately that is precisely what the reasoning of both the majority and the minority in the Lattimore case does.

From the standpoint of the fight to clear Lattimore the most important part of the decision was that which upheld District Judge Youngdahl's order invalidating Count 1 of the indictment. Count 1 said Lattimore lied in denying that he had "sympathized" with Communism. The Court held 7 to 1 that this was too vague. "The word 'sympathizer,'" Judge Prettyman ruled for the majority, "is not of sufficiently certain meaning to sustain a charge of perjury."

But in reversing Judge Youngdahl on Counts 3 and 4, the Circuit Court majority made a ruling which casts a fearful shadow over freedom of the press, though of but minor importance in the Lattimore case. For Lattimore, the heart of the case against him is Count 1. The rest may not survive trial.

But the law as laid down by the Circuit Court on Counts 3 and 4 would permit the Jenner committee—the Senate Internal Security Subcommittee—and probably also the House Un-American Activities Committee to subpoena any editor and question him about the political views of his contributors and the articles he has published.

What Were Counts Three and Four?

Count 3 was that Lattimore lied in denying that he knew a certain "Asiaticus" was a Communist when Lattimore published his articles in the late 1930's. Count 4 was that Lattimore lied in denying that, except for contributions by Russians, he had never while editor of "Pacific Affairs" published an article by a man he knew to be a Communist. Judge Youngdahl threw out both these counts as in violation (by their vagueness) of the Sixth amendment and (by their interference with free expression) of the First amendment. The Circuit Court overruled him, splitting 5 to 4.

The implications for freedom of the press were fully grasped by both sides when the case was argued. The government argued that there was a parallel between the Lattimore case and that of *Barsky* and the *Hollywood Ten* (which this same Court of Appeals decided). In the latter, the government urged, "the defendants were writers who moulded public opinion through the motion picture industry while in the instant case the defendant was an important figure in the Institute of Pacific Relations, editor of one of its official publications, 'Pacific Affairs' . . . and in a position to influence public opinion."

The defense tried to distinguish the *Lattimore* case from these two earlier decisions. The defense said that in the earlier cases the Court held that "direct questions on Communist affiliations were tolerable, despite their indirect effect on First amendment freedoms, because the international emergency permitted Congress to conclude that it was indispensable to know who were Communists." Here, the defense said, Lattimore was not accused of being a Communist; "the so-called perjury goes only to the political belief and attitude of a private non-Communist American citizen."

This finely split hair attracted neither the majority nor the minority. Judge Prettyman, who wrote the decision in the *Barsky* case, merely said for the majority in *Lattimore's* that "we cannot at the present juncture rule as a matter of law that it was not material to the study being made by the

Subcommittee to inquire whether contributors to the magazine were or were not Communists."

In other words, the majority said there was nothing in the First Amendment to prevent a Committee of Congress from questioning an editor on the views of his contributors. Whether a specific answer in a specific case constituted perjury, however, would depend on the facts shown at the trial.

The minority opinion splits some hairs on its own, but—as we shall see—does not differ in principle. The minority opinion makes strange reading because it was written by Edgerton, whose dissent in the *Barsky* case is one of the great libertarian landmarks of this period. In that dissent, Edgerton declared ideological inquisition by Congress unconstitutional.

Judge Clark Changes Sides

Judge Edgerton's dissent in the Lattimore case is far less uncompromising, no doubt because one of the judges, Clark, who joined him in that dissent was the same judge who wrote the opinion upholding the conviction of the *Hollywood Ten*. Some way had to be found to reconcile Clark's decision against the *Hollywood Ten* with his dissent on behalf of Lattimore. This was done in two ways. Edgerton held that while the *Hollywood Ten* were asked objective facts—whether they were members of the Communist Party and the Screen Writers Guild—Lattimore was asked about the "mental states" of his contributors. Edgerton also held that "Counts III and IV relate exclusively to the time between 1934 and 1941, before the commencement of the 'potential threats to the security of this country' with which Congress and the courts were concerned in *Barsky* and *Lawson*." The minority challenges the authority of the Senate Internal Security subcommittee to interrogate an editor—but only on the events of the pre-cold war period.

This is a dangerous distinction. It helps Lattimore, but it implies that interrogation of an editor about his current contributions and contributors would be lawful. The minority also argues that "even now" what makes an article "subversive" is not whether the author is a Communist but the "content" of the article. This reasoning clears the way for investigation of articles for "subversive" content even when the authors are admittedly non-Communist.

Rumely Case A Weak Reed

One final observation is in order if we are fully to plumb the repressive tendencies implicit in the Lattimore decision. Lattimore's lawyers cited the *Rumely* case in which Judge Prettyman held (197 F. 2d 166) that a publisher could not be made to disclose the buyers of his books under the Lobbying Act because "the effect of public embarrassment is a powerful interference with the free expression of views." This was the very point Edgerton made, dissenting in the *Barsky* case, against the House Un-American Activities Committee.

But what the Circuit Court was willing to do on behalf of a reactionary turned publisher it may not be willing to do on behalf of a liberal or radical editor. For as Edgerton admits in his Lattimore dissent, "In *Rumely* we distinguished the *Barsky*, *Lawson* (Hollywood Ten) and other cases on the grounds that 'Communism and the Communists are, in the current world situation, potential threats to the security of his country' and that Congress could therefore, interfere with freedom of expression in order to inquire into the subject." In the courts, too, anything goes so long as it is garbed as anti-Communism.

If this reasoning is upheld in the Supreme Court, editors may yet run a double gauntlet when they publish views the witch hunters dislike. They can be put into the pillory by a Congressional committee and they may be indicted for perjury on the basis of their replies.

I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$15 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

Vol. II, Number 26



July 19, 1954

The Scripps-Howard Attack On McCarthy

We Remember Woltman As A 'Red'

We hope a personal note may be forgiven in discussing so major a political portent as the anti-McCarthy series which the Scripps-Howard press began publishing last week . . . Years ago, in the early 30's, we wrote editorials defending Frederick Woltman when he was fired as economics instructor from a college in Pittsburgh as a "Red"—the quotation marks are used because he was never actually a Communist, just another early New Deal radical . . . The series itself is not surprising, since the Scripps-Howard papers have been going after McCarthy editorially . . . But it took considerable courage for Woltman to do that series . . . It is ably written and our hat is off to him for it . . .

Is Joe A Liability?

Is it true, as Woltman asserts in the big headlines, that McCarthy "has become a major liability to the cause of anti-Communism . . . It is true, in a sense . . . In the sense that, in any fundamental conflict, the two extremes tend to support each other . . . It is also true in the sense that McCarthy by his arrogance, brashness and overweening ambition has dramatized the consequences of the witch hunt, its ultimate menace to all that is sane and orderly in our society . . . But by its inner logic, the witch hunt cannot be kept in bounds . . . Sooner or later it was bound to breed a McCarthy, a man ready to exploit it with utter unscrupulousness for his own ends, to defile and defame all that stands on his way to power . . .

No Worse Than Jenner

But is McCarthy any worse than Velde, McCarran, Nixon, Mundt or Jenner? . . . Isn't it just that he is more dramatic? . . . Wasn't Jenner as dirty in his attack on General Marshall . . . Aren't Velde and his colleagues of the House Un-American Activities Committee as ruthless and cruel in dealing with small, helpless and obscure people? . . . Hasn't

McCarthy in many cases merely thrown on the national screen all the unfairness and unreliability of FBI loyalty and security reports? . . . And what of Brownell and his attack on Harry White and the Democrats? . . . What of the G.O.P. Brownell legislative program discussed on page one? . . . McCarthy is a liability in this sense only because he makes it easier for the country to see what's happening, because he destroys the pretense and mummery of legality . . .

Brownell Is Lower Morally

Morally, in our opinion, Eisenhower and Brownell rank lower than McCarthy . . . Eisenhower didn't have the manliness to back his lifelong friend and patron, General Marshall . . . Brownell knows better . . . McCarthy is just an adventurer . . . Don't count him out too soon, though at least one of his Texas oil millionaires is reported to have run out on him . . . But if they knock him out or quiet him down for a while, it will only make the path to Fascism smoother, by disarming an aroused public . . . Anti-Communism is the G.O.P.'s stock in trade, both parties have their quota of paranoids . . . And the big interests who launched the Chamber of Commerce "through control" campaign in 1946 want it to go on . . . Their objective is to prevent a New Deal in this country . . . That, and not McCarthy, is the heart of the hurricane . . .

McCarthy's Advantage

McCarthyism or any new variant cannot be fought so long as people forget that there can be no freedom without risk, no stable society without a modicum of faith, no sane order so long as we propagate the theory that Communists are supernatural beings with occult powers subterraneously engaged in "subverting" our society . . . If that is to be the major premise of American thinking, how answer McCarthy when he says the Republicans, too, are "infiltrated"? . . . If the Communists are that diabolically clever, why shouldn't they mask as Republicans? . . . How answer McCarthy when he says maybe Wechsler was assigned by Moscow to make believe he was an anti-Communist so years later he could more effectively fight McCarthy and J. Edgar Hoover? . . . Once the mad premise is accepted, the rest follows logically . . . Indeed the weirder the charge the more it appeals to a public led to shiver over a diabolic enemy . . . There is no way to keep the United States permanently just a little crazy . . . Either sanity will be restored or the Fascist mentality will take power . . . Freedom as we have know it and "security" as the paranoids preach it are incompatible . . . This is what needs to be driven home . . .

And It's Red Borsht, Too

P.S. As therapeutic as the Woltman series,, perhaps more so, since a little laughter is the best solvent, was the advertisement the Ambassador Hotel Grill put beside it in the *Washington Daily News* last Wednesday . . . "Don't Tell Joe," the ad said, "We Serve the Best Borsht in Town . . ."

Is Paul Crouch A Faithful Reader of *The Weekly*, Or Was It Our Crystal Ball?

Our issue of July 5 suggested wryly that Brownell might be afraid to act against his professional witness, Paul Crouch, lest this upset the cases in which Crouch has starred for the government. "Who knows," we also wondered, "what Crouch might say about Brownell . . .?"

Either it's that crystal ball we got for Christmas, or Crouch is another of the *Weekly's* growing list of faithful readers. Because four days later the *New York Times* of July 9 reported from Washington that Crouch was asking a Congressional investigation of Brownell and asserting

that any action by Brownell against him "might force the reopening of about sixty hearings and trials in which he had been a principal witness."

Downright clairvoyant our circulation department calls it. So why not give some good friend the benefit of reading so *pre*-informed a publication by using the blank on the reverse side to give him a gift subscription?

—I. F. STONE.

P.S. In the Brownell-Crouch dispute itself, we are impartial. We believe they both deserve to be investigated.

A Memo for the *New York Times* and the Alsops:

The Darker Side of the Picture — How Informers Are Made

The New York Times in a survey on July 7, the Alsops in their column on July 11, performed a public service in calling attention to the increased use of informers by the government and the moral issues involved. But no one has yet discussed the way informers are made by the government itself. An underworld of official blackmail, trafficking in fear and misery, waits to be exposed.

Last week the curtain was lifted on it a little in Washington where Bernard Horwatt called in newsmen and told his own story. The Department of Justice had just filed a petition in Federal court accusing him of having failed to mention in his 1931 naturalization proceedings that he was a Communist.

That was 23 years ago. Horwatt, now an electrical contractor in Falls Church, Va., faces loss of citizenship and deportation. He told reporters he was first a Socialist and then a Communist in the 30's, leaving the party in 1938.

Horwatt said that he had been questioned by the FBI four times but refused to give the names of others he knew in the Communist party. Then the FBI asked him to rejoin the Communist party and provide them with information. "I'm not the person who can play a two-life personality," Horwatt explained his refusal. "I just couldn't do it." The denaturalization proceeding followed.

The only difference between the Horwatt case and others is that most people caught this way are afraid to talk of it even if they have the nerve to refuse the request that they inform on others. The screws the government can turn are particularly severe because so many of these people are ex-radicals now respectably established.

Many are elderly and ailing, no longer a menace to anything even by witch hunt perspectives. Of 350 people now in process of deportation or denaturalization or both, the *American Committee for the Protection of the Foreign Born* says more than 90 are 65 years of age or over.

Roy Cohn Put The Screws On Browder

A particularly striking case is that on which the govern-

ment finally launched in the Federal District Court in New York last week against Earl Browder, the former leader of the American Communist Party, and his wife. We first called attention to the indictment in an article "The Man Who Refused to be a Budenz" in our issue of March 7, 1935. The government has been holding a perjury indictment over the heads of the Browders in an effort to turn him into an informer. Roy Cohn several times sent word that all would be well if only Browder would "cooperate."

The case was called for trial when Browder still refused. He has chosen honor and poverty over the financial rewards that might have been his if he had sold his memoirs to the magazines and the government.

The alleged perjury occurred in 1946 when Mrs. Browder applied for American citizenship. They both denied on her application that she had been a member of the American Communist party. This had been certified as a fact two years earlier by the Board of Immigration Appeals (two of whose three members were ex-Federal judges) when she was granted a visa as a quota immigrant. Paul Crouch is now prepared to testify to the contrary.

It should not require much imagination to realize the plight of the Browders. An ex-Communist leader who chooses not to cash in on his past is a lonely figure in cold war America; hatred and suspicion wall him in on both sides. Add Mrs. Browder's long illness and concern for their three sons, all three brilliant mathematicians, and the extent of the blackmail is obvious.

In every American paper and from every American platform one may read and hear that we, unlike *Them*, do not believe the end justifies the means. But the Department of Justice is as unscrupulous as any Communist Ministry of the Interior when it comes to using fear and threat to obtain pliant tools against oppositionists. It is time that vestigial organ, the American conscience, the vermiform appendix of the cold war, gave a few twinges on this subject.

Let Us Send A Sample Copy Free To Your Friends

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3. D. C.
 Please renew (or enter) my sub for the enclosed \$5:
 Name _____
 Street _____
 City _____ Zone _____ State _____
 Enter this gift sub for \$4 more (money enclosed):
 (To) Name _____
 Street _____
 City _____ Zone _____ State _____

7-19-54

I. F. Stone's Weekly
 Room 205
 301 E. Capitol St., S.E.
 Washington 3, D. C.

NEWSPAPER

Entered as
 Second Class Mail
 Matter
 Washington, D. C.
 Post Office

I. F. Stone's Weekly

VOL. 2, NUMBER 25

JULY 12, 1954



WASHINGTON, D. C.

15 CENTS

Knowland's Threat Is Against Eisenhower

There has been so much merriment, of the hollow ha-ha variety, about Knowland's threat to resign as majority leader if Red China is admitted to the UN, that too little attention has been paid its real significance. The threat to resign is not aimed at our Western allies but at the White House. It is Eisenhower on whom Knowland has served warning.

Knowland threatened to resign as majority leader because he feared an unspoken understanding in the Churchill-Eisenhower talks for Peking's admission to the UN. The U.S. would look the other way, as in Indo-China, making gestures of resistance, but in the end acquiescing. Thus by a combination of force and gentle cluckings, a slightly cracked old Uncle Sam would be led to make some adjustment to the realities of international life. The new British diplomacy would be to pat our hand during the operation and say, "There, there . . ."

McCarran Rang The Alarm

The Knowland threat becomes clearer if one looks at the little noticed speech McCarran made in the Senate the day Churchill was being interviewed here at his press luncheon.

The most important part of the speech was not its criticism of the British but its warning about the Eisenhower Administration. "There are those in authority in the United States today," McCarran said, "including some in what might be termed the middle echelon of the Department of State, and possibly also in the middle echelon of the White House as well, who are still seeking recognition by the United States for the Communist overlords of China." McCarran did not place these "middle echelons" more precisely, nor name names.

But earlier in the speech the China Lobby's most astute spokesman did touch in passing on someone who might be described as in that "middle echelon." McCarran said, "It is significant, I think, that in his speech to the House of Commons, Mr. Eden warmly and equally praised Gen. Walter Bedell Smith, United States Under Secretary of State, and Mr. Molotov, the Soviet Foreign Minister, for their aid at Geneva."

"Obviously," McCarran went on, "Mr. Eden feels that both General Smith and Mr. Molotov aided him, and that they aided him in substantially the same degree. It is not thinkable," McCarran continued, thinking it aloud, "that he could have meant that Mr. Smith and Mr. Molotov were working for the same objectives."

This must be read against the background of the China Lobby's vendetta with General Marshall. Smith, like Eisenhower, is a Marshall protege. He is much closer to the President than Dulles and one of the objectives of the China Lobby has been to cast enough doubt on Smith to make it

politically impossible for him to become Dulles' successor as Secretary of State. The report on "Interlocking Subversion in Government Departments" issued by the Internal Security Committee of the Senate last summer sideswiped Smith. The chairman of that committee is Marshall's detractor, Jenner, and its ranking Democrat is McCarran.

Why They Want to Probe CIA

One of the reasons the China Lobby crowd has been itching to bring CIA (Central Intelligence Agency) within the orbit of the Congressional witch hunt is because of the opportunity this would afford to smear Smith, who was long head of CIA. One of CIA's functions is to act as the private news agency of the White House, briefing the President daily on the world situation. This gives it great influence, since policy is often made on the basis of the facts as CIA presents it.

In the light of this it is important to call attention to an unnoticed passage in a second speech McCarran made to the Senate last week. This was shortly after Knowland's threat to resign and it accompanied McCarran's introduction of a resolution, S.J. Res. 171, directing the President to withdraw the U.S. from all United Nations organizations and functions if Communist China were admitted to the UN.

McCarran began by saying there was a plan to bring Peking into the General Assembly after Congress had adjourned. He declared that while he was "confident" that the President does not favor this, "yet I am afraid he will be overpersuaded on this matter, and permit the United States to assent, or to remain silent, while this Communist coup is completed." McCarran said he was also "confident" of Dulles's position. But "I gravely fear," he went on, "that Mr. Dulles will not demonstrate the courage of his convictions if too many others in the administration take a different viewpoint."

At this point McCarran went on to make what seems to be a veiled reference to the CIA. This may further elucidate his cryptic remarks about the "middle echelons" which favor admission of Red China to the UN. "I think," he told the Senate, (Con. Rec. July 1, p. 9061), "there is grave danger that the National Security Council may be persuaded, by those to whom it listens most carefully *and who have the largest share in preparing and filtering the language of its pronouncements* [italics added, IFS]; and on the basis of such persuasion, may counsel that the Chinese Communists" be admitted to the UN.

The Threat of a New Investigation

It is the CIA, now under Dulles's brother, Allen W. Dulles, which briefs the National Security Council. Somewhere in the "middle echelons" of CIA and White House, the language of

National Security Council pronouncements is prepared and, to use McCarran's well chosen word, "filtered." Now if one turns back to the speech a few days earlier, in which McCarran first sounded the alarm, one will see the shadow of his strategy for the future.

McCarran ended that first speech by warning the Senate (Con. Rec. June 28, p. 8592) to "beware of the attitude which is being assumed more and more of those in important posts in Government, the attitude of scoffing at the danger presented by that group who are security risks in Government jobs." McCarran said this attitude ignored the "established fact that it was through the advice and machinations of security risks in Government jobs that the destruction of Nationalist China was brought about." This was the "fact" as "established" by the Internal Security Committee's investigation of the Institute of Pacific Relations when McCarran was its chairman.

McCarran then proceeded to an oblique warning for the White House. "Let it not be forgotten," he advised, "that because of this group of security risks in Government jobs, a program and a policy favorable to Communist aims in China, and prepared initially by a conscious articulate agent of the Soviet conspiracy was presented to a President of the United States."

The G.O.P., Too, Is "Infiltrated"

"Never think for a moment," McCarran concluded, "that an American President accepted a program favorable to the Communists, knowing that it was a program favorable to the Communists, or knowing that it was Communist inspired."

McCarran thus absolved Truman while warning Eisenhower. "Never forget for a moment," he went on, "that Communist planners have not ceased to plan, and that Communist agents continue to work deviously and with fiendish cleverness for the attainment of the long-range objectives of the world Communist conspiracy." And then he ended by expressing the view that the G.O.P., too, was infiltrated. "Do not doubt for a moment," McCarran finished, "that communism still has its servants and dupes in high places."

This speech and its implications are to be taken seriously. They assert—and no Republican rose in the Senate to deny it—that after 18 months in office the new Administration, like its Democratic predecessor and despite promises of a cleanup, still had in its "high places" the "servants and dupes" of the Communists. The prospect of admitting Red China to the UN was portrayed as a "new tragedy" which would be due to their handiwork. That this came from McCarran, the Senate's ablest if not its noisiest Inquisitor, was notice that unless the Administration fought hard against Peking's admission, it would be investigated and smeared in its turn.

This is the atmosphere in which national policy on China must be made. This, too, clarifies the standards embodied in and the purposes achieved by the concept of a "security risk." Anyone who dares advocate recognition of realities in the Far East is in danger of being regarded as a security risk, and a possible Communist conspirator. This is the mechanism by which Chiang's rump regime on Formosa yields in Washington the power it lost in Asia. The American civil servant quails before a power of which the Chinese peasant has rid

himself. It is Washington which now wears the pigtail.
Eisenhower for Co-Existence

Talk of co-existence has touched a vital nerve in Washington because it means co-existence with Communist China and must lead eventually to its recognition and admission to the US—either, that, or war. And what has alarmed McCarran and Knowland and those who are reconciled to war is that Eisenhower basically, and to a greater extent than Truman and Acheson, is prepared to accept co-existence. This was evident, despite talk of not appeasing and not making anybody a slave, in his July 1 press conference, the day before Knowland's threat to quit. The President's answer to a question about the possibilities of co-existence wobbled and wiggled but ended by saying, we have got to find ways of living together. This moves in an entirely different direction from the Truman-Acheson "total diplomacy," which was based on the premise that co-existence was impractical and unacceptable and that the only way out was to build up to such strength that the Russians must either surrender or be crushed. Mutual possession of the H-bomb has made this more than ever a fantasy. And Eisenhower knows it.

Eisenhower uses the clichés necessary in the current atmosphere, but they mean little in practice except to keep the public (and himself) confused. Thus in the wake of his remark about not being a party to any treaty making anybody a slave, he was asked—but denied—that this meant he would not cooperate in any way with an armistice that partitions Vietnam. Yet partition of Vietnam, in this vocabulary, means that part of its people will become "slaves." (The rest presumably continue in a happy state of freedom as coolies for the Bank of Indo-China.)

Again the Democrats Must Save Him

For the China Lobby crowd, it looks more than ever like the last chance to prevent the liquidation of the Chiang regime. A bipartisan alliance is at work, in which McCarthy refreshed may soon be expected to figure. The atmosphere is so bad that only Lehman and Morse had the nerve to challenge Knowland and his new lieutenant, the Democratic leader, Lyndon Johnson of Texas. But the speech of George last Tuesday was a reminder that the situation was not quite as serious as it appeared when both parties in the Senate seemed to be speaking in one voice.

Lyndon Johnson, like Knowland, fulfills the technical details which devolve on party leadership in the Senate but neither "leads" his party colleagues in the normal sense of the word. Neither has the prestige, seniority, capacity or force for that. George, on the other hand, is one of the natural leaders of the Democratic party and indeed on some issues of both parties in the Senate at this time. Like Lehman and Morse, he did not dare go beyond the pale and favor recognition of realities in the Far East. Like them, he merely opposed American withdrawal from the UN if China were admitted. This Southern conservative has been one of the main influences against military involvement in Indo-China, and behind him enough votes can certainly be mustered to defeat the McCarran resolution or any similar moves by Knowland. But this may be the beginning of a split in the Republican party in which the wild men may try to take the reins away from Eisenhower whom they mistrust and despise.

Witch Hunt Bulletin from Capitol Hill

Brownell's Blitzkrieg To Avoid Public Hearings

Capitol Hill—The Senate Judiciary Committee was slated to open public hearings last Thursday (July 8) on the Brownell bills to liquidate "Communist-infiltrated" organizations and to set up a blacklist of "subversives" in industry. The Attorney General, who has never testified on his own bills, despite their revolutionary character, was to be invited to appear and to answer questions about them.

Two days before the hearings were to have been held, Brownell took the unusual step of appearing before an executive session of the Committee. Of the five members reported to be against his bills, Hennings (D., Mo.), Johnston (D., S. Car.), Hendrickson (R., N. J.), Kilgore (D., W. Va.) and Langer (R., S. D.), only the latter was present.

As a result of the Attorney General's surprise appearance, the majority voted to call off hearings and to report the Brownell "Communist-infiltrated" bill in amended form. This was a partial defeat for the Attorney General, since the bill as reported next day did not give him the power he had originally requested to name a receiver for and to liquidate any business, trade union or other organization he believed to be "Communist-infiltrated."

Instead the bill (S 3706) would add a new chapter to the McCarran Act, the Subversive Activities Control Board Act of 1950. At present this Act provides for the registration of "Communist action" and "Communist front" organizations and for the "yellow badge" labelling of publications and broadcasts under their auspices. The new bill would bring under the same provisions any "organization" which was "infiltrated," though not necessarily dominated or controlled by the Communists.

As we went to press, the text of the bill had not yet been printed but the committee report (No. 1709) was available. From it at the bottom of this page we reprint the standards the bill would establish for determining whether an organization was "Communist infiltrated."

This bill would vastly enlarge the inquisitorial orbit of the Subversive Activities Control Board. It would give the Board

power to deny collective bargaining privileges to "infiltrated" unions—the principal original purpose. But it is so sweepingly written that any organization or publication which has aided causes also supported by the Communists would be endangered.

At the very least this bill would give the Board authority to hail before it any trade unionist, business man, social worker, or newspaperman to determine whether there was "Communist infiltration" in his organization. It could thus extend the witch hunt into many fields Congressional committees have hesitated to enter because their power to do so is doubtful.

A trade union, publication, organization or business would be subject to the sanctions and liabilities of the Subversive Activities Control Board if at any time within five years it had been "Communist infiltrated." It would have to wear the "yellow badge" of registration and labelling as "Communist infiltrated." This would be enough in most cases to drive it out of business.

The bill, according to the report, would lay the groundwork for sensational "mass trials" since it would permit the Attorney General to try "two or more affiliated organizations to be named as joint respondents." Thus also the sinister reputation of one could be used to reflect on others.

The main effect of the bill would be to destroy left-wing unions, and to put other unions on notice that to support any radical or pacifist cause was dangerous, since this might be adduced as evidence of "parallelism" and "infiltration." The same goes for publications and businesses. That these provisions may easily be used later against any kind of militant trade-unionism is recognized by CIO and A.F. of L., both of which are on record against this type of legislation. Unfortunately their battle against it has been lukewarm because they see it as a means of eliminating left-wing rivals.

Only a last-minute fight in the Senate, so determined that it would threaten other business, can block this police-state legislation now. Write or wire your Senator.

How "Communist-Infiltration" Would Be Determined

"In making such determinations with respect to any organization, the Board would be required to take into account—

"(1) the extent to which the effective management of the affairs of such organization is conducted by one or more individuals who are, or within five years have been, (A) members, agents, or representatives of any Communist organization, any Communist foreign government, or the world Communist movement referred to in section 2 of this title, with knowledge of the nature and purpose thereof, or (B) engaged in giving aid or support to any such organization, government, or movement with knowledge of the nature and purpose thereof;

"(2) the extent to which the policies of such organization are, or within five years have been, formulated and carried out pursuant to the direction or advice of any member, agent or representative of any such organization, government or movement.

"(3) the extent to which the personnel and resources of such organization are, or within five years have been, used to further or promote the objectives of any such Communist organization, government or movement;

"(4) the extent to which such organization within 5 years has received from, or furnished to or for the use of, any such Communist organization, government or movement any funds or other material assistance;

"(5) the extent to which such organization is, or within five years has been, affiliated in any other way with any

such Communist organization, government or movement;

"(6) the extent to which the affiliation of such organization, or of any individual or individuals who are members or who manage its affairs, with any such Communist organization, government or movement is concealed from or is not disclosed to the membership of such organization; and

"(7) the extent to which such organization or any of its members or managers are, or within five years have been knowingly engaged—

"(A) in any conduct punishable under Section 4 or 15 of this act or under chapter 37, 105, or 115 of title 18 of the U.S. Code; or

"(B) with intent to impair the military strength of the United States or its industrial capacity to furnish logistical or other support required by its Armed Forces, in any activity resulting in or contributing to such impairment.

"Sections 4 and 15 of the act, referred to in subparagraph (7) (A) of the foregoing standards, prescribe criminal penalties for the violation of substantive provisions contained in the [Internal Security] Act. Chapters 37, 105, and 115 of title 18 of the U.S. Code . . . are penal in nature and are entitled respectively 'Espionage and Censorship,' 'Sabotage,' and 'Treason,' Sedition and Subversive Activities.'"

—Mr. Butler, from the Senate Committee on the Judiciary (Report No. 1709) to accompany S 8706, to amend the Subversive Activities Control Act of 1950 to provide for the determination of the identity of Communist-infiltrated organizations.

Round A (Woozy) Capitol and An (Unsteady) Globe

A Justice Department source says that Paul Crouch is "through" as a government informer, but is silent on perjury action . . . The State Department played it dirty when officials claimed the U.S. was not informed about French plans to withdraw from the southern part of the Red River delta; the plans were approved in advance by Gen. O'Daniel, head of the U.S. Military mission in Indo-China . . . The decision to file the anti-trust suit against United Fruit was political, timed with an eye to Guatemala. At the rate that the Justice Department is handing out consent decrees in Sherman Act cases, United Fruit has nothing to fear . . .

"Warmed over spy" was promised as pre-election bill of fare, but none has been quite as often warmed over as Jenner's new investigation into the Army's World War II Information and Education branch of whose anti-racist pamphlets John Rankin used to complain . . . One of the horrendous revelations at the opening of the hearings last week dealt with a "GI Plan for Postwar America" broached by students at a convalescent hospital in Camp Pickett, Virginia. A Baltimore insurance man then employed by counter-intelligence testified that he spotted it as Red . . . A look at the document itself showed that on atomic energy what these "Reds" advocated was strict international control, ownership and inspection of atomic energy, i.e., the Baruch plan . . . Senator Jenner seemed very suspicious of the fact that one witness, Luke Wilson, had no visible means of support, wanted to know if he got money from subversive sources . . . The committee's tireless researchers did not seem to realize the witness was heir to one of Washington's great department store fortunes . . . Probably because this never appeared in the *Daily Worker* . . .

We nominate for shipment to one of the Soviet Union's worse and colder labor camps the bureaucrat who "sat on" a visa requested by Mrs. Roosevelt for a writer to accompany her on her projected Russian tour . . . They wouldn't take the responsibility of refusing the visa but failed to say either "da" or "nyet" . . . Mrs. Roosevelt finally called off her trip in protest when she couldn't get an answer, and we don't blame her . . . Plain clunk-headed rudeness of this kind has hurt Russian relations with the outside world for a long time, and if there is to be a "new look" it is time the Soviet bureaucracy took a good new look at itself . . .

Adenauer in his latest declared the German people had "convincingly demonstrated their reliability" and then went on to say that unless EDC was ratified the result would be a German national army, and "we, as so many others, believe

this would unquestionably lead to German militarism." How reliable are they, if they can so easily slip into militarism again? Even the State Department's European experts allowed themselves a quiet *moue* over that one . . .

The Hanoi correspondent of the *Sunday Times* (June 27) of London presented quite a different picture, said the Viet Nameuse nationalists "are convinced that, left to their own devices, they could settle with the Viet Minh" . . . "Nobody here pretends," he wrote, "that if elections were held now the Vietnamese Nationalists could win. But they themselves believe that, once freed from the French, they could capitalize on the traditional fear of China and natural anti-Communism to win the people to their side. Furthermore," he added, "they do not dread the emergence of a Ho Chi-minh regime, for the Nationalists and the Viet-Minh alike regard Ho Chi-minh as the one statesman of stature their country has produced . . .

The new Guatemalan regime has hit on the way to safeguard Latin American regimes from "subversion"—take the right to vote away from the illiterate, i.e., the majority of the people, and jail the "Reds," i.e., the intellectuals . . . The unkindest cut of all in Washington was New Zealand's stand for admission of Red China to the UN . . . Hats off to the one newspaper publisher in America who protested the shipment back to Formosa of that Chinese Marine who had asked asylum here, declaring that he did not wish to go back to Chiang's police state . . . Said in an editorial that Washington was as embarrassed as Taipeh since "we have been pouring military and economic aid into Formosa and acclaiming Chiang as a great exponent of the 'democracy' of the 'free world'" . . . The publisher was Colonel McCormick and the editorial appeared last Wednesday, July 7, in the *Chicago Tribune* . . .

Of all the organizations and witnesses to appear in the hearings being held by the Senate Rules Committee on the reform of Congressional investigations only the Friends attacked the principle of Inquisition-by-Committee. Wilmer A. Cooper for the Friends said they seriously question "whether congressional committees should inquire into the opinions and beliefs of individuals except in cases involving Senatorial confirmation of appointments . . . It is a fundamental right in American democracy that one can exercise freedom of thought without fear of punishment for the ideas he holds" . . . This, and not the question of procedure, is the issue . . . The evils of the Spanish Inquisition would not have ended by forcing Torquemada to be more polite . . .

Let Us Send A Sample Copy Free To Your Friends

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name

Street

City Zone State

Enter this gift sub for \$4 more (money enclosed):

(To) Name

Street

City Zone State

7-12-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. II, NUMBER 27

JULY 26, 1954



WASHINGTON, D. C.

15 CENTS

The Enemy Mendès-France Defeated

Amid the general inanity of American newspaper comment whenever peace manages to break out, men of good will who are still unafraid to think clearly will give thanks for the ending of the Indo-Chinese war. In the high level strategic thinking in which our armchair generals of the press engage, no one stopped to think of the bombed out villages in Indo-China which can sleep for a change without dread of what might drop upon them from the skies. In Indo China, as in Korea, Western forces had grown accustomed to dealing out death with lordly indifference to the natives—there is an unconscious presumption that the man burned out by napalm prefers incineration by the “free world” to Communist “enslavement.” From this, Indo China will now have surcease.

We also dare assert that the world owes a debt not only to Mendès-France but to the negotiators on the other side—to Molotov and Chou En-lai and Ho Chi-minh for taking half a loaf when they might have been tempted into greed by military successes or stung into obduracy by insulting provocations. The Geneva conference demonstrated what most people in this country have grown afraid to recognize—that peace is possible where there is a will to negotiate and a readiness to compromise. Our own U.S. attitude toward peace conferences has too long been that these are places where we lay down our terms take-it-or-leave it, unconditional surrender style. Mendès-France in his last broadcast to the French people before the settlement well described the enemy that he had to vanquish: “distrust. Between the men who are seeking peace together here,” the Premier said, “one notices a profound distrust, a painful distrust . . . It is the heaviest burden that weighs on our work, it is the most serious threat, present and future, for the maintenance of peace.”

North Africa The Next Test

In the wake of the peace, the problem for Vietnam is to avoid a permanent partition; Korea and Germany are dreadful examples of the fate which awaits countries split between the spheres of influence of the contending Great Powers. The peace agreement promises elections; it is a shameful commentary on the “free world” that it is we who insisted on postponing those elections as long as possible. Unless the neutral Asian powers insist, these elections and the reunification they would make possible may never come to pass. For France, the problem is now to act quickly in Tunisia and Morocco to grant nationalist aspirations within the French Union before it is too late. There is little time left if Mendès-France is to save French North Africa from becoming another Indo-China. In this task, and in his wider project for reviving and stabilizing his country, he will have the good wishes of all who love France. A new star has risen in her time of need.

In regard to Indo-China, the situation here in Washington is not quite what it appears to be in the headlines. Those conservative forces which prevented U.S. intervention earlier and spiked the guns of the Radfords and Nixons also played a role behind the scenes in sending Walter Bedell Smith to Geneva. Even on the Hill, where the Democrats are trying to compete with the China Lobby Republicans as fire-eaters in preparation for the Fall election, the silent are more significant than the noisy few like Knowland and Symington.

Co-Existence, But By Some Other Name

At his press conference last Monday Secretary of Defense Wilson said some method must be worked out whereby the free world and communism can live together. When a reporter commented, “That sounds like co-existence,” Wilson drew back in alarm from the horrid word—but not the idea. He suggested maybe “cohabitation” would be a better term and added that after observing two world wars he did not think a third would be the answer. (Compare this with George Meany’s sneers about “massive appeasement” replacing “massive retaliation” and you will see how much more peaceful our capitalists are than our labor leaders).

Eisenhower also was cautious and stressed the possibilities of world peace. The tip-off is that he is still unwilling to give Chiang the mutual assistance pact the latter has been asking. Another indicative straw is that we are proposing “consultation” rather than automatic action in that South East Asia pact now under discussion. There are men within the Administration who would be relieved if somehow Communist China could be gotten into the UN after election without too much of an uproar.

The weak and faltering man in the White House must wish there was some similar way to dispose of the McCarthy problem without the risk of taking leadership or responsibility. But while Mendès-France has won a great victory over distrust abroad, the forces which fatten politically on the propagation of distrust at home are still riding high. McCarthy took a defeat but a minor one in the loss of Cohn and the switch of Surine. He retains his place; even the Flanders censure motion if voted will be no setback. His plans (if the Joint Congressional Committee on Atomic Energy does not interfere) are to exploit the Oppenheimer case in sensational H and A bomb hearings. Jenner and McCarran are getting ready to compete by reopening the Harry White hearings with Morgenthau as a new target. Brownell, putting on the heat for the Fascist police style legislation discussed on pages two and three, plans sensational red raids to keep up with the witch hunting Joneses. The next few months will be as hectic at home as they will be peaceful abroad.

A Way to Reenact The Hiss Case and the Chambers Charges

The Dynamite Hidden in Brownell's New Espionage Bill

Without a hearing, without a minority report, the Senate Judiciary Committee last Monday reported favorably HR 9580, "an act to revise and extend the laws relating to espionage and sabotage." This bill embodies three measures requested by the Attorney General (HR 8749, 9021, and 9023). The bill provides the death penalty for espionage in peacetime—for the first time in the history of the United States.

In the House the bill was approved on July 8 with little debate. Not a single vote was recorded in opposition, so great was the fear of appearing to oppose anything labelled a law against espionage. Only one member Celler (D. N.Y.) had the courage to voice his opposition to the death penalty (see box at the bottom of this page) but even he did not vote against the bill. Unless public opinion makes itself felt in the Senate, it may pass there with little or no debate.

This bill, if passed, will yet haunt the labor movement and the democratic party. The definition of sabotage is so broad that it could be used against strikers, on the ground that they were interfering with the production of defense essentials with intent to injure the United States.

The espionage provisions would make it possible to rake up old charges against New Dealers and scientists which have failed to stand up in the courts, or been aired only before Congressional committees. The bill, in this respect, would (to summarize roughly) do three new things.

1. By making death a possible penalty for peacetime espionage, the present 10-year statute of limitations would be lifted and prosecutions could be instituted for events which took place in the 30's or the 20's. Naturally the further back one goes, the harder it is for a man to defend himself, to find witnesses and to uncover proof.

But if this bill passes, the Whitaker Chambers story could be taken into the courts. A man like Alger Hiss could be rearrested on leaving prison and made the center of another political bogeyman circus. If there was no evidence that he had actually passed the kind of information required for an espionage conviction, two other modes of procedure would be open. This brings us to the second and third things the bill would do:

2. The bill carries a conspiracy provision which says that "If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense . . ."

Forrester (D. Ga.) in the debate on the bill asked whether this would not make equally guilty some person who had

left the conspiracy and "has fully repented and has fully recanted?"

To this Walter (D. Pa.), gave a cynical answer. "The fact that two people enter a conspiracy," Walter told Forrester, "and one decides not to go through with it certainly would not make it necessary to impose any punishment . . . The gentleman with all his years of experience as a prosecutor knows how many times he has gone to the court and explained that a criminal has been quite helpful and suggested that perhaps the case ought to be nolle prossed."

In other words the death penalty could be used to put the screws on accused persons to make them tools of the prosecution. Within the confines of this roomy conspiracy provision, many might be convicted against whom there was no evidence of actual espionage. Others could be turned into informers, testifying to real, exaggerated or imaginary experience to save their own necks.

3. An even simpler way is opened by the bill for the prosecution. This lies in the provisions of Title III requiring the registration of persons who have knowledge of, or been trained in, espionage or sabotage.

"At first blush," as Walter explained to the House, "one would say that we are rather naive in expecting somebody trained in espionage to come forward and register. But when you look at the situation a little more carefully, you will find under this language it is possible to prosecute people for a failure to register when you could not prove the overt acts necessary to be proved in spelling out another offense," i.e. actual espionage or sabotage.

On the say-so of some professional ex-Communist a man might be convicted of failure to register and go to jail for five years. The "warmed over spy" we have been promised in this coming election campaign could be warmed over in the courts.

When the registration device is added to the lifting of any statute of limitations, it is easy to see how many witnesses who pleaded the Fifth could be put through the hurdles of "non-registration" and how effectively the atmosphere of the campaign could be stoked up and stinked up by such tactics.

Even if the courts ultimately held that a man could not under the Fifth amendment be required to disclose facts which might be used to send him to his death for espionage, or "conspiracy to commit espionage," the short term damage would be done long before the courts had spoken. Among other things, the United Nations might be fatally smeared by reenacting in the courts in "non-registration" proceedings what the Jenner-McCarran committee so recently did in its investigation of UN personnel.

The One Lone Vote Against Death for Peacetime Espionage

"For a society which takes pride in the high value it places on human life, we can find little justification for the extension of the death penalty for peacetime espionage. Why do we do this? Do we expect the penalty to act as a deterrent? Yet criminologists . . . insist that it is not so. The threat of punishment is among the least considered of all factors by those intent upon the commission of crime. That holds good for a political crime.

"It has been pointed out again and again that juries are less willing to convict when the possible penalty is death. Those of us who have had wide courtroom experience know this to be so. Hence, what do we hope to accomplish? An act of revenge? Or retribution? This is the death penalty, I beg you to note, for peacetime espionage. This means the heightening of emotionalism in an area where, by all means, good sense and rationality must prevail. . . .

"I am sure when future historians appraise our present

era they will note the baneful influence of fear of communism. They will speak of consciousness of the danger of communism but will deplore and severely criticize us for our monomania on the subject of fear of communism. They will say we were often actuated by sensation, not sanity, by passion, not patience. They will charge that the appeal was too often to our adrenal glands. That is why they will challenge our passing this bill making peacetime espionage a capital offense.

"Death is final and a mistake in executing an innocent man is irreparable. Juries are not infallible and are certainly open to wider error when dealing with the surcharged climate surrounding espionage. Remember, too, there is no statute of limitation in capital offenses."

—*Celler (D. N.Y.), the only member of the House to question the death penalty as provided in HR 9580, (Con. Rec. July 8, 1954, pps. 9529-30).*

Covering The Witch Hunt Front On Our Own Broomstick

Worst news of the week was passage by the House (unanimously by voice vote) late Wednesday afternoon (July 21) of HR 7130, the Eisenhower-Brownell bill to deprive "conspirators" of their citizenship on conviction under the Smith Act and similar sedition statutes (for full discussion see the *Weekly* for last February 1, "An Old Police State Custom") . . . The companion measures on the Senate side are still buried in Senate Judiciary subcommittee on immigration . . .

The only good news was minor. In the Senate, the indefinite shelving by the Senate Judiciary Committee of a Brownell bill to make conviction for perjury easier by merely requiring the prosecution to prove inconsistent statement instead of falsity . . . Aside from that, Senator Langer (R., N.D.), chairman of the committee, said everything requested by Brownell would be reported out, except the wiretap bill and the immunity bill . . .

In the meantime the Senate committee voted out S 3428, the Brownell-Ferguson-Jenner screening bill permitting the discharge from industry of "individuals believed to be disposed to commit acts of sabotage, espionage or other subversion" . . . This blacklist bill is opposed by the labor movement, along with the companion Brownell measure to liquidate or brand as subversive those trade unions, businesses and other organizations found to be "Communist infiltrated."

As a result of united labor pressure, the House Judiciary Committee buried these two Brownell bills and reported to the House a substitute by Walter (D., Pa.), HJ Res. 527. This would establish a Commission on Security in Industry with 12 members to be appointed by the President from labor, management and the public to "study the prevailing practices and conditions in all branches" of industry with regard to protection against "sabotage, espionage and other activities" and report their findings by January 15 . . . The committee (Hse. Rpt. 2280) said this would be better than passing "measures hastily drawn and obviously inadequate" and added that it was "gratified to find" that Meany and Reuther concurred . . .

But as we went to press, there was rumor of a deal whereby the House would pass the Walter bill for a study commission but the wild men would be appeased by passage of a bill to outlaw the Communist party and "front" organizations . . . A House Judiciary subcommittee Wednesday favorably reported HR 9915, a bill "declaring the Communist party and similar revolutionary organizations illegal" . . . The penalties are ten years in jail or \$10,000 fine or both and the jury would take into account among other things in determining membership whether the accused had "indicated by word, action, conduct, writing . . . a willingness to carry out in any manner and to any degree" any of the plans or purposes of the organization . . . A sermon on peace or an editorial against the witch hunt might be considered as evidence . . . Celler was the lone dissenter . . .

Should the Walter bill pass the House, a battle may develop in conference committee of the two Houses . . . Senator Butler (R., Md.), sponsor with four other Senators of S 3706, to subject "Communist infiltrated" unions and other organizations to the Subversive Activities Control Board, said he

Even Steven, or The Marxist Struggle A La Mack Sennett

"Just because the FBI says there are 25,000 Communists in the U.S. is no reason to change the laws protecting the homes of the rest of the 160 million Americans. The FBI has, say, 10,000 men chasing Communists. Then you have the McCarthy committee chasers and the Velde committee chasers. When you put them all together, it looks like about 25,000 persons chasing 25,000 persons."

—Sen. Langer (INS interview, July 19 Wash. Post)

would fight the Walter substitute . . . "We don't need a commission," he said, "and I won't support one" . . . In the meantime the "filibuster" on the atomic energy act by Senators opposed to Eisenhower's private power grab at TVA is so holding up the business of the Senate that no vote has been scheduled on this key witch hunt bill . . .

The best hope of blocking this and similar measures is to suggest to your Senator that he vote for the idea of study by a Presidential commission . . . Meanwhile the House has joined the Senate in passing HR 9690 to preserve the Republic by forcing all subversive organizations to register presses and mimeograph machines with the SACB . . . How scared can a great country get?

Outlook on the Immunity Bill

Hearings on a high level of fairness by the committee and of presentation by the witnesses were held by House Judiciary last week on bills to compel testimony despite the Fifth amendment, the so-called "immunity" bills.

On Monday, Theodore Pearson for the Bar Association of New York opposed the grant of such power to Congressional committees under any circumstances but approved immunity powers for grand juries and courts. William Allen Rahill of the Philadelphia bar, for the Friends Committee on National Legislation, and Leonard B. Boudin of the New York bar, for the Emergency Civil Liberties Committee, eloquently argued the case for preserving the full protection of the Fifth amendment in all types of proceedings. Similar testimony was given on Wednesday by Irving Ferman for the American Civil Liberties Union and by Robert J. Silverstein for the National Lawyers Guild.

We hope to give a full summary of the points they made in a later issue. The immunity bill at the moment is not quite as near possible passage as other witch hunt measures. House Judiciary does not seem too favorably disposed and that last of the civil libertarians, Celler (D., N.Y.), the ranking Democratic member, made his own opposition evident. We recommend to our readers as ammunition and one of the best studies of its kind, the article on "The Immunity Bill" by Leonard B. Boudin which has just been published by the Georgetown Law Journal (Vol. 42, No. 4, \$1.25, Georgetown Law School, Washington, D.C.). It is a work of scholarship and penetration which you will enjoy reading.

The Weekly Takes Another Bow In The British Press

Critic in the incomparable London *New Statesman and Nation* for July 10, and Laborite M.P. Tom Driberg in his vigorous column (June 27) for *Reynold's News*, the Sunday paper of the British Cooperative movement (it has several million readers), both lifted items from our *Weekly*, and gave generous credit. The former picked up the quote we unearthed from John Foster Dulles's article in 1935 on "The Road to Peace," the prescription then being to give in to the expansionist Axis powers. The latter used parts of our special issue on Guatemala.

There is much in the *Weekly* you won't find elsewhere, not because we have a crystal ball or a tap on the White House telephone but because there is so much of importance that is being ignored by other publications out of indifference, hostility or fear. Do a little missionary work for us on vacation. We'll send free sample copies on request. There is a blank on the reverse side for your renewal, subscription or a gift sub. It may be a small publication but it helps to fill a large void.

—I. F. STONE.

The Lamont, Unger, Shadowitz First Amendment Cases

Challenge to the Senate: Will It Rubber Stamp McCarthy?

There are several reasons why the Senate ought not to vote the contempt resolutions asked by McCarthy in the Lamont, Unger and Shadowitz cases without real debate.

The basic device the Senate possesses for regulating and policing the conduct of its own committees—a device no one seems to exercise—lies in the vote on contempt resolutions. It is at this point that the Senate has an effective check on abuse of power by committees. It can refuse to vote a contempt citation.

What is the good of the endless debate over the reform of committee procedures when even Senators who are aroused over these abuses do not use this existing check, vote like rubber stamps when contempt resolutions come up?

A shocking example was provided by the Harvey O'Connor case. In the midst of an uproar of protest against McCarthy's conduct and methods, the contempt citation was passed by the Senate as a routine matter, without any discussion whatever, as if it were a private bill.

Some slight progress has been made since then. When the Lamont, Unger, Shadowitz contempt resolutions (S. Res. 280, 281, and 282) were called up for a vote last Saturday (July 17), Senator Cooper (R. Tenn.), a member of the calendar committee, said "there is a request that the resolutions be passed over." Unanimous consent being denied, there was no vote. At least one Senator is preparing to stage a fight.

Even the busiest Senator, with time only for a cursory glance at the reports which accompanied these contempt resolutions (Sen. Rpt. 1812, 1813 and 1814), will see that these involve new questions on which it is the duty of the Senate to pass. These are novel First, not routine Fifth, amendment cases.

The Unger case involves the right of the McCarthy committee (the old Senate Audit and Expenditures committee) to investigate the personnel of the United Nations. The witness, a lawyer, answered the questions about UN employes but balked on several grounds at questions as to political views and associations. The relevance of the questions, the authority of the committee, the encroachment on the right of members

of the bar to be free from governmental inquisition, the First amendment were all cited. These are substantial questions.

Albert Shadowitz, who was drawn into the vortex of the Fort Monmouth circus, answered questions about his handling of classified material, and denied espionage. But he declined to answer questions about political views, invoking the First amendment and citing the advice given American intellectuals by Dr. Albert Einstein to resist Inquisition.

Has the McCarthy committee the right to inquire into political views? The Jenner committee, under the terms of its resolution, may claim the right. There is nothing in the resolution establishing McCarthy's committee which gives him similar power.

The Corliss Lamont case is of prime interest. He was drawn into McCarthy's orbit on the excuse that he was cited in the bibliography of one book on Siberia used by the Army and had contributed a chapter to another. He swore that he had never been a Communist but refused on First Amendment grounds to answer questions about political views and associations, challenging the committee's authority to make such inquiries.

McCarthy claimed jurisdiction for his Government Operations committee because the witness's books were purchased by the government. In a brief filed with the Attorney General in the Lamont case, the American Civil Liberties Union said:

"The naked question . . . is whether the government can investigate any author or any book. We say that this broad question is involved for the reason that every book published in the United States occupies a place in the Library of Congress; almost every newspaper is published by one or more government agencies . . . If inquiries into associations of those who write books is possible in Mr. Lamont's case, it is possible in the case of every author, of the editor of every newspaper."

Can Senators of conscience permit such issues to be decided by default? Will they allow themselves to be used as rubber stamps for McCarthy in these cases? Their duty and the First Amendment are involved.

A Copy of This Issue Is Being Sent to Every U. S. Senator

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

7-26-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. II, NUMBER 28

AUGUST 2, 1954



WASHINGTON, D. C.

15 CENTS

What The Atomic Filibuster Was All About

I

The Atomic Energy Bill and Foreign Policy

1. In its foreign policy aspects the new atomic energy bill is a fraud. Its main purpose is popularly supposed to lie in the President's proposal last December of an international atomic pool for non-military purposes. Actually the Republicans in Congress have by this bill tied the President's hands and made the creation of such a pool more difficult.

In his message last February on revision of the atomic energy law, General Eisenhower said "Consideration of additional legislation which may be need to implement that [pool] proposal should await the development of areas of agreement as a result of our discussions with other nations." Instead of waiting for "the development of areas of agreement," the Republican leadership has rushed in sharply to restrict the President's freedom to negotiate.

This effort to restrict the President's treaty making powers is, I believe, unprecedented and unconstitutional. The Senate may modify or reject a treaty. Congress itself cannot in advance tell the President how he must negotiate. This it tries to do by a neat bit of flim-flam. The bill carries a section (124) called "International Atomic Pool." This authorizes the President "to enter into an international agreement with a group of nations providing for international cooperation in the non-military aspects of atomic energy . . ."

A Triple Joker

But there is a triple joker hidden here. In the first place the President needs no special authority to make international agreements. This provision, while giving him a power he already possesses, in fact restricts the operation of that power. It does this in two ways. Section 11 k defines international agreement restrictively to mean only an agreement approved by Congress or a treaty (subject to Senate approval) and adds "but does not include any agreement for cooperation." i.e. presumably any other Presidential agreement.

In addition Section 124 says, "Provided, however, that the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 123." This is the most important joker of all. For under section 123 only bilateral agreements are permitted. The President under this section is not permitted to negotiate with a "group of nations." He can only negotiate with them one by one.

Just as in dealings between employer and employe, bilateral agreements reduce the bargaining power of the weaker side. The Republicans in Congress are as opposed to collective bargaining in international as in labor relations. This section would prevent the President from dealing with the United Nations, or with such a group of West European countries as are now building its own nuclear research center in Switzer-

land or even with NATO. Each nation must step into our front office alone and bargain alone to obtain atomic information, whether civilian or military. The net result would not be an international pool but a series of bilateral agreements.

2. In the civilian, as in the military field, this bill reflects the continued hangover of the great American delusion that somehow we alone have the secret of atomic energy and that other nations will and must accept our terms if they are to share it. The bill gives very little yet makes it possible to demand much in return.

Tells Little to "Foreigners"

As Cole (R. N.Y.), chairman of the Joint Committee on Atomic Energy told the House July 23 (Con. Rec. p. 11022) "when you hear talk that this bill proposes to give vital information away to the peoples of the world, to foreigners . . . just tell those people who talk that way to look at the record. The bill does no such thing. It scarcely enlarges the field of the exchange of information beyond what is presently authorized by law."

The present law already allows the exchange of information on the refining of source material, on reactor development, on the production of special nuclear material and on research and development. Obviously this is not enough to satisfy other nations, or countries like Belgium would not be threatening to cut off uranium supplies unless given more information. The new bill only adds two new categories—data with respect to health and safety, and data on industrial and other applications.

To get this information, a foreign country must accept a whole network of restrictions, including a guaranty that none of the material or information would go into the research or development of atomic weapons, that none would be transferred to unauthorized persons and "a guaranty by the cooperating party that security standards and safeguards as set forth in the agreement for cooperation will be maintained . . ."

Troublesome Guaranties

Such guaranties may entail more trouble than the information is worth. How guarantee, for example, that any material or information from the U.S. will not be used for atomic weapons? How keep such things in airtight compartments? The problem would be simplified if recipient countries allowed us to make atomic weapons while they concentrated on peacetime uses. But no important countries will accept a permanent status of military inferiority. And how assure such a guaranty and the guaranty against passing information to "unauthorized persons" without considerable interference in their domestic affairs by the United States?

This question is raised even more strongly by the provision on security. If their security standards must satisfy the

(Continued on next page)

Atomic Energy Commission and/or the Defense Department (as the bill provides), the American witch hunt may be exported. Will every Belgian who was anti-Franco be proscribed and every Frenchman who is anti-capitalist become suspect?

3. In the military, as in the civilian sphere, the unspoken assumption of the bill is that we would be the givers and have nothing to gain by exchange. Yet on the civilian side there is a real fear here in Washington not only that the Russians are ahead of us on civilian uses but that some West European countries will soon be, too. We would like to break up the West European nuclear research pool and prevent the formation of similar regional pools, substituting a kind of atomic Marshall Plan in which we would dominate the atomic scene in return for our largesse, though the largesse in this case is not very large.

The Atom Trigger Remains a Secret

On the military side, for example, the bill would give even less than on the civilian. The exchange of information on weapons is limited to "external characteristics," and excludes internal construction and trigger mechanisms. In their able and exhaustive minority report with the bill (Rpt. No. 2181) Congressmen Holifield (*D. Cal.*) and Price (*D. Ill.*) say "it is obvious that we do not intend to deliver any of

these weapons to any military ally for their own use, as knowledge of the internal working would be necessary for such use or adjustment in case the weapon failed to 'work' just prior to release."

"Therefore," Holifield and Price conclude of these provisions, "we must acknowledge that the bill does not implement the use of our atomic or hydrogen weapons by our allies on behalf of the defense of the free world. It does not make it possible to include such armament in the common arsenal of the North Atlantic Treaty Organization forces, except as they are retained in our sole custody."

The training envisaged by the bill for allied forces, as the two dissenters pointed out, would be "in attaching or installing such weapons in delivery vehicles or devices." A kind of international Jim Crow system is foreshadowed, in which allied forces would be considered good enough for transport and labor service in atomic warfare. We would hold the weapons and we alone would know how to shoot them. This is not how to win an international popularity contest.

"Those who fear vital disclosure of security information," Holifield and Price wrote, "need have but little fear. Those who hope for wider dissemination of nuclear information have but little grounds for hope."

II

The Atomic Energy Bill And Domestic Policy

In its domestic aspects, the new atomic energy bill is a steal, in sober fact probably the greatest steal in the history of the American people. A few simple observations will show how shrewdly it has been drafted to subordinate public interest to private.

1. "It is common practice," as Jackson (*D., Wash.*) told a sleepy Senate early in the morning of July 22, "for large industries requiring substantial blocks of power to build their own generating stations." The Atomic Energy Commission is the world's largest single consumer of electric power; it uses more than the New England States combined; its consumption of power may soon reach 8 to 10 percent of the nation's total, with an outlay of from 150 to 200 million dollars a year. Yet the bill, as originally drafted and as passed by the House, forbids the Atomic Energy Commission to provide for its own power needs from atomic energy!

Power Now Going to Waste

A substantial portion of the AEC's needs could be met from the heat which today goes to waste in nuclear fission. Such production would give the AEC the same kind of "birchrod and yardstick" which the TVA provides in dealing with hydro-electric power. Section 7 (d) of the present Act, the McMahon Act, provided that the Commission could use such energy and sell the surplus "to public or private utilities." The new bill, as the majority report said in submitting it to Congress, "does not permit the Commission to enter into the power-producing business."

2. If the government is worried about falling behind in the race for peacetime atomic power, it has chosen a strange way to get ahead. The technical capacity of private industry is important in that race, but nothing could be more dangerous than to give the great electrical companies control of a competing energy source which might make much of their present investment obsolete. Yet this is precisely what the new bill will do if in conference committee the Administration succeeds in knocking out the unwelcome public power amendment by Johnson (*D., Col.*) which the Senate attached to it.

In their minority report, Congressmen Holifield and Price argued that just as the Atomic Energy Commission now has a statutory Division of Military Application, and a Military Liaison Committee, so it should have a statutory Division of Civilian Power Application, with an Electric Power Liaison Committee.

Just as the Military Liaison Committee facilitates co-

operation between the AEC and the armed services, so the Electric Power Liaison Committee would facilitate cooperation between the AEC and those Federal agencies like the Federal Power Commission, the Rural Electrification Administration, the TVA, the Bureau of Reclamation and the Corps of Engineers which are concerned with power development. But amendments for these purposes were voted down in committee and on the floor. The private power interests are to rule atomic energy undisturbed.

A Few Big Companies Have the Inside Track

3. In the absence of public competition, it becomes all the more important to avoid monopoly, otherwise the appeal to private enterprise becomes a farce. At present a handful of great companies which have been acting as contractors for the AEC have the inside track.

The present act by Section 7 (c) gives the Commission affirmative responsibility, in consultation with the Attorney General, to refuse licenses or to attach special conditions for the avoidance of monopoly. The new bill omits this provision and substitutes another which says that the Commission "may" suspend or revoke a license if a licensee has been found guilty of violating the anti-trust laws. Considering the fact that electric companies are more or less natural monopolies and that anti-trust proceedings are lengthy and cumbersome, this substitution invites monopoly abuses.

4. The same weakening of safeguards against monopoly is apparent in the related sections on patents. The President himself in his message last February said that until more companies entered the atomic field "considerations of fairness require some mechanism to assure that the limited number of companies, which as Government contractors now have access to the program, cannot build a patent monopoly which would exclude others desiring to enter the field."

The bill as reported provided for compulsory licensing of non-military patents during the next five years but under such cumbersome terms that as the Holifield-Price minority report said "the patent attorneys may derive more satisfaction" from them "than the would-be user of the invention." Chairman Cole objected even to these terms. "Compulsory licensing," he said in a dissent with Van Zandt (*R., Penna.*), "is not creeping socialism; it is socialism run rampant."

The Giveaway of All Giveaways

In the House on July 23, Cole moved a substitute amendment to eliminate any kind of compulsory licensing. "This

is the giveaway of all giveaways," Holifield protested. "This not only denies the government the right to participate in the production of power with the substance owned by the taxpayers, but this gives the right to a few big corporations to come in and put patent rights on large programs owned by the people and exclude other private business men from using their patents." The House nevertheless passed the Cole amendment, 137 to 113. Its fate is up to the conference committee.

5. This bill not only hands over the fruits of a 12 billion dollar public investment to the private power companies but under conditions which give them a hidden subsidy.

This is how it works. Power is produced in the course of making nuclear material which is principally of use in weapons. The problem is how to dispose of this surplus nuclear material left over after power is produced. The problem is solved by declaring this material the exclusive property of the government (no one else wants it at the moment in any significant quantity).

Private Enterprise de Luxe

The government in turn guarantees the private operator a "fair price" for all he produces. The fair price is to be uniform so that, as Holifield and Price noted, "the highest cost and least efficient producer will set the pace on price schedules." At the same time the government is thus obligated to go on paying for this stuff even if mounting surpluses should reduce its value "to virtually nothing." And there is nothing in the bill which would prevent the private operator from thus writing off his costs at the expense of the government. This is indeed private enterprise de luxe, cushioned against any real risk.

6. Despite all this, in the sale of the power produced, these private companies will be subject to none of the safeguards

so painfully won for electricity consumers over the past half century. The system of accounting safeguards, and of preferences for public bodies and cooperatives, to be found in the Federal Power Act and in the Flood Control Act of 1944 are wholly absent from the bill as passed by the House, the version favored by the Republican high command.

The bill, as the minority report protested, "is barren of any recognition of the public interest in securing electric energy from this new resource at the lowest possible rate." The Federal Power Commission's advice was brushed aside. If the Republicans have their way in conference committee, the REA and the municipal power systems of the West will not have the same preference in buying atomic power that they have in hydroelectric power. This is a Grab with a capital G.

Labor and the AEC

7. A minor point at the moment may loom larger with the years. Serious labor problems have arisen in connection with atomic plants. "Chronic discontent and frequent strife," as Holifield and Price noted, have marked their operations. They suggested and with Congressman Shelley (*D., Cal.*) offered from the floor an amendment which would have established a labor management committee in the AEC to ease problems of labor relations and labor dislocation.

This would also serve to meet a complaint voiced at the hearings on the bill by the A. F. of L. representative. He wanted to know why in choosing the personnel of the AEC, "corporation lawyers, investment bankers, government bureaucrats would seem to be blessed in some mysterious way with a genius for administering trade union affairs denied to trade union officials and leaders." The AEC is chastely upper class, and labor unions feel very much on sufferance in their dealings with it. The labor amendment was, however, voted down.

III

The Outlook: Remember Muscle Shoals

In the next 25 years the consumption of power in this country is expected to triple. A pound of uranium costing about \$20 contains as much energy as 1,500 tons of coal; at \$8 a ton, this is \$12,000. Installed kilowatt capacity for uranium by present production means are already less than double those of a coal plant. We may be on the verge of a second industrial revolution. This bill would give control of it to the same private power interests who fought TVA and the great Western hydroelectric projects. This is the backdrop against which Morse and the liberal Democrats staged their filibuster in the Senate.

The fight may flare up again if in conference committee the Republican leadership seeks to eliminate those few hard-won improvements like the Johnson amendment which were added in the Senate. But even the Johnson amendment, which would enable a progressive-minded AEC to establish a nationwide chain of atomic TVA's, would be a dead letter in the hands of the present Atomic Energy Commission. There the chairman, Lewis Strauss, in virtue of his dual capacity as presidential atomic adviser and AEC head, has shown his determination to make the Commission an arm of the power trust, as he did in the Dixon-Yates contract which created so much uproar during the debate, and threatens to undercut TVA and power power.

Is McCarran, Too, a Muscovite?

There is involved here a greater steal by far than tide-lands. Its appeal to the voting public in the power-hungry regions of the West and the TVA-fertilized regions of the South may be seen by the fact that McCarran and Mundt joined George, Russell, Byrd and Stennis in voting for the Johnson amendment. What Dewey earlier this year called "the Moscow concept" of public power seems to have an appeal far beyond the Left. Every region which has tasted its benefits becomes its advocate, irrespective of party and right-left divisions.

Remember Muscle Shoals. The victorious Republicans after World War I shut off its potential for public power. Ultimately 12 years later, this was one of the issues on which FDR won election. Under a leadership quite different from the nerveless Lyndon Johnson, the atomic energy steal is an issue on which the Democrats could win their way back to power. If only they had a man with Morse's energy and fighting capacity to lead them . . . He in the Senate and Holifield in the House deserve applause for the hard fight they have just led—and will some day win—in the public interest.

Dirge to a Delinquent Subscriber

If you are one of those delinquent few who have not yet renewed, we offer a morbid thought—if most of our subscribers were like you, the *Weekly* would have passed out of existence months ago. As it is, the *Weekly* flourishes and looks forward to its third year of publication with confidence. Take up your pen and turn to the coupon on the next page and send us your renewal now. We hate to lose a reader. We want to reach more people, not less. We are growing steadily, even in the dog days. You helped to get us started. Keep us growing with your renewal, and you can ease that guilty feeling for only \$4 more by adding a subscription for a friend.

—I. F. STONE.

P.S. Why not a gift subscription for your minister, local editor, town library or Congressman?

"Suppressing" What Blackstone Really Said On The Subject

The Justice Dept. Sets Out to Make Informing Respectable

A new campaign to make informing respectable opened July 23 with a little noticed speech by Assistant Attorney General Warren Olney III. He spoke on "The Use of Former Communists as Witnesses in Federal Trials" before the Michigan Association of Prosecuting Attorneys at Mackinac Island.

Mr. Olney said the Department "has been the target recently for an unprecedented barrage of abuse, emanating mostly from certain newspaper columnists . . ." He complained that the use of informers had been denounced as "a sharp departure from American tradition of law." He proceeded to make it appear that the use of informers was an ancient and honorable, almost venerable, institution.

The Assistant Attorney General said "Law enforcement officers have made use of informers from early times. Their value in ferreting out crime was recognized in the ancient practice of English medieval law known as approvement." A man accused of treason or felony might confess and obtain a pardon by turning witness against his accomplices. "If the accused were proved guilty," Mr. Olney went on, "the approver was entitled to his pardon. On the other hand, if the accused were acquitted, the approver was hanged."

A footnote at this point in the mimeographed copy of the speech cites 4 *Blackstone Commentaries* 30 as its authority. But Mr. Olney did not tell his listeners that Blackstone also said that the practice of approvement had long been abandoned because it created the same kind of abuses as the current crop of political informers.

What Blackstone Actually Said

The Assistant Attorney General did not quote Blackstone's remark that "in fact, it [approvement] has long been disused, for much mischief arose to good men, by false and malicious accusations thus made."

In Holdsworth's history of English law (Vol. III, p. 609) it is said that approvement was "open to obvious abuses" and did not survive the medieval period. Pollock and Maitland are cited as authorities for the fact that even in the 13th century a man of good repute in his own community did not have to answer the accusations of an *approver*.

Holdsworth also quotes Hale's venerable *Pleas to the Crown*, as saying (ii. 226) of approvement pretty much what the New York Times and the Alsop brothers have been saying of Brownell's informers, "The truth is, that more mischief hath come to good men of these kind of approvements by felon accusations of desperate villains, than benefit to the public by the discovery and conviction of real offenders."

There is dramatic propriety in this appeal by the Department of Justice to the abandoned precedents of a barbarous age. The Attorney General's campaign to compel testimony from witnesses is also aimed at one of the earliest barriers erected by modern English law against medieval inquisition and denunciation. The attack on the Fifth amendment and the defense of informers spring from the same soil.

Confusing Perjury with Patriotism

The evidence in a series of recent loyalty and deportation cases have caught some of the Justice Department's best known informers in what a *New York Times* editorial of July 8 called "direct contradictions . . . that smell strongly of perjury." *The New York Times* said that if the Department "feels it essential to use informers in the conduct of its anti-Communist prosecutions . . . it has the unmistakable duty to follow up relentlessly any indication that they may not be telling the truth."

This, the crucial question, Mr. Olney passed over in silence. Instead he dwelt oratorically on the sacrifices of men "whom certain columnists have had the gall to call 'stool pigeons'." The fact is, he went on righteously, "ever since the time of Nathan Hale . . . the American people have felt only gratitude and admiration" for such men.

This effort to equate the Department's stable of ex-Communists with a great revolutionary war hero is inept. If Nathan Hale had brought back as much misinformation, and done as much damage to our own side as some of these prize specimens, he would never have been hung by the British. *We* would have shot him.

Why Not Let Us Send a Sample Copy to a Friend?

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.
Please renew (or enter) my sub for the enclosed \$5:

Name _____
Street _____
City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____
Street _____
City _____ Zone _____ State _____

8-2-54

I. F. Stone's Weekly

Room 205
301 E. Capitol St., S.E.
Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. II, NUMBER 29

AUGUST 9, 1954



WASHINGTON, D. C.

15 CENTS

The High Cost of the Anti-Communist Mania

There was one scene, in the final minutes, before the tense galleries, after three days of debate on McCarthy, with tired and impatient Senators crying "vote, vote", that would have entranced the creator of Babbitt. Capehart, that rotund Midwestern business man, was on the floor in a final plea to table any resolution of censure. "There have been times," Capehart told a Senate which could not have cared less, "when, if I could have gotten hold of him, I think I would have thrown him out. There have been other times when I thought, 'by golly, there is a great guy.'" Capehart was maneuvering into position to agree with both the pro's and the anti's when he got back to Indianapolis.

It was comic, as comic as Welker's assurance that McCarthy must be a good man because he loved Welker's children "and he loves the children of almost every other Senator." But amid the burlesque, Capehart's main point faithfully reflected the confusions which haunt Main Street. Capehart declared "out of one corner of our mouths" we say we want billions of dollars to fight communism. We say "We are going to send your boys all over the world. You may have a third world war." Yet, Capehart continued, "on the other hand" we say "We do not like McCarthy because he is a little too rough and a little too tough with these so-called Communists." How explain that in South Bend or Little Rock?

How Fight McCarthy?

This is the heart of the Senate's difficulty. This is why for the sixth time in six years (since the Malmedy inquiry in 1949) the Senate is wearily setting up yet another committee to investigate charges against McCarthy with no more prospect than in the past of a decision. McCarthy is resourceful, unscrupulous and wily, but the Senate is full of politicians as deft and clowns as crafty. They would have brought him down long ago if it were not for the dilemma created by our own demonology. If Communists are some supernatural breed of men, led by diabolic master minds in that distant Kremlin, engaged in a Satanic conspiracy to take over the world and enslave all mankind—and this is the thesis endlessly propounded by American liberals and conservatives alike, echoed night and day by every radio station and in every newspaper—the thesis no American dare any longer challenge without himself becoming suspect—then how fight McCarthy?

If the public mind is to be conditioned for war, if it is being taught to take for granted the destruction of millions of human beings, few of them tainted with this dreadful ideological virus, all of them indeed presumably pleading for us to liberate them, how can we argue that it matters if a few possibly innocent men lose jobs or reputations because of McCarthy? Is not this additional cost too slight, are not

the stakes too great? How contend for constitutional niceties while acquiescing in the spread of poisonous attitudes and panicky emotions?

How Resist Rhee?

Similar questions were raised by that other momentous scene of the past week, when the Congress in joint session greeted with shocked silence Syngman Rhee's summons to preventive war. The common currency day in and day out of Congressional discussion is the impossibility of dealing with the Russians, the wickedness of recognizing the Chinese, the danger in permitting East-West trade, the impossibility of reconciling communism and capitalism, the wickedness of those who speak of co-existence. If these are the assumptions of our national policy, how avoid the Syngman Rhee logic which flows from them? Is it not better to fight now? Will not the struggle be worse the longer it is delayed?

The silence which so pained Rhee indicated eloquently that behind the febrile rhetoric are sober men, prepared in fact to reconcile themselves to the co-existence whose possibility they deny. The danger in the rhetoric is that they dare not admit publicly, indeed hardly avow to themselves, the saner calculations of their actual policy. They are thus prevented from building up public support for the very policies their silence implies. They can still say "no" unmistakably when this maniacal old man from Korea plainly puts the proposition for war. But the atmosphere they help every day to thicken makes it more difficult to say "no" if Rhee goes back home and puts the question more slyly. If he creates an incident, or stages a provocation, if he precipitates war, how refuse to support him? Who will dare say in any situation that the Communists were not to blame? Have we not placed ourselves more and more at the mercy of a Rhee abroad, as of a McCarthy at home, by the steady propagation of paranoid attitudes on Communism?

Writ in the skies of the H-bomb era is the warning that mutual destruction is the alternative to co-existence. Until there is a national leadership willing to take a pragmatic view of revolution, a charitable and Christian view of the misery that goes with the great rebirths of mankind, a self-respecting view of the example a free America can set and the constructive leadership an unafraid America can give, we cannot fight the drift to Fascism at home and war abroad. We cannot inculcate unreasoning hate and not ultimately be destroyed by it ourselves. We who prate constantly of "atheistic communism" forget that this is what all the great Teachers of mankind have taught. There is a retribution that lies in wait for the arrogant and the self-righteous. Where is the man big enough to reach the American people with this message before it is too late?

A French Expert on German Affairs Discusses Dr. John's Flight Eastward

Behind The Scenes of German Intelligence

By Bertrand Ferney

Special Writer on German Affairs for *L'Observateur*

Paris—Western Germany has three organizations of espionage: (1) the Federal office for the protection of the Constitution at Cologne, of which Otto John was the director, (2) the organization headed by the ex-Hitlerite General Gehlen, situated at Pullach, near Munich, (3) the counter-espionage section of the "Bureau Blank," the nucleus of the future War Ministry of the Bonn government.

The first was created in 1950. Its official purpose was to protect the young German republic (established in the Fall of 1949), against the threat of neo-Nazism as well as Communist infiltration from the Eastern zone. Its network of agents was not allowed to operate beyond the frontiers of Western Germany. German rearmament had not yet been decided upon and it was then out of the question for the Western allies to tolerate a German espionage service abroad.

Evidently that did not prevent the four occupying powers from utilizing "local talent" in their own intelligence services. In 1954 the Americans captured Brigadier General Reinhardt Gehlen and immediately put him to work. During the war Gehlen had been the chief of the Nazi espionage section for the Russian front. The Americans set him up in a headquarters near Munich covering 35 acres entirely surrounded by barbed wire and containing its own shops and schools.

Unlike the office headed by Dr. John, that which was established under Gehlen was planned for offensive purposes. Ever wider tasks were assigned to it. At present its network of agents covers not only the Soviet zone of Germany but the "Popular Democracies" and the U.S.S.R. and extends as far as China.

Bitter Rivalry Between Them

The relations among these three agencies were bad. In addition to the personal rivalries common in this type of organization, there existed among them genuine differences of principle. Dr. John was violently opposed to the Gehlen organization and complained regularly to Bonn about the activities of this espionage center, staffed with former high officials of the Nazi regime. But it was known in Bonn that Dr. John did not have the ear of Adenauer. Dr. John had been presented to the Chancellor before his appointment to office, but had never been received by Adenauer since.

The Chancellor on the other hand is very proud of the Soviet bloc intelligence of which he can make use at international conferences, thanks to the Gehlen organization. Despite the occupation statute, this American espionage center communicates directly with the Western German government, which has become its real directing authority. Last December 11 Gehlen addressed a secret session of the Parliament at Bonn and obtained a considerable success.

The authorities at Bonn in their relations with the Americans make much of the role they can play in Europe by virtue of the fact (1) that Western Germany is free of Communism and (2) that it possesses the best specialists and unequalled sources of information (Soviet zone contacts, repatriated war prisoners, etc.) on questions pertaining to Russia.

Bonn's Anti-Soviet Ambitions

Bonn believes it ought to handle for the United States all espionage and agitational activities within the European portion of the Soviet bloc. In this connection the Germans have recently developed their contacts with various groups of refugee politicians from Eastern Europe; according to the Germans, the propaganda of the American organization "Free Europe" has almost completely failed.

No less than 11 institutes for the study of East European questions are already functioning in West Germany. The

Gehlen organization has also developed an internal German network which had begun to compete directly with the work of Dr. John's organization. Last June 28, Bonn's Minister of the Interior, Dr. Schroeder, informed the latter that the government had decided to do without its services.

The Chancellor had never pardoned Dr. John for having furnished several months ago the information on which the British journalist Sefton Delmer (Dr. John's former chief in the intelligence service at the end of the war) in a series of articles for the London *Daily Express* had exposed the return of former Nazis to important posts in the Bonn regime.

One can say that whatever were the services rendered to the Federal government by Dr. John's organization (and it had recently been accused of unlawful surveillance over the Chancellor's personal opponents), it was slated to be supplanted finally by the Gehlen organization.

Why The Flight Eastward?

But it still remains to be known just why these facts should have led Dr. John to East Berlin. None of his detractors have suggested that he was a Soviet agent. Besides, some time ago, he had informed the British authorities in Germany that a former Nazi diplomat, Herr Zu Putliz, had come from Eastern Germany to ask him to work for the Russians. Dr. John had demanded that they arrest Putliz. Sefton Delmer said of Dr. John: "I know that he detests the Soviet system even more than Hitlerism."

Dr. John's relations with British Intelligence are less clear. While it is certain that the British favored his appointment in charge of German intelligence, it is also true that the official responsible for the appointment, the former Bonn Minister of the Interior, Dr. Lehr, said: "I made my decision without pressure from any of the occupying powers."

There is one fact on which all those who know Dr. John agree—his hatred for the Nazis. After the frustration of the July 20 (1944) plot against Hitler, he fled to Spain and from there to Portugal and Britain. His brother was hanged for his part in the same affair. Those who witnessed the recent ceremony in Berlin commemorating the plot noticed the tears and even sobs which drew reproachful looks toward him from bystanders. His conduct from the time of his landing at the Berlin airdrome was very strange: in the course of the official reception he hardly responded to questions and did not seem to recognize old friends.

Feared Return of the Nazis

Those who knew him well are convinced that his disappointment in the continued partition of Germany and in the return to power of ex-Nazis in ever greater numbers pushed him into fleeing beyond the Iron Curtain. Karl Robson of the London *News-Chronicle* tells the following story: "I saw him enter my room in Bonn one day last year. He clicked his heels and gave that intensely Prussian half bow he so much detested. 'Do not laugh,' he said, 'It is no laughing matter. They are coming back, and believe me, they have learned nothing. I am terrified when I think of Germany,' John told me, 'and with all the Nazis that we see returning to important posts, I would not give much for my chances when the allies have left.'"

Sure of being dismissed when the occupation ended, seeing himself surrounded by hatred or contempt, Dr. John (according to some reports) took to drink. He seemed to have wanted to anticipate his ultimate discharge and sought to create a sensation. Remembering the excitement provoked by the flight of the British diplomats Burgess and MacLean to the U.S.S.R., Dr. John wished by his departure and his declarations on the East Berlin radio to awaken the conscience of his countrymen and to warn them that continued partition of the Reich must lead to war.

Celler Leads Minority Protest as House Passes Immunity Bill

"By This Device . . . We Turn Men of Conscience into Informers"

A complex immunity bill (S 16 amended) was reported out by the House Judiciary Committee last Tuesday and passed 293 to 55 after a scant 40 minutes of debate the following day. While the Democratic leader, Rayburn (Tex.) and the party whip, McCormack (Mass.) failed to vote, Celler (D., N.Y.), ranking minority member of the Judiciary Committee, made a passionate plea against passage to an indifferent chamber. Multer (D., N.Y.) and Dodd (D., Conn.), an ex-FBI man, joined him in opposing the bill, assisted by friendly questions from Klein (D., N.Y.) and Javits (R., N.Y.). Multer protested that the House was being rushed into a vote on a complicated measure without adequate time to examine it or read the committee report, which was not available until Wednesday morning.

The House bill, as revised by Keating (R., N.Y.) and Walter (D., Pa.), rejects Brownell's request to grant the Attorney General authority in all cases to compel testimony on grant of immunity to witnesses before Congressional committees, grand juries and courts. Instead it provides that such grant can be made only on application to a Federal district court judge, and in cases involving danger to the national security or defense. It differs sharply from S 16, the McCarran bill passed last year by the Senate, which would give immunity power to Congressional committees. This difference may lead to a clash between the two Houses, blocking passage this late in the session.

We here present the heart of the minority report filed on this historic measure by Congressman Celler and three other members of the Judiciary Committee, Sidney A. Fine (D., N.Y.), Byron S. Rogers (D., Colo.) and Usher L. Burdick (R., N.D.). There is still time to write your Senator and help block this measure in the Senate. The excerpts which follow are from House Rep. No. 2606, to accompany S 16 amended:

"It is true that Congress has authorized the granting of immunity by a number of Federal agencies to witnesses appearing before such bodies. But this has been principally confined to hearings on specific violations of statutes which such regulatory authorities are entrusted to enforce or to hearings and investigations conducted in connection with specific statutory powers. Furthermore the functions of these agencies are generally related to the field of economic regulation where their inquiries touch more upon the rights of corporations, to which no privilege against incrimination attaches, than to the rights of individuals. Moreover, witnesses before these agencies have recourse to the courts in matters relating to their immunization. The court is the final arbiter . . .

Congress Is Not a Grand Jury

"What legislative lack does the reported bill fill? It is not the function of Congress to expose private personal guilt. It is not the function of Congress to prepare cases for prosecution. It is not the function of Congress to relieve the executive branch of the Government of its constitutional responsibility of law enforcement. When a committee of Congress investigates, it does so to gather evidence for its own purposes, that of legislating wisely and adequately. The investigations of Pearl Harbor, Teapot Dome, the work of the Truman Defense Committee and the La Follette Civil Liberties Committee did not suffer for lack of congressional power to immunize witnesses. In the areas of treason, sabotage, espionage, sedition, the Communist conspiracy, etc., the Congress has not heretofore hesitated to legislate, though lacking power of immunization, session after session in its history.

"The sought after evidence of the recalcitrant witness can now give up—what? More of the same thing? The facts of the evil and danger of the international Communist conspiracy have been spread before Congress by a march of voluntary witnesses, ranging from employes of the FBI to the ubiquitous

ex-Communists. Beyond that lie only the exposure and prosecution of guilt, which is the business of the executive.

"Neither court nor grand jury, the Congress, through its investigating committees, grants its witnesses neither the judicial safeguards of the courts, nor the secrecy of grand jury proceedings. The committees' simulation of both court and grand jury, strengthened by the provisions of this bill, is derogatory of both the Congress and the witness. The committee may throw the cloak of immunity around the witness and preclude his prosecution, but no shield stands between the witness and the social ostracism, the loss of employment, the denial of a passport, or housing in a Federal project, or membership in a trade union or association, all possible consequences flowing from forced testimony. Remember, we are dealing here with the helplessness of an individual before the power of an arm of the state, the very base upon which the constitutional prohibition against self-incrimination rests. Joseph N. Welch, counsel for the Army in the Army-McCarthy hearings, has eloquently stated:

Joseph N. Welch on the 5th Amendment

"Our Founding Fathers were familiar enough with the history of the Middle Ages to know that "justice" in that time took some peculiar forms. They knew that the formal trial of a citizen often began by placing him to torture, with someone standing by to take down that era's equivalent of a stenographic transcript of the "confession" he made in his agony. The transcript was then piously and lugubriously produced in court as proof of the poor devil's guilt. The framers of the Bill of Rights were determined that this should never happen in this fair country of ours and in this spirit they wrote the Fifth Amendment . . .

"By this device to compel testimony, we turn men of conscience into informers. This is nasty business. There are those who in the 1920's, misunderstanding or disbelieving the nature of the Communist evil, flirted for a period with Communist and Communist front organizations. In testifying they retreat behind the wall of the Fifth amendment, not, as some have said, to hide their own involvement, but to shield from public expose friends and neighbors who may have been similarly and innocently involved.

"Human frailty is such that compulsory testimony can and has acted in the past to idemnify rogues, encourage those who wish to curry favor with the examiners, and to open up avenues leading to speculation, exaggeration and lies. The malevolent, the wicked and frightened would testify as desired . . .

The Price of Freedom

"It is admitted that there are those who testifying before Congressional committees abuse the privilege against self-incrimination accorded by the Constitution. Yet we know many do not now answer who would do so if they were assured of fair treatment by the committee. These witnesses refuse to subject themselves to abuse. A committee conscious of the rights of witnesses and operating under rules to protect those rights would elicit much information now denied them. We could then see how unnecessary the proposal before us would be. There are those who always will abuse this privilege but this is the price we must pay for the maintenance of our liberties.

"We are dealing here with the elements of the First as well as the Fifth amendment of the Constitution. We cannot legislate outside of the context of our climate of opinion. There is presently an unbecoming shrillness, fed into hysteria by political would-be saviors, in our approach to problems of internal communism. It is our legislative responsibility to bring this problem back into focus into its proper dimensions, free of exaggerations and obsessiveness. S 16 is a denial of that responsibility."

Round A (Woozy) Capitol and An (Unsteady) Globe

During debate on the McCarthy resolution, Senator Jenner may have thrown some light on why McCarthy was so anxious to investigate communism in the government printing office. Jenner complained that when the Senate subcommittee on privileges and elections drew up its famous report on McCarthy "they hand-carried the requisition [for the printing] down to the Public Printer, and a man who holds a high position in the Government Printing Office was so concerned about seeing that the report was delivered promptly, so that it could be circulated over the country, that he personally rode on the truck which delivered the report to the subcommittee" . . . Next time there's a report on McCarthy the Public Printer will know better. If patriotic (or at least discreet), he'll just lose the copy.

When Flanders, in opening the debate, criticized McCarthy for ill-treatment of General Zwicker, he was interrupted by Welker who asked whether Flanders had seen an INS report of a speech made by the General at MIT June 11 when 146 seniors were commissioned as Reserve officers . . . "General Zwicker," the report on his address began, "believes democracy and communism must find a means of co-existence . . ." Welker seemed to imply that a General who believed in co-existence could not be treated too harshly.

American and French colonial propaganda have built up a picture of helpless folk fleeing from "slavery" in Northern Indo-China which heavy censorship is striving to maintain but . . . the *Washington Star*, the AP's "home organ" which publishes practically the entire Associated Press file, ran a dispatch from Hanoi August 1 most papers ignored . . . "Many Frenchmen in Hanoi," the headline said, "Apathetic About Evacuation. Vietnamese Even Slower to Register to Leave Vietnam Before Viet Minh Take Over." . . . A delayed OPNS dispatch from Hanoi in the *Jerusalem Post* of July 30 helped to explain why: it declared French were cheered by Viet Minh assurances on French cultural and economic interests, and said "The French Chamber of Commerce met here this afternoon to discuss plans for continuing business after the arrival of the Viet Minh in Hanoi" . . .

There is suspicion of Eisenhower's choice of an Army engineer to be chairman of TVA because the Army engineering corps has usually been the ally of private power interests . . . Watch for sharp questioning at the hearings on the nomination which begin today before the Senate Public Works Committee . . . General Motors profits rose to a record high in the first six months of 1954, despite a 22 percent decline in defense orders . . . That decline speaks well for Charles E. Wilson and upsets the Left stereotyped picture

Mouthful Dept.

" . . . let us think twice before we adopt a code of ethics such as is proposed, because no matter what kind of code may be adopted, it cannot make a bad chairman good."

—*Welker (R., Idaho), speech to the Senate in defense of McCarthy, Aug. 2 (Con. Rec. p. 12329)*

"I am not contending that it is inconceivable that an innocent man should be damaged as the result of a congressional investigation."

—*McCarthy, testifying against regulation of committee procedure before the Senate Rules Committee, July 27.*

of a GM executive using the Secretaryship of Defense to ladle out more defense work to GM . . . Best comment on the Eisenhower tax bill is that the one Republican who has been carrying on a crusade against tax corruption and abuses, Williams of Delaware, was one of the three Republicans who voted against the tax bill in the Senate . . . The Robert M. Harris to whom the Woodring letter about Marshall was addressed is the famous cotton broker who was so prominent among Father Coughlin's backers.

The country is indebted to those sixty prominent men at the American Assembly for daring to talk a little sense on China, and to oppose a rigid bar against Peking's entrance to the UN . . . They also stressed the importance of the war against poverty, praising the UN Technical Assistance Program as a major weapon . . . "Its potential power to destroy the influence of communism on the minds of men is as great," their joint report said (N.Y. Times, Aug. 3), "as the power of the hydrogen bomb to destroy the bodies of men" . . . They did not add that while we have already invested 12 billion dollars in that power to destroy, the Administration is having difficulty in getting \$9,000,000 out of this Congress to meet our share of this year's UN Technical Assistance program . . .

Creeping Socialism Dept: The American Legion, otherwise stoutly anti-collectivist, opened a campaign last week against the A.M.A. for attacking those "socialistic" hospital and medical services the government provides veterans . . . The U.S. might be defined as a country in which every group is opposed to "socialism", i.e. government aid and protection, except for themselves . . .

Why Not Let Us Send a Sample Copy to a Friend?

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

8-9-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. II, NUMBER 30

AUGUST 16, 1954



WASHINGTON, D. C.

15 CENTS

Farewell to the 5th Amendment?

The Senate, which likes to call itself the world's greatest deliberative assembly, never acted more ignominiously the rubber stamp than last Wednesday morning. Without debate, without a record vote, with only one objection—and that an extraordinarily weak one—it voted to end a privilege 300 years old. On motion of McCarran (*D., Nev.*), by voice vote, it approved S 16 as amended by the House, a bill to compel witnesses to testify against themselves on promise of immunity. The nature of the one objection illuminated the quality of the vote. Senator Lehman (*D., N.Y.*) rose to say that he was not objecting to the bill itself, but that sufficient time had not been allowed to study the House version.

Last year when the original McCarran immunity bill passed the Senate (see the *Weekly* for July 18, 1953, "Last Refuge of Dissenters in Danger"), it was also on a voice vote but Lehman and nine other Senators asked to be recorded against the bill. They included one Republican, Cooper (*Ky.*) and eight Democrats, Stennis (*Miss.*), McClellan (*Ark.*), Magnuson and Jackson (*Wash.*), Kerr (*Okla.*), Hennings (*Mo.*), Murray (*Mont.*) and Hayden (*Ariz.*). Last week the other nine sat silent as a fundamental Anglo-American right which goes back to the Cromwellian Revolution went down the drain. Senators, like Flanders, who wax eloquent on the menace of McCarthyism, failed to see why it made the Fifth amendment privilege all the more important. The independent, Morse, who was so concerned a week before about due process for McCarthy, was less of a legal purist about his victims; last year he facilitated the passage of S 16, this year he voiced no objection to the House substitute.

The House Did Better

The House, which is no great deliberative assembly, and often sounds more like the assembly line in a packing plant, shone by comparison. There last week, though the Democratic leadership voted for the immunity bill, 51 Democratic rebels, 3 Republicans and the House's lone Independent voted against it under the leadership of Celler (*D., N.Y.*), the chamber's one consistent civil libertarian. Less striking but important was the subtle job done on the original McCarran bill by House conservatives under the leadership of Walter (*D., Pa.*). The bill as passed was quite different from that sponsored by McCarran or asked by Attorney General Brownell. The former wanted Congressional committees, the latter the Attorney General, to have unrestricted power to compel testimony. The bill as passed sets up a procedure so cumbersome that there is gossip in the cloakrooms that it will never be used. This is too optimistic. In the case of witnesses before Congressional committees, the bill provides (1) for a two-third vote of the committee, (2) the serving of notification

on the Attorney General and (3) the securing of an order from a District Court. This procedure obviously does not suit the purposes of headline-hunting investigators, but punishment for contempt is also slow—that does not deter them from using it. The chances that this will be declared unconstitutional are unfortunately slim; not only the atmosphere of the times but past precedents upholding more limited immunity powers are against it. But a witness under this procedure may argue and appeal other issues of relevance, materiality, and the authority of the committee more effectively than on appeal from a contempt conviction. And if he loses, he can always refuse to answer and commit contempt.

We are slipping back to the days before the privilege was won when those who resisted Elizabeth's High Commission, Britain's own Inquisition, had no alternative but jail or flight when put under oath and questioned about the heretical views of themselves and their families. This is where, when and why the Pilgrim Fathers began to leave for Holland and later for America. They did not choose to be informers. The right the Congress has voted to withdraw was the right John Lilburne went to jail to establish. It will have to be re-established in the same manner by the heretics and freedom lovers of this generation.

Two Who Would Not Tell

There was thus an almost symbolic propriety in the fact that the same day, on the unanimous consent calendar, this same Senate without objection passed two McCarthy resolutions of contempt against two Harvard faculty members, Wendell H. Furry and Leon J. Kamin. Both, declining to plead the Fifth before McCarthy, had admitted past Communist membership but declined on moral grounds to name others. Furry himself had been named before the House Un-American Activities Committee by Robert Gorham Davis of Smith College and by Granville Hicks. Unlike them, he did not choose safety for himself at the expense of others. Furry said that if called before a grand jury which was investigating "actual crime, not just political crime or crime of opinion" he would tell everything he knew. "I will not give them," he told McCarthy when asked for names, "when it involves political persecution only." Kamin said. "My conscience won't let me traffic in the names of former political associates whom I have no reason to believe were guilty of criminal activities."

This is Lilburne's challenge repeated three centuries later, and now again the challenge is not to the judges or the law but to the juries and to the political arena. The fight for the privilege not to be a political informer is with this new legislation back on the bedrock of individual conscience. Furry and Kamin deserve emulation and support.

From the Hectic Last Hours of An Overheated Congress

The House of Representatives honored itself last Tuesday in honoring the memory of Vito Marcantonio. Mr. Celler spoke eloquently in his praise when the House met, and he was followed by three other members of the Democratic delegation from New York City, Multer, Klein and Keogh. Three other Democrats joined them: McCarthy (the other one) of Minnesota, Eberharter of Pennsylvania and Blatnik of Minnesota. The biggest surprise of all was that Clare Hoffman of Michigan, a Republican of the far right, asked permission for an extension of remarks in tribute to Marcantonio. No man ever fought with greater ability and devotion for the people he represented and the ideas in which he believed. He deserved the tribute paid him, but it was nonetheless an unexpected demonstration of courage and magnanimity in these difficult times.

Will McCarthy get it this time? One source, in close touch with the Senate, thinks he will. This is the situation as he sizes it up: The men who really run the Senate, the inner core of conservatives, are fed up with McCarthy. The Senate is a select body, with no strict party discipline, which depends on mutual confidence and a high level of courtesy. It is too small for bores. Much of its discussion is private, and much of the inner life of the Senate must freeze up if Senators can no longer trust each other. McCarthy and his handful of followers have begun to apply to fellow Senators the same kind of espionage and blackmail they use in dealing with other departments of the government. When he spoke of Flanders as "senile," he offended important Senators, many of them in their 70's or more. When he called Fulbright "half-bright," he was exercising a gutter wit that made McCarthy's colleagues wince. The new committee to consider the charges against him is backbone America—Protestant, small town, Middle West and South. They will treat McCarthy fairly but they will censure him in the end, with not more than one or perhaps two dissenting votes.

I myself am doubtful. The Senator chosen chairman, Watkins (R., Utah) seems the weakest of the lot. His announcement that the hearings will be conducted as a judicial inquiry is disturbing. McCarthy will be there with defense counsel and the right of cross-examination, but who would be the prosecutor to present the charges? And how speak of "charges" when the question is whether McCarthy has engaged in conduct unbecoming a Senator? I fear that McCarthy will prove too wily for this committee and bog it down as he has others in the past. Does this mean a victory for McCarthy? Not at all. This succession of hearings keeps him on the defensive, whittles him down, erodes his reputation. People begin to conclude that anyone who is constantly being investigated must somehow be of doubtful reputation. Our Fifth Amendment Senator is slowly to suffer from that where-there's-smoke-there's-fire axiom he applies to others. This new inquiry may not be conclusive, but it will give Low Blow Joe another push downhill.

In foreign policy, the President's pronouncements are hope-

New Bit of A-Bomb History

"When the late President Roosevelt and our Prime Minister met in Quebec during the war, President Roosevelt, so I am given to understand, suggested that our Russian allies should be informed of the new weapon which was then contemplated and on which work had already started. It was our own Prime Minister who argued against the disclosure. Subsequently the two sat at the same table with Mr. Stalin. Not a word was said about the work then being done on the weapon.

"I have often wondered what Mr. Stalin must have thought as he looked upon the representatives of the two allied nations, for even at that date he knew the nature of the work which was going on because, as we now know, Fuchs had told him. It seems to me that much of the fear between East and West originated from that policy of mutual deception."

—Beswick (Lab.) during debate in the Commons on the British Atomic Energy Act, 280 Hansard 939.

ful. His remarks at press conference last week on the impossibility of preventive war imply some kind of co-existence; his remarks the week before approving the American Assembly statement on the danger of too rigid an attitude toward Red China were equally encouraging, as was his talk on the need for thinking in terms of partnership rather than leadership. But in domestic policy, under the influence of Brownell, the White House has thrown its weight into the scales on the side of the witch hunt. Last Monday the majority leader, Knowland, spoke as if the Brownell "security package" bills were of secondary importance. His attitude changed on Tuesday after the legislative conference at the White House and on Wednesday he was putting on the heat for S 3607, the Butler-Velde bill (See box below); HR 9580, the espionage and sabotage death penalty bill, and S 3428, the bill to set up a blacklist in industry.

A group of ten Democrats and one Independent Senator (Magnuson, Hennings, Green, Mansfield, Murray, Gore, Morse, Lehman, Kilgore, Jackson and Gillette) introduced a resolution on August 6 for a Presidential commission of inquiry on security like that introduced by Walter (D., Pa.) in the House. The purpose in both cases was to put off the Butler bill and similar legislation until a full study could be made. The plan was to move the Magnuson resolution up as a substitute for the Butler bill in the Senate, and Walter was fighting hard to stop the companion Velde bill in the House. The Administration, however, is intent on having itself a sensational Red hunt before the elections and needs more legislative short-cuts to conviction. The U.S. Chamber of Commerce is desperately anxious to get the Butler bill passed this year. The next few days will tell.

An Un-American Activities Committee Minority

Protests the Butler-Velde Bill to Put Unions Under SACB

From the minority report (HR Rept. 2651 pt. 2) filed by Walter (R., Pa.) and two other Democratic members of the House Un-American Activities Committee, Doyle (Cal.) and Frazier (Tenn.), objecting to the Butler-Velde bill (HR 9338) which would force "Communist infiltrated" trade unions to register with the Subversive Activities Control Board:

"It is difficult to avoid the conclusion that this bill is a step toward Government licensing of trade unions. Such a step should be taken only after the most careful consideration and the clearest demonstration of its necessity. Once the power of life and death over unions is vested in a Federal agency, there is always the danger that it may be misused. The danger, too, cannot be overlooked that the bare existence of such a power in the Federal government will intimidate unions, and tend to make them subservient to the political ends of whatever administration may be in power."

Herbert Hoover, The Uncommon Man and I. G. Farben

The dearest wish of the right is to destroy FDR and build up Herbert Hoover in the minds and hearts of the American people. The hoopla which attended Hoover's 80th birthday was part of an unending campaign. We do not begrudge an ex-President his birthday honors. Indeed as a Rooseveltian, we are grateful to him for the ample self-exposure of his birthday speech. Mr. Hoover has changed not at all, but the country has. His party could not elect a dog-catcher were it to follow the implications and echo the tone of his Iowa address.

The implications point toward a repeal of all that the New Deal and the Fair Deal did, including farm price supports, social security and collective bargaining. The tone is one of contempt for the herd. Mr. Hoover sees the "fuzzy-minded" concept of the Common Man as "another cousin of the Soviet proletariat", as it is—for communism, social democracy and the welfare state spring alike from the determination of the many to free themselves from unbridled exploitation by a powerful big propertied few. The "Uncommon Man" Mr. Hoover invoked is on the other hand too uncomfortably cousin to that Nietzschean Superman who inspired such recent technological advances as human crematoria. It is in keeping with the pattern of his thinking and the unregenerate arrogance of his spirit that Mr. Hoover should have reasserted his attitude toward World War II. He still believes we should have stood aside from the conflict, at the risk of letting that Uncommon Man with the toothbrush moustache have his way with the world.

Our Pal, I. G. Farben

Speaking of crematoria, there are some interesting provisions in S 3423, the bill by Dirksen, Jenner, Butler and Langer to return German and Japanese properties seized during the war. A talking point of its advocates is that it forbids restoration of property to war criminals but the bill contains two jokers in this regard. The first is that it is careful to set up this bar only against "natural" persons, so that I. G. Farben (which made so many interesting commercial experiments in the camp, discovering new sources of soap) would be eligible to recover the biggest plum of all, its American subsidiary, General Aniline & Film.

The second is that in committee someone took out the phrase "by Allied Occupation Tribunals or by German denazification courts" after the words "any natural person

convicted of war crimes," and added instead "as hereinafter defined." The definition provided later in the bill would give a Vested Property Commission power to decide whether such convictions had been by "a court of competent jurisdiction." This loophole, well greased, might prove big enough for many war criminals.

Mr. Dulles Is "Confused"

We applaud the President for turning thumbs down on this pending legislation and note with pleasure the confusion to which his Secretary of State thereupon confessed at press conference last week. Mr. Dulles, on most occasions an endless fountain of moralisms and legalisms, in this case advised the Senate Judiciary Committee that it ought to ignore the Paris Reparations Agreement of 1946 and the War Claims Act of 1948 and pass the Dirksen bill. The former embodied an agreement with our West European allies to retain vested German properties as compensation for unrecovered loot taken by the Germans. In the latter Congress forbade the return of these properties and provided that proceeds from their sale should go to reimburse American victims of German and Japanese prison camp hostility.

We recognize the idyllic vanished loveliness of the Nineteenth century international law which reflected a world which knew not total war and provided for the return of enemy property after a conflict was over. But we see no reason to reward a giant German trust like I. G. Farben which played so important a part in the rise of Hitler and in the efficacy of war plans designed to destroy that world forever. General Aniline & Film was worth \$30,000,000 when the war began. Fattened by war profits on this side, it is worth \$100,000,000 today. Why should Hitler's biggest industrial collaborator be allowed this windfall?

There is another consideration, brought to mind by an unctuous reference in Chancellor Adenauer's letter to the President to reviving those "business connections" which formed "the traditional bridge of friendship" between the U.S. and Germany. Has everybody so soon forgotten what the Truman committee hearings and the Thurman Arnold testimony in 1941 showed? GAF was a principal instrument of German economic warfare, a means of stifling American development of the synthetic rubber (and other products) we needed so badly when Malaya and the Indies were cut off by the Japs.

The 55 Congressmen Who Voted Against the Immunity Bill

Fifty-five Congressmen led by Celler (D., N.Y.) last week voted against the immunity bill in the House, the largest vote yet cast against any witch-hunt measure in this Congress. We give their names, party affiliations and States below, and are asking readers to check the list. If your Congressman is one of the brave 55 will you give him a gift subscription to the Weekly and let us send it to him with a letter from you expressing your appreciation for his vote?

It will make a lot of difference in reaching these Congressmen—all of whom ought to see the Weekly regularly—if they get it as a gift from someone in their own district, especially

with a note of appreciation for their vote in defense of the Fifth amendment. Check the list and act now. If there are duplications, the money will be returned but the letters will be sent on to the Congressmen.

The next two weeks are vacation. The Weekly is published only 50 weeks a year, all but the last two weeks in August. We hope to find letters and subs for all 55 on our return and will report the results in September. We go off on vacation confident in the Weekly's next year of publication. We thank our readers for having made this possible.

—I. F. Stone.

Aspinall, D., Colo.	Dawson, D., Ill.	Hays, D., Ark.	Keogh, D., N. Y.	Metcalf, D., Minn.	Rhodes, D., Pa.
Barrett, D., Pa.	Dodd, D., Conn.	Holifield, D., Cal.	Kirwan, D., Ohio	Miller, D., Kans.	Rogers, D., Colo.
Blatnik, D., Minn.	Dollinger, D., N. Y.	Howell, D., N. J.	Klein, D., N. Y.	Multer, D., N. Y.	Shelley, D., Cal.
Bowler, D., Ill.	Eberhart, D., Pa.	Javits, R., N. Y.	Klucynski, D., Ill.	O'Brien, D., Ill.	Sieminski, D., N. J.
Buchanan, D., Pa.	Fine, D., N. Y.	Jones, D., Ala.	McCarthy, D., Minn.	O'Hara, D., Ill.	Smith, D., Miss.
Burdick, R., N. D.	Gordon, D., Ill.	Karsten, D., Mo.	Mack, D., Ill.	Patten, D., Ariz.	Sullivan, D., Mo.
Byrne, D., Pa.	Granahan, D., Pa.	Kean, R., N. J.	Madden, D., Ind.	Philbin, D., Mass.	Whitten, D., Miss.
Celler, D., N. Y.	Green, D., Pa.	Kelley, D., Pa.	Magnuson, D., Wash.	Price, D., Ill.	Wier, D., Minn.
Chudoff, D., Pa.	Hart, D., N. J.	Kelly, D., N. Y.	Marshall, D., Minn.	Reams, Ind., Ohio	Williams, D., Miss.
Condon, D., Cal.					

Britain's Tory Government Takes Public Power for Granted

No "Give-Away" in England's New Atomic Energy Act

The American press has almost completely disregarded the new British atomic energy act. It went into effect August 1 while our "give-away" bill was being pushed through Congress. The British legislation, designed like our own to speed peacetime development of the atom, had been under debate in the Commons since last December, but few if any American correspondents touched on it in their dispatches. The British bill was just a little too—shall we say?—"un-American."

What the British did *not* do may be gathered from the wistful remarks of one Conservative M.P., Charles Ian Orr-Ewing, who quoted from Gordon Dean's "Report on the Atom" during debate in the Commons. Orr-Ewing read that passage in which Dean explained that the American Atomic Energy Commission had set up "a system under which virtually all of the scientific and industrial work was performed by private contractors."

Orr-Ewing said he was "disappointed" in the government's bill. "I would have preferred," he declared, "that the Atomic Energy Authority should supervise but leave all these things to industry." Instead, though framed by a Conservative government and voted by a Conservative majority, the new act gives the Atomic Energy Authority full power "to produce, use and *dispose of* atomic energy" and "to manufacture or otherwise produce, buy or otherwise acquire . . . any article . . . required for use in connection with the production or use of atomic energy . . ."

How Atomic Electricity Will Be Handled

Sir David Eccles, Minister of Works, explained on behalf of the government that while the new Authority would design and build prototype plants for atomic power, "It will not compete with the electricity authorities in the supply of electricity to the public." The British Electricity Authority will take over the power, but the B.E.A. is a government monopoly controlling all supply of electricity to the public in England and Wales. That kind of "socialism" Britain's Tories take for granted.

The new British act is indeed designed to draw the universities and private industry into wider collaboration in the

application of atomic energy to civilian purposes. One speaker pictured "British engineers and British firms . . . going about the world in the next few years installing atomic energy plants." A flexible partnership between government and industry is envisaged but not (as in the U.S. bill) on the basis of tying the government's hands, and offering favored concerns a preferred position at the public expense.

Britain sees swift development of atomic energy as essential if she is to compete successfully in world markets. Dwindling coal supplies and inadequate hydro-electric possibilities haunt her future. There must be an increased use of power in industry, and the atom must supply it.

Where Laborites and Tories Agreed

The Conservatives as a whole were as ready as the Laborites to accept a framework of public ownership, control and direction; the Laborites were as ready as the Tories to recognize the need for utilizing the energies of private industry in this historic task.

The differences between the two parties were not over these issues. The Laborite spokesman, George Strauss, objected to the establishment of a new Authority for peacetime uses; thought the task were better left with the capacious Ministry of Supply, which has hitherto handled it; disliked the "divided ministerial responsibility" he saw in the bill and predicted wasteful duplication in separating civil from military development. In transatlantic perspective, the disagreements seem minor.

On one issue, Labor scored a victory. Over here, Congressmen Holifield and Price [see the *Weekly* for August 2, "What The Atomic Filibuster Was All About"] fought in joint committee and on the floor of the House for establishment of a labor-management committee to ease the chronic and growing headache of atomic labor problems. They were defeated.

But over there the House of Commons accepted a Laborite amendment providing that at least one member of the Authority's directing board should be a person who had "wide experience of, and shown capacity in, the organization of workers." In this, too, Britain's Tories showed our own a "bad" example.

We Sign Off For Two Weeks' Vacation—Next Issue Will Be September 6

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

8-16-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly



The Panic of A Mob on Capitol Hill

I

The day Congress passed its new anti-Communist law, Senator Morse said the Senate's earlier unanimous vote to outlaw the Communists was "a tremendous psychological blow against communism in the world." Of all the confusions in that confused week of debate, this deserves to be singled out as the most confused.

Congress did not deliver a blow at the Communist world. It paid that world the highest compliment it could. Congress said that the richest and most powerful country of the non-Communist world was so afraid of its tiny minority of Communists* that the United States was turning its back on its own traditions. For the Communists, outlawry is not a signal of strength but of weakness. In the three countries where communism has come to power on its own, in Russia, in China and in Yugoslavia, persecution and outlawry of various kinds, far more stringent and savage than anything yet attempted here, was the prologue to victory. It was underground that Lenin, Mao and Tito found the path to power.

The blow Congress struck was at those non-Communist countries which have looked to the United States as a center of stability and of support. It is not so much Congressional enactment, bad as that was; it is Congressional behavior which must stir the deepest misgivings. For the shifting and tempestuous debate demonstrated how badly the situation in this country has deteriorated. No one can say there is not fear in America when one sees how liberals in Congress stampeded and jettisoned their principles like so much baggage in a shipwreck lest they be termed pro-Communist.

Humphrey of Minnesota, who led the liberal Democratic panic, said self-defensively at one point, "we are not organizing vigilantes." They were not organizing vigilantes but they certainly acted like a mob. The liberals voted for an outlawry measure they privately realized would undermine the Constitution. The rightists were afraid not to vote with them though this measure threatened to undermine their prize achievement, the Internal Security Act of 1950. The momentum of panic and moral disintegration was evident. The other countries of the non-Communist world must ask themselves how dependable and safe is alliance with a country where the Congress is imprisoned by anti-Communist demagoguery. How can rational action be expected of it if fear of seeming "soft on Communism" is so powerful?

It has been suggested that the main reason for the Hum-

phrey-Douglas-Kennedy-Morse outlawry bill was to provide a measure so extreme that it would block effective anti-Communist legislation, particularly the Butler-Brownell bill to subject trade union and other "Communist infiltrated" organizations to the Subversive Activities Control Board. Humphrey and his collaborators did indeed offer their measure when the Magnuson resolution was defeated 31 to 57. This resolution was intended to delay action on the Butler bill until a Presidential commission of inquiry could study the subject. When that failed, Humphrey produced the outlawry bill as a substitute for the Butler bill. But that same night when Daniel of Texas tacked the Butler bill onto the Humphrey outlawry measure, the only supporter of the Humphrey bill who voted "no" was Lehman of New York. All the other liberal Democrats forgot their supposed objective and the Senate voted 85 to 1 for the Daniel amendment and then 85 to 0 for the combined bill.

Competition in Red-Baiting

The real motivations were unmistakable. "I am tired," Humphrey said in introducing the outlawry measure, "of reading headlines about being a leftist." Morse, in seconding him, said the purpose of the bill was "to remove any doubt in the Senate as to where we stand on the issue of communism." A few days later, when the White House intervened against the outlawry bill, Morse gloated on the Senate floor, "Let the public understand who is trying to save the Communists in this country from prosecution, individual by individual, for the conspiracy to which they belong. It now appears that the White House thinks the Senator from Minnesota is a little too harsh on the Communists." The day the anti-Communist law finally passed, Morse was jubilant. "Last Thursday," he told the Senate, "the Republicans were surprised and shocked because they discovered that what was up to that time obviously to be one of the smear tactics of the oncoming campaign had fallen flat on its face . . . After Thursday they could not very well argue that the liberals were soft on communism . . ."

II

There do not seem to be any liberals—in the real sense of the word—left in the U.S. Senate. A striking feature of the week's debate was the absence of appeal to the traditional doctrines of liberalism, as expounded from Jefferson to John Stuart Mill. Kefauver, the only Senator to vote against the outlawry bill, was the only Senator to mention Jefferson. But the familiar words Kefauver quoted—about "the safety with which error of opinion may be tolerated when reason is free to combat it"—was not the main premise of his own opposition.

Kefauver said he took "a most unpopular position" in voting against outlawry because this "would confuse the operation of the Smith Act, which I supported and voted

*The "findings of fact" framed by Senators Humphrey, Douglas, Kennedy and Morse might lead one to suppose that the Communists were to be outlawed because they showed little sign of ever succeeding! "The Communist party," the findings recite, "is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means."

Humphrey and Morse Led The Liberal Pack for Outlawry...

for as a House member and . . . that it would nullify the registration provision of the Internal Security Act." Two days earlier Kefauver had explained to the Senate that "while I did not vote for the internal security bill, I now feel it may do some good . . ." This lone champion of American liberalism voted for the anti-Communist bill in its final form because "I have now been assured that this will not adversely affect prosecutions under the Smith Act or adversely affect the Internal Security Act." In other words, Kefauver was objecting to one form of punishing people for their ideas on the ground that it might interfere with other ways of punishing them for the same ideas!

Strange Oracle for Liberals

Kefauver did not sustain himself in his lonely position with Milton or Madison. The oracle he consulted was of a different variety. "I talked at great length," Kefauver told the Senate, "with a top official in the Department of Justice. I cannot give his name, because it was a personal conversation, but I know, after talking with him, that the Department of Justice, and I am sure it reflects the views of Mr. [J. Edgar] Hoover, felt that the bill which I voted against the other day would . . . undo everything which had been done over a period of four and a half years. . . . This official complimented me on my vote against it." Kefauver went as far as he could to indicate just how august this imprimatur was when he said, "I have talked in days past with Mr. Hoover. Today I talked at length with a top official of the FBI . . . "We have come to a strange time when the only Senator who votes against outlawry of the Communist party defends himself by citing, not the venerable principles of a free society, but the views of the secret police.

The conversation Kefauver reported (it may be found on page 14398 of the Congressional Record for Thursday, August 19) illuminates the real difference between the opposing forces. Morse and the liberal Democrats in the Senate, like Dies in the House, wanted to make it a crime to be a Communist. They wanted an outlawry bill under which it would be possible to send a man to jail because he was adjudged to be a Communist. The Administration, the rightists like McCarran and the FBI, wanted to proceed indirectly. Instead of sending a man to jail for being a Communist under an outlawry statute, they would send a man to jail for failing to register as a Communist. The reasons for preferring this method, which Congress finally adopted, were set forth by Kefauver.

"This official told me," Kefauver reported to the Senate, "that punishment for political beliefs would make martyrs of many Communists . . . He felt that certain persons might go to the defense of such persons and thus give communism some respectability. The Communist party has already announced that it is not going to register and that its members are not going to register. By refusing to do so they will outlaw themselves. They can then be prosecuted, not for what they think, but for failure to register. World public opinion will be on our side if we handle this problem as Mr. Hoover suggests. We will lose it by prosecution for political beliefs per se."

The Consequences of Registration

There is monumental naivete in the assumption that so transparent a subterfuge will evoke the approval of the world. A man who registers as a Communist will read himself out of society. He will become a second class citizen, barred from government, defense industry and many other types of employment. He will lose the right to a passport. If he does not immediately forego the right to practice a profession, he will certainly lose most of his clientele. He will become an outlaw and outcast. Can our rightists really believe that the world will say this is not prosecution for opinion?

The registration procedure is like the outlawry procedure in a vital respect. In either case it will be assumed that persons who are Communists will hide their views rather than undergo the penalties for their beliefs. Under either mode of procedure it therefore becomes necessary to determine who is a Communist, either to send him to jail for being one or for failing to register as one.

This is the nub of objection to anti-Communist legislation. As the Communists are driven underground, it is assumed that they will not dare take revolutionary positions publicly. They can only be spotted by watching to see if they take non-revolutionary positions on public questions which parallel those of Communist literature and the Communist movement. It then becomes the task of the government to determine whether someone who supports a 35-hour week, let us say, does so because he believes in a 35-hour week or because he is secretly a Communist. In such an atmosphere, it becomes dangerous to advocate social reform. This is why the U.S. Chamber of Commerce so long campaigned for what finally become (via the successive Mundt-Nixon, Mundt-Ferguson and McCarran bills) the Internal Security Act

Dept. of Confusion: When Is An Outlaw Not An Outlaw?

Mr. KEFAUVER. . . . The bill, as it is presently written, does not actually make the Communist party illegal. Is that not correct?

Mr. BUTLER. In my opinion, the bill outlaws the Communist party and makes it illegal. It strips the Communist party of all its rights, privileges, and immunities under the Constitution of the United States and all the laws of the United States . . .

Mr. KEFAUVER. I had understood that the Department of Justice was satisfied on the theory that the House bill even with the Butler amendments does not actually outlaw the Communist party; and on the theory that the bill does not outlaw the Communist party, the Department feels that it can still force registration under the Internal Security Act. But the legislative intent now being stated by the Senator from Maryland might be to the effect that the bill outlaws and declares illegal the Communist party . . .

Mr. BUTLER. . . . The bill does not outlaw the Communist party by making its activities criminal. It makes the Communist party impossible. It destroys all of its rights, privileges and immunities, and strips it of all legal rights under the Constitution and the laws of the United States.

Mr. KEFAUVER. That is not what the Senator said a few minutes ago.

Mr. BUTLER. That is precisely what the Senator from Maryland said a few minutes ago.

Mr. KEFAUVER. The Senator said a few minutes ago that it completely outlaws the Communist party.

Mr. BUTLER. It does. The Senator from Tennessee is equivocating with words . . .

Mr. KEFAUVER. I do not want to vote for anything which will void the registration provision of the Internal Security Act. I want to give it an opportunity. So a person could be a member, and he would still have to register under the Internal Security Act?

Mr. BUTLER. That is true . . .

Mr. KEFAUVER. By what legal conception could a person be a member of something which legally could not exist?

Mr. BUTLER. I did not hear the question.

Mr. KEFAUVER. How can one be a member of an organization which by law cannot exist?

Mr. BUTLER. I assure the Senator I am not going to worry about that.

—U.S. Senate, Aug. 17, from Con. Rec. pages 14079-82.

...Kefauver, The One Dissenter, Consulted the FBI for Advice

of 1950. The registration provisions, like direct outlawry, would make all agitation for change hazardous.

Humphrey at His Silliest

In one of the silliest moments of the whole debate, Humphrey said a man "does not have to become a member of the Communist party to express unorthodox ideas. Let him become a member of other parties or of the Republican or the Democratic party, if he wants to express unorthodox ideas." The answer is that under the original standards established by the Internal Security Act and under the new standards added by Humphrey a man or an organization may honestly be Republican or Democratic and still be penalized as "communistic." The original act sets up as one standard for measuring a Communist front "the extent to which the positions taken or advanced by it do not deviate from those of any Communist-action organization . . ."

The Humphrey amendment (text at page 14090 August 17 Con. Rec.) goes much further than the carefully framed Internal Security Act. Among the standards to be applied by a jury "in determining membership or participation in the Communist party" under the Humphrey amendment is whether the accused person "has indicated by word, action, conduct, writing, or in any other way [What other way is there? Does Senator Humphrey believe the Communist underground may use telepathy?] a willingness to carry out *in any manner and to any degree* the plans, designs, objectives or purposes of the organization." The words in italics are sweeping enough to cover the ADA (Americans for Democratic Action) of which Humphrey is a vice-president, or even to endanger a Taft. It was Langer who recalled that Taft had been called a Communist because he favored low cost public housing and slum clearance.

Let Them Dig Ditches . . .

Far from ending the problem by getting rid of Communists, such standards must widen the witch hunt and the terror, and serve the purposes of the extremists. The total nature of their objectives may be seen in two speeches by Senator Jenner at pages 13761-65 of the Congressional Record for August 14. "There is no place in American life," Jenner said, "for agents of the Soviet Union. There is no place in American life for anyone who has ever collaborated with the Soviet fifth column . . . *There is no place even for innocents who scattered the Soviet word mines . . .* If they are foreigners, let us send them home. If they are American citizens, let us deprive them of the right they despise. Let them earn their living as dishwashers or ditch diggers, *but not in places where they can poison our minds.*" (Italics added).

This is the witch hunt in full flavor. Note the fear of "word mines" and of "poisoning our minds." This is the

Would You Repeat That, Senator?

"The reason why the present requirement is impossible is that it requires removal of 'persons determined by this section to be Communists,' but no persons are or can be determined by this section to be Communists; and no persons can be determined, under or pursuant to this section, to be Communists, unless it is construed that this means persons determined to be members of the Communist-infiltrated organization, in which case the condition is still impossible, because if the members of the organization are removed, no one is left to petition."

—Sen. Butler (R. Md.), Aug. 16, Con. Rec. p. 13987.

noxious climate which bred the Internal Security Act, an attempt to extend into the world of ideas the principles of pure food and drug legislation. For faith in free discussion, common sense and truth, it substitutes a governmental mechanism for labelling dangerous ideas people might otherwise swallow; the Internal Security Act not only requires Communists to register but to label their publications and broadcasts. The assumption is that people are too stupid to be trusted. A secular *index expurgatorius* must be set up to guide them. The philosophy of the Internal Security Act is that of clerical authoritarianism.

III

The extent to which the situation has deteriorated in the past four years becomes clear if one glances back at September of 1950, when the Internal Security Act was first passed. Then it was denounced by Attorney General McGrath as hysterical, and vetoed by President Truman. This time the new law expanding the Internal Security Act (for that is what the Congress finally did) was supported by the President and the Attorney General, while the liberal Democrats asked a more severe measure. In the House there were only three votes then for upholding the President's veto (Burdick, R. N. Dak.; Javits, R. N.Y., and Marcan-tonio); this time, there were two (Burdick and Multer, D. N.Y.). In the Senate there were ten votes then to uphold the veto (Chavez, Douglas, Graham, Green, Humphrey, Kefauver, Kilgore, Leahy, Lehman and Murray); this time the vote on the final measure was unanimous.

There was a similarity in liberal tactics. Four years ago the liberal Democrats led by Kilgore (D. W. Va.) tried to block the Internal Security Act by proposing instead that the President be allowed to throw all suspected Communists

Dept. of Confusion: Deliberative Assembly at Work

Mr. BUTLER . . . I have consulted with the Senator from Minnesota [Mr. Humphrey] about the amendments and he approves of them.

Mr. HUMPHREY. Oh, Mr. President, I ask the Senator to wait; no, no.

Mr. BUTLER. Then, let me say that the Senator from Minnesota is willing to accept them.

Mr. HUMPHREY. No, no. I am unhappy about them . . .

Mr. KEFAUVER. I must say the Senator from Michigan has not contributed much toward clarifying the matter; if in one place it is not a political party, and then later it is stated it shall be treated as a political party.

Mr. FERGUSON. I am saying just the opposite.

Mr. KEFAUVER. Is this not all the more reason why we should be able to read the material?

Mr. FERGUSON. The Senator had the paper.

Mr. KEFAUVER. I know; but I could not keep it long, because there is only one copy for 96 Senators.

Mr. HENNINGS . . . My inquiry is whether the Administration approves of the action proposed to be taken and of the amendments which have been submitted here tonight.

Mr. BUTLER. Yes. The Attorney General is cognizant of all these amendments and concurs in them.

Mr. HENNINGS. Then he approves, too, I take it, the philosophy and the objectives of this proposed legislation.

Mr. BUTLER. I think I can safely say that the administration is certainly not opposed to this bill. Whether I can say it is for it or not, I do not know . . .

—Senate debate on the Communist control bill, Aug. 16, Con. Rec. 13988-90.

Will That Sleeping Giant, Labor, Awaken Too Late?

into concentration camps on a declaration of national emergency. The result was that Congress finally passed both measures: the detention camp provisions were added to the original McCarran bill. The difference is that we were at war in Korea in 1950 while in 1954 with the end of the Korean and Indo-Chinese wars there is relaxation of tension. Another difference is that this time the storm arose over a bill which was opposed by the entire labor movement. The Butler bill was intended to cap the Internal Security Act of 1950 by bringing labor unions under the jurisdiction of the Subversive Activities Control Board.

A Noose for the Labor Movement

No one is quite sure what the rest of the new legislation means. The excerpts reprinted in this issue from the debate show that many members of Congress did not really know what they were voting. No official copy of the bill as passed is yet available as we go to press. There is some reason to believe that the sections dealing with Communists do not really change the situation as it exists today under the Internal Security Act. But there is no doubt that the right has won a sizeable victory in the provisions bringing labor under the Board. The Ives amendment does not, as some suppose, exempt CIO, A.F. of L., miners and the railroad workers. It merely says membership in these federations shall be regarded as "prima facie" evidence of loyalty and non-subversion. A "prima facie" finding is rebuttable; it is not conclusive. This will wreck the Left unions and lay the foundations for a Red hunt in other unions. All of them are "infiltrated" by ex-Communists. Labor opposed the bill because it feared that the same thing would happen before the Board as has happened in government loyalty proceedings. They begin with Communists but end with any non-conformist.

"A Plague on Both Their Houses"

Those foolish enough to be complacent about the liquidation of the Left-wing unions and prepared to dismiss as purely theoretical the danger to the rest of labor face a bitter awakening. The battle between the U.E. and the I.U.E., between Emspak and Carey, played its part in bringing on this legislation, as did the Humphrey-Morse proposals earlier to give the National Labor Relations Board the same power to decide which unions were ideologically pure enough for collective bargaining.

In the Humphrey subcommittee report of March 2, 1953, on "Public Policy and Communist Domination of Certain Unions," attention was called to "an attitude reflected in certain statements issued by General Electric . . . The essence of the theme is that there is little to choose from between leftwingers and rightwingers. 'We believe'—the General Electric has said—they have in the end the same objectives.

We believe that what each side advocates would result, in the long run, in substantially the same thing for our employes, our company, and our country" (Con. Rec. p. 13456, Aug. 11, 1954). That is capital's handwriting on labor's wall.

This is the prize bill the U.S. Chamber of Commerce so fervently desired. This is what the Chamber had in mind when it warned some months ago that 1954 might be the last chance to get such legislation. This is a noose for the labor movement. Senator Lehman in the Senate on August 11 pointed up the sardonic aspect of the spectacle when he said:

"It strikes me as exceedingly strange that the very members of this body who express the greatest distrust of Government and of bureaucracy in regard to measures designed to advance the welfare of working people, are the first to demand the intervention of Government . . . to restrict and control the activities of working people. The pending bill would give to the government . . . the power and authority to decide which unions are sound and patriotic and which are Communist infiltrated and hence should be liquidated."

IV

The United States, with this new legislation, moves closer toward Fascism. The movement is as slow as it is inexorable. We stand on the threshold of a new period in which a legal offensive is possible against that sleeping giant, the American labor movement, the only potential organized mass opposition to an American corporate State. The Democratic party is in complete moral collapse, as far from Jefferson as the Republican party is from Lincoln.

Freedom has been corroded at its very foundations and the American people are badly in need of re-education in the fundamental principles on which the Republic was established. The fight must be carried on in terms of these principles and not cowardly tactics. The case against suppression of the Communists is not that this will make them martyrs, or weaken existing legislation, or make the work of the FBI more difficult. The case against such suppression is that it is unworthy of our traditions, that it dishonors America's great past, that there can be no freedom without risk, that liberty is indivisible, that any exception of any political party or theory must whittle away the Bill of Rights and stop up these channels of free discussion on which peaceful change and the orderly satisfaction of human aspirations depend. Those who persist through these dark times in affirming these principles will be doing their duty by their country and will earn an honorable place in its history. It is in this spirit that we must all carry on.

Next Week: The Senate and the First Amendment in the Lamont, Unger, Shadowitz Contempt Cases.

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

9-6-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. II, NUMBER 32

SEPTEMBER 13, 1954



WASHINGTON, D. C.

15 CENTS

War With China Could Be Just Around The Corner

The striking aspect of the situation shaping up in the Far East is the numbness—the fatalistic indifference—of American public opinion. Though Americans are shot down by Russian flyers and killed by Chinese Communist bombardment, no voices are raised for war, no voices are raised for peace. No one asks why American planes should be patrolling the Soviet coast (they don't patrol ours), no one demands that American personnel be withdrawn from the two Quemoy islands in Amoy harbor, no one protests the needless sacrifice of American lives. On the other hand, jingoism seems as dead as pacifism. Even Knowland goes no further than to demand that we break off diplomatic relations with the Soviet Union. A generation ago there would have been a different response. We may not have grown wiser as a nation, but we are certainly more apathetic.

Less striking but no less important is the contrast between the basic military orders in the Far East and the policy in regard to Formosa. On August 18 the Defense Department announced that four of the six divisions in Korea would be withdrawn. On August 25 Naval Operations Chief, Admiral Carney, revealed that the Pacific Fleet had been reduced since the end of the Indo-Chinese fighting, that a battleship and four destroyers had already returned to Atlantic ports and that more withdrawals might be expected. These basic orders would seem to reflect a policy of disengagement. But it does not make sense to withdraw troops and ships while at the same time giving Chiang more arms, encouragement and protection in attacks upon the Chinese mainland. The withdrawal orders look toward peace, the Formosan policy toward war. Chiang invites attack, and we are pledged to protect him.

This Is the Navy's Show

The situation is made the more dangerous by the sharp difference in temper between top level civilian Administration circles and those directly in charge of operations around Formosa. This is a Navy operation and whereas the Army has been conservative and cautious, the Navy has been bellicose. The Naval chief, Admiral Carney, like Admiral Radford, the chairman of the Joint Chiefs of Staff, has been for "standing up" to Red China even at the risk of a new world war. Admiral Stump, who serves under them as Commander-in-Chief, Pacific, and in that post commands all ground and air as well as naval forces in the area, gave out those recent "be quick on the trigger" orders. The interview Admiral Stump gave *U.S. News and World Report* for August 27, was provocative and showed that he shared the China Lobby delusion that "an effective job can be done by Asiatic ground forces alone, supported by American naval and air efforts." This bubble would burst as quickly in a war with China as it did after the

first 48 hours in Korea. The point is that top level caution may prove ineffective when the men directly in charge show a small boy readiness for making big boom boom. Wars have started this way before.

Frightened Out of Its Facts

The hazards are increased by the nervous incompetence of the State Department, which no longer dares to notice facts which run counter to policy lest this be equated as disloyalty. This played its part in the collapse of E.D.C.—Dulles is reported to have been foolish enough to tell Mendès-France to his face that there was a majority in the Assembly for that ill-fated military contraption. The Department similarly was so anxious to demonstrate a proper fervor in the destruction of that naval bomber off the Siberian coast that it got caught with its facts awry. The Department was so afraid of being shot down by Knowland that without checking it sent off two hot and hasty notes. It said flatly in the second, "at no time did the U.S. Navy aircraft open fire on the Soviet aircraft" and then two days later admitted (*NY Times* Sept. 7, p. 8) that the U.S. plane had fired about 100 rounds as the Soviet planes were making their second pass. The first note said the attack took place "100 miles east of Vladivostok and 44 miles from the Siberian coast." The day after the note was published "naval officials acknowledged, with some embarrassment, that there is no such position." (Walter Kerr, *NY Herald Tribune* dispatch in *Wash. Post*, Sept. 7). This does not mean that the Russians may not be to blame. On the other hand, it does show that the facts are far from being certain.

Anything may happen when the State Department is so nervously quick on the notepaper and naval pilots have been instructed to be quick on the trigger. (Admiral Stump said in the *U.S. News* interview they did not have to wait to be attacked before firing). Serious trouble with Russia is unlikely; our military hotheads are spoiling for war with China, not Russia, and betting that the Russians will not join in if we attack China. This is the silliest estimate of all, since this would convert it into a larger Korea the Russians could supply from the sidelines while we bog down in the bloody quicksand of an endless Chinese war. Anyway naval pilots can quietly be ordered to keep away from the Siberian coast without enraging any special lobby. The situation at the Quemoy's unfortunately is quite different.

Imagine This on Staten Island . . .

This is not a case of obeying 3 or 12-mile limits on distant patrols. (Just why we have to patrol the Siberian coasts is not clear; if the Russians were patrolling ours, though well

(Continued on Page Four)

Full Official Text of The New "Anti Communist" Law . . .

EDITOR'S NOTE: *Because no other publication, not even the New York Times, has made available the full official text (Public Law 637—83d Congress; Chapter 836—2d Session, S3706) of the new anti-Communist control law, because of its historic importance, and because there has been so much confusion about its actual terms not least among those who voted it in Congress, we are publishing it this week as a service to our readers. Extra copies are available at the regular price. To make room for this text we had regretfully to hold up other material, including an article on the Lamont, Unger, Shadowitz contempt action already in print. This will appear next week.—I.F.S.*

AN ACT

To outlaw the Communist Party, to prohibit members of Communist organizations from serving in certain representative capacities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Communist Control Act of 1954".

Findings of Fact

SEC. 2. The Congress hereby finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States. It constitutes an authoritarian dictatorship within a republic, demanding for itself the rights and privileges accorded to political parties, but denying to all others the liberties guaranteed by the Constitution. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly prescribed for it by the foreign leaders of the world Communist movement. Its members have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination with respect to its objectives and methods, and are organized, instructed, and disciplined to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence. Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed.

Proscribed Organizations

SEC. 3. The Communist Party of the United States, or any successors of such party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any political subdivision therein by force and violence, are not entitled to any of the rights, privileges, and immunities attendant upon legal bodies created under the jurisdiction of the laws of the United States or any political subdivision thereof; and whatever rights, privileges, and immunities which have heretofore been granted to said party or any subsidiary organization by reason of the laws of the United States or any political subdivision thereof, are hereby terminated: *Provided, however,* That nothing in this section shall be construed as amending the Internal Security Act of 1950, as amended.

SEC. 4. Whoever knowingly and willfully becomes or remains a member of (1) the Communist Party, or (2) any other organization having for one of its purposes or objectives the establishment, control, conduct, seizure, or overthrow of the Government of the United States, or the government of any State or political subdivision thereof, by the use of force or violence, with knowledge of the purpose or objective of such organization shall be subject to all the provisions and penalties of the Internal Security Act of 1950, as amended, as a member of a "Communist-action" organization.

(b) For the purposes of this section, the term "Communist Party" means the organization now known as the Communist Party of the United States of America, the Communist Party of any State or subdivision thereof, and any unit or subdivision of any such organization, whether or not any change is hereafter made in the name thereof.

SEC. 5. In determining membership or participation in the Communist Party or any other organization defined in this Act, or knowledge of the purpose or objective of such party or organization, the jury, under instructions from the court, shall consider evidence, if presented, as to whether the accused person:

(1) Has been listed to his knowledge as a member in any book or any of the lists, records, correspondence, or any other document of the organization;

(2) Has made financial contribution to the organization in dues, assessments, loans, or in any other form;

(3) Has made himself subject to the discipline of the organization in any form whatsoever;

(5) Has acted as an agent, courier, messenger, correspondent, organizer, or in any other capacity in behalf of the organization;

(6) Has conferred with officers or other members of the organization in behalf of any plan or enterprise of the organization;

(7) Has been accepted to his knowledge as an officer or member of the organization or as one to be called upon for services by other officers or members of the organization;

(8) Has written, spoken or in any other way communicated by signal, semaphore, sign, or in any other form of communication orders, directives, or plans of the organization;

(9) Has prepared documents, pamphlets, leaflets, books, or any other type of publication in behalf of the objectives and purposes of the organization;

(10) Has mailed, shipped, circulated, distributed, delivered, or in any other way sent or delivered to others material or propaganda of any kind in behalf of the organization;

(11) Has advised, counseled or in any other way imparted information, suggestions, recommendations to officers or members of the organization or to anyone else in behalf of the objectives of the organization;

(12) Has intimated by word, action, conduct, writing or in any other way a willingness to carry out in any manner and to any degree the plans, designs, objectives, or purposes of the organization;

(13) Has in any other way participated in the activities, planning, actions, objectives, or purposes of the organization;

(14) The enumeration of the above subjects of evidence on membership or participation in the Communist Party or any other organization as above defined, shall not limit the inquiry into and consideration of any other subject of evidence on membership and participation as herein stated.

Subversive Activities Control Act Amendment

SEC. 6. Subsection 5 (a) (1) of the Subversive Activities Control Act of 1950 (50 U. S. C. 784) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "or

"(E) to hold office or employment with any labor organization as that term is defined in section 2 (5) of the National Labor Relations Act, as amended (29 U. S. C. 152), or to represent any employer in any matter or proceeding arising or pending under that Act."

Communist-Infiltrated Organizations

SEC. 7. (a) Section 3 of the Subversive Activities Control Act of 1950 (50 U. S. C. 782) is amended by inserting, immediately after paragraph (4) thereof, the following new paragraph:

"(4A) The term 'Communist-infiltrated organization' means any organization in the United States (other than a Communist-action organization or a Communist-front organization) which (A) is substantially directed, dominated, or controlled by an individual or individuals who are, or who within three years have been actively engaged in, giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title, and (B) is serving, or within three years has served, as a means for (i) the giving of aid or support to any such organization, government, or movement, or (ii) the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its Armed Forces: *Provided, however,* That any labor organization which is an affiliate in good standing of a national federation or other labor organization whose policies and activities have been directed to opposing Communist organizations, any Communist foreign government, or the world Communist movement, shall be presumed prima facie not to be a 'Communist-infiltrated organization'."

(b) Paragraph (5) of such section is amended to read as follows:

"(5) The term 'Communist organization' means any Communist-action organization, Communist-front organization, or Communist-infiltrated organization."

. . . Which Can Be Used For Thought Control and Union-Busting

(c) Subsections 5 (c) and 6 (c) of such Act are repealed.

SEC. 8. (a) Section 10 of such Act (50 U. S. C. 789) is amended by inserting, immediately after the word "final order of the Board requiring it to register under section 7", the words "or determining that it is a Communist-infiltrated organization".

(b) Subsections (a) and (b) of section 11 of such Act (50 U. S. C. 790) are amended by inserting immediately preceding the period at the end of each such subsection, the following: "or determining that it is a Communist-infiltrated organization".

SEC. 9. (a) Subsection 12 (2) of such Act (50 U. S. C. 791) is amended by—

(1) striking out the period at the end thereof and inserting in lieu thereof a semicolon and the word "and"; and

(2) inserting at the end thereof the following new paragraph:

"(3) upon any application made under subsection (a) or subsection (b) of section 13A of this title, to determine whether any organization is a Communist-infiltrated organization."

(b) The section caption to section 13 of such Act (50 U. S. C. 792) is amended to read as follows: "REGISTRATION PROCEEDINGS BEFORE THE BOARD".

SEC. 10. Such Act is amended by inserting, immediately after section 13 thereof, the following new section:

"Proceedings With Respect To Communist-Infiltrated Organizations"

"SEC. 13A. (a) Whenever the Attorney General has reason to believe that any organization is a Communist-infiltrated organization, he may file with the Board and serve upon such organization a petition for a determination that such organization is a Communist-infiltrated organization. In any proceeding so instituted, two or more affiliated organizations may be named as joint respondents. Whenever any such petition is accompanied by a certificate of the Attorney General to the effect that the proceeding so instituted is one of exceptional public importance, such proceeding shall be set for hearing at the earliest possible time and all proceedings therein before the Board or any court shall be expedited to the greatest practicable extent.

"(b) Any organization which has been determined under this section to be a Communist-infiltrated organization may, within six months after such determination, file with the Board and serve upon the Attorney General a petition for a determination that such organization no longer is a Communist-infiltrated organization.

"(c) Each such petition shall be verified under oath, and shall contain a statement of the facts relied upon in support thereof. Upon the filing of any such petition, the Board shall serve upon each party to such proceeding a notice specifying the time and place for hearing upon such petition. No such hearing shall be conducted within twenty days after the service of such notice.

"(d) The provisions of subsections (c) and (d) of section 13 shall apply to hearings conducted under this section, except that upon the failure of any organization named as a party in any petition filed by or duly served upon it pursuant to this section to appear at any hearing upon such petition, the Board may conduct such hearing in the absence of such organization and may enter such order under this section as the Board shall determine to be warranted by evidence presented at such hearing.

"(e) In determining whether any organization is a Communist-infiltrated organization, the Board shall consider—

"(1) to what extent, if any, the effective management of the affairs of such organization is conducted by one or more individuals who are, or within two years have been, (A) members, agents, or representatives of any Communist organization, and Communist foreign government, or the world Communist movement referred to in section 2 of this title, with knowledge of the nature and purpose thereof, or (B) engaged in giving aid or support to any such organization, government, or movement with knowledge of the nature and purpose thereof;

"(2) to what extent, if any, the policies of such organization are, or within three years have been, formulated and carried out pursuant to the direction or advice of any member, agent, or representative of any such organization, government, or movement;

"(3) to what extent, if any, the personnel and resources of such organization are, or within three years have been, used to further or promote the objectives of any such Communist organization, government, or movement;

"(4) to what extent, if any, such organization within three years has received from, or furnished to or for the use of, any such Communist organization, government, or movement any funds or other material assistance;

"(5) to what extent, if any, such organization is, or within three years has been, affiliated in any way with any such Communist organization, government, or movement;

"(6) to what extent, if any, the affiliation of such organization, or

of any individual or individuals who are members thereof or who manage its affairs, with any such Communist organization, government, or movement is concealed from or is not disclosed to the membership of such organization; and

"(7) to what extent, if any, such organization or any of its members or managers are, or within three years have been, knowingly engaged—

"(A) in any conduct punishable under section 4 or 15 of this Act or under chapter 37, 105, or 115 of title 18 of the United States Code; or

"(B) with intent to impair the military strength of the United States or its industrial capacity to furnish logistical or other support required by its armed forces, in any activity resulting in or contributing to any such impairment.

"(f) After hearing upon any petition filed under this section, the Board shall (1) make a report in writing in which it shall state its findings as to the facts and its conclusions with respect to the issues presented by such petition, (2) enter its order granting or denying the determination sought by such petition, and (3) serve upon each party to the proceeding a copy of such order. Any order granting any determination on the question whether any organization is a Communist-infiltrated organization shall become final as provided in section 14 (b) of this Act.

"(g) When any order has been entered by the Board under this section with respect to any labor organization or employer (as these terms are defined by section 2 of the National Labor Relations Act, as amended, and which are organizations within the meaning of section 3 of the Subversive Activities Control Act of 1950), the Board shall serve a true and correct copy of such order upon the National Labor Relation Board and shall publish in the Federal Register a statement of the substance of such order and its effective date.

"(h) When there is in effect a final order of the Board determining that such labor organization is a Communist-action organization, a Communist-front organization, or a Communist-infiltrated organization, such labor organization shall be ineligible to—

"(1) act as representative of any employee within the meaning or for the purposes of section 7 of the National Labor Relations Act, as amended (29 U. S. C. 157);

"(2) serve as an exclusive representative of employees of any bargaining unit under section 9 of such Act, as amended (29 U. S. C. 159);

"(3) make, or obtain any hearing upon, any charge under section 10 of such Act (29 U. S. C. 160); or

"(4) exercise any other right or privilege, or receive any other benefit, substantive or procedural, provided by such Act for labor organizations.

"(i) When an order of the Board determining that any such labor organization is a Communist-infiltrated organization has become final, and such labor organization theretofore has been certified under the National Labor Relations Act, as amended, as a representative of employees in any bargaining unit—

"(1) a question of representation affecting commerce, within the meaning of section 9 (c) of such Act, shall be deemed to exist with respect to such bargaining unit; and

"(2) the National Labor Relations Board, upon petition of not less than 20 per centum of the employees in such bargaining unit or any person or persons acting in their behalf, shall under section 9 of such Act (notwithstanding any limitation of time contained therein) direct elections in such bargaining unit or any subdivision thereof (A) for the selection of a representative thereof for collective bargaining purposes, and (B) to determine whether the employees thereof desire to rescind any authority previously granted to such labor organization to enter into any agreement with their employer pursuant to section 8 (a) (3) (ii) of such Act.

"(j) When there is in effect a final order of the Board determining that any such employer is a Communist-infiltrated organization, such employer shall be eligible to—

"(1) file any petition for an election under section 9 of the National Labor Relations Act, as amended (29 U. S. C. 157), or participate in any proceeding under such section; or

"(2) make or obtain any hearing upon any charge under section 10 of such Act (29 U. S. C. 160); or

"(3) exercise any other right or privilege or receive any other benefit, substantive or procedural, provided by such Act for employers."

SEC. 11. Subsections (a) and (b) of section 14 of such Act (50 U. S. C. 793) are amended by inserting in each such subsection, immediately after the words "section 13," a comma and the following: "or subsection (f) of section 13A."

SEC. 12. If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Approved August 24, 1954, 9:40 a.m., M.S.T.

(Continued from Page One)

beyond the 3-mile limit, we would hardly bear the scrutiny with legalistic detachment). The two Quemoy islands are in the port of Amoy, only a few miles off shore. A comparable situation would be that of Staten Island if it were held by forces opposed to the American government, if those forces were supplied and trained by the Chinese Communists and if they were engaged in shelling New York harbor and its water traffic. Though this is a long way from Formosa and outside the area our military are supposed to protect, it has been turned into a particularly provocative kind of tourist spectacle for visiting celebrities.

This is something of which American public opinion has been kept unaware. But this is what the Hong Kong correspondent of the London *Daily Express* had to report of it after a British Skymaster was shot down accidentally by Chinese Communist planes in the area (quoted in the London *Peace News* for July 30). "Quemoy", this correspondent reported, "has become such a showpiece, such a symbol of resistance, that it is a must on the itinerary of touring American senators and generals. A six hour trip gives VIPs time

to glower at the Reds, duck an occasional incoming shell, and pull the lanyard of a well-polished artillery piece loaded with appropriately inscribed ammunition. 'A present for Mao,' 'Send a splinter to Malenkov,' sigh out across the strait and burst well within binocular view." This is a dangerous way to play Coney Island shooting gallery.

We cannot go on lobbing shells in this mindless way into one of China's great port cities. The Chinese Communists have shown extraordinary patience, but no government could go on indefinitely taking attack of this kind. This is what makes the South China coast the world's No. 1 trouble spot. Our trigger happy military have made the Formosa guarantee the excuse for operations of this kind within a few miles of the mainland. Some who regard peace as appeasement may be hoping for an incident which will give them an excuse for war. Chiang wants war and by stepping up his attack may make it harder and harder to avoid. This is why the British are trying hard to get Eisenhower to rescind the one-sided order of last year which permits Chiang to attack the mainland while we protect him from reprisal. The situation is more serious than most people realize. War with China could be just around the corner.

Capsulated Tour of a Troubled Globe

McCARTHY: This time he's going to get it (1) because the overwhelming majority of his senate colleagues regard him as a boor and a bore, and (2) because Nixon as well as Eisenhower now feels his political future depends on destroying Low Blow Joe . . . GERMANY: Dulles and Adenauer torpedoed British plans for a German arms conference in what will prove to be the most foolish misjudgment of French politics in many years: they have been encouraged by Bidault to believe they can overthrow Mendès-France and get a more pliable man . . . THE ARMS PLAN: The M-F arms pool plan was drafted as a new means of imposing controls on the Reich and, more important, as a possible means for bringing Russia and Poland back into the mechanism of control. The French would like "re-insurance" with the Soviet Union against Germany, not as an alternative, but as a complement to the Atlantic Pact. This makes sense

strategically for France but Dulles and the Germans see in it the end of his dreams of a war of "liberation" eastward . . . MOSCOW: The atmosphere seems to be lightening for freer discussion in science but the party hacks are closing down again on literature . . . ISRAEL: The State Department goes on fantastically misjudging the situation; arms for Iraq and Egypt mean arms for war against Israel, not the U.S.S.R. The two Arab countries are military flea-bites anyway, from a Russian point of view. Iraq's ruling class is anti-Soviet but the country is rotten; Egypt is deeply neutralist. The truth is the Department, especially under Dulles, just doesn't like Israel . . . SEATO: Of no real importance; a shadow and caricature of what Chiang wanted: a Pacific Pact including Nationalist China and Korea. Both excluded from SEATO. From Asia's point of view, the West's last gasp effort.

LET US SEND A SAMPLE COPY TO A FRIEND

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.
 Please renew (or enter) my sub for the enclosed \$5:
 Name _____
 Street _____
 City _____ Zone _____ State _____
 Enter this gift sub for \$4 more (money enclosed):
 (To) Name _____
 Street _____
 City _____ Zone _____ State _____

9-13-54

I. F. Stone's Weekly

Room 205
301 E. Capitol St., S.E.
Washington 3, D. C.

Entered as Second Class Mail Matter Washington, D. C. Post Office

NEWSPAPER

I. F. Stone's Weekly

WASHINGTON, D. C.

15 CENTS



VOL. II, NUMBER 33

SEPTEMBER 20, 1954

The G.O.P. Prepares to "Run" The Late Harry White

Under Mr. Brownell, the Department of Justice has been elevated to an arm of the Republican National Committee. The morning after the Maine elections, the Department sought to steal the headlines from the Democrats and cheer up the dispirited Republicans by leaking a detailed story to the Washington *Evening Star* on the indictments it hopes to get from the special grand jury impanelled recently in the capital.

Grand jury proceedings are supposed to be secret but someone in the Department seems to have discussed with the *Star's* reporter a long list of persons, many of them associated with the late Harry Dexter White whom it hopes to indict. The *Star* is not the kind of paper which would print this sort of thing without being certain of its source. The "leak" and the names, the links with Chambers and Bentley, indicate that "20 Years of Treason" will be the theme song of the campaign.

The leak recalls similar leaks from the Department of Justice with which the Democrats hoped in 1948 to demoralize the Wallaceites. At that time, with the same Bentley and Chambers testimony available, grand jury proceedings failed to live up to the advance headlines and the government had to be satisfied as a consolation prize with the indictment of the 12 top American Communists for "conspiracy to advocate." Perhaps the government will do better this time.

In the story leaked to the *Star*, emphasis was placed on the new immunity law as a means of forcing witnesses to talk. But those accused may have nothing to tell about crimes, may have nothing to hide but political associations now regarded as criminal. The *Star* says that under the new law making death the penalty for espionage in peacetime, the government can rehash pre-war stories a la Chambers. But this is an error. The new law did not amend the statute of limitations,

and does not allow the prosecution of crimes on which the statute has already run.

The real weapons in the hands of the government are those new laws which permit even native born Americans to be stripped of their nationality for "conspiracy to advocate" and to be deported (or placed under lifetime parole as second class citizens) for past membership in the Communist party. These are weapons of terror and squeeze with which the government may manufacture new informers, prepared to testify as required in return for protection. From this quarter surprises are possible.

The Republicans are desperate. They feel themselves a minority party. They must defame and destroy the memory of New Deal and Fair Deal. They need sensations, and if not sensations then at least victims. "Warmed over spy," the promised *pièce de resistance* of the campaign, is made the more necessary by the unexpected action of the U. S. Court of Appeals in the District of Columbia last week (*see page three*) which has upset plans for using the new anti-Communist law.

If nothing else, the Department may produce another indictment in the Lattimore case, which is becoming the *perpetuum mobile* of American jurisprudence. It can send to jail for contempt a few people who will refuse to talk, despite proffered immunity. At the very least it can hope for an indictment good enough to hold up sensational headlines until after election. The next few weeks will see the Republicans use grand juries and courts as instruments of publicity and politics for campaigning purposes. And in one respect, Eisenhower, Nixon and Brownell will certainly succeed. This is in their anxiety to prove that the Administration can do just as good a job, or better, than McCarthy.

A Dangerous Time and Place for "Guessing"

The fact that the Republicans are beginning to run not just "scared" but frantic adds to the precarious character of the situation in the Far East. There is little reason to believe that the Chinese Communists are "bluffing" about Formosa. They have been building up a popular campaign which can hardly be thrown into reverse even by a total distatorship without serious consequences. No doubt the Russians would like to hold the Chinese back, but they cannot give orders to Peking.

The situation is made the more serious because of the confusion in American policy on Formosa. At one moment Washington says that Formosa is necessary to America's strategic defenses. At the next, we speak of Formosa as a jumping off place for the "liberation" of China. These are different propositions. On the other side of the Pacific, the former may look as ludicrous as if the Russians claimed Catalina Island as

necessary to *their* defenses. Yet America, like Japan, might "get away with" the long-time occupation of Formosa.

But it is impossible to have peace in the Far East while arming, supplying, directing and protecting a rival rump Chinese government in persistent attacks upon the mainland. That way lies war, whether it is precipitated at Big or Little Quemoy, or on Formosa itself. The Administration would rather have a balanced budget than war with China, but what if it thought just a little fighting at Quemoy might help the election? This is the really serious guessing in this childish guessing game. The 7th Fleet has orders to give Chiang "logistic support" only at Quemoy, but what if more Americans are killed, or American naval vessels bombed in the fighting? Is Chiang guessing that this might draw us at last into the war he has long wanted?

The 5th Amendment Senator Makes A "1st Amendment" Plea

The main "contempt" charge against McCarthy is that six times he refused to answer questions put by the Gillette-Hennings subcommittee in 1952. McCarthy's principal defense is that his refusal to answer cannot be considered contempt because (in his opinion) the subcommittee was exceeding its lawful powers. This argument implies in turn that the Senate will not vote a contempt citation merely on a committee's say-so but will examine the facts independently.

But this, as Senator Case—a member of the Watkins committee—was quick to point out, was exactly the defense McCarthy and his supporters rejected when the contempt resolutions against Corliss Lamont, Abraham Unger and Albert Shadowitz came up in the Senate two weeks earlier.

McCarthy's leading supporter in the debate, Senator Morse, then argued (see box at the bottom of this page) that it was the Senate's duty to vote any contempt resolution for which one of its committees had made out a prima facie case. Thereupon the Senate voted the resolutions with but one dissenter (Lehman) on Shadowitz and Unger and but three (Lehman, Langer and Chavez) on Lamont.

Like the Harvey O'Connor Case

In all three the defense will be that no contempt was committed because (1) the questions they refused to answer were outside the orbit of the powers conferred on the McCarthy committee by the Senate, and (2) invaded rights guaranteed by the First Amendment.

In the Shadowitz case, the McCarthy committee claimed to be investigating possible espionage in the Federal Telecommunication Laboratories. Shadowitz refused to answer questions about his political views and associations on First Amendment grounds, citing the advice given him by Einstein. He also objected to questions about espionage on the ground that such matters were outside the McCarthy committee's authority under the 1946 statute establishing it.

Nevertheless—a fact few papers reported—Shadowitz did say under oath, "I never in any way violated any of of the security regulations" and "I have never engaged in espionage . . . I am not aware of espionage on anyone else's part. . ."

"Efficiency" Uber Alles

When the Shadowitz resolution came up, Senator Case pointed out that under the 1946 act authority over all matters "relating to bankruptcy, mutiny, espionage and counterfeiting" was given the Senate Judiciary Committee. McCarthy, in reply, claimed that if a government department hired anyone guilty of espionage or unwilling to answer questions about espionage, that was evidence of inefficiency. And his committee on government operations is empowered to investigate all questions of efficiency.

The same argument would enable the McCarthy committee to invade the province of the Senate Finance Committee or the Joint Congressional Committee on Atomic Energy or almost any Senate committee. McCarthy might ask whether Treasury tax rates were being framed efficiently and whether the Atomic Energy Commission was handling the atom bomb efficiently.

The Unger case involved the same issue in a different form. Abraham Unger, a New York lawyer, was subpoenaed by McCarthy. The hearing was on Communist infiltration into the American staff of the United Nations. This was itself an invasion (for headline getting purposes) of the

The Issue in the Lamont Case

" . . . whether if the Senator or I should write a book or make a speech, and the Government should use a paragraph from the speech or from the book with the idea of instructing the military or some other subdivision of the Government, we could then be subpoenaed before a committee and ordered to answer questions concerning our personal views. That, as I understand it, is the issue raised by Lamont in this instance."

—Sen. Saltonsall (R. Mass.), Con. Rec. Aug. 16 p. 13969.

" . . . the inquiry which was conducted had absolutely nothing whatever to do with the legitimate field of inquiry of a congressional committee. None of the questions which Mr. Lamont was asked bear in the slightest degree on his participation in a conspiracy."

—Sen. Lehman (D. N.Y.) same p. 13968

jurisdiction of the Internal Security subcommittee and the Foreign Relations committee. Unger was asked about a United Nations employe who was for a time employed by him to do legal research in connection with the first Smith Act prosecution of the 11 top Communist leaders. Unger answered all questions asked about this employe but declined to answer questions about his own political views and associations.

Strange Alliance

The shocking aspect of the debate on Lamont was the way in which Morse took over McCarthy's defense against the attack launched by Lehman and Langer. As the debate neared its close, the Independent from Oregon turned to McCarthy and said, "this is but another illustration of the consistency of the Senator from Oregon in protecting procedural rights." He recalled that "on the floor of the Senate not so many nights ago I sought to protect the Senator from Wisconsin from the standpoint of procedure" (Con. Rec. P. 13975). The reference was to the fact that Morse had helped to defeat the censure resolution against McCarthy.

But this Galahad of due process had no difficulty in swallowing what Langer assailed as the most unfair aspect of the Lamont case. Lamont testified in executive session and was then subpoenaed for a public session. When this met, McCarthy first explained to the Senate, "I called to see if he (Lamont) was in the room, knowing that he had been notified that he could purge himself of contempt on that day, if he wanted to do so, and that if he did not want to do so, his case citing him for contempt would be submitted to the Senate." (Con. Rec. p. 13963).

Langer protested that Lamont had been informed three days earlier by telegram that his public hearing had been indefinitely postponed. When Morse, too, asked why Lamont had not been notified and given a chance to come in and purge himself, Slippery Joe reversed himself and said, "He had no right to come before the committee and purge himself of contempt." (Con. Rec. p. 13972). No one challenged McCarthy on the contradiction, but this failure to notify is the kind of procedural error on which Lamont may win in the courts.

Should the Senate Rubber-Stamp McCarthy Contempt Citations?

Morse said "Yes": "I say to the Senator from Wisconsin that I have never voted against a contempt citation resolution in the Senate . . . I think we, as Senators, owe it to our committees to support them when they come to the floor of the Senate and make a prima facie case in support of a contempt citation." (Con. Rec. p. 13971).

Lehman said "No": "I can very well understand that an inimical or unfriendly committee could ask a witness ques-

tions which for many good reasons he could properly refuse to answer. Yet, if we agree with a committee every time it asks us to cite a witness for contempt of the Senate, without carefully scrutinizing the facts in the case, we would be laying ourselves open to a dangerous course of action, to which I would not be willing to subscribe." (Con. Rec. pps. 13972-3).

The Communists Aren't The Only Ones "Off Balance"

Circuit Court of Appeals Upsets Brownell's Plans

Attorney General Brownell had hardly finished boasting to his fellow members of the General Society of Mayflower Descendants at Plymouth last Monday that he had the Communist conspiracy "off balance"* when the Circuit Court of Appeals in the District of Columbia threw the Department of Justice off balance in its plans for a pre-election Red hunt.

Use of the new anti-Communist law against individuals and Communist "infiltrated" labor unions depends on the case argued by the government last April before the Circuit Court of Appeals ordering the Communist Party to register under the Internal Security Act of 1950. The new legislation hectically passed by Congress in its closing hours took the final form of an amendment to that Act. The whole structure would collapse were the Circuit Court to rule against the constitutionality of the registration order.

What Right Wingers Feared

A decision had been long expected when the Circuit Court last week took the unusual step of reopening the case for argument on its own motion. The court's order confirmed the fears of right-wingers who opposed this new legislation in Congress, though as fearful as the liberals of actually voting against anything labelled anti-Communist. One of the two points on which the Circuit Court wants to hear argument is "the effect, if any, of the Communist Control Act of 1954" upon the case.

The other point shows the new legislation has already had its effect. The government last April argued that only a registration order was before the court, that this was not an outlawry measure and that it was unnecessary therefore to argue whether it constituted an infringement of free speech. The new amendments make this all the more difficult to maintain.

The court has in effect rejected the government's contention by asking argument on "the validity of the Internal Security Act of 1950 if it be deemed to be not merely a registration statute, i.e. if it be considered as an integrated whole, including the so-called sanctions provisions . . ." This was how the late Vito Marcantonio (with John J. Abt and Joseph Forer assisting) argued the case last April. The government will now be forced to answer the defense claim that this in effect outlaws the Communists and is unconstitutional in that it imposes criminal sanctions for political activities which (as the government admits**) may not be criminal.

New Move Against Informers

At the same time, in another blow at the government's plans for swift and sensational prosecutions, the Court granted a second defense motion to reopen the case for new evidence. This motion called the Court's attention to the extent of the government's dependence in the case on three informers whom it has since ceased to employ. They are Paul Crouch, Manning Johnson and Harvey Matusow. The

* The speech, turgid even for Mr. Brownell, was noteworthy chiefly for a cryptic passage in which he seems to imply that Communist conspirators are also responsible for juvenile revolt against parental authority, a phenomena hitherto thought to antedate the establishment of the Cominform. "We have seen them," Mr. Brownell told the Mayflower descendants, "seek to increase the rebellious spirits of children against constituted authority." No doubt the FBI has found traces of Marx in Mother Goose.

** "... petitioner can validly be required to register if in fact it does act pursuant to and in furtherance of the world Communist organization, even though every act it actually did pursuant to such directives or in furtherance of such objectives was innocent."—p. 72, brief for the government, *Com. Party v. Subversive Activities Control Board*.

first two have been dropped from the government payroll after their contradictions became too notorious. The last, Matusow, seems to have repented and is trying to find a market for a book entitled "Blacklisting (or Blackmailing) Was My Business."

No Action Yet On Bunche's Accuser

The defense motion points out that the chairman of the International Organizations Employee Loyalty Board in the Ralph J. Bunche case has asked that Johnson's exploded testimony against Dr. Bunche be investigated by the Department for perjury. The airing given Paul Crouch's perjuries by the Alsop brothers led the Department last May 28 to cancel his scheduled appearance as a witness before the Subversive Activities Control Board against the Veterans of the Abraham Lincoln Brigade. Crouch in an angry letter to J. Edgar Hoover demanded an investigation of the Attorney General's office and predicted that the promised inquiry into his credibility would upset some 60 Communist prosecutions, including the one before the Circuit Court of Appeals.

Circuit Court Judges Prettyman, Bazelon and Danahar set October 21 as the date for argument on both the new tainted informer evidence and on the two legal points specified. Briefs must be filed by October 8 and reply briefs by October 19.

Democratic Strategy May Boomerang

The reopening of the Communist case may turn the Democratic anti-Communist maneuver into a political boomerang, since the effect of the new legislation is to slow up and hamper, perhaps to wreck, much of the Red hunt. The Republicans may now argue that their more carefully drawn legislation as enacted in 1950 was ruined by the Democratic sponsored "outlawry" amendments.

The government's greatest difficulty may lie in Section 5 of the new law (see official text as published here last week)—the so-called "Humphrey-Morse" amendment. This sets forth standards for determining who is a Communist—and therefore subject to prosecution for failure to register. These are so vague and sweeping that as the *New York Post* pointed out it could be used to proscribe Humphrey and Lehman as vice-presidents of Americans for Democratic Action.

Labor Union Cases May Be Delayed

Until the registration order against the Communist party has finally been upheld, the government cannot prosecute individual Communists for failure to register. It will also be difficult to proceed against labor unions for the lesser offense of being "Communist infiltrated" until the Courts have decided the basic case against the Communist party. The Democrats may now find themselves attacked in paranoid terms for "sabotaging" the Red hunt.



I. F. Stone's Weekly

• Editor and Publisher, I. F. STONE

Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, \$5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, \$6; England and Continental Europe, \$10 by 1st class mail, \$15 by air; for Israel, Asia, Australia and Africa, \$10 by first class mail, \$20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

Peeping Over The Shoulders of The World's Editors

NEWS THE WELL-BEHAVED PAPER DOESN'T PRINT: FDR, Jr.'s unmentionable difficulty in New York is that the "Power House" (political slang for Cardinal Spellman's official residence) has turned thumbs down on him. The Cardinal, like the rest of the East Coast hierarchy, hated the father and fears the magic of the name in the son . . . **REPUBLICAN GENERAL BITES FASCIST DOG BUT FAILS TO MAKE NEWS:** General Jose Asensio, Assistant Secretary of War in the Spanish Republic, testified unnoticed before the Subversive Activities Control Board in New York last week as the first witness for the defense of the Veterans of the Abraham Lincoln Brigade . . . **ITEM YOU WON'T FIND IN THOSE EDITORIALS ON THE MENACE OF TOTALITARIANISM TO THE RIGHT TO WORSHIP GOD AS YOU PLEASE:** "Spain Ignores U.S. Protest, Keeps Baptist Church Shut" (AP from Madrid, Sept. 13) . . .

NEWS IT WAS THOUGHT JUST AS WELL TO IGNORE: The New York *Herald-Tribune* September 13 (p. 4) carried a London Observer Foreign Service dispatch from Taipei, Chiang's capital, "Traits of Police State Are Found on Formosa." But the same dispatch published by the *Jerusalem Post* September 10 shows the New York paper omitted (1) that Chiang's new Acting Chief of the General Staff, Lieut. Gen. Peng Meng-chi "is not considered one of the Nationalists' most capable military leaders," but was formerly a "top echelon anti-subversion policeman" and (2) that Chiang's troops are not only unready for any attack on the mainland but "it is doubtful whether they are fully prepared to put up even an effective defense of their island base . . ."

NO PATRIOTIC DENUNCIATIONS came from the rightist press when the Circuit Court of Appeals in New York recently reversed the conviction for treason of John David Provo, who collaborated with the Japanese during the war and broadcast for them from Tokyo. Nor did anyone call for the disbarment of the lawyers the Court praised for defending him without compensation, nor cite this as an example of the need for a stronger treason amendment, along the lines of the anti-Left proposals which died in the last session of Congress . . .

WATCH FOR THE CAMPAIGN OF HATE which will be whipped up when Alger Hiss leaves Lewisburg Penitentiary November 27. Ruth Montgomery's column in the New York *Daily News* September 11 dealt with the forthcoming release of "the most notorious traitor since Benedict Arnold." Doubleday and other publishers will be pressured not to publish the book Hiss has been preparing in his own defense. The vested interest of the right, the Republicans and the

FBI in the Hiss case and "Yalta" is enormous and crucial . . . **BLACKMAIL:** "One of McCarthy's Senate foes has a brother (working on atomics) who often entertained Alger Hiss"—Walter Winchell, New York *Mirror*, Sept. 13 . . .

ANOTHER KIND OF INFLATION: The *Chicago Tribune* correspondent in Saigon reported in last Wednesday's issue that Viet-Nameese figures on the refugees "fleeing slavery" in the Northern part of the country were "blown up by including military outfits in the effort to show that the people prefer the anti-Communist south." He gave the Viet-Nameese totals as 200,000; the local American estimate at 74,000 . . .

NEW RECRUIT FOR THE NEW HOLY ALLIANCE: The Ottawa correspondent of the *Washington Star*, reporting September 12 on the bitter reaction among Canadian war veterans over the freeing of Nazi Gen. Kurt Meyer, who ordered at least 144 Canadian prisoners of war murdered, says: "Canadian staff officers visited him in prison seeking advice on how to fight Russians" and notes that the Canadian government has "consistently sidestepped answering" in Parliament whether Meyer is "as has been hinted, earmarked to serve in a new Wehrmacht to defend Western democracy."

THE "FACTS" AS GIVEN BY FACTS FORUM: Sample of impartial presentation by Facts Forum from latest report by Congressman Hays (*D., Ohio*): "Today, all over the globs, people are promoting the philosophy of government which they like to call liberal and progressive, but which in its essence is a return to the dark ages . . . It is a philosophy which holds that government has the power and responsibility to do something for the people . . ." **PORTRAIT OF AN OFFICIAL TALKING TO HIMSELF ON A STOCKPILE OF A AND H BOMBS:** "I deeply believe that the Creator did not intend for man to evolve through the ages up to this point only now to destroy himself." (AEC Chairman Lewis L. Strauss, breaking ground for first full-scale nuclear power plant, Sept. 6). A little more such loose talk and Strauss is liable to lose his clearance for moral scruples . . . **NEWS WE DIDN'T SEE ELSEWHERE:** "Stockholm, Aug. 31—The Foreign Ministers of Sweden, Norway, Denmark and Iceland called today for the admission of Communist China to the United Nations."—AP in London *Times*, Sept. 1 . . .

ON THE RIGHT TO TRAVEL

Next week's issue will carry a full report on two key passport cases now in the Federal district court in Washington, one brought by Federal Judge William Clark, the other by Dr. Otto Nathan.

LET US SEND A SAMPLE COPY TO A FRIEND

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

9-20-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

NEWSPAPER

I. F. Stone's Weekly

WASHINGTON, D. C.

15 CENTS



VOL. II, NUMBER 34

SEPTEMBER 27, 1954

Rallying Point: A Cease-Fire For Formosa

The most constructive news of the week was the proposal put forward by the American Association for the United Nations for a cease-fire on the Formosa straits. Though this was made to the U.S. delegation on the eve of the new meeting of the General Assembly, there is no reason why some neutral delegation should not take the initiative and formally move a resolution for a cease-fire. The air of unreality which lies like a thickening haze over the UN will deepen if it putters about dozens of minor issues while impotently ignoring the one point where world peace is in danger.

At the same time for those Americans who have been eager for some way to do something about peace, the AAUN resolution offers a focal point for grass roots action. Among the 46 organizations represented in the AAUN in drawing up the cease-fire and other resolutions were the A.F. of L., C.I.O. and the Machinists; Hadassah, the B'nai B'rith, the American Jewish Congress and the American Jewish Committee; AMVETS and the American Veterans Committee; the Methodist Board of World Peace and the American Friends Service Committee. A series of local meetings under AAUN auspices to discuss the danger and the issues would make a real contribution to peace.

The AAUN resolution says, "The United States should join in sponsoring or supporting a proposal that the United

Nations, without regard to the question of recognition, as to which its members are presently divided, should at once call upon both the authorities now in control of the government on Formosa and the government now in control of the government on the mainland of China to cease the use of armed force against each other in this area in the interest of world peace, and further to accept the proposition that Formosa and the mainland of China shall not be united by force nor without the free consent of the people of Formosa and under conditions approved by the United Nations as consistent with world peace, security and justice."

The wording is roomy enough to save face all around and provide a breathing spell in solving the problem. It will not escape attention that the cease-fire will chiefly affect those who have been doing most of the firing—that is the Chiang forces, acting under American naval and air protection. The constant raids and bombings by the Nationalist forces, if continued, must force the Chinese Communists into war on Formosa, whether they and their Russian allies want it or not. In the current political atmosphere this means to risk World War III. A "limited" war between the U.S. and China would not be very limited very long, with Russian supplies pouring in and our trigger-happy military maniacs pushing a la MacArthur for atomic attack on a Soviet "sanctuary."

Are The Democrats for War or Peace?

The idea of the cease-fire should also be put up to local candidates of both parties. Last week Nixon challenged Adlai Stevenson to say where he and the Democrats stand. The Democrats ought not to be allowed to duck that challenge. Every one knows where Nixon stands. If he had had his way last spring we would have had war with China. Fortunately the conservative wing of the party and Eisenhower decided against him. But what would the Democrats have done about Indo-China? What do they propose to do about the Formosa fighting?

The value of the AAUN resolution is that it narrows the issue sharply. It puts to one side the question of what shall ultimately be done about Formosa. It focusses on one basic issue: stop the shooting from both sides over the Formosa straits to prevent a new war from breaking out. Where do the Democrats stand on that?

If the Democrats were not in such a cowardly and demagogic mood, their answer would be clear. This would be an issue made to order for them. After all, the cease-fire merely proposes a return to the Truman Formosan order when (on paper at least) we imposed peace on the straits, throwing a protective screen over Chiang Kai-shek but at the same time forbidding him to attack the mainland. A politic formula

protecting both Formosa and world peace is possible within these confines.

Such sanity, unfortunately, seems to be beyond even the best of the Democrats at the moment, a fact which should have some weight with the voters. Whatever else may be said about Eisenhower, he *did* make peace in Korea and he *did not* go to war over Indo-China. But the Democrats who are so ready to support him on domestic measures, never seem to be willing to support him on steps toward peace. Stevenson fatuously intervened in France in support of EDC and German rearmament but his speech at Indianapolis was disgustingly dishonest when it touched on the Far East.

Stevenson spoke of the "familiar contradictions" of Republican policy and "the tough, noisy talk" but he made the same kind of talk, filled with the same contradictions. The climax of disingenuous demagoguery was the statement, "In Asia the Communist triumph in Indo-China and the ominous preparations across the Formosa strait remind us that the President thought the armistice in Korea would be a fraud if it helped the Communists to advance elsewhere."

Those of us who cheered for Stevenson in 1952 must blush for such twisted phrases. The armistice in Korea did lead to an armistice in Indo-China. This, far from being a Com-

munist triumph, was an armistice in which the Indo-Chinese revolutionists were high-pressured to accept much less by negotiation than they could have taken by force—a fact now being thrown up at them by the South Vietnam Nationalists in their recent radio broadcasts. As for the Formosa straits, what is “ominous” there are not the “preparations” on the mainland—these are still a matter of speculation. What is ominous is the constant attacks being made on the mainland by Chiang with American arms, ships and planes; this is ominous, because no government, even one as patient as Peking has shown itself to be, can long take this kind of offensive action without retaliating.

Even more ominous is the continued deterioration morally

in the United States. We do not seem to realize that we are not watching a ball game, that people are being killed in the Chinese coastal cities by the air and artillery attacks we make possible. Our imaginations are so atrophied, our conditioned reflexes so set, we have all become such Pavlovian dogs of the China Lobby, that no one asks sensibly how we should feel if New York or San Francisco were being subjected to such attack by rebel forces from offshore islands. And even a man as big in vision as Stevenson, a man courageous enough to advocate the admission of Communist China to the UN two years ago, now talks such cheap nonsense and indulges in such tricky rhetoric on foreign policy.

What Makes John Foster Run (So Foolishly)?

Mr. Dulles's deliberate snub to Paris on his trip to Europe was so silly as to make one wonder who is advising the Secretary of State. The French position is a powerful one. West Europe cannot be held from Germany and the Low Countries. France is the essential bridgehead from a military point of view. In addition the French have effective means of vetoing German rearmament. It is not merely a question of the legal veto they possess as a member of NATO. They occupy one zone of Germany. We cannot give sovereignty and an Army to the British and American zones alone. The Reich would be split in three, instead of in two, as at present. This explains why the German press, instead of welcoming the rude treatment of the French, was appalled by it. One can only suspect that Mr. Dulles and the brainstorm idea of overturning Mendes-France by pressure from Washington and Bonn were inspired by the bitterness of Schumann and Bidault, whose judgment seems to have cracked under the strain of losing their Catholic monopoly of the Foreign Office.

The State Department continues to misread French politics. With de Gaullists calling for new negotiations with Russia on a unified and neutralized Germany and the pro-EDC Socialists bitterly opposed to a German national army, Mendès-

France is not the saboteur of German rearmament but a man desperately trying to find some formula which will at one and the same time appease Washington yet command a majority in France. To pursue the present attitude in the present frame of mind leads straight in the direction of reviving the Franco-Polish and Franco-Soviet pacts, the only effective French protection against the danger that a reviving Germany may again make a deal with the Soviet East.

The whole idea of rearming Germany as protection against anything is criminal folly. This is like hiring a gangster to protect one against a competitor, in this case a gangster who has twice looted and wrecked one's own establishment. The publication in England last month of Lord Russell of Liverpool's terrible *The Scourge of the Swastika, a Short History of Nazi War Crimes* may serve as a grisly reminder of episodes Mr. Dulles would like us to forget. We are preparing to rearm people in too large measure still governed by the same men who created Dachau and Buchenwald, the crematorium and human soap. Behind and around the Old Fox from Cologne are the remnants of the same Nazi and militarist crew.

Will We Give The Germans The Atom Bomb, Too?

The point which most needs watching is the question of whether German sovereignty as demanded by Adenauer and supported by Dulles would include the right to make atomic weapons. A Germany armed with A and H bombs would soon be a world menace again because her military leaders would be far less hesitant than those of Russia and the U.S. to use the total weapon when it served their purposes.

It is important to recall that in the Japanese peace treaty, which was almost completely Dulles's handiwork, and where we had to pay little attention to the views of our allies, there is no restriction on the right of Japan to make atom bombs. When Senators Green and McMahon questioned Dulles about this in January, 1952, during the hearings on the treaty before the Senate Foreign Relations Committee, Dulles said such restrictions would have been “offensive to the Japanese” because it would have created “a second class sovereignty.”

Dulles tried to disarm the Senators by saying that there were no fissionable materials in Japan and “in view of the very close control exercised by what we call the free world

over that, Japan, as a practical matter, could not engage in atomic weapons without our consent.” At the time the Senate committee commented in its report on the treaty that “the United States would be very much concerned if such research turned in the direction of weapons of destruction.” But Atomic Energy Commissioner Murray last week proposed that as “a dramatic and Christian gesture” we give a power reactor to Japan. The rest of the East, which remembers the Japanese attack as vividly as France remembers the German invader, may think this gesture, like so much of the West's Christianity, a sour joke.

The negotiators at London had better ask Dulles whether he thinks it would be subjecting the Germans to “second class sovereignty” if they were forbidden to make atomic weapons. Our European allies may otherwise wake up one day to learn that we have given the Germans a reactor, too. Reactors produce power, but they also produce plutonium. Plutonium makes bombs, and it seems a little early to trust the Germans with such toys.

State Department's Iron Curtain Challenged in Federal Court**Must Free Speech Be Abandoned as The Price of A Passport?**

Washington—Two challenges to the State Department's own Iron Curtain are now before Federal Judge Schweinhaut in District Court here. One was brought by former Federal Judge William Clark, who was refused a passport to revisit Germany where he had been Chief Justice of the Allied High Commission Courts. The other, the first suit to test the Department's new passport appeals procedure, was brought by an internationally known economist, Dr. Otto Nathan, who was denied a passport though he signed the non-Communist affidavit required by the Department.

The Clark case is of particular interest because it involves the application to a respectable* of the Department's ruling against Paul Robeson. The famous singer's passport was cancelled in 1950 "because" (as the government's brief put it in *Robeson v. Acheson*, 198 F 2d 985), "the Department disapproved of the political thoughts . . . expressed by appellant at meetings outside the United States."

Robeson's appeal was dismissed as moot. Most people looked the other way because of his pro-Communist reputation. Few stopped to consider the precedent implied. Now it is being used against a conservative jurist who disagreed sharply with occupation policy.

Government counsel told Judge Schweinhaut that if Clark were given a passport to visit Germany he would criticize the soft policy towards ex-Nazis and added that this was the same accusation "made by Otto John." The U.S. Attorney cited the Robeson case as precedent.

Clark, perhaps suspecting that his passport application would be refused, appended to it a statement saying, "I would be less than frank if I did not state that I reserve to myself my fundamental right of free speech. I shall, accordingly, if I am asked to do so, make such comments as I see fit upon the recent controversy between me and the State Department. I shall feel free to object again to the State Department's having dismissed me and having me deported from Spain. I shall feel free to explain again my defense of the rights of American citizens in Germany. I shall not refrain from stating my well-known position

* The Chicago Tribune July 18 protested the denial of a passport to Clark and said, "If the rights of citizens abroad can be limited in this way, it is difficult to see why the government cannot assume the same power at home, forcing us all to root for its foreign policy, whether we like it or not."

State Dept. Rejects Bauer Decision

More than two years ago, on July 9, 1952, a three man Federal court held for the first time in *Bauer v. Acheson* (106 F. Supp. 445) that the State Department's power to issue or revoke passports was not unlimited, but subject to due process.

The Department did not appeal, but now in the pending William Clark passport case it argues that the Bauer case was "incorrectly decided" and that the requirement of a hearing before the invalidation of a passport "could result in irreparable damage to the United States."

The government cites the hypothetical case of a citizen who was indicted "for the crime of advocating the overthrow of our government" while travelling abroad and says he might "flee behind the iron curtain" if his passport could not be revoked without a hearing!

on the right of bail and speedy trial in general, and particularly for American citizens residing in Germany, and my equally clear position decrying discrimination, against members of minority groups, in this instance particularly the Jews of Germany."

Form of Censorship

Morris L. Ernst, Clark's counsel, argued that under the power claimed by the State Department "any reporter or writer was in danger of being recalled if he was critical of the government or of its foreign policy." He added that under this rule, "McCarthy could not travel abroad, nor Adlai Stevenson."

The Department took the position that if Clark withdrew the appended statement, he could have a passport. Clark offered to withdraw the statement if the Department withdrew any implication that his freedom of speech abroad was limited. The Judge suggested that the two parties work out some compromise along this line, but as we went to press no compromise had been reached. The difficulty on the Department's side is that it does not wish in any way to imply that it cannot revoke a passport if it does not approve of what an American abroad says.

Next week: *The Nathan case—Can Undisclosed Charges Be Used in Denying Passports?*

Epilogue in Guatemala: As Seen by C.I.O. and A.F. of L.

" . . . Associate Director of International Affairs, Daniel Benedict . . . has just returned from a second trip to Guatemala since the overthrow of the Communist-dominated Arbenz government.

"On the first visit, Benedict . . . visited the new President, Carlos Castillo Armas, and heard his 'repeated assurances that there would be no attempt to hinder the development of free trade unionism and no attempt to destroy the land reform gains of the peasants.'

"Yet non-Communist workers known for, or suspected of, strong trade union feelings have been and are now being fired by the scores' he (Benedict) said at the time. Upon his return from the second trip, late in August, Benedict reported finding arrests of workers with strong union sentiments continuing. Juridical recognition of many unions from which the Communist leaders had been removed . . . has been withdrawn, he said . . .

"The land reform program, which the Communists under the Arbenz dictatorship had exploited, is being wiped out, he reported. Many Indian peasants have been driven from their small farms by threats and intimidation by the former owners, he said, thus laying the ground-work for a revival of Communist strength."

—News from CIO, Int'l Ed., Sept. 10

"Unfortunately, this wave of anti-Communism threatened to sweep away the labor movement itself . . . The new Guatemalan government had made an exception to this pledge of maintaining the legal status of the unions by dissolving the Teachers', the Railway Union called SAMF, which was the strongest in the country, and two labor syndicates in the United Fruit Company's banana plantations . . . The three dissolved industrial unions operated in the jurisdiction of the United Fruit Company and of its subsidiary, the International Railway of Central America.

"It was, from all points of view, a serious blunder which damaged the prestige of the government among non-Communist trade-unionists and cast unfavorable reflections—to put it mildly—on the policy of the two American firms. It is generally accepted that the decree dissolving the banana workers' and the railway workers' unions . . . was issued at the insistent request of the American companies . . .

"Another factor which threatens . . . free trade union activity . . . is the policy of wholesale dismissals adopted by a number of large concerns. They plan to eliminate . . . not only Communist elements but also all those whom they classify as 'agitators' . . ."

—Report on Guatemala, by Serafino Romualdo, A.F. of L. Rep. for Latin America, American Federationist, Sept. 1954

A Satire Dedicated to the Embattled Teachers Union of New York

On The Need for A New View of Judas Iscariot

The New York City Board of Education is split. The question is whether teachers shall be required to inform on others in order to keep their jobs, despite an earlier promise that they need only answer questions about their own political past.

So great is the confusion and so persistent the feeling against informing that even Mr. William Jansen, the superintendent of schools, himself one of the prime movers in the scholastic Red hunt, seems to falter at imposing this requirement. This queasy attitude puts these recalcitrants in conflict with Mr. J. Edgar Hoover.

If the FBI is to fulfill the enormous tasks now imposed upon it, there must be a change in the attitude toward informers. The job of keeping subversives out of government, industry, communications, the arts, the sciences and the professions, requires a multitude of dossiers. These can only be accumulated if from their earliest days in school Americans are trained to report those tell-tale symptoms of non-conformity among their fellows which may indicate hidden subversion or conspiracy.

This new attitude can hardly be inculcated in American youth if their teachers are allowed with impunity to indulge the old-fashioned prejudice against informers. The need is evident for a campaign of re-education.

As the *Weekly's* own contribution to these patriotic necessities, we would like to touch upon a delicate subject. Far more influential than the gangster movies which teach contempt for the stoolpigeon are those first Sunday school lessons which portray an informer, Judas Iscariot, as the arch-villain of the Saviour's appearance on earth. To be called "a Judas" is to make men's spirits shrivel on the very brink of their new obligations.

At first glance this formidable block seems irremovable unless one were, like the German Fascists, to attack the Christian religion altogether as a source of womanish scruples. Such extreme measures I believe unnecessary. A study of the Gospels and the Church Fathers will show that with a

little thought and effort the common view of Judas Iscariot may be recast. I throw out, on a purely amateur basis, a few leads which skilled theologians might utilize.

From earliest times there was dissatisfaction with the notion that Judas betrayed his Master for a handful of silver. We learn from two of the Church Fathers, Irenaeus and Epiphanius, that there was a lost Gospel of Judas which pictured the Informer as the greatest of the Apostles, "the perfect Gnostic."

As one modern writer (S. Baring Gould: *The Lost and Hostile Gospels*) has summarized their view: "The other apostles, narrowed by their prejudices, had opposed the idea of the death of Christ . . . But Judas, having a clearer vision of the truth, and the necessity for the redemption of the world by the death of Christ, took the heroic resolution to make that precious sacrifice inevitable." Thus the whole great Drama of Salvation was only made possible by the sacrifices of this far-seeing Informer.

De Quincey in a little known essay on Judas Iscariot also rejected "the vulgar reading of the case" and saw in him "a spasmodic effort of vindictive patriotism and of rebellious motive." De Quincey suggested that Judas informed on Jesus only in order to precipitate a national revolt against the Romans. This would picture the Great Informer as a tragic patriot.

Another possibility is opened up by a recent secular author. His interpretation is said to be that Judas was a leading Palestinian liberal won to the new faith in the mistaken belief that it was only heresy. When party slogans about making Jesus "King of the Jews" opened his eyes to realities, he went and did his duty as a loyal Roman subject.

According to this version, probably apocryphal, Judas manfully summed up his position to the Romans in words as succinct as anything in Tacitus, saying "Heresy, Yes. Conspiracy, No . . ."

Surely from such elements some public-spirited divine, perhaps aided by an FBI fellowship, could fashion a wholesome picture of Judas for our youth.

LET US SEND A SAMPLE COPY TO A FRIEND

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

9-27-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. II, NUMBER 35

OCTOBER 4, 1954



WASHINGTON, D. C.

15 CENTS

Guilty — Of Being A Bully and A Boor

The unanimous report of the Watkins committee represents one of the rare occasions in recent years when the conservative forces in American society have fulfilled their moral and political obligations. One of the main objectives of any Fascist movement must be to break down the interwoven fabric of tradition, dignity and respect which makes orderly government possible. The safeguarding of these inherited values and attitudes should be of special concern to the true conservative. In this respect the six members of the Watkins committee lived up to their responsibility.

The Senate will follow them in censuring McCarthy. There will be a bitter fight, but that fight will serve only to separate conservatives from reactionaries and Fascists, and to show how few Senators are in the latter categories. When a Senator

George approves and a Senator Jenner denounces, the line of battle is clear. It is not one on which McCarthy can win more than a handful of votes, and the death of Senator McCarran has deprived him of the only supporter who had any considerable sphere of influence in the Senate.

Basically it may be said that McCarthy is being censured only for being a bully and a boor. But the Watkins committee acted wisely in so limiting itself. The life of the Senate depends on free debate, and there can be no free debate without a latitude in which abuses may occur. The Senate has no right to sit in judgment on the ideas of a Senator, but it has a right to censure him for conduct which infringes on its honor and dignity. This is the distinction the Watkins committee drew, and the Senate will accept.

When Is McCarthy Going To Answer Those Questions?

The country is indebted to Senators Flanders, Fulbright and Morse for their part in bringing charges, to former Senator Benton who initiated the original investigation into McCarthy's finances, and to Senators Hayden, Hennings and Hendrickson who went through with the original investigation when other Senators got cold feet. The questions put by Senator Hennings to McCarthy in November, 1952, are still unanswered by our Fifth Amendment Senator, and we hope they will be pressed in the censure debate and after.

Did McCarthy divert to his personal advantage funds contributed to him for his campaign against Communism? Did he use friends and associates "to secrete receipts, income, commodity and stock speculation . . .?" The most important question of all was "Whether your activities on behalf of certain special interest groups, such as housing, sugar and China, were motivated by self-interest." The answer to this would begin to unravel the real conspiracy in this country—the conspiracy by the Kuomintang and its agents to destroy freedom in America and draw us into war on behalf of Chiang.

McCarthy's function has been to terrorize into silence all those in government and out who were critical of Chiang Kai-shek. In this task, he and McCarran were comrades in arms. The McCarran-Jenner committee investigation of the Institute of Pacific Relations, the McCarthy attack on the State Department were the twin instruments of the China Lobby and of those pro-Fascist forces which wished to re-

verse American war-time policy, to defame the past, to make Franco Spain and a new reactionary Germany our main allies. McCarran and McCarthy and their clerical allies sought and still seek World War III. And though McCarran is dead and McCarthy may be on the skids, the forces which they served are far from defeated. The paranoiac atmosphere they helped create is far from being dissipated.

The McCarthy censure is in a way the fruit of the Republican victory at the last election. Had the Democrats won, the Republicans would have been happy to exploit and follow him in opposition. But once his own party came into power, McCarthy's arrogance, conceit and ambition would not allow him to play a secondary role. He dreamed of being a dictator, and would not suffer patiently the role of a conventional politician. His German-schooled advisers urged the dynamic course congenial to his temperament and so he was forced to gamble on a clash with his own party, with the President he helped elect, with the army and with the conservative forces of American society. The gamble is being lost. The Republicans, having turned on him, must smash him now. Unfortunately they believe that to do they must prove that they are in no way "soft on communism." The result is Brownellism, and the kind of competition in anti-Communism between Democrat and Republican which disgraced the last few weeks of Congress. The next few weeks will see a step-up in the witch hunt.

Is The Country Growing Bored With Hobgoblins?

Yet in the context of the political fight which this report will precipitate, must not the witch hunt lose a good deal of its steam? Can McCarthy be bumped off without at the same time making McCarthyism a political liability? Doesn't the observed lack of interest in McCarthy, the sheer boredom

which is beginning to envelop him in the public mind, a boredom which also extends to the witch hunt? Isn't it degenerating into the private passion of a frenetic few? These are the questions which give one hope, though the Belfrage deportation case on the next page shows we still have far to go.

The Government Moves to Deport a Radical Editor at McCarthy's Bidding

How Jog The Numbed Conscience of the American Press?

New York—When Cedric Belfrage's biography of the Rev. Claude Williams, "South of God," (published in England as "Let My People Go") appeared in 1940, it got an almost uniformly enthusiastic press. The *New York Times* said "Claude Williams strives to make Christianity mean what he believes its Founder intended it to mean, and fights to save Christian democracy from its American enemies." The *New York Herald-Tribune* called the Southern preacher "one of the spiritual heroes of America today" and the *Chicago Tribune* thought the book "Stirring, invigorating, thought-provoking." The lone dissenter was Gerald L. K. Smith, who assailed the book as communistic.

The old reviews are a measure of how much the American climate has changed in less than a decade and a half. Last Monday, in the huge grimy headquarters of the U. S. Immigration and Naturalization Service at 63rd and Columbus Avenues, the Rev. Williams appeared as the first witness for the defense of his biographer. The preacher himself is appealing his conviction for heresy by the Presbyterian Church in Michigan. Belfrage, English-born editor of the *National Guardian*, is up for deportation. 1940's heroes have become 1950's pariahs.

Cheerful Note

"Sen. McCarthy, as friends picture him: The Red hunter is in the dumps. He's tired, physically, from the two investigations. And he's whipped down, too, mentally. The friends he thought he had in the Senate aren't so many. Few requests are being made for his political assistance. He sees no end to the inquiries aimed at his conduct—even if the GOP wins in November. If the Democrats take over, he will lose his chairmanship and face still more investigations of his conduct."

—*Washington Outlook, Business Week, Sept. 25*

Belfrage's deportation is sought on the charge that he was in 1937-38 a member of the Communist party. But the spectacle of the government trying to deport an editor for political views occasions little flurry. The hearing opened in a low-ceilinged square room, with five reporters and two elderly ladies present. One of the reporters was from the *Guardian*, a second was a girl from *Reuter's*, a third was IFS and the other two were from the UP and AP.

The Rev. Williams, a tall, thin, elderly man with graying hair worn *en brosse*, testified in a soft, cultivated voice. His testimony contradicted that of the government's key witness, Martin Berkeley, as to the time, place and circumstances of a meeting at which Williams spoke in Belfrage's home in Hollywood.

Berkeley, an ex-Communist who turned informer after having himself been identified before the House Un-American Activities Committee, had said that in late 1937 or early 1938 he heard Williams speak at a closed Communist meeting of about 12 persons at Belfrage's home on Ogden or Oakden Avenue in Hollywood.

Williams testified that this meeting at which he spoke was public, that some 65 or 70 persons attended, that it was not arranged by or through the Communist party, that it was held in May or June of 1938 and that it was at 7777 Fierenzi drive. The purpose was to collect money for Commonwealth College in Arkansas, of which Williams was then director.

Identified With "George Oakden"

A second defense witness, a well-known handwriting expert, Miss Elizabeth McCarthy testified that there was "very real doubt" that the signature, "George Oakden" on two Communist party membership books for 1937 and 1938 was the signature of Cedric Belfrage. The books had been ob-

What the Germans Didn't Tell Dulles

"Though official circles in Bonn had persistently lulled the people and their representatives into the belief that somehow EDC would yet be a success—in reality hope had been given up, about a year ago. General Adolf Heusinger was already complaining last year that the Amt Blank (Rearmament Bureau) knew that it worked on EDC plans in vain, and that these in their elaborated form would never come to fruition. They continued working only on account of the Americans, so that they should not get the impression that the German government had lost interest in EDC."

—*Der Spiegel* (W. Germany's leading news weekly), September 8.

tained by a Los Angeles police spy working as an agent inside the Communist party. Berkeley had testified that Belfrage used the name "Oakden" in the party and in writing for the *New Masses*.

Berkeley testified earlier that he himself used the name Martin Porter but when shown an article in the *New Masses* signed "by Martin Porter and George Oakden" could not recall that he had ever collaborated with Belfrage. The defense submitted evidence that Belfrage had written for the *New Masses* at the time under his own name—and showed that the magazine then carried many articles by non-Communists, including Ralph Bunche, Robert Benchley and Sir Stafford Cripps.

A Cohn-Schine Tableau

All this dreary and dubious business was dredged up as a result of a summons from McCarthy. Belfrage appeared before the McCarthy committee in May, 1953, in a Cohn-Schine tableau designed to make it appear that postwar occupation effort to democratize the German press had been a Communist plot. Belfrage was Press Control Officer for SHAEF in Germany in 1945.

Roy Cohn announced during the McCarthy hearing that at the Senator's request there was an immigration official present "to do something about this immediately." Deportation proceedings followed, first against Belfrage and then against his ex-wife, who has since been allowed to leave voluntarily for her native England after stating that she had no desire to continue living in the United States. Mrs. Belfrage said she had been anti-Communist for ten years.

Only a press with a badly numbed conscience could let such an affair pass without protest. If an alien editor can be deported for past membership—real or framed—in the Communist party, a naturalized editor can be denaturalized and deported on the same grounds. A native born editor (under the new citizenship law) may be deprived of his nationality in much the same way. The precedent is a sinister one, but no one seems to care. The same press which hails the recommended censure of McCarthy hasn't a word to say in defense of an editor who is his victim.

Propaganda Antidote

"Visiting the camps one gets a somewhat different impression of the facts from those commonly publicized. Why had they wished to come south, your Correspondent asked a group of refugees [from North Vietnam]. We did not ask to come south, but the Government told us to come and so we had to come, was the reply from one man, with much nodding of heads in the circle. The observation that they were supposed to be in flight from Communism produced puzzled looks of incomprehension.

—*Report from Saigon, The Times (London), Sept. 23*

State Department's New Passport Hearing Procedure Called Sham

Star Chamber Methods of Loyalty Probe Applied to Travel Applicants

Washington—Dr. Otto Nathan is an internationally known economist, now a professor at New York University. In Germany, under the Weimar Republic, he served for 12 years as an economic adviser to the Federal government. In this country he was an adviser to President Hoover's Emergency Committee on Employment in 1931, and held several posts later under the New Deal. He became a naturalized citizen in 1939. He travelled abroad on an American passport in 1939, and again every year from 1945 to 1949.

On December 24, 1952, twenty months ago, Dr. Nathan applied for a new passport. The application stated that he was going abroad for a relatively short time to obtain material for a work on which he was engaged and in the hope of making arrangements in Western Europe for remunerative writing on economic subjects.

Three months after making his application, Dr. Nathan received a letter from Mrs. Ruth B. Shipley, the director of the passport office, asking for a statement under oath as to whether he was or ever had been a Communist. Dr. Nathan replied that he objected as a matter of principle but nevertheless enclosed an affidavit saying, "I am not now and never have been . . ."

Proceedings A La Kafka

This affidavit, instead of settling the matter, only led into an interminable Kafka-ish labyrinth of correspondence and "hearings" in which Dr. Nathan was asked such questions as whether he had ever signed a petition supporting a victim of a Congressional committee and whether he had ever corresponded with Oscar Lange, a Chicago University professor of economics who became Polish Ambassador to the U. S.

The complaint he filed in Federal District Court here against the State Department relates that on one occasion Mrs. Shipley's assistant, Ashley Nicholas, said to Dr. Nathan that he was "too good to be turned down and too bad to be given a passport." Just what was "bad" was not specified. Mr. Nicholas is also alleged to have commented at one point, "You have made many good friends among many fine people in this country, but you also have many friends on the left."

The suit Dr. Nathan brought after a year and a half of exasperating delays is the first legal challenge to the new passport rules and procedure belatedly adopted by the Department after the *Bauer* case.

The Department had for a long time been denying passports on the vague grounds of "the best interests of the United States" when in *Bauer vs. Acheson*, 106 F. Supp. 445, a 3-man court decided that no such absolute discretion

Even The Hoover Commission Critical

"The autonomous manner in which the [State] Department's Passport Division functions have been conducted, however, has been subject to criticism from time to time. That the Division acts rather as a law unto itself is generally the reason for the criticism, and as a practical matter there is some justification in this censure."—Hoover Commission Report.

existed. As a result, in September, 1952, the Department issued new rules, setting up standards for denial of passports and a Board of Passport Appeals.

But this turned out to be a mere gesture. No Board was appointed. It was not until December 23, 1953, fifteen months later (as this *Weekly* reported exclusively at the time, see Vol. I, No. 49) that the threat of a suit by the physicist Martin Kamen forced the Department to appoint the Board. Even then the names of the Board members were never made public, and (as inquiry last week disclosed) the names of the members, the number of cases processed and everything else about its activities are still withheld by the Department from the press as "confidential."

Foggy Rules in Foggy Bottom

The rules set up by the Department in passport cases are as foggy as the mists which give their name to the Foggy Bottom in which the State Department building stands in Washington. Dr. Nathan found himself confronted by the same kind of vague standards and star chamber hearings on undisclosed evidence as have grown customary in employe loyalty cases.

Indeed in their reply to Dr. Nathan's lawyer, Leonard Boudin, government counsel drew an analogy with loyalty proceedings, and made the sweeping claim, "The Secretary of State has wide discretion . . . Once that discretion has been exercised, it is submitted, the Court should not review the evidence on which the discretion was exercised." In effect, this would make Mrs. Shipley's *ipsa dixit* the law in passport cases.

In the William Clark case we discussed last week, Mrs. Shipley denied him a passport because (as in Paul Robeson's) she disapproved of what he was likely to say abroad. In the Nathan case, she denied a passport because she did not like some of the applicant's associations and statements at home. The issue before the Federal court is whether freedom of speech must be relinquished to obtain a passport.

The Charges Made Against the State Dept. In the Nathan Passport Case

"When the judicial recognition of the arbitrary character of these [passport] policies occurred in the Bauer case, the State Department had two possible alternatives: It could reform, or it could pretend to do so. It chose the latter course. The result was an extraordinary concoction of regulations which were: (a) couched in vague, subjective and polemical terms, rather than legal ones; (b) in violation of basic First Amendment rights for the purpose of ensuring the containment of any person with a vestige or even past history of liberal activity in the New Deal or otherwise; and (c) even in conflict with the will of Congress as expressed in the Internal Security Act of 1950.

"Never during the period 1789 to 1950 did Congress ever establish a political screen for citizens desiring to travel abroad. In 1950 it passed the Internal Security Act of 1950. Section 6 (a) of that law denies passports to a single category: members of organizations registered or required by

a final order to register under the Act. To date, no organization is the subject of a final order as defined in the Act, although proceedings seeking a final order against the Communist Party of the United States are now pending in the Court of Appeals of this Circuit. In that connection it will be noted that (a) the statute refers to present, not past, membership, and (b) plaintiff [Dr. Otto Nathan] executed an affidavit denying both past and present membership.

"The defendant's [State Department's] standards are manifestly different from those imposed by Congress. Where the Congress banned current members in organizations found after hearing to be illicit, the defendant bans past members in an unlimited number of organizations which were never required to register. In addition defendant proposes to assess a complex of activities in one's life, to determine whether his presence at public meetings, his trade union membership, his friends and associations put him beyond the pale."

—Otto Nathan v. John Foster Dulles, U.S. District Court (D. of C.), Civil Action No. 3479-54

The Misadventures of America's Own "Poet Laureate"

Oh, Sweet Security and Political Purity, Of Thee We Sing

The *Times* of London publishes what is by far the world's best literary weekly supplement. Its latest of Sept. 17, just arrived here, is an elephantine special number, containing a 100-page study of American writing today, an extraordinarily able, just and friendly survey. One of its revelations is that American "poets laureate" must now be cleared by the FBI.

The American equivalent of a poet laureate is the Poet in Residence annually chosen for the Library of Congress. The post figures in an article, "Prophets Without Honour? The Public Status of American Writers" in which the *Times* dealt with the impact of the witch hunt on literature. The article disclosed that the chair of poetry at the Library of Congress has been vacant for two years "because the last poet nominated for the position failed to receive a security clearance."

In its swift and majestic way, the *Times* did not pause for so mundane a detail as the poet's name. But the tantalizing brief reference was noted by a sharp-eyed *Washington Star* reporter, Mary McGrory. What she discovered made page one of her paper Sept. 26, but does not seem to have been picked up by other papers and the wire services, though surely it is news that poetry, too, must now be politically pasteurized in the U.S.A.

The Muse Is Counter-Attacked

The poet turned out to be the esteemed William Carlos Williams. He was picked for the Library post in 1952 by a group which included T. S. Eliot, W. H. Auden, Archibald MacLeish and Thornton Wilder. Dr. Williams (he is a physician in Rutherford, N. J.) was delighted, wound up his personal affairs and rented a house in Washington. Dr. Luther H. Evans, then Librarian of Congress, now director of UNESCO, signified his approval.

But Dr. Evans took fright when Dr. Williams was attacked in rightist circles on political grounds. *Counter-Attack* published a list of allegedly subversive causes to which Dr. Williams had lent his name.

Dr. Williams was supposed to have taken his post in the Fall of 1952. In December a letter informed him that a preliminary FBI report had occasioned the Library to ask for a full investigation. In January of 1953 Dr. Evans revoked the appointment.

Warning To Do-Gooders

Science Service's News Letter reported recently that at least 50 eminent scientists had been refused visas into the U.S. during the past two years. Last week the State Department announced via difficulties had been cleared up in two cases: those of the famous Cambridge physicist, Dirac, and the Australian physicist, Oliphant. Typical of the Department is that both visas were granted long after both scientists gave up and changed their plans—Dirac to attend the Institute for Advanced Study in Princeton, Oliphant for a transit permit to enable him to touch at Honolulu en route to Canada. Oliphant was supposed to have passed through Hawaii on September 3. The *Washington Post* reported Sept. 24 that an unnamed State Department official said of Oliphant: "He still is inadmissible . . . (he is) a dogooder, one of the boys who monkey around with pinkos . . . Oppenheimer case . . . that sort of thing."

This led to protest from Dr. Williams and his friends. The former, through counsel, insisted that the FBI investigate him "relentlessly." The FBI, "astonished," said it could not do so because Dr. Williams was no longer on the civil service rolls. In April of 1953 Dr. Evans again appointed Dr. Williams to the post as of May 15 "or as soon thereafter as loyalty and security procedures are successfully completed." That was 18 months ago and Dr. Williams is still waiting.

The saddest aspect of this affair is the reaction of Dr. Williams. Circumstances which would have evoked a noble thunder from a Milton, Shelley or Whitman * bring from our present-day poet only a self-defensive bleat. He denied that he was ever a Communist or a Communist sympathizer but admitted he signed various appeals for various causes. "I don't think much," he told the *Star*, pathetically, "of the way the Communist party takes advantage of an unguarded citizenry."

Next time our poet feels a generous humanitarian inspiration, he will no doubt check first with the nearest FBI office. We can hear the lovely melody now of that Ode to a Skylark (With Q Clearance).

* Footnote for Investigators: John Milton, Percy Bysshe Shelley and Walt Whitman, all notorious radicals, but none believed likely to apply in the near future for government employment.

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

10-4-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. II, NUMBER 36

OCTOBER 11, 1954

WASHINGTON, D. C.

15 CENTS

Our Paris Embassy Linked to "L'Affaire Dides"

The Plot to Smear Mendes-France

The "Affair Dides," now the sensation of French politics, has two main aspects. One is how and to what extent military secrets were leaked to the Communists. The answers must await the outcome of the current investigation. The other, hardly covered by the press here at all, concerns the alleged links between the U.S. Embassy in Paris and undercover French rightist elements feeding false information to American intelligence in order to poison Franco-American relations and to obtain American aid in overturning Mendès-France.

The October 2 issue of *L'Express*, a French liberal weekly close to the Mendès-France government, cites two instances of such false information. It says the American government was given a dossier on a member of the government who bears the same name, but is not related to, a well-known "progressiste" (fellow traveller). *L'Express* declares that information about the Leftist was given as if it were about the government official with the same name. Another example *L'Express* cites concerns an official sent on an important mission to Asia who encountered an unexpected hostility on the part of Washington. *L'Express* says it has just been discovered that the dossier on him which was furnished to the Americans was made up in large part of information about a business man linked to a Soviet bank who before the war had for a time been allied by marriage to this official's family.

Apparently Senator Wiley had been getting information of this kind on his trip. *L'Express* says an American Senator who came to Paris at the end of September had among his papers a memorandum about the Mendès-France government which described as "communisants" (Communist sympathizers) the three Ministers, General Koenig, and MM. Chaban-Delmas and Lemaire, who resigned on the eve of the Brussels conference rather than accept the E.D.C. in any shape or form. All three are followers of de Gaulle. "These neo-Cagoulards," *L'Express* says of the informants, "have for a long time so filled up our American friends with falsehoods as to create a veritable cancer of mistrust between France and America." The name applied recalls the Fascist "Cagoulards" (Hooded Men) who menaced the French Republic before the war.

"The New Cagoule"

L'Express asserts that the "new Cagoule" is made up of politicians whose careers are based on a demagogic anti-communism, of police officials whose record was stained during the German occupation, and of financial interests which have their base in North Africa. *L'Express* says that "under the cover of anti-communism" this group has built up a network in intelligence and counter-espionage calculated to keep it in power, or to recover power very quickly. In the same issue, the Academician, Francois Mauriac, one of the leading French

Catholic writers of this generation, links the attack on Mendès-France not only with pre-war Fascist elements but with certain groups in the M.R.P., the Catholic party which lost its postwar monopoly of the Foreign Office when Mendès-France came to power.

One of the main elements of the plot against Mendès-France was to make it appear that leaks to the Communists began when he took office. *L'Express* says it was only through the accident of the arrest of the police official Dides that the government learned of the leaks which had occurred previously. "Actually," *L'Express* declares, "neither the Ministry of the Interior of the Laniel government, nor the Ministry of National Defense, nor the Prefect of Police had breathed a word to their successors of the investigation which was underway into these earlier leaks and the dossiers on the subject had disappeared."

In the meantime, copies were widely circulated in political circles of a report alleged to have been made by M. Duclos to the Politbureau of the French Communist party which included the minutes of a National Defense Committee meeting. An important member of Parliament called in friendly newspapermen and told them that since M. Mitterand became Minister of the Interior under Mendès-France defense secrets had leaked to the Communists. "A high personage declared before several witnesses," *L'Express* says, "that Mendès-France and Mitterand must be brought to trial." The scandal was supposed to break on the eve of the London conference and compromise the government, but plans were upset by the arrest of M. Dides, with the alleged report by M. Duclos in his possession.

The OSS Saves Dides

Much interesting additional information is supplied by the latest issue of Claude Bourdet's weekly, *L'Observateur*, to arrive here. The issue of September 30 carries a lengthy article, "The Truth About the Dides Affair," which provides sketches of both M. Dides and M. Baranès, the Communist journalist, who was his informer. M. Dides, according to *L'Observateur*, "worked at the headquarters of General Intelligence, of sinister memory" during the occupation and would have been purged if he had not presented an affidavit from the OSS saying that he had played a "double game" under the Germans. After his own "clearance," M. Dides devoted a large part of his leisure time to the defense of his purged colleagues. His assignment in recent years had been to "special investigations," i.e. *L'Observateur* says, "to investigations concerning Communists and certain politicians opposed to the government then in power."

When arrested, M. Dides let friendly newspapermen know
(Continued on Page 3)

Must Teachers Become Informers to Keep Their Jobs? . . .

New York—The New York *Herald Tribune* applauded, no paper in New York protested, the dismissal of three Associate Professors at Hunter College who admitted that they had been Communists but refused to inform on others. They pleaded "conscience" but the *Herald Tribune* (Oct. 2) agreed with the Board of Higher Education "that no subordinate can substitute his private judgment for that of the superior." This has the full flavor of the older medieval and the newer totalitarian inquisitions.

Must teachers become informers to keep their jobs? This is the question being decided in New York. New York's example will affect the whole country. The Board of Education is split on the question and Dr. William Jansen, the superintendent of schools, who began the Red hunt in 1949, "has taken the position that a teacher's refusal to name others does not, by itself, constitute grounds for disciplinary action" (*N. Y. Times*, Sept. 18).

The balance of forces in the Board of Education may be upset by the Hunter College cases. The Trial Committee report to the Board of Higher Education, which runs the city colleges, said "the precedents now to be established . . . will outlast these particular cases." The Board of Higher Education by voting to dismiss has ruled as did the Holy Office four and a half centuries ago.

The Penitent Had to Inform

Lea tells us in his classic history of the Spanish Inquisition (Vol. II, pps. 577-8), "One of the most essential requisites to completeness of confession was the denunciation of all accomplices—that is, of all whom the penitent knew to be heretics or addicted to heretical practices." The inquisitor was ordered when anyone confessed "to examine him exhaustively as to what he knew of his parents, brothers, kindred and all other persons." This was entered in registers, alphabetically indexed, like the records of our House Un-American and Jenner committees, for the use of the inquisitorial tribunals.

The effect was to dissolve the fabric of mutual confidence and elementary decency binding man to man. "There was usually," Lea relates, "little hesitation on the part of the penitent to incriminate his family and friends, for they might, for all he knew, be themselves under trial and informing on him, so that any reticence on his part exposed him to the danger of being a *diminuto* with all its fateful consequences." A *diminuto* was a penitent who held back from full disclosure. Then the penalty was the stake, today the ruin of one's academic career.

The very language of the Trial Committee report resembles that of a Torquemada—or a Vishinsky, denouncing "deviationists," as in the purge trials of the 30's. The report says of the refusal to inform "The purpose and effect were to continue to shield from surgery this malignant cell in the body of the Hunter College faculty and to allow its membership and virus to continue activity undetected." This view of a heretical group as "malignant" and of heretical views as a "virus," threatening to infect the body ecclesiastical or politic, is the language of closed societies, of overheated minds and fearfully hating spirits.

Did He Fear Bella Dodd?

In this atmosphere to confess without informing is to render oneself suspect. Perhaps fearing that he had already been named by his old friend, Dr. Bella Dodd, Professor V. Jerauld McGill, who taught philosophy at Hunter, testified before an executive session of the Senate Internal Security subcommittee on September 24, 1952, that he had been a Communist. He admitted that he had testified falsely when he denied party membership to the New York State Rapp-

Douglas Was Prophetic

"The very threat of such a procedure is certain to raise havoc with academic freedom. Youthful indiscretions, mistaken causes, misguided enthusiasms—all long forgotten—become the ghosts of a harrowing present. . . .

"Once a teacher's connection with a listed organization is shown, her views become subject to scrutiny to determine whether her membership in the organization is innocent or, if she was formerly a member, whether she has bona fide abandoned her membership. The law inevitably turns the school system into a spying project.

"Where suspicion fills the air and holds scholars in line for fear of their jobs, there can be no exercise of the free intellect. Supineness and dogmatism take the place of inquiry. A 'party line'—as dangerous as the 'party line' of the Communists—takes hold. It is the 'party line' of the orthodox view, of the conventional thought, of the accepted approach. . . . A deadening dogma takes the place of free inquiry. . . .

—Mr. Justice Douglas dissenting in the *Feinberg Law Case*

Coudert investigating committee in 1941. He wrote out a long statement abjuring and denouncing Communism. But he declined to name others.

The Senate committee did not make an issue of this. But later under constant pressure from Board of Higher Education investigators, McGill prevailed on two colleagues, Louis Weisner, who taught mathematics, and Charles W. Hughes, who taught music, to come forward and admit they, too, had been Communists. The three declined to name others. All three were suspended without pay.

The conduct of the three dismissed professors is contrasted with that of Dr. Bella Dodd, who helped form the Hunter College unit, but "had openly recanted and had confessed her associations . . ." The language again is medieval—the duty is to "recant" the noxious doctrines and to "confess . . . associations," i.e. to inform.

Heresy Oft Goes With Witchcraft

Nefarious practices are hinted at, for heresy oft goes hand in hand with witchcraft. "The evidence is overwhelming," the report says, "that his [Professor V. Jerauld McGill's] secret group of Communists first in Greenwich Village and in 1938 at Hunter College had purposes quite other and more sinister than those of a study group discussing current events. . . ."

What these "quite other and more sinister" purposes were, or just what the "overwhelming" evidence of them was, is nowhere to be found in the hundred pages of the Trial Report. The Report does unearth from book reviews by the accused when they were Communists in the 30's some attacks on Dewey, Herman Levy, Haldane and Einstein which are squarely in the tradition of that cast-iron dogmatism which passes for Marxism in the Communist movement.

This silly stuff serves no purpose more sinister than self-exposure. It does not tell us what the Hunter College study group was suspected of doing. This is left vague, but a diabolic cleverness is imputed. "Testimony by outsiders that they knew of no objective efforts at indoctrination in the classroom," the Trial Committee said, "is of little practical weight." A Salem court might as lightly have dismissed testimony that none of the crones before it had been seen travelling by broomstick.

... The Hunter College Dismissals May Set A National Precedent

The authorities cited by the Trial Committee for this ruling show how high and far the paranoid infection has spread in American law. "As the Preamble to the Feinberg Law and the Supreme Court of the United States in *Adler v. Board of Education*, 342 U.S. 485, 490, have both declared, such influences are 'sufficiently subtle to escape detection in the classroom.'" So says the Trial Committee report.

When the multiplication table and the elementary speller are often too "subtle" to be impressed on the youthful mind, how do these practitioners of the Marxist-Leninist magic succeed in instilling their more abstruse mysteries? What is this painless intra-venous injection of dialectical materialism into close students of the Yanks and Dodgers?

It is the premise which makes this a witch hunt—the premise that the Communists are men of supernatural powers engaged in a diabolic conspiracy all the more sinister because so vague. Once the premise is accepted, nothing else is of avail. Professor McGill said he left the party in 1941; Professor Weisner that he left in 1949; Professor Hughes that he left in 1941. Would men capable of such deviltries stop at a lie?

Self-Flagellation of No Avail

All three testified at length to their present disgust with the Communist party. "They themselves," as the Trial Committee Report summarized it, "use such terms as 'secrecy from the beginning', 'imprisonment', 'trap', 'narrowness', mental 'inertia', fear of 'reprisal', 'duplicitous', 'casuistry', 'concealment', 'lack of candor', 'perjury', 'false names' . . ." This flogging of their dead selves and flagellation of their past opinions was not counted in their favor. Might it not be a mere ruse?

Two fellow Professors at Hunter, Welch and O'Gorman, testified that McGill had denounced the Korean invasion. Professor Richard McKeon of Chicago testified that McGill's articles in *Science and Society* ceased to show a Marxist influence in the middle 'Forties. Professor Houston Peterson of Rutgers testified that two of them were completely non-Marxist. Professor Margeret Spahr of Hunter's Political Science Department, who courageously served as counsel for McGill (along with Ernest Angell), testified as an expert in political theory that the term "Marxist" included non-revolutionary Marxists.

All was turned against him. "The greater his mental and academic attainments," was the Trial Committee's comment on these witnesses, "the less the possibility of excusing or overlooking his criminal and immoral course . . . his high standing and professional reputation vastly increased his usefulness to the Communist party." Thus the Trial Committee Report conclusively proves what it unshakeably assumes.

To a Trial Committee operating in this febrile and haunted

frame of reference, the claim of "conscience" is naturally infuriating. McGill "claimed," it complains, "that his 'conscience' barred disclosure except by consent; and that, for all he knew, such persons had not done anything wrong or harmful." Even if it could be believed, the report says at another point, "that kind of a 'conscience' cannot be entrusted with teaching Philosophy at Hunter College." By this standard neither could a Socrates or a Kant.

Defense of Free Speech Subversive?

So frantic is the Trial Committee in its search for some kind of evidence to rebut the claim of past membership that it even cites McGill's signature in 1948 of a statement defending the rights of the Jefferson School "in which statement," says the Trial Committee report, "was the declaration: 'We believe that every group, including Marxists, has the right under the American Constitution to teach and propagate its ideas.'" Well, don't they?

Weisner, after 27 years of teaching, has applied for retirement. McGill and Hughes will appeal. The Feinberg law bars members of the Communist party from teaching in New York State. The appeal will determine whether those who claim past membership can only prove their *bona fides* by acting as informers. It will also determine whether these cases are to be governed by normal rules of evidence, or by occult insights and esoteric suspicions.

The Hunter college cases, like the Oppenheimer case [he, too, was criticized for exercising "private judgment" when questioned by the secret police] reflects a changing America, acquiescing in the extension to secular affairs of Catholic dogma hostile to individual conscience. American youth is being taught by these painful brain-washings of a whole generation that is the part of wisdom to obey, to swallow doubts, to conform and to save one's own skin when necessary at the expense of one's friends.

STATEMENT REQUIRED BY THE ACT OF AUGUST 24, 1913, AS AMENDED BY THE ACTS OF MARCH 3, 1932, AND JULY 2, 1946 (Title 39, United States Code, Section 233) SHOWING THE OWNERSHIP, MANAGEMENT AND CIRCULATION OF

I. F. STONE'S WEEKLY published Weekly at Washington, D. C. 1. The names and addresses of the publisher, editor, managing editor, and business managers are: Publisher, Editor, Managing Editor, Business Manager, I. F. Stone, 5618 Nebraska Avenue, Washington, D. C. 2. The owner is: I. F. Stone's Weekly, Inc., 801 E. Capitol Street, Washington, D. C. 3. I. F. Stone, Esther M. Stone, Celia M. Gilbert, Jeremy J. Stone, C. David Stone, 5618 Nebraska Ave., Washington, D. C. 4. The known bondholders, mortgagees and other security holders owning or holding 1 percent or more of total amount of bonds, mortgages, or other securities are: (If there are none, so state.) None. 5. Paragraphs 2 and 3 include, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting; also the statements in the two paragraphs show the affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner. 6. The average number of copies of each issue of this publication sold or distributed, through the mails or otherwise, to paid subscribers during the 12 months preceding the date shown was 9,392. (s) I. F. Stone, publisher. Sworn to and subscribed before me this 5th day of October, 1954. (s) Mary A. Weibley. [Seal] (My commission expires 11/14/54).

(Continued from Page One)

that the evening before he had dined "with an American colleague attached to the U.S. Embassy in Paris." By thus linking himself with the Embassy, according to the account in *L'Express*, M. Dides made it possible for certain French papers, soon to be echoed abroad, to print the report that the Mendès-France government was destroying an anti-Communist network and was attacking an American intelligence service.

The informer on whom M. Dides relied, M. Baranès, made contact with the French Sûreté at the end of 1950. "M. Baranès opened his heart," according to *L'Observateur*, to officials there. "Of course, he was a Communist. But a national Communist. He led an opposition group which was Marxist but not Russian." He wanted to organize a network of saboteurs to operate in the event of a Russian occupation.

He accepted 200,000 francs a month for expenses. He regularly delivered the minutes of the Politbureau of the Communist party. M. Brune, then Minister of the Interior, could not resist the pleasure of contact with this "bon Français." But a successor complained that all M. Baranès furnished for 200,000 francs could be obtained for 15 francs by buying *Figaro* which runs a feature called "What *L'Humanité* Is Hiding From Its Readers." M. Dides was switched to the Prefect of Paris, M. Baylot, and by the latter to M. Dides.

Whether M. Baranès was a double (or possibly) triple agent remains to be seen. The energetic investigation launched by Mendès-France is likely not only to determine the source of "leaks" but the men and forces who hoped to use these leaks to smear the French government in American eyes and to destroy the one man who, after the procession of mediocre nonentities in power since de Gaulle, really promises France a New Deal.

The New Soviet Proposals on Germany and Nuclear Inspection

The Negative Factors in the London Agreement

We in this country have been so blinded by propaganda, our commentators have become such trained seals, that we may find it impossible objectively to assess the negative factors in the German arms agreement on which Molotov counts in the giant diplomatic duel his East Berlin speech opened last week.

From the German point of view, the negative factors are obvious. The most important is that the London agreement envisages the continued occupation of the Reich until the end of this century. The Germans are offered a kind of fire sale sovereignty—until 1998 they will be “free,” but British, French and American troops will remain on their territory, with the reserved right of intervention against “subversion,” with extensive powers of inspection to enforce limits on arms production, and a “voluntary” German promise to forswear atomic, bacteriological and chemical warfare. It is this which explains the cool reception given Adenauer in Bonn on his return from London.

Americans do not realize that while Germans are divided on whether to rearm, they are overwhelmingly in favor of reunifying their country. A rearmed West Germany will bring a full rearmed East Germany, and that threatens a new and greater Korea in the heart of Europe.

It is the fear of becoming another, bigger and bloodier Korea, plus the obvious common sense of the suggestion, which explains the failure of the Germans to react against the Dehler proposal. Thomas Dehler, chief of the right wing Free Democrats, the second largest party in the Adenauer coalition, proposed that as the price of unification the Germans even accept “un-free” elections in the East zone. He contends that an all-German parliament could easily “digest” a minority of Communist delegates so elected.

Not much less obvious, if one permits oneself open-eyed examination are the negative aspects for the Western powers. The British are faced with the prospect of keeping four divisions in Germany for the rest of the century at the cost of about 100,000 pounds a year. The French recall the paper promises and the inspection system of the Versailles agree-

ment. Both are faced with the prospect of a “little arms race” in that uncomfortable “little Europe” as they keep pace with German arms expansion. The nonsense about arming the Germans to protect Western Europe becomes clear when we look and see that the British are pledged to keep troops on the Continent for a half century to protect France against the rearmed Germans!

Free To Do Anything We Pleased

The complex provisions of the London agreements reflect fear of Germany, not fear of Russia. The safeguard against Russian expansionism is American power, not a rearmed West Germany. To rearm the one dissatisfied power on the Continent is not to insure peace but to insure war. The British and French have gone along on this because they could not afford to antagonize the U.S. and lose the dollars they still need. This is the reality behind the contrived chorus in our press about how this was a purely European agreement. Dulles left Eden and Mendès-France free to make any agreement—if it were an agreement to rearm the Germans.

To exploit these negative factors Molotov has more time than most American newspaper readers realize. The London agreements are only “in principle.” The details are yet to be worked out and the pacts ratified. The French will vote in November, but Adenauer must talk with them about the Saar first in October. The future of this territory, which will determine the balance of power in iron and steel between Germany and France, must be settled first to French satisfaction. In England, the vote for German rearmament at the Labor party conference (the *Economist* of Oct. 2 calls it a victory “as thin as a wood shaving”), shows how divided the British remain. Here, of course, no one dares think on the subject. German rearmament is a sacred dogma, our own American “party line.”

Against this background, Molotov's willingness to discuss free elections and Vishinsky's willingness to accept the principle of continuous inspection to enforce nuclear disarmament represent a change in the Russian position which it will prove impossible to reject without exploration.

Help Us Reach More Readers by Sending Us the Names of Your Friends for Sample Copies

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

10-11-54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. II, NUMBER 37

OCTOBER 18, 1954



WASHINGTON, D. C.

15 CENTS

Ike Puts Chiang on That Leash Again

In Washington steps toward peace are taken surreptitiously, as if slightly obscene. The Eisenhower Administration has just reinstated, temporarily at least, the Truman Administration policy on Formosa. Chiang's bombing attacks on the Chinese mainland have suddenly been called off on orders from Washington. The Republicans, though campaigning as the peace party, seem afraid to take credit for what they have done. The Democrats, though they attack the Republicans for recklessness in foreign policy, seem equally afraid to boast that Eisenhower has been forced to reinstate Truman policy.

Frustrated, Formosa has opened an attack on Washington instead. The news that the bombings were being called off was "leaked" from Taipeh and dressed up, in smart propagandistic fashion, with talk that the U.S. was creating another "privileged sanctuary." Walter S. Robertson, Assistant Secretary of State for Far Eastern Affairs, so sick with ulcers that he was forbidden by his doctor to attend the Manila conference, flew off to Formosa with two top aides secretly last Friday night a week. His departure was not announced until the following Monday just about the time he arrived in Formosa. The head of the State Department's "China desk" and the latter's opposite number in the Foreign Operations Administration accompanied Robertson. The presence of the FOA man indicates that Chiang may be mollified with promises of additional aid. No great Power was ever so afraid of its own satellite.

Jenner Picks Up from McCarthy

The first bomb dropped on Washington by the Chinese Nationalists was a blast by Jenner. The Senate's No. 1 witch hunter (now that McCarran is dead and McCarthy in dry-dock) declared that there had been "a mysterious meeting of the National Security Council in Denver on the question of defending Quemoy" and asked in his best hobgoblin fashion, "Did someone in our government send word to Red China, that the United States would *not* defend these stepping stones to Formosa, as someone sent word to Red China in 1950 that we would not attack the Red Chinese if they went into the war against us in Korea?" The latter, the pumped up myth of the MacArthurites, is stated as fact. Jenner went on to as paranoid a charge as has yet been heard even in this haunted capital.

If this were anyone else but an important Republican Senator, chairman of the Internal Security subcommittee, it could be ignored as crackpot. But here it is, in Jenner's own words: "I have been told that the Red attack on Quemoy and the other islands is part of a secret plan to let Nationalists expend their ammunition in heavy firing against the mainland.

Then someone in the American government will forget to replenish the equipment and ammunition, or will replenish everything except one or two vital components. *There is no way to substantiate such a charge.* But remember—the heaviest tanks or the newest jet bombers can be quietly sabotaged by lack of a few parts. *Our only danger will come from moves so delicate that they cannot be seen or heard.*" This fear of the impalpable has the flavor of old Salem.

Clears Ike of Treason

In demanding that the President "tell the American people, immediately, what individual, in what agency, made such a decision," Jenner was threatening to take up where McCarthy left off. "Of course," Jenner said, generously, "I know that President Eisenhower, Secretary Wilson and the Joint Chiefs of Staff would have no smallest part in any such treasonable deception." But below them? "Our military policy is not made by our military leaders . . . It is made by a network of boards and agencies. They weave a spider-web of laws and directives . . . All these spider-web connections are meshed into the UN Charter . . . A few men in our government can tie the whole military program of the U.S. into knots . . . in the dark weighting down every bullet with UN's policy." In addition to holding back Chiang, they have—according to Jenner—limited Rhee's ammunition to a two-day supply, lest he "defend himself."

Fortunately (perhaps because it was not published in their Bible, *The Daily Worker*) no one on the staff of his Internal Security subcommittee tipped Jenner off that Americans for Democratic Action only a few days earlier issued a statement demanding that the Administration "refer the fighting in the Formosa straits to the UN with the object of obtaining an immediate cease-fire." Had they done so, he might have tied Ike directly to the ADA. Its anti-Communism would not fool him. On October 6 Jenner told a meeting in Columbus, "The really dangerous Communists in this country look like Germany's Dr. John *before* he was found out . . . employees in the executive branch will never catch the really big fish—the 'anti-Communist' leaders who are working high in our government to destroy us."

The only safety, Jenner told his Ohio audience, was in "vigorous, continuous investigation by Congress." This is the man who opened the campaign which finally destroyed General Marshall's usefulness. If Jenner could destroy Marshall, he could destroy the conservative business men like Wilson and Humphrey and the lesser military men who have opposed Admiral Radford and the adventurers in the Joint Chiefs of Staff. These ravings are serious. Until such statesmen are retired to the booby-hatch, and Chiang's infiltration of Washington ended, peace will not be secure.

An Indispensable Document in Fighting Loyalty and Security Cases

Earl Browder Reveals That in the 30's Dewey and Taft, Too . . .

By Earl Browder

The closing days of the 83rd Congress showed Republicans and Democrats, conservatives and liberals, competing wildly for the honors of sponsoring the most extreme anti-Communist legislation. Coming on top of the Oppenheimer decision, which declared our leading atomic scientist a "security risk" because of associations with Communists during the late '30s and early '40s, this seems to leave no doubt that the American Communist Party is, even if in an indirect and distorted way, the dominant issue in American politics this year.

Now it just happens that I was one of the principal leaders of the American Communist Party for a quarter of a century (1921-1945), was its chief spokesman for twelve years (1934-1945), and was its candidate for President in 1936 and 1940.

I am not a Communist now. I broke my relations with the Party in 1945, when it made a big change in policy which I could not accept. The Communists say they kicked me out, which is accurate enough for practical purposes; my books are outlawed among the Communists, and in their purge trials behind the Iron Curtain men have been hung for confessing their possession. It is one of those weird items that make the post-war world seem like a madhouse that the Communists say the American State Department published my books in Europe to subvert their governments, while Senator McCarthy uses the same books as evidence of Communist subversion in the State Department. Thus I am on the blacklist in both Moscow and Washington.

Before The Cold War

It was not always so. For years I was a welcome visitor in both these cities, and treated with great respect; I was one of the channels of cooperation between these two centers of the communist and capitalist worlds. That was in the old days before the Cold War, when both sides seemed to want to make friends instead of denouncing each other at the top of their voices.

It is, of course, quite true that there was a great deal of cooperative relations between the American Communists and people in public life, Democrats and Republicans, over the years of the Roosevelt Administration. It is also true that the Communists, in the main, supported Roosevelt and his policies, and that their help was welcomed and sought by the Roosevelt camp.

What is difficult for most people to remember today, when the terms "Communist" and "outlaw" have become identical in the public mind and Communists are hunted down like rabbits, is that this is something new, that for some 12 years the Communists were "respectable" collaborators in public life, "just another political party" as the saying goes, even if a bit unorthodox and peculiar. Yet precisely that fact needs to be remembered now, if our nation is to keep its balance, keep its sense of historical perspective, and not

become hysterical.

Today the climate of public opinion outlaws the slightest association with Communists, and this is being enforced by more and more Draconian laws. But only a few yesterdays ago the climate of public opinion was quite otherwise. This fact may be illustrated by a relatively unimportant incident:

When Dewey Asked for Help

In 1937 an ambitious and able young Republican named Thomas E. Dewey made his first election campaign for the position of District Attorney of New York County, traditionally strongly Democratic. His organization felt the need to gather votes wherever they were to be found, and solicited Communist support. The issue came to me, and I said, of course, support Dewey. This was done through a Trade Union Committee, headed by a well-known Communist named Louis Weinstock. When Dewey won the election that Committee gave him a "victory banquet," at which he was photographed arm-in-arm with the toastmaster, Weinstock.

Of course, Dewey was as innocent in this association as Oppenheimer was in his which began about the same time, though the motive was different. It was a political marriage without love on either side, purely one of expediency. Dewey got his office, and the Communists got some racketeer enemies cleaned out of the New York Painters and the Food Workers Unions, which enabled us, together with our allies, to lead these unions for the next eight years.

We might equally well illustrate this climate of public opinion favorable to Communist participation in public life from 1934 to 1945, by another incident equally unimportant in itself. Today the Attorney General's list of "subversive organizations," association with which in the past may cause any worker to lose his job in defense industry, or any scientist to be placed "before a blank wall," is the name of the American Youth Congress.

In 1938 this organization held its annual national get-together in Cleveland, in the municipal auditorium, with a great mass meeting to open the proceedings, at which I, the General Secretary of the Communist Party, was advertised as a featured speaker. It was in the midst of the congressional election campaign and Robert A. Taft was then running for the Senate for the first time. His campaign manager, Charles Taft, approached the Youth Congress officials and asked that Robert be invited to address the same mass meeting; the answer was that, of course, he would be invited if assurance was given that he would not object to speaking on the same platform with Browder. That assurance was given, and Taft and I both spoke, being photographed grinning at each other in a most brotherly fashion.

What a far cry this was from 1950, when Millard Tydings

Explanatory Note—A Case of Informing In Reverse

For many years the government has been bringing pressure on Earl Browder, once head of the American Communist party, to turn him into an informer. As readers of the Weekly know (see Vol. I, No. 8, "The Man Who Refused to Be a Budenz" and Vol. II, No. 26, "Memo to the New York Times and the Alsops"), a perjury indictment was obtained against Browder and his wife by Roy Cohn when the latter was in the U.S. Attorney's office in New York, and then word sent Browder that all would be well if only he would "cooperate" with the government. Mrs. Browder's illness prevented the case from being tried, but the indictment has since been severed and Browder will soon face trial alone on a trumped-up charge arising out of Mrs. Browder's application for citizenship eight years ago.

In this article, Browder finally "informs"—but not the

way Roy Cohn wanted it. He "informs" on Dewey and Taft to illustrate the different atmosphere which existed in this country in the 30's and early 40's—and to criticize current "security" standards. For a hounded man, with no organizational support, treated as a pariah by the Communists and with suspicion by the anti-Communists, it took great courage to write this article. Magazines which would have been happy to buy a different kind of "memoirs" from Browder turned this down, and he sent it to the Weekly in desperation. We are happy to print it. We believe it is useful ammunition for loyalty and security proceedings. And we take the unusual step of suggesting that those readers who like it, and appreciate what it represents, can help Browder fight his case by making a contribution and sending it to him direct at his home, 7 Highland Place, Yonkers, N. Y.

Scientists, Government Workers and Writers Now Blacklisted for Much Less

... Asked For, and Obtained, Support from the Communist Party

was defeated for the Senate by a faked photograph ostensibly showing him in my company, a photo manufactured from two separate pictures by, so I am told, Mr. Don Surine of Senator McCarthy's staff! But today any scientist who was so unfortunate as to be a youth in 1938, and was caught in that photo with Robert A. Taft, would have a long and rough path to a security clearance.

Another name on the Attorney General's "subversive list" is the League of American Writers. At its 1937 convention opening in Carnegie Hall, New York City, featured speakers included the famous novelist Ernest Hemingway, the poet and later Librarian of Congress, Archibald MacLeish, and the then Communist Earl Browder. Presumably it was my presence on this program which later, *after the organization had been dissolved*, caused the Attorney General to list it as subversive. But it was fully in the spirit of its times, the spirit which in the same year brought Tom Dewey into active collaboration with the Communists and which the next year brought Taft and myself onto the same platform. But how many young writers whose names were listed as members have been harried out of public and private employment in these later years for following their example!

FDR, Willkie and Browder

Still another name on the "subversive list" is "The Committee to Free Earl Browder." I had gotten into trouble with the Roosevelt Administration when the Second World War broke out. Roosevelt had welcomed our previous attacks against isolationism, and was quite angry when we changed after the Soviet-Nazi Pact. Therefore he gave the green light to members of his cabinet who demanded that I be punished for the change. As a result I was arrested on an old passport case dug out of the archives of the Hoover Administration, which never before seemed important enough to prosecute, and sentenced to four years in prison. Wendell Willkie won the Republican presidential nomination in 1940 in a campaign which opened with an article in which, among other things, he criticized Roosevelt for sending me to prison for my ideas while pretending it was for my acts. The government itself admitted before the Supreme Court that my supposed "crime" was one of those "acts not in themselves wrong," that it did not injure any person or the government, that it "did not involve moral turpitude," and that it "must be construed as having no implication of evil purpose."

After Pearl Harbor one of my friends went to Roosevelt to ask him to order my release from prison. Roosevelt answered that he was very angry with his aids for the kind of case they had made against me, but that he was surrounded by enemies even in his own administration and, therefore, could not be in a position of interfering with a judgment of a court without good reason in public policy. He said it was necessary for Browder's friends to make the case for his release by public agitation and enlightenment on the ground of advancing thereby the nation's war effort. When that was done he could and would act.

As a result of President Roosevelt's words, the Committee to Free Earl Browder was formed, issued millions of leaflets, published full-page advertisements in two dozen of the country's leading newspapers, and held a national conference in Madison Square Garden, New York City, with thousands of delegates from labor unions and men in public life attending. Over 9,000 seamen on the Atlantic Convoys signed petitions for my release. When these results were placed in Roosevelt's hands, he ordered my release from prison as an act to help consolidate American national unity. He chose the time for his action under the advice of Mayor LaGuardia of New York City and Senator Elbert Thomas, chairman of the Foreign Relations Committee, as these men informed me personally later and as I learned from other sources. The Committee to Free Earl Browder existed for less than six months, its aims had been endorsed by the Republican presi-

dential candidate, by the chairman of the most important Senate Committee, and by the Mayor of America's largest city. Then it had been acted on by the President, granting its request. But years later, the security files of the U.S. Government are filled with accusations against individuals based on their association with that Committee, which is accepted as one of the marks of a "security risk."

The League Against War and Fascism

Another organization on today's "subversive list" is the American League for Peace and Democracy, one of those named subversive long after it was dissolved, not when it was active. Congressman Dies recently testified that it had six or seven million members and that nearly every Cabinet member during the Roosevelt Administration, at one time or another, spoke under its auspices, gave letters of endorsement and other expressions of encouragement to it. Mr. Dies overestimates its real membership, which never went much above five million, but he does not exaggerate its influence which reached the majority of the country at its peak, and its lists of speakers and sponsors look like a cross-section from *Who's Who in America*. I was a national vice-president of the American League until its dissolution at the end of 1939; this, presumably, is taken as justification for naming it as "subversive" long after it went out of business. Thereby five million people (or seven or eight million, if Mr. Dies' figures are accepted) are on the list of "security suspects."

Up until after 1945, it is simply an inescapable fact of life that not even the Communist Party itself was considered in the broad circles of public opinion as "subversive." This is shown by one little incident:

On February 18, 1945, a telegram was delivered to me in my office at Communist Party headquarters, which began: "The American Bar Association wishes to invite you to participate in its new radio discussion program, 'Let's Face the Issue', Sunday, March Four from New York on the topic, 'Should a World League Permit a Nation to Veto Sanctions Against Itself?'" It went on to say that my fellow participant probably would be Senator Jos. Ball, Sen. Fulbright, or Philip Jessup of Columbia University.

Did Not Think of Themselves as Subversive

I can add from my own knowledge that the great majority of Communist Party members did not consider their tasks as subversion, and if there was then a minority of a different mind, they had to keep their opinions secret or face expulsion from the Party.

I speak of the Communist Party only as I knew it from being its principal leader until 1945. In that year the Party suddenly changed its policy, following an intervention ostensibly coming from French Communist leaders. I opposed that change, and warned that it would cut the roots of the Party in American society and isolate it. I was expelled from the Party for this open declaration of opposition and have had no connection with it since then. Events since that time have fully borne out my judgment. The vast majority of its members soon left it, and it lost all serious national influence.

What happened after 1945 is another story. Events have proved that the Communist Party's break with the policies I had given it was one of the first steps toward the Cold War which I had foreseen as a possibility and had done everything in my power to prevent, considering it a catastrophe for every nation involved. I hold no brief for the later actions of the Communist Party. But its stupid policies have so isolated it as to destroy any capacity it might conceivably have for serious harm, except in its role as a spectre to frighten the timid bourgeois into hysterics. The current uproar about "outlawing" the Communist Party is a vulgar comedy unworthy of a serious self-respecting and powerful nation. And the confusion worse confounded as to who and what should be considered "subversive" is the greatest internal menace to our national sanity.

The Weird Question Posed by the New Lattimore Indictment:

Can A Man's Opinion of His Own Opinions Be Perjury?

Washington—Legal opinion here seems agreed that the new indictment obtained by the government against Owen Lattimore is likely to fare more poorly in the courts than its predecessor. The two new counts merely restate in new form the old Count I which Federal District Judge Youngdahl threw out, and on which he was upheld 8-to-1 in the Circuit Court of Appeals.

The old Count I said Lattimore lied in saying that he had "never been a sympathizer or any other kind of promotor of . . . Communist interests." The Circuit Court ruled that "even if 'promotor' were a perfectly certain term (which we do not decide), the presence of the uncertain word ['sympathizer'] is sufficient to destroy the count."

This was the heart of the indictment. The Government could have appealed. When reporters asked the Solicitor General's office last August why the decision was not being appealed, the answer was to "draw your own conclusions." The *Washington Post* in an editorial (Aug. 21) commented, "The conclusion which we draw is that the Solicitor General felt that he could not in good conscience defend an indictment which should never have been brought." This analysis was privately confirmed, lifting the curtain for one peep into the biggest behind-scenes story of all—the fact that Solicitor General Sobeloff to his credit was unwilling to appeal the decision because he agreed with it.

Doesn't The Government Believe Budenz?

The alternative was to bring in a new indictment. The obvious move was to indict Lattimore for denying under oath what Budenz had sworn—that he had "heard" Lattimore referred to in party circles as a Communist. Budenz was summoned before the new grand jury, but no such count was forthcoming. Either the government does not trust its own star witness, Budenz, or Budenz is unwilling to say under cross-examination what was only wrung from him reluctantly before the McCarran committee.

Instead of thus boldly taking the heart of its case into court for trial, the government did a flimsy rewrite of Count I. It created one new count by taking out the word "sympathizer" from the old Count I and leaving in "promotor."

Then it created another new count by doing what it had been refused the right to do in the courts. The Circuit Court said "the vagueness" of the old Count I "cannot be cured by a bill of particulars." What the new Count I does is to

The Only Safety Lies In Following Party Line Counter Clockwise

"This indictment lays bare the fact that this prosecution is a direct and immediate threat to anyone and everyone who has ever written or spoken on foreign affairs and whom the government chooses to attack for political reasons . . . Under this indictment, no writer on foreign affairs could be safe from prosecution unless during the past 20 years he had always opposed everything that Russia advocated."

—Owen Lattimore, on his new indictment.

present a bill of particulars but to change the allegation from "sympathizer" to "follower of the Communist line." This will be challenged as equally vague in a new motion to dismiss, which should be argued before the same District Judge, Youngdahl, unless the government changes the rules in an effort to get Lattimore. (See note on Page 5)

Heresy, Not Perjury

The indictment does not allege that Lattimore obeyed party directives, or was part of some conspiracy to carry out party policy. It merely says that he lied when he denied that he "was or ever had been a follower of the Communist line." This is a matter of opinion, and in this case of Lattimore's opinion of his own past opinions. This is a long way from those questions of fact and materiality on which ordinary perjury trials depend. Can a man's opinion of his own opinions be perjury?

The trial will indeed be an old-fashioned heresy proceeding in which words and phrases will be torn from voluminous writings to prove suspect views. An example: under Topic 2, Lattimore is accused of upholding the thesis that "The Soviet Union is democratic." But the passage cited to support this does not deal with internal policy in the Soviet Union. The passage cited is a 1938 review of Chinese, Japanese and Soviet press opinion of Japanese aggression against China in which the statement is made that *by contrast with the Japanese press*, the Soviet on this topic is "robustly democratic," showing "fervent sympathy for China." This is mis-splitting a very far fetched hair.

Those Nice Little German Playmates We Are About To Rearm

The September 24 issue of *The (London) Times Literary Supplement* prints a startling document. It is to be found in a review of autobiographies published in Germany by the economist M. J. Bonn and the Protestant theologian F. W. Foerster. Foerster writes in his "*Erlebte Weltgeschichte*" that whenever he reads Hitler or some pan-German text he can "only say that there are two totally different kinds of brain in the German people, so different that one can hardly believe them to belong to the same folk—the Leibnitz-Bach-Goethe brain and the Ludendorff-Haushofer-Hitler brain." Foerster says that the relationship between them "is that the Leibnitz-Bach-Goethe German always capitulates to the barbarians."

Foerster praises Adenauer highly, but fears a new capitulation of this kind may follow him. He sees the danger of a new "Leadership" in the Haushofer geopolitical school, which now has its center in Madrid. Foerster quotes a memorandum it issued in 1951 "and distributed to all influential quarters in Germany." This is the quotation:

"The present task of German policy can only be to regain full sovereignty and then, step by step, in the interest of all, to free Europe from American control . . .

"The policy hitherto followed of working with the West has become senseless. But for a long time to come a purpose-

ful policy of neutrality, combined with a policy of working closely together with the East, would be entirely preferable to a one-sided Russian orientation.

"All our leaders who knew what they were doing always recommended close cooperation with Russia—Frederick the Great, Baron vom Stein, Bismarck, von Seeckt, Count Brockdorff-Rantzau—and, in the past thirty years, all our geopoliticians.

"At the end of 1940 Hitler thought he was bound to break with this pro-Russian tradition because he needed the inexhaustible eastern supplies of raw material for a final reckoning with the Anglo-American power . . .

"Our present task must be to repair that blunder. In any event we must cease to be impressed by the stupid American talk of the 'Fight of Democracy Against Communism . . .' What Germany needs in future is not democracy.

"On the contrary she needs the development of an authoritative state power, like that of Soviet Russia, that will permit the military and political elite in Germany to concentrate the industrial potency of the world of Europe, and to use the military strength of the German people in the interest of the rebirth of the Nation and the revival of Europe as the power-center of the whole world."

Notes In Defense of Charlie Wilson and other Underdogs

A lot of Generals at the Pentagon would be happy if Wilson's "dog" remark led to his resignation. A blunt and honest old shop foreman, Wilson has been quite unawed by brass. His remark about kennel dogs did reflect the self-made man's contempt for those with less git-up-and-git. But what he had to say was taken out of context, which was that defense was not to be treated as "just something to dish out to keep somebody busy." Far worse than anything to be read into Wilson's remark is the way the labor leaders of this country take war and "war work" for granted as a way of maintaining employment. Wilson has been a force for peace in this capital, and that's more than can be said for the bloodthirsty Meany or the equivocal Reuther . . .

A judge who rules against the government is ipso facto biased. This seems to be the government's position in the motion asking Judge Youngdahl to disqualify himself for "prejudice" in the Lattimore case. Since the Judge was upheld 8-to-1 on the main count, and lost 5-4 on minor ones in the Circuit Court of Appeals, presumably the eight judges who supported him are biased, too. Having failed so far to convict Lattimore, Brownell would like to convict his judges.

Footnote on Those New Security Risk Figures: One of the top assistants to Bryant W. Bowles, the ex-Marine sergeant who is president of the National Association for the Advancement of White People, is Joseph Mifflin Danes, of Hartley, Del., an employe in Washington of the Navy Department. He was one of the three original incorporators of the hate association and is its vice-president for Delaware. Asked whether he was not afraid that his activities might get him fired as subversive, Danes replied "Not in the least."

As important as the Trieste settlement "normalizing" the relations between Italy and Yugoslavia is the little noticed normalization of relations between Moscow and Tito. In both cases nationalism has triumphed. In the former, Italian and Yugoslav nationalism triumphed over economic good sense: Trieste will wither away again as an Italian port, and can thrive only as a free port for Central and Eastern Europe (much as it did under the Hapsburgs). In the latter, nationalism triumphed over communism. On September 22, *Pravda* printed a long excerpt respectfully headed "Declarations by the President of Yugoslavia," the first such coverage since 1948 when Tito was cast into outer darkness as a "Fascist." Trade and diplomatic relations have been restored between Yugoslavia and the whole Soviet bloc. If Moscow is willing to co-exist with its own arch heretic, it will co-exist with anybody. Query: Will Moscow now be less draconian in

The Late Mr. Justice Jackson As Best Remembered

"Struggle to coerce uniformity of sentiment in support of some end thought essential to their time and country have been waged by many good men as well as evil men . . . Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinion achieves only the unanimity of the graveyard . . .

"We can have intellectual individualism and the rich cultural diversity that we owe to exceptional minds only at the expense of occasional eccentricities and abnormal attitudes . . . But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein."

—Justice Jackson in the *W. Va. Jehovah's Witnesses Flag Salute Case*, 319 U.S. 624 (1943).

dealing with East European "little Tito's"? Will it some day learn what years of imperial experience have taught the British—how to hold the reins of power lightly . . .

It is impossible fully to assess the meaning of the new Russo-Chinese accords but the setting and circumstances certainly demonstrate what Washington is so loathe to believe—the fact that China is no mere East European satellite of Moscow. Whether Dairen as well as Port Arthur is being given up by the Russians is yet to be answered. What worries the State Department most is the joint call for a new conference to unify Korea. The well-informed Constantine Brown reports in his column in the *Washington Star* last Wednesday that it is feared the Communists may agree to free elections under international supervision, and that a formal peace in Korea would make it impossible (1) to keep Peiping out of the UN and (2) to maintain the 7th Fleet in the Formosa straits. How the State Department misses Stalin! His intransigence kept everything in such nice, comfortable deep freeze.

A Fondness for Beef Stroganoff Figures in Deportation

During the course of a pending deportation proceeding, the Immigration Service called a witness in support of its charge that the alien advocates world communism. Following are the subjects covered by the witness, who had met the alien just once:

Football:

The witness testified that the alien had expressed a preference for soccer over American football. On cross-examination, the following testimony was given:

"Q. Now, did you interpret his opposition to American football as an insult to America?

"A. Well—as an insult to this country?

"Q. Yes.

"A. Certainly, it's not in line with the thinking of myself and other Americans."

Refrigerators:

"Q. Let me get it straight. They were against capitalism and they were down on this country. Is that it?

"A. They made sarcastic remarks about the United States.

"Q. OK now. What were these sarcastic remarks which they made? State one sarcastic remark.

"A. Well, it was not in keeping to say they don't believe in refrigerators and those other items.

Beef Stroganoff:

"Q. Are you able to recall what was served for dinner?

"A. Yes, I was. I believe . . . X and his wife told me what they would have for dinner. She said it was beef Stroganoff. Don't ask me how to spell it. . . . I meant to say too that Mr. X either when we were served or when we were eating it, he made mention of the fact that this was a favorite dish of Mao, as I recall. It might be Mel or Mao, as I say I recall it was Mao."

Russian Easter:

"Q. When X said that they celebrated Russian Easter and thought it was much better than Christmas, did you think that she meant that Communist Easter was much better than Christmas? Is that what you thought?

"A. I would say probably yes.

"Q. You would say probably yes.

"A. Yes. I have never heard of Russian Easter before."

—*American Civil Liberties Union-News (San Francisco)*, Oct. '54

A Way Around the Stale Russo-American Veto-and-Inspection Controversy

A Practical — and Therefore Disregarded — Proposal on The H-Bomb

When Vannevar Bush appeared before the Gray board in the Oppenheimer case, he was asked (p. 562) if he had tried to get the American government to postpone its first H-bomb test.

"I felt strongly," the famous scientist admitted, "that that test ended the possibility of the only type of agreement that I thought was possible with Russia at that time, namely, an agreement to make no more tests."

Dr. Bush explained that since it was possible to detect A and H bomb explosions anywhere in the world, "that kind of an agreement would have been self-policing in the sense that if it was violated, the violation would be immediately known."

"I still think," Dr. Bush told the Gray board, "that we made a grave error in conducting that test at that time, and not attempting to make that type of simple agreement with Russia. I think history will show that was a turning point that when we entered into the grim world that we are entering now, that those who pushed that thing through to a conclusion without making that attempt have a great deal to answer for."

Exploding Our H Bomb Helped the Russians

So far as I know no one has called attention to this passage in the voluminous testimony nor to the fact it discloses that at one point in the history of the H-bomb the new monster might have been curbed in a way which would have cut around the Russo-American controversy about effective inspection and the veto power.

Nor has anyone dwelt on two other points made by Dr. Bush in support of his position. One was (p. 563) that the explosion of an American H-bomb would at once enable the Russians to learn (through radiation detection) a good deal about how we made that bomb.

The other point made by Dr. Bush remains as terribly revelant today. "To us," the scientist testified (pps. 564-5), "with 500 KT fission [Atom] bombs we have very little need for a 10 megaton hydrogen bomb. The Russians, on the other hand, have the great targets of New York and Chicago . . . It is of enormous advantage to them."

In other words, of the two contending great Powers, the one which has the biggest cities and the most highly developed

industrial system, is the one more vulnerable to the bigger bombs and has most to gain by stopping the race toward bigger and "better" varieties.

The Burmese Now Make a Similar Proposal

A similar proposal to which little attention has been paid by either the Americans or the Russians was put before the General Assembly on October 1 by James Barrington, the chief delegate of Burma. It is worth reprinting in his own words.

"I would like to refer," Mr. Barrington said, "to a matter on which it should be possible to reach agreement despite the cold war. This is the question of the cessation of all further experiments designed to produce bigger and better thermo-nuclear and atomic weapons. If what we read in the newspapers is correct, the type of hydrogen bomb already in existence has sufficient potency to extinguish life on this globe.

"To continue the search for more powerful types," the Burmese delegate observed, "would in the circumstances seem to us to be particularly senseless. Such experiments would only add greatly to the existing tensions, thereby bringing nearer the day when these weapons of mass destruction might be brought into use.

"One of the principal obstacles to an agreement on disarmament has been the difficulties inherent in inspection and control. In regard to new experiments with atomic and thermo-nuclear devices, however, it seems that this difficulty does not exist since all atomic and hydrogen bomb explosions can be readily detected. *Any violaton of an agreement to stop further experiments would therefore become known at once.*"

A Focal Point for Useful Discussion

Here is a way at least to ease tension by stopping any further tests of bigger bombs. We will return to it in future issues of the *Weekly*, believing that the unnoticed Bush testimony and the little noticed Burmese suggestion offer a constructive approach. This way something might be achieved before the new Russian inspection proposals are buried in another round of the stale and perhaps unresolvable inspection-and-veto controversy between Washington and Moscow.

Let Us Send A Sample Copy of This Issue Free To A Friend

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.
 Please renew (or enter) my sub for the enclosed \$5:
 Name.....
 Street.....
 City..... Zone..... State.....
 Enter this gift sub for \$4 more (money enclosed):
 (To) Name.....
 Street.....
 City..... Zone..... State.....
 10/18/54

I. F. Stone's Weekly

Room 205
301 E. Capitol St., S.E.
Washington 3, D. C.

NEWSPAPER

Entered as Second Class Mail Matter Washington, D. C. Post Office

I. F. Stone's Weekly

VOL. II, NUMBER 38

OCTOBER 25, 1954



WASHINGTON, D. C.

15 CENTS

Why I Cast My Vote for Ike

I believe that the United States and the world will be better off if the Republicans stay in power a little longer. I think this important for two reasons, one in the sphere of foreign policy, the other domestic.

The overriding issue is that of peace. If the Democrats had been in power we might still be at war in Korea, we might have been drawn into open intervention in Indo-China. Despite Dulles and Radford, Knowland and Nixon, the Eisenhower Administration did end the fighting in the one place and keep out of the fighting in the other. Adlai Stevenson said at San Francisco on October 16, "While the President talks about peaceful co-existence with the Communists, Senator Knowland talks of war with Red China. When he publicly demands that we sever diplomatic relations with Russia, the President has to issue a quick and angry 'No'." The point Stevenson dodges is that Eisenhower *does* make the final decision for co-existence.

Adlai, Too, Grows Reckless

While Stevenson endorses what Dulles did in Guatemala, applauds the rearmament of Germany and hails the SEATO pact, he talks vicious nonsense about Indo-China, saying of the peace that there "the free world suffered its greatest disaster since the fall of China." He says irresponsible Republican talk has made our allies afraid of American recklessness. They can be no less afraid to hear Stevenson talking of "the growing attraction of monstrous China" and saying as he did in that same speech at San Francisco, "But co-existence with our obnoxious, aggressive and perfidious neighbors can never be peaceful." Nor can they be less worried when they hear Stevenson declaring in the best Acheson-Truman tradition, "Negotiation without strength, which some of our European friends seem to want, is madness."

Of course, "negotiation without strength" would be "madness" but no one is proposing any such negotiation. The U.S. and the West are hardly "without strength." Behind the Stevenson phrases is masked quite a different policy. "Negotiating from strength" was really a policy of speeding up an armament race *instead of negotiating*. Its hope was for unconditional surrender not negotiation. That was really madness in today's world. I much prefer to it what Eisenhower said here at Catholic University last November, "Those who seek peace in terms of military strength alone, I am certain are doomed to end up in the agony of the battlefield."

The Democratic leaders are so obsessed with the need to clear themselves of any suspicion of Communism, they and the trade union leaders supporting them are so ready to relapse into an arms race as an easy means of pump-priming that they have become the war party. Thus the 1954 Democratic

Fact Book for the campaign criticizes Eisenhower, not for his dramatic order 13 days after inauguration "unleashing" Chiang but for the secret agreement which followed requiring Chiang to "stay put on Formosa." The G.O.P. is criticized because it "refused even to send planes to aid France in the Indo-China war."

The Democrats are as unwilling out of power as they were in power to seek, recognize or welcome relaxation of tension. The Korean peace, the Indo-Chinese settlement, a Russian policy so changed that Moscow is willing even to co-exist with its own arch heretic and ex-satellite Tito—all these do not exist for the Democrats. The Administration by contrast has been easing up on East-West trade to the extent of removing 600 items from the embargo list and challenging Moscow (see the speech last Tuesday in Boston of the Deputy Assistant Secretary of International Affairs) to permit a "substantial increase" in trade across the Iron Curtain! It would be better if the Republicans stayed in power long enough to permit the tide toward peace to become stronger.

The give-away issue does not impress me because the Democrats are as bad as the Republicans in the greatest give-away of all—the give-away of our fundamental liberties and safeguards in the witch hunt. The Democrats boast of their Smith Act prosecutions, of their part in framing the new anti-Communist legislation and of their record in enlarging the FBI. The Bill of Rights is a more precious heritage than tidelands oil, TVA or Hell's Canyon. Here there is little to choose between the two parties, except that so many of the Democrats are "liberals" and therefore are to be judged more harshly. I am convinced that if peace is achieved, the miasma at home will clear up since its roots are fed by the Great Power struggle between U.S. and U.S.S.R. and draw no real sustenance from domestic issues.

Cutting McCarthy Down to Size

This brings me to the second reason why I prefer to see the Republicans stay in a little longer: McCarthy and the wild men. So long as the G.O.P. was out of power, it was content to use these Fascist demagogues against the Democrats. Once in power, it was forced to fight them—not because it wanted to, but because men like McCarthy are out for complete power. Their temperament must bring them into collision with whomever is in power. The G.O.P. has been forced to begin to cut McCarthy down to size and to downgrade his Senatorial supporters. It is an asset in the struggle against McCarthy to have it fought out within the Republican party instead of between the two parties. When McCarthy has been put in his place and peace more firmly established, Democrats could safely come back and pick up where the New Deal left off.

The Press Is Silent As Sinister Precedents Are Set

The Danger to Liberty in The New Smith Act Decision

Few people in this country are any longer intrepid enough to defend the rights of actual Communists. Most Americans thoughtful enough to understand nervously look the other way, as good Germans looked the other way when some poor Jew was being set upon by Brown Shirts.

Those few liberals who still command an audience on the air or in the press confine themselves to cases of mistaken identity, or the defense of persons with so "spotless" a past as to be virtual political idiots or to plead for forgiveness of those so foolish as to have been somewhat radical in the past.

This may help us to understand how the Spanish Inquisition, despite many ups-and-downs in the earlier years, established itself so firmly. There were men brave enough and politically powerful enough to defend, and sometimes to save, the *wrongly* accused. But no one defended the right to be a heretic. The opponents of the Inquisition acquiesced in its basic principles. And so it is in America today.

Yet it is as true today as it was then that the evils of the Inquisition, the distrust it spread between man and man, the terrible penalties it imposed for the slightest appearance of non-conformity, the pall it cast upon society, could only be fought by asserting the right of men to think and worship as they pleased, however dangerous or subversive that might appear to the majority.

The occasion for these reflections is the silence which has greeted the decision of the U. S. Circuit Court of Appeals last week upholding the conviction of Elizabeth Gurley Flynn and the "second string" Communist leaders under the Smith Act:

Against McCarthyism But—

Consider: Three New York City newspapers, the *Times*, the *Post*, and the *Wall Street Journal* have been critical of many aspects of the witch hunt. Two others, the *Herald-Tribune* and the *World-Telegram*, have been critical of McCarthy. Yet not one of them has examined this decision and discussed its implications for the basic liberties they have defended from time to time in their respective fashions.

True, it is about as arid and dreary an opinion as any editor was ever called upon to read. But it is arid and dreary because so many fundamental battles of principle have been lost in these Smith Act cases that the defense was pushed back into the murkier regions of legal metaphysics.

The main argument centered around the fine spun question of intent. How is intent to be determined in a prosecution for conspiracy where without proof of individual intent the statute would concededly be invalid? The discussion of this in the briefs and the opinion is as abstruse as medieval argument about the number of angels who could dance on the head of a pin.

The other, simpler, question was when danger becomes so "clear" and "present" that Congress may punish men for their utterances despite the First Amendment? No medieval schoolman could have been more wily in his dialectics than our judges in reading that Amendment as if it restricted the liberties it was supposed to protect.

Both these questions involve every one's freedom. The answers given to them by the Circuit Court weaken traditional safeguards of political liberty and fair trial. This, briefly stated, is how they do so.

A Law Aimed at "Dangerous Thoughts"

The Smith Act, under which these Communists were tried, makes it a crime (1) to advocate revolutionary doctrines, (2) to "print, publish, edit, issue, circulate, sell, distribute or publicly display" any such writings, (3) to organize, join or "affiliate with" any group which teaches such doctrines or (4) to "conspire" to do any of these things.

The law is so loosely drawn that only under (2) does it require that there be intent to overthrow the government.

Without the intent clause, it would be a crime to publish the Declaration of Independence.

Beginning with Judge Medina, the courts held that as written the Act was defective, and must be read as if it required "intent to overthrow" in all cases. Otherwise a college teacher discussing Marx with his pupils would be in danger of prosecution under the Smith Act.

How prove intent? Here it gets complicated. It is complicated first of all by the fact that none of these people were convicted of advocating revolution.

Where the government cannot prove that a crime is committed, it often falls back on the easier task of alleging that there was a "conspiracy" to commit the crime at some later date. So these people were convicted of conspiring at some future date to advocate overthrow of the government.

Short-Circuiting Normal Rules of Evidence

Now one of the advantages of a conspiracy prosecution is that ordinary rules of evidence are short-circuited. It becomes possible to prove one person's intent by what some other member of the alleged conspiracy said.

Here for example one of the proofs of intent was what Harvey Matusow testified that he heard a Beatrice Siskind say in 1948 in teaching a class in political economy. Miss Siskind was not a defendant, and there was no proof that any of the defendants knew what she was teaching.

We cannot enter into the subtleties of the argument. But we will pause a moment to summarize it for lawyer readers. Others may skip it.

The defense brief by Mary Kaufman and Harry Sacher brilliantly argued that the rule allowing third party statements to be admitted as evidence of state of mind in conspiracy prosecutions rested on a "fiction" derived from the law of agency (Holmes), that "such declarations are admitted upon no doctrine of the law of evidence, but of the substantive law of crime" (Learned Hand) and that they cannot be used in this type of prosecution, where the statute would be invalid under the First Amendment unless actual individual intent to overthrow were proven. The Circuit Court rejected this argument.

All this far-fetched hair-splitting adds up to something very serious. If this decision stands, then someone who has helped advance a Communist cause may be in danger of prosecution as a co-conspirator even though he was not a member. And his criminal intent to overthrow the government may be inferred from remarks or writings of which he may never have been aware.

No Longer "Clear" or "Present"

We come now to the second point. For 30 years, until these Smith Act cases, the courts had held that expressions of opinion could not be punished as sedition or seditious conspiracy unless there was really a "clear and present danger" to the government.

In the first Smith Act cases, Judge Learned Hand (and later the Supreme Court) changed this to the much vaguer rule, "In each case [courts] must ask themselves whether the gravity of the evil, discounted by its improbability, justifies such invasion of free speech as is necessary to avoid the danger."

But in this "second string" prosecution, the Circuit Court last week went further. It said the "clear and present danger" rule "connotes no more than that the setting in which the defendants have conspired is such as to lead reasonably to the conclusion that their teachings *may* result in an attempt at overthrow."

In other words, the danger need be neither "clear" nor "present"—it need only be potential—to warrant Congress and the courts in abridging freedom of speech and of the press. Some day the country will wake up to these sinister precedents, but perhaps too late.

A Quick Look 'Round the Capitol and Globe

Some Personal Choices in the Election: If we were in California, we'd vote for Condon and against Sam Yorty; in Oregon, for Dick Neuberger; in Idaho, for Glen Taylor; in Minnesota, against Hubert Humphrey; in Illinois, against Paul Douglas, not only because of his betrayal of liberalism on repressive legislation but because of his consistent pro-war attitudes; in Kentucky, for John Sherman Cooper, in many ways the best libertarian in the Senate; in Tennessee, for Kefauver; in Pennsylvania, for George M. Leader, the Democratic State Senator now running for Governor, who voted against the Pechan "loyalty" Act and didn't apologize for it; in New Jersey, for Case, to strengthen the anti-McCarthy liberals in the Republican party; in New York, we'd split our ticket several ways, casting a protest vote for McManus on the ALP ticket, a vote for Javits for Attorney General as one of the genuinely liberal Republicans, and if we were in that district, for Elizabeth Gurley Flynn, just as a way of voting against the Smith Act, and for a grand old lady who used to be a Wobbly and still carries over some anarchistic salt and savor among the often insufferably pious Reds.

We'd vote for every one of the 55 Congressmen who voted against the immunity bill (you can find their names in our August 16 issue); for Burdick of North Dakota and Multer of Brooklyn, the only two Congressmen to vote against the new anti-Communist control legislation, and of course for "Manny" Celler of Brooklyn who worked so hard and fought so hard on so many liberal issues. One of the best things about the expected Democratic victory in the House is that Celler will again become chairman of the Judiciary Committee.

Why Withheld So Long? Notice that just released testimony by Vannevar Bush, John von Neumann and others criticizing security standards for scientists was given before the House Government Operations Committee last June. The Gray board decision on Oppenheimer became known at the beginning of June, the AEC decision against him was handed down at the end of June. Though this had an important bearing on the issues, it was withheld four months until public discussion of the Oppenheimer case had died down.

McCarthy: Under guidance from his lawyer, Edward Bennett Williams, who is also an A.F. of L. attorney, may be trying out a "new look" for the coming fight over censure. On the air the other night he was the grave elder statesman, above the battle, loyal to his party, though hurt by attacks, sorry (as he hopes) that it will be defeated in the election, concerned over farm prices, ready (if only asked) to lead the Republicans out of the wilderness . . . The "Adelaide Case" affair (there now seem to have been three of her) shows, however, that Low Blow Joe is still at the same old business,

Portrait Of A Liberal Statesman

"The most extreme example of this liberal conformism is the new anti-Communist law which goes far further in its threat to civil liberty than anything McCarthy proposed—promoted by two of the most eminent liberal Democrats, Senators Humphrey and Paul Douglas.

"When I asked Douglas about this measure, he replied very fiercely that the Republican party does not really want to destroy the Communist Party. 'They keep it in existence,' he said, 'and use it to smear Democrats like myself. We liberals must destroy the Communists if this dirty game is to stop.'

"Is it unfair to suggest that his attitude is not unlike that of the Germans in the late 1920's who tolerated Jew-baiting in order to preserve the Weimar Republic?
—R. H. S. Crossman: "The Plight of American Liberalism," *the London New Statesman and Nation*, Oct. 16.

BULLETIN

Washington—The price being demanded by the British, French and Germans for ratification of the German rearmament agreement is a renewal of negotiations with Moscow for reunification of Germany. The Europeans, including Churchill, want a Big Four meeting with Malenkov. The State Department is trying to stave off pressure by agreeing to a meeting instead of the Council of Foreign Ministers. Whether the meeting of heads of state comes off or not, the Foreign Ministers are now expected to meet late this year or early in January.

and that there is some kind of underground among the witch hunters which enables them to pool their files for smear purposes when dirt is wanted against somebody they have marked for political destruction.

Petersen: There are indications that the arrest by the FBI of the "secret code" expert, Petersen, was intended to provide a background for the coming McCarthy censure fight, sensationally illustrating the "infiltration" of military security agencies as often charged by Joe. The case, however, is already fizzling out, and may collapse altogether, despite that advance ballyhoo about secrets so secret the prosecutor had to go through special clearance before he was allowed to know what it was all about. If this sort of nonsense continues, we'll live to see cases so "secret" they'll be heard in star chamber before specially cleared judges, guaranteed (unlike Youngdahl) to have the right biases.

Coincidence Dept.: Neither side of the Iron Curtain seems to have a monopoly of peoples living in wonderful unanimity. Recent elections in East Germany, like those in Guatemala, brought in a 99 percent verdict in favor of the government . . . Washington is worried by the sudden friendliness of Radio Moscow to Turkey . . .

Liberation in Korea: Walter Simmons, the Chicago Tribune correspondent, visited New Hope Village in a portion of North Korea above the 38th Parallel which is under Rhee's control, and reported "American military police have to drive through the streets of New Hope Village every half hour to keep pillaging South Korean soldiers out." The article was headed, "South Korean Army is Tough on Own People. It Preys on Refugees Who Return Home."

Hopeful Note: The admission in Budapest October 14 that "many" people there had been jailed on false charges by secret police using "criminally improper and provocative methods and false charges and statements" and the reappearance in Hungarian public life of many "purged" officials, some of them condemned in the Rajk trial.

Contempt: The three new "first amendment" contempt indictments against Lamont, Unger and Shadowitz will depend in large part on the outcome of the Harvey O'Connor case. O'Connor was to go on trial after the Supreme Court had heard the reargument of the Emspak case and decided that. But last week the Court took the Emspak case off the calendar until a new judge is appointed to succeed Jackson. One of the latter's last judgments was that in which the court reinstated Abe Isserman in the Supreme Court bar and granted a rehearing on his disbarment in New Jersey. Isserman is the second of the two lawyers—the other was Harry Sacher—disbarred in the wake of the first Foley Square Smith Act trials whose reinstatement to practice was thus indicated by the Court.

Next Week: As we go to press (Thursday morning) the new anti-Communist law and its impact on the Internal Security Act were about to be argued in Circuit Court here today and the Youngdahl bias motion in the Lattimore case tomorrow. Watch next week's issue for coverage.

What Senator Mansfield Failed to See in Indo-China

How Expect Corruptionists to Correct Social Inequity?

On October 15 Senator Mike Mansfield (D., Mont.) released a report on his recent visit to Indo-China. The report was given little attention by most papers, and did not even make the pages of the *New York Times*. It is a gloomy document.

The observers, diplomatic and military, on whom our government relies obviously are not competent. The Senator notes that when he was in Indo-China a year ago "experienced observers" were "almost unanimous" in predicting that joint Franco-American-Vietnamese efforts "could serve to check the Communist drive." The U. S. spent \$2,600,000,000 in the fiscal years 1950-54 on that bad guess.

As in China, a substantial portion of these sums ultimately went to help the Communists. Some 25 percent was invested in the areas which have been ceded to them, including improvements at the Hanoi airport where we built a runway big enough to "handle heavy bombers capable of striking at our bases in the Philippines."

"None . . . Is Broadly Based in the People"

South Vietnam is in a political crisis and the situation there "could give way to complete internal chaos" even before elections are held in 1956 under the Geneva agreement.

The Senator writes, "There is still the same short-sighted struggle for immediate gain among the various political groups, sects and factions. Each of these elements possesses some aspects of power in its organization, armaments or heritage of authority. *None, however, is broadly based on the people.*" (Italics added.)

Senator Mansfield pictures Saigon the capital of South Vietnam, as seething with intrigue: "The political plotting goes on in army circles, government circles . . . and even in the demi-monde of ill-disguised gangsters, pirates and extortionists."

The head of the government, Diem, is praised by Mansfield but is described as "a virtual prisoner in his residence." His program calls for "the elimination of some of the most brazen aspects of corruption and social inequity" but this "remains largely a paper program." Note the word "some."

The Prime Minister does not control the Army "nor does he have power over the Sureté or the police in the Saigon-Cholon area." The reason is that "by special arrangement with Bao Dai, the latter two are operated by the Binh Xuyen, a demi-monde organization which also controls gambling, and other questionable concessions in Saigon-Cholon." In other words, Bao Dai farmed out control of the police in the capital to the ring which operates its vice resorts.

The Prime Minister depends for support on "a tenuous alignment with two quasi-religious sects, the Cao Dai and Hoa Hao, each of which has a military force of some thousands of men responsive to its command." The kind of "religious" these are is indicated by a biographical sketch of the Hoa Hao leader to be found in the appendix (p. 45). This says of him, "He has a long police record of thefts and assaults, dating from his days as river-boat skipper or pirate and head of a gang of local ruffians."

How Square the Circle?

Senator Mansfield repeats from his last year's report that the basic problem is for the non-Communist government "to put down firm roots" among the people. He says this can only be done "if they deal competently with such basic problems as illiteracy, public health, excessive population in the deltas, inequities in labor and in land tenure, and village and agricultural improvement. Finally, it is essential that there be a constant raising of the ethical standards of government."

Here even our best observers like Mansfield firmly shut their eyes. Although Madison and Hamilton did, it is not respectable in America today to analyze situations in terms of economic classes. Nor to recognize that some things can only be accomplished by revolution. Revolution is a dirty word in America, except possibly on July 4.

But isn't it folly to expect rotten old brooms to sweep clean? Where the "Emperor" himself draws profit from the vice rackets, how fatuous to lecture his government on raising ethical standards? And how expect political factions whose only base is among the native users, landowners and capitalists to correct "social inequity"?

LET US SEND A SAMPLE COPY TO A FRIEND

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

10/25/54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. II, NUMBER 39

NOVEMBER 1, 1954



WASHINGTON, D. C.

15 CENTS

The Fatal Decisions Have Already Been Made

The picture in our minds of the atom bomb is of something that we have stockpiled in a kind of dark closet, which can be taken out and used if we so choose. But enough is known to indicate that this is misleading, that the atom bomb is not just another new weapon which can be held in reserve like poison gas or germs; it is a revolution in warfare.

There is now a whole growing family of atomic and hydrogen weapons adapted for use in various situations by various branches of the armed services. And if atomic weapons are being adapted to the strategic and tactical needs of the various services, then these services in turn must be adapted to the use of atomic weapons.

If one prepares to wage atomic war, one must recast one's army, navy and air force radically. This means that we are confronted with a decision of policy quite different from taking a bomb out of a stockpile. Once the basic decision is taken to make the next war atomic, many other decisions follow which make the first difficult, and perhaps in practice impossible, to reverse. For the war begins with armies, navies and air forces trained to attack with, and defend themselves against, fission and fusion weapons. The die that may mean the destruction of civilization is not only cast but loaded in advance.

What Montgomery Revealed

It is against this background that attention should be called to a talk given in London a week ago by Field-Marshal Lord Montgomery. With Generals Gruenther and Norstad, Montgomery is one of the triumvirate which commands the NATO forces. He spoke on "A Look Through A Window at World War III." And what he said, according to the London *Times* next morning (Oct. 22) was that "at Supreme Allied HQ they were basing all their operational planning on using atomic and thermonuclear weapons in their defense, and this called for a certain reorganization of their forces and in their strategy."

It is sometimes assumed that we will not use nuclear weapons unless the enemy does. But Montgomery made clear in London, as he did in a speech a few weeks earlier at Ankara, that we would use nuclear weapons for defense against attack, *whether that attack was atomic or not*. The decision has been made, the armed forces shaped, for atomic war.

In the light of these military realities, the renewed debate at the UN over atomic disarmament between the U.S. and the U.S.S.R. takes on a new significance. This debate is again plunged into another lengthy and arid veto-and-inspection controversy. This controversy—pitched in these terms—is insoluble. For there is no way to convince either side that

any system of inspection and control may not be evaded or abused by the other.

Unreal But Poisonous Controversy

The whole controversy in some ways is nonsense. Atomic weapons cannot be made in washtubs, nor launched without the most extensive measures of mobilization, dispersion, and defense in preparation for the retaliatory blow from the other side. As Montgomery said, the purpose of having active forces "in being" in peacetime "would make it impossible for the east to launch an attack successfully without a preparatory build-up of their forces, which we would know about." No iron curtain could hide the preparatory measures required to launch an atomic world war.

Nevertheless there is no way to convince the American public that the Russians might not make and catapult bombs in secret from some hide-away in Siberia, nor convince the Russians that the Americans might not utilize inspection to spy out the prime bombing targets of the U.S.S.R. In this atmosphere to debate veto-and-inspection, as Lodge and Vishinsky now are doing, is worse than hopeless. The world public is lulled into a false sense of complacency by the debate, while the real decisions have already been taken, the military vested interests on both sides built up, a juggernaut created which can move in one way only, the way of the A, the H and soon the C bomb.

It is this which makes the Krishna Menon proposal of last week so crucial. There was a kind of cosmic comedy in the way U.S. and U.S.S.R. hastily joined hands in shelving and thus shutting off General Assembly debate on the Indian proposal for a "truce" in the testing of new atomic and hydrogen weapons. This proposal, which was first made by Nehru last April and endorsed by Indonesia and Burma, alone offers a simple and enforceable way to put a stop to the atomic arms race, to ease tension and thereby to create an atmosphere in which further agreement may become possible. A "truce on tests" is self-enforceable because the new weapons are so powerful that if exploded their radioactivity is detectable anywhere on earth.

India spoke for mankind when its representative challenged the criminal rubbish on our side about using the atomic bomb "only in defense against aggression." Both sides in every war always claim to be *aggressed*. Menon uttered what may prove to be the prophetic epitaph of our civilization when he said use of H bombs would prove "suicide for the nations who used them, genocide for those against whom they were used, and infanticide for posterity." If there is still a peace movement left in America, this must be its platform. As a first step away from mutual destruction, no more tests.

New AEC Commissioner Is Pro-Oppenheimer, But Anti-Russian

General satisfaction has been expressed with the appointment of Dr. John Von Neumann as the new member of the Atomic Energy Commission. His scientific qualifications are indeed dazzling. Dr. Von Neumann is one of the great mathematicians of our time, with a record of past accomplishment in the development of the atomic and hydrogen bombs. His defense of Oppenheimer before the Gray board and his criticism of security standards last June before the House Government Operations Committee (in testimony just released on October 19) will make the appointment a pleasing one to the scientific community.

At the same time Dr. Von Neumann has other qualifications which may explain his choice by AEC Chairman Lewis Strauss. The co-author of the abstruse "Theory of Games" has no moral qualms about the H bomb. When asked about the morality of the H bomb during the Oppenheimer hearings, Dr. Von Neumann replied "My view on that is quite hard-boiled." He was one of the few scientists who was for

the building of the H bomb from the start. Dr. Von Neumann was also one of the few who was never friendly to Left. "I must say," he told the Gray board, in discussing security standards during the last war, "that I considered Russia an enemy from the beginning to the end, and to now, and the alliance with Russia as a fortunate accident that two enemies had quarrelled."

Dr. Von Neumann's background explains this early anti-Communist orientation. He is of Hungarian origin, and his family fled the country "very soon after the Communists took power" just after World War I. "As you grew up," he was asked during the Oppenheimer hearings, "did you and your family regard Russia as a sort of natural enemy of Hungary?" He answered frankly, "Russia was traditionally an enemy of Hungary . . . I think you will find generally speaking among Hungarians an emotional fear and dislike of Russia." Dr. Von Neumann will have no trouble getting his appointment confirmed.

Judge Youngdahl Refused to Be Intimidated

U.S. Attorney Leo Rover, a little bantam of a man, pounded the lectern and told the Judge he should be "American enough" to step out of the Lattimore case. Judge Luther W. Youngdahl, silver-haired, with a ruddy Scandinavian complexion, sat high above him listening with a face like a rock. Rover sounded like a District Attorney haranguing a jury in an old-time Wobbly prosecution.

The high—or low—point of his attack on the Judge for bias and prejudice came when Rover cried, "I am afraid we are developing a system of legal philosophy in this country that seems to be concerned only with the defendant . . ." This new-fangled philosophy is sometimes referred to as the presumption that a man is innocent until proven guilty.

Though upheld on appeal by David Lawrence and George Sokolsky, Rover affronted the entire bench in this district. So did Brownell by having one of his special assistants certify that the affidavit of bias and prejudice was filed in good faith. The law, as stated in the leading case, *Berger v. U.S.*, is very clear that such an affidavit must be "based upon something other than rulings in the case." The affidavit is also supposed to be "timely." This one was not filed until

after the Judge had been upheld by the Circuit Court.

Were lawyers allowed to act as the government did in this case, they could ask a judge to disqualify himself if they did not like his rulings on the preliminary motions before a case went to trial. The motion in the Lattimore case deserved its dismissal as "scandalous." Rover's argument was an aspersion not only on Youngdahl but on the respected Chief Judge Laws of the district who had again assigned Youngdahl to the case.

Lawrence and Sokolsky made much of Rover's argument that Youngdahl had no right to refer to the Tydings and McCarran committee hearings for background in throwing out the main count of the first Lattimore indictment. But the Court of Appeals in upholding Youngdahl said the government "not only referred to but quoted extensively from the hearings" of those two committees in arguing the appeal, as the record shows that it also did in the District Court. A feebler legal case could hardly have been imagined, and an attempt to intimidate met with a Judge who would not be frightened from doing his duty. The country is indebted to him.

A Quick Look Round A Troubled World

Israel: The latest issue of the *Jerusalem Post* (Sept. 27) to arrive here carries a dispatch from its well-informed London correspondent, George Lichtheim warning, "Everything that is known about the official Anglo-American viewpoint suggests that as soon as the American Congressional elections are safely over pressure will be applied to make Israel accept both frontier readjustment and financial reparations to the refugees, while the Arabs will be asked for nothing more than the signature of a peace treaty."

Soviet Bloc Justice: Improving. The release of Herman Field by Poland on the heels of the public confession of frame-up by the defector, Joseph Swiatlo, is encouraging. Now the question is—what happened to his brother, Noel, who disappeared in May, 1949, in Prague, and later Noel's wife, Herta? There is no reason whatsoever why "building socialism" requires the kind of secret police frame-ups admitted in Russia, Hungary and now Poland since the death of Stalin, nor why accused persons should not have the same right of public trial, legal counsel and appeal that exists in the West. One item that would grace Moscow's agenda in improving relations would be to clear the name of Anna Louise Strong, so rudely branded a spy and expelled without a hearing of any kind.

Indo-China: An undercover struggle is going on between the U.S. and France over South Vietnam. The Pentagon and the State Department would like to deal directly with the present government there, and to build up its armed forces

to the point where it could put down popular dissatisfaction and disunity. If the State Department has its way, there will be no elections in 1956, as promised by the Geneva accord. Those elections would almost certainly be won by Ho Chi-minh and lead to the unification of the country under his rule. Despite everything, Washington still thinks of Indo-China in military terms and is blinded by its own propaganda about "enslaved millions." One observer has just reported, "Practically every American who witnessed the Communist occupation of Hanoi testifies that it was orderly and that the people genuinely welcomed the Communists." This quotation, which illustrates what official opinion refuses to see, is not from the *Daily Worker* but from the October 29 issue of David Lawrence's *U. S. News and World Report*.

Signs of the Times: Labor's League for Political Education, A. F. of L., did not include the vote on any civil liberties bill in the compiled Senate and House voting record (1947 through 1954) it sent out just before election. Neither the votes on wire-tapping nor the amendments subjecting labor unions to the Subversive Activities Board nor the immunity bill was thought important enough to include though labor union representatives opposed all three. By contrast space was found for the vote on the George motion of 1949 which would have cut \$200,000,000 from the Military Assistance Act. Labor listed a vote for this motion as "wrong."

The Elections: We went to press the Thursday before the results were in, and will report on them next week.

That Humphrey-Morse Amendment Which So Alarmed the Press Last August**Little Attention Paid to First Test of New Thought Control Law**

Washington—When the late Mr. Justice Jackson was the chief counsel for the U.S. in the prosecution of the Nazi criminals at Nuremberg, he said of the legal system devised by the Hitlerites, "Laws were enacted of such ambiguity that they could be used to penalize almost any innocent act."

The characterization as aptly applies to the Communist Control Act hastily introduced in the closing days of the last Congress by panicky Democrats, particularly to the Humphrey-Morse amendment, now Section 5 of that Act (the official text may be found in our September 16 issue). This amendment established 13 criteria for determining who is a Communist. These are so vague that they brought alarmed protest at the time from many quarters.

The papers which were so alarmed last August are already indifferent in October. Only a handful of persons were on hand here last week when these new provisions were argued for the first time before the Circuit Court of Appeals. The case was the appeal of the Communist party from an order of the Subversive Activities Control Board requiring it to register. Three judges, Prettyman, Bazelon and Danaher heard the appeal last spring but ordered the case reopened for argument on September 13 to determine the effect of the new legislation.

This case is a time-bomb. If the registration order against the Communist party is finally upheld, any Communist who fails to register will face a fine of not more than \$10,000 or imprisonment for not more than five years, or both.

How Do You Tell?

How to determine who is a Communist? This is where the Humphrey-Morse Amendment comes in. Its criteria do not require normal proof, a membership book, paying dues, attending meetings. Instead they set up standards which would make it possible to convict anyone of membership who had ever done anything "to carry out in any manner and to any degree the plans, designs, objectives or purposes of the organization."

It would not be necessary to prove that a man was directed by the Communists. It would only be necessary to show that at some time and in some degree he had helped to further some objectives of the Communist party.

The Act does not say that these must be unlawful objectives. It covers any objectives. Since the Communists have favored almost every social reform from collective bargaining to old-age pensions, this covers a territory wide enough to enable a future government imbued with McCarthyite standards to send all kinds of people to jail for failing to register themselves as "Communists."

The dilemma that will face non-Communist radicals and liberals if this law is upheld was vividly pictured by defense counsel for the Communist party, John J. Abt and Joseph Forer (the late Vito Marcantino was chief counsel).

Even the Hermit Unsafe

"If such an individual decides not to register," they told the court, "he must of course take every precaution to avoid doing anything that can be used as evidence of membership. He must not express a view on any question until he has first ascertained petitioner's [i.e. the Communist party's] position. Thereafter, he must either give voice to the contrary opinion or remain silent. He must abstain from association or communication with any person who is a member of petitioner. And since he has no way of determining who may be found to be a member, he must shun association or communication with all men. Prudence therefore dictates that he live the life of a hermit. But there is no safety for him even in that course. Since the criteria of Section 5 are unlimited as to time, he may be dragged from his hermitage to be tried and convicted on the basis of some incident in his remote past."

When this case was first argued last Spring, the government insisted that the only issue involved was whether it could re-

quire the Communist party and Communists to register, as foreign agents are required to register.

But a man who registers as a Communist faces a quite different situation from one who registers as a foreign agent with the Department of Justice. All kinds of publicity firms, advertising agencies, writers and speakers are registered with the Department as foreign agents. The fact of registration as such carries neither disgrace nor private and public sanctions.

Self-Outlawry by Registration

But to register as a Communist under this Act and in this atmosphere is to outlaw oneself from society. Under the Act, it is made a crime for a Communist even to *apply* for a passport. It becomes a crime for a Communist (under the new amendments of last August) to hold office or employment with any labor union or—on the other side of the fence—"to represent any employer" before the National Labor Relations Board. In addition any organization in which a registered Communist works is itself in danger of being forced to register as "Communist infiltrated."

This far from exhausts the roster of penalties which face a man who registered as a Communist. All kinds of laws, state and federal, subject Communists to many kinds of prosecution for sedition and conspiracy; provide for their deportation and denaturalization; bar them from housing projects and other benefits. Communists may be disbarred or refused the right to practice their professions. Finally few employers in any business would hire a man who was a registered Communist. His plight will be that of a "non-Aryan" in the Third Reich, forced to wear the badge of shame and suffer all the liabilities of second-class citizenship.

The government's own lawyers showed themselves queasy about the new legislation in their argument. Their strategy has been to try and evade as many issues as possible. Last spring they tried to avoid the broader questions of constitutionality. When the court ordered the case reopened, government counsel touched last and lightly on Section 5, and hurried on as if the less said about it the better. Their argument was that Section 5 "merely lists certain matters of circumstantial proof to be considered by a jury" and that "such evidence would not, by any means, necessarily be conclusive."

A non-Communist radical or liberal would in other words be free to rebut the inferences drawn by the prosecution. He would be free to try and prove that his advocacy or promotion of certain Communist causes did not mean that he was a Communist. But this would also mean that the burden of proof would be on him.

Section 5 vividly illustrates the dangers for non-conformist political thought of an act which singles out one party for outlawry, lumps together lawful and illegal activities, proscribes both alike, and then having driven the Communists underground must snoop, prod and speculate on who is a Communist. This is the evil Truman foresaw when he vetoed the Internal Security Act in 1950, and this is the evil which is inescapable when a government sets out to police ideas instead of confining itself to prosecuting crimes.

OUR 3rd BIRTHDAY COMING

The beginning of our third successful year of publication is in sight and some readers have already begun to send in their renewals. Those who can do so early will earn our thanks. And don't forget that with your \$5 renewal you can send a gift sub to a friend for only \$4 more. Use the blank on the reverse page.

Is The Guatemalan "Free World" Farce to Be Played in Italy, Too?

Lippmann Reports Talk of "Temporarily" Resorting to Fascism Again

Two reports by Walter Lippmann last week from Italy are disturbing. They reflect a readiness to relapse into a Fascist solution for Italy's problems. He found (Oct. 19) that the Christian Democratic party lacks "the will, the energy, the purpose and a good reputation for integrity." By contrast, the Communists and the Left Socialists are not only a power among the workers and the South Italian peasantry but have acquired "great support and influence in the middle class."

Lippmann reports the possibility that the Left might win an election. But he says the non-Communist parties control the State, the army and the police and are determined not to give up power "if they fall behind in the count of heads." The phraseology is instructive. The high rhetoric of the democratic mystique is suddenly deflated, and we have a mere "count of heads."

Mr. Lippmann reported (Oct. 21) a talk with an Italian official. This official after telling about the decision not to give up power if voted out, added: "of course the answer will require actions which will in fact put in charge of our affairs soldiers, policemen and men who are temporarily akin to the Fascists."

The next remark indicated that his interlocutor himself was not so sure about the "temporarily." He went on to tell Mr. Lippmann, "So we shall avert the Communist danger but the price may be the loss of our democracy and our liberties."

Mr. Lippmann is a responsible journalist with access to the highest circles. The talk reflects an attitude of mind which is very dangerous. It accepts the failure of democratic forces to deal adequately with Italy's problems and acquiesces again in the use of the bludgeon and terror.

Is this a trial balloon to prepare opinion for a new rightist dictatorship in Italy? Mr. Lippmann is ready to enlist, and thinks only "the basic decision should be brought into the open." He does not give the answer Mr. Justice Holmes once gave in a famous case. "If in the long run," Holmes said in *Gillow v. New York*, "the beliefs established in proletarian dictatorship are destined to be accepted by the dominant forces of the community, the only meaning of free speech is that they should be given their chance and have their way." This is too exhilarating a faith for syndication.

Ungrateful Germans

"Near Kaiserslautern some 30 atomic cannon from the United States have been installed, able to fire at a range of many miles (some say 80), using shells like the Hiroshima bomb. Dr. Adenauer thanked the U.S. for these guns. The inhabitants of Mannheim, Ludwigshaven, Mainz, living 80 miles west of those guns, have not."

—Berlin dispatch, Peace News (London), Oct. 15.

Now, as Mr. Lippmann recognizes, there is probably not going to be a revolution in Italy. Moscow will do its best to prevent it, because a revolution in Italy would almost certainly bring World War III. The Soviet Union is more interested in obtaining a breathing spell for its own industrialization and China's.

But and this is the real point, the mood Mr. Lippmann reports lets the Italian capitalist and landowning class know in advance that they need make no reforms because the government will use force to put down discontent. To do this is to remove whatever pressure there is on the most backward and corrupt ruling class in Western Europe. The liberal reformers and the Fanfani left of the Christian Democrats will lose all leverage.

A free society must live dangerously or it cannot live at all. It cannot be half free. Its health depends on a tug-of-war in which revolutionaries may play a useful role by frightening ruling class elements into necessary reforms. To say in advance that the "count of heads" will be disregarded by force is in turn to do more than block the peaceful way to power of the revolutionaries. It requires by its dynamic and logic—the logic of Fascism—the suppression of all elements which favor social change or criticize repression.

Mr. Lippmann reflects an attitude of mind which threatens again to make people in Italy choose between dictatorship of the right or left. In the context of Italy, where the latter—as Mr. Lippmann also recognizes—at least can provide social reform and industrial development, there is no doubt on which side the majority will be. The path sketched out by Mr. Lippmann can only lead to disaster, or to creating in Italy another and bigger Guatemala to disgrace "the free world."

LET US SEND A SAMPLE COPY TO A FRIEND

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

11/1/54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. II, NUMBER 40

NOVEMBER 8, 1954



WASHINGTON, D. C.

15 CENTS

On Adlai's Accusing Ike of Marxism

In the closing days of the campaign, a real issue was touched upon. This was when Stevenson accused Eisenhower of affirming that our prosperity "has been achieved in the past only at the price of war and bloodshed" and thereby of echoing "standard Communist propaganda." This effort to picture the President himself as a security risk was the high point of a campaign in which Republicans and Democrats accused each other of being Communists, an accusation unfair to all three.

Now Eisenhower, who probably has trouble distinguishing Karl from Harpo, did not exactly say what Stevenson charged. The President had said in Cleveland the night before that unemployment today was far less than in 1949 and 1950 and one-third what it was in 1940. He added that those who got work in 1950 and 1940 "got it only when we went to war and they went either into uniform or into war plants." And he asked, "Now do we want war in order to solve our economic difficulties?" Though loaded and leading, it was a good question.

It would be ignoring the giant accomplishments of American capitalism in mass production and mass distribution to picture it as a vampire, capable only of living on blood. But it is a fact that the New Deal had failed to end mass unemployment when the Second World War came along, that a postwar recession was precariously ebbing when the Korean war broke out, and that a new recession began once the Korean fighting ended.

Stevenson's Silly Season

It was a silly bit of question-begging for Stevenson to orate in reply, "let me say to our friends and our enemies beyond the seas that no one who sincerely believes in free capitalism can believe that we can only be prosperous when at war." This was yodelling, not discussion. Few people anywhere any longer believe in "free capitalism"; most people have come around to the view that the market must be managed by private or public means or both if it is to operate efficiently. How manage it so that the pump can be primed peacefully? That is the question.

What *are* we going to do if world tension dies down? In the calendar year 1953, one dollar out of every five spent in this country was spent by the military. Total disposable income was 250 billions. "Major national security" expenditures were 52 billions. The current slump was brought on by a reduction of only \$6 billions in military expenditure. What would happen to business if those expenditures were cut in half, or by disarmament eliminated altogether?

Neither Eisenhower nor Stevenson show the slightest readiness to discuss the kind of spending for peaceful reconstruc-

tion at home and abroad which could possibly replace such huge sums. Highways, schools and hospitals—the favorite topics touched on by both parties—would not come anywhere near filling the gap. Judging by the experience of the New Deal, pump-priming for peace would require measures of quite a different order: new TVA's, giant regional quasi-socialist development projects, the clearance not only of urban but of rural slums, the reconstruction of American agriculture, and finally genuine economic planning for the maintenance of employment. This is the spirit in which we ought now to be taking a good look at the enormous expansion of productive capacity which took place under the stimulus of military demand since 1940.

Comfortably Assuming Endless Trouble

On the contrary all the economic studies being made inside the Administration and by the New Dealers outside assume with complacency that world tension will continue for many years and provide a crutch for American business. Whether one looks at the Staff Report of the Joint Committee on the Economic Report, at the Department of Commerce study of *Markets After the Defense Expansion*, the National Planning Association projection to 1960 or the President's Materials Policy Commission projection to 1975—everywhere one finds assumed a standing army of three to four million men, with annual "defense" expenditures of not less than 40 billion dollars a year. The stability of American capitalism is predicated on the very formula it suspects the Soviet bloc of applying, a policy of neither war, nor peace.

To speak of this as a defense problem is semantic deception. The Democrats talked as if we were dealing with certain fixed amounts of necessary expenditure on which the Republicans were foolishly "skimping." A more accurate figure is that of an international poker game, in which the sky is the limit. The problem has direction and momentum as well as magnitude. Each boost in "defense" on one side forces a similar boost on the other. An arms race is an ascending spiral of expenditure and fear which can end only in war. The Republicans, frightened by the slump, have already given up trying to slow the race down a little. The Democrats would speed it up again. This is the sense in which American business *has* been made dependent on war; the sense in which American society *will* slip into war as an easy way out. This is the process we must somehow reverse. How to do so is a challenge to American business enterprise and political leadership which cries out for study, now that the wackiest of all recent election campaigns is over, and sensible discussion may be possible again.

Balance Sheet of An Election Which Failed to Add Up

What Happened? Nobody knows. The President in the final spurt stressed "peace." The Democrats stressed "jobs." There is no reason to believe that either issue was as potent as many of us would like to believe. Neither was that other major issue, the slump in farm prices. Nor the aging Red bogey. How put the Gillette defeat in the farm country, Thurmond's write-in victory in South Carolina, the ALP's low vote in New York, Ferguson's loss in Michigan into any consistent pattern? The fact is that local and State issues and irritations were as or more important than national issues in many areas. Economic distress is obviously not as widespread or important as the Democrats thought, nor peace as vital a concern as Ike's advisers imagined. The election will make little difference, even though as we go to press Neuberger's victory in Oregon promises a Democratic Senate as well as House. On some issues Ike will find a Democratic Congress more amenable than a Republican. The aviation lobby will be happier with its friends, the Democrats, in control of Congress. And Low Blow Joe, almost saved by the squeak through of Case, the one Republican he would not support, will lose his committee chairmanship, i.e. if the Democrats organize the Senate. They seem reluctant to take responsibility, have no real leadership, not much program.

In the House: With the return of the Democrats to control, it is sobering to realize that only one liberal, Celler, will take over a major committee chairmanship, in his case Judiciary. Of the 12 major chairmanships, nine go to Southerners: Howard W. Smith (Va.) of the "Smith Act" becomes chairman of the powerful Rules committee; Barden of North Carolina, whom the labor movement detests, takes over the Labor committee. Barden is to the right of Eisenhower on revision of Taft-Hartley; Smith is to the right of him on practically everything. An item for students of our "two party" system is the shift in the chairmanship of Agriculture, where Cooley of North Carolina will succeed Hope of Kansas. Both opposed Ike's flexible price support program.

Death Knell for the Un-Am? One bright spot on the House horizon lies in the announcement by Walter of Pennsylvania that he will ask for the abolition of the House Un-American Activities Committee. Since Walter is slated to become chairman of this committee and is one of the most respected and influential conservatives in the House, a move by him to abolish the Committee would have a real chance of passage. Velde's effort as chairman to subpoena Truman was the finish for Democratic members of the committee. Walter's move would not mean the end of the witch hunt in the House. He would shift the search for "subversion" to a subcommittee of Judiciary (like the Senate Internal Security subcommittee of Judiciary). Walter is the single most powerful member of Judiciary; a conservative rather than a reactionary; a man with a deep respect for law which made him an unexpected ally last session in key civil liberties battles, notably against the Butler bill which he almost blocked.

Now the Democrats Will Investigate: Whatever happens to the Un-American Activities Committee, the emphasis in investigations will shift this next session. The Democrats, still smarting from Brownell's attacks on Truman in the Harry White "revelations," are out to dig up the dirt on the

Republicans. The Dixon-Yates power contract is No. 1 on the list; No. 2 is the inquiry launched by Senator Hennings of Missouri into the Brownell-Rover attempt to intimidate Judge Youngdahl in the Lattimore case. No. 3 will be a thorough debunking by House Civil Service of the "numbers game" played by the Republicans, especially Nixon, in juggling security risk discharge figures. Walter touched on this when he told the United Press there was a "strong temptation" to continue the Un-American Activities Committee in order to investigate the Nixon charges "but," he added, "I feel it is more important to abolish the committee." The thought of seeing Nixon grilled by Walter is most engaging.

Liberal Balance Sheet: Pleasant to record are the return of O'Mahoney (Wyo.), Murray (Montana), Kefauver (Tenn.) to the Senate. It is disappointing that Condon was defeated in California and that Glen Taylor did not make it in Idaho. We still hope for Case's election in N. J. and deeply regret John Sherman Cooper's defeat in Kentucky. The Democratic sweep in Pennsylvania brought a promising liberal, George M. Leader, into the Governorship, and in New York, Javits, one of the few genuine liberals in the Republican party showed a vote-getting power for Attorney General that will make the Old Guard sit up and take notice. The idea of having an Attorney General of a party different from the Governor's is an excellent one, as current experience here shows where Brownell is treating the Attorney Generalship as a political rather than a law enforcement office.

Not A Murmur: Government is the big industry of the District of Columbia. Every newspaper in it has a special column devoted to the interests of government employees. Not a newspaper in it but has protested at one time or another some outstanding idiocy or injustice in the security program. Such incidents are innumerable and a constant topic of government gossip. Yet not one newspaper took note of what was for Federal workers the biggest whopperoo of the campaign, Eisenhower's statement at Cleveland October 29, "Throughout the government from top to bottom there has been applied a security program that is tough and thorough, but is absolutely fair. No one man can say that his civil rights have been unjustly damaged through the operation of that security program." The President's ignorance of all factual matters is notorious, but no paper wondered who on his staff would write a script for him containing such an offensive falsehood. Nor did any paper notice that the best Stevenson could say in rejoinder over CBS two nights later was his "me, too" reference to "the orderly search for disloyalty among Federal employes which, listening to the Republicans, you would hardly know was started five years before they came to Washington." The Democrats want to be sure and share the credit!

For New York Readers

Recommended: the series of lectures being given by that grand old timer, Scott Nearing, at the Cornish Arms Hotel, 311 W. 23rd St., each Tuesday night this month, at 6:30 p.m. on the Social Crisis and at 8:30 p.m. on World Events. I can remember the days when Nearing took on Bertrand Russell and Professor Seligman of Columbia in defense of socialism, and he remains as salty, vigorous and independent as ever.

Why Were Owen Lattimore's British Publishers Interrogated?

I hope some member of the British House of Commons will press the Home Secretary for more specific information on the cooperation between the English police and the FBI in the Lattimore case. The written reply given by the new Home Secretary, Major Lloyd George, to the questions in the House October 28 was far from complete.

Major Lloyd George admitted that on two occasions British publishers of books by Lattimore had been questioned at the request of the FBI. The first occasion was in 1952, when a U.S. Embassy representative was allowed to question one British publisher with an English police officer present.

The Home Secretary said the second occasion was last September when New Scotland Yard received a request from the FBI "to obtain certain information" in connection with the prosecution of Lattimore for perjury. A British police officer saw the principal members of two publishing houses and asked for the names of witnesses who could testify as to the number of copies printed in England and the countries in which these copies had been sold. The policeman was informed, according to Major Lloyd George, that neither firm would cooperate.

It was not explained just how information on the number

of copies printed in England and the countries in which sold could possibly have a bearing on a prosecution for perjury in America. The Home Secretary was less informative in discussing the earlier incident. He did not disclose what questions were asked, or what was then the excuse for the interrogation.

In this country, calls of this kind have become familiar. Ex-Communists who decline to "cooperate" with the FBI often find that the refusal has cost them their jobs. An FBI man merely need call on their employer "for information." The employer only has to learn his employe's background and to know that the FBI is watching him to dispense with his services. This is the mechanism that drops the guillotine.

Our embassies abroad are not bashful about trying to interfere with books they do not like. A call from the police might intimidate a publisher. "Ordeal by Slander," Lattimore's own story of his experiences at the hands of McCarthy, was published in England in 1952 by MacGibbon & Kee. It helped to awaken readers abroad to the witch hunt here. Was MacGibbon & Kee by any chance the publisher involved in the 1952 interrogation, and did "Ordeal by Slander" figure in it?

A Serious Setback for the FBI In England

The questions raised in the House about the Lattimore case have already had one good effect. The Home Secretary in his answer of October 28 explained that there was "a standing arrangement whereby the police in this country assist the police of any other friendly country in making inquiries in criminal cases."

Major Lloyd George said that the action taken "in this case was so much regarded as a routine response" that the matter was not brought to the attention of the Home Office. "I have given instructions," he added, "which should ensure that in any comparable case which might arise in future no action will be taken by the police in this country until there has been an opportunity for the matter to be considered at a high level."

This implies that requests for aid from the FBI will no

longer be taken at their face value and automatically responded to. In any "comparable" case, the matter will first be considered "at a high level."

This recalls the Eisler case in 1949 when a London magistrate declined to permit that fugitive's extradition to America. Sir Laurence Dunne ruled "in no circumstances whatever could the offense of which he [Eisler] was convicted in America come under the technical head of perjury in this country."

Actually there is no difference in legal theory between the crime of perjury in England and the crime of perjury in America. The only difference is in the current practice here of using indictments for perjury as vehicles for political persecution. What Sir Laurence Dunne recognized as a magistrate, Major Lloyd George recognizes as England's top administrative official for police matters.

What The British Press Does Not Yet Realize

The British press is exercised over the Lattimore case and welcomed the Home Secretary's statement. *The New Statesman and Nation* of October 30 sees the case as a "Battle for the Soul of America" and says that Attorney General Brownell is "no longer able to distinguish between a court of law and the kangaroo courts of Senators McCarthy and McCarran.

The august London *Times* said in an editorial October 26 that the facts "arouse an uneasy feeling of persecution rather than of prosecution." The *Manchester Guardian* said on October 28: "The British police ought never to have allowed themselves to be used in an American political vendetta."

But the *Manchester Guardian* failed to grasp the full significance of the Lattimore affair when it said "the case has been an exception—a shocking and disgraceful exception—and is far from typical of American procedure."

The Lattimore case is indeed exceptional when looked at against the background of our American past. But when examined against the foreground of recent legislation, it will be seen that this is the exception which threatens to become the rule.

If the courts uphold the registration provisions of the Internal Security Act of 1950, especially as amended by the new Anti-Communist Control Law fathered by panicky Democrats last August, the Lattimore case will become the prototype for a new heresy-hunting era.

Lattimore is not accused of perjury for denying some simple fact. He is accused of perjury for denying that he followed Communist party line. The trial of such an issue

must become a contest in casuistry with a jury asked to determine from selected bits and pieces of voluminous writings whether Lattimore was by current American standards a heretic.

If the new laws are upheld, writers like Lattimore who deny that they are Communist party liners need not be tried for perjury where the prosecution is hampered by the traditional safeguards which Anglo-American law provides for those accused of this crime. Writers may be brought to court and convicted more easily for failure to register themselves as Communists, a crime for which the penalty may be as much as five years in jail and a \$10,000 fine.

The importance of the Lattimore case does not lie only in its test of the China Lobby's power to pervert American justice and of Attorney General Brownell's readiness to enlist without scruple in that enterprise.

To read the voluminous documents submitted to Judge Youngdahl on October 28 in support of the motion to dismiss the new indictment is to get a preview of what lies in store for other American liberal and radical writers under the Internal Security Act and its 1954 amendments.

The agonizing task of trying to set the writings of a busy lifetime in the perspective of other times and atmospheres, the humiliating effort to prove that one was not a Communist, the painful task of reconstructing in context the odd bits and pieces torn from one's writings by the prosecution—this will become the fate of a whole generation if the new laws are upheld.

Copies of this issue are being sent to leading British editors and members of Parliament.

Those Ungrateful Germans Already Show Signs of Independence

Adenauer Does A Churchill on Dulles's Very Doorstep

Washington—No less than three times the packed assemblage of newspapermen, advertising agents and lobbyists at the National Press Club gave Adenauer a rising ovation. He was hailed for his "labors day and night in the cause of world peace" and "in the common cause of freedom." He was described as the "iron-willed Chancellor" and compared inevitably to Bismarck, that other iron Chancellor.* Adenauer seemed extraordinarily sturdy for a man of his years. His face is round and flattish, his brow high and fringed with gray, his complexion a pale white, his voice pleasantly soft.

Though fresh from signing a treaty of friendship and commerce with Secretary Dulles, Adenauer went off the reservation. The State Department might have forgiven his statement that Germany had "a special interest" in "normalizing" relations with the Soviet bloc "because only through such normalization can Germany's reunification in peace and freedom be brought about." This was safely vague. But when the Chancellor again spoke, as he has in the past, of a non-aggression pact between the Western and Eastern blocs, the Department let reporters know this did not accord with its views.

In his personal relations with Dulles, Adenauer is as obsequious as only a German can be. But here he was following Churchill, not his American benefactor. Adenauer's proposal for a non-aggression agreement between East and West all but used the hated word "Locarno." Herr Felix von Eckhardt, the West German press chief, tried to repair the damage with a hastily summoned press conference in which he explained lamely that Adenauer had used the word "*abkommen*," a vaguer term for agreement, rather than the stronger words "*vertrag*" or "*pakt*." What difference this made never did become clear. Actually Adenauer used the German words "*vertraglich geregelte beziehungen*" (relations regulated by agreement) when he spoke of an East-West "relationship which would offer all those participating security against aggression."

The implications, like those of the Churchill Locarno, rankle with Dulles. For they imply that the Russians, too, may have genuine fears about their security which need to be allayed.

*The Germans alone seem to favor "iron" as the material for their statemen.

This does not at all accord with that Manichean vision Dulles nurtures of the Western forces of light combatting the Eastern forces of darkness. In any case he has not yet given up his dream of "liberation" in which the rearmend Germans are cast to play the role of liberators. This he made clear in that interview with C. L. Sulzberger which the *New York Times* printed October 30; all adrip with the Secretary's characteristic and oleaginous religiosity. (One might think he spent his life at Sullivan & Cromwell as a corporation parson, available on hire to open directors' meetings with prayer.) The Secretary indicated he would never, never agree to co-existence under conditions which would leave the Poles and Czechs "enslaved." This implies that he wants the Russians "pushed back" to their old borders. The Germans are to be rearmend to do the pushing.

Adenauer may have other ideas. The one sentence in his address which will mean most at home was: "Korea and Indochina are examples containing a special, unmistakable warning to all Germans." It is not natural sentiment alone which make reunification Germany's first concern. It is the fear of becoming another and bigger Korea. This, and not "liberationism," is the mentality to which Adenauer must address himself. And it is to this mentality that the "Locarno" conception appeals, with its promise of a Germany protected by the U.S. yet at peace with the East. Adenauer this early, in response to inner German political necessities, was already showing himself an unreliable satellite.

The first question asked Adenauer was the No. 1 question of contemporary German politics, and he never did answer it. "Under what conditions short of war," it was put to him, can Russia ever be expected to acquiesce in German unification once West Germany is armed?" This set the Chancellor off into an extraordinarily long, verbose and non-responsive reply, which tailed off weakly into the statement that the problem was "just one part of the world tension today and if the world tension will decrease, and I believe it will decrease some day, then the time will have arrived for the resettlement of the problem of the reunification of Germany." This pie-in-the-sky reply, which was not reported in the American press, will read sourly back home *auf deutsch*.

Please Get Your Renewal in Early and Send A Gift Sub to A Friend

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

11/8/54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. II, NUMBER 41

NOVEMBER 15, 1954



WASHINGTON, D. C.

15 CENTS

McCarthy Falls Back on The Lunatic Fringe

Whether in desperation or self-destructive folly, McCarthy has sealed his own fate by the type of tactics he is using in the Senate. The 19-page pink-bound pamphlet of photostatic reproductions from the *Daily Worker* with which he plastered the Senate chamber represented about as silly a move as he could have chosen. Even his Senate supporters were appalled and the heading on the pamphlet, "Throw The Bum Out," was too apt for comfort. It is not dignified for a Senator to advertise the fact that someone has called him a bum. It is especially maladroit in a situation where he is about to be censured for bad manners and boorish conduct, i.e. for being exactly what the *Worker* called him.

The eulogies for the late Senator Hunt of Wyoming as the censure debate opened did not help McCarthy. They served to remind Senators of a colleague who was driven to his death by threats of political blackmail, involving smears against his family. The charge that the Watkins committee and the Senate itself were tools of a Communist conspiracy was cut from the same cloth. The simple issue is whether the Senate will permit McCarthy to use against its members and its integrity as an institution exactly the same kind of methods he has used to terrorize the State Department and the Army and other branches of the government. The answer is that it will not do so; the leaders of both parties are agreed on censure. McCarthy has cut his ties with the conservatives and must fall back upon the lunatic fringe where he belongs.

His coming defeat is given added importance because it will also constitute a defeat for the Fascist-minded wing of the Catholic hierarchy. Cardinal Spellman, who manages to

embrace Franco and McCarthy in his episcopal affections, is going to have to disown that Monsignor who charged that a \$5,000,000 fund has been raised to drive McCarthy from the Senate because of his "Catholic ideals." A man who encourages false witness, slanders without proof, and runs away from serious questions about his financial speculations is hardly the embodiment of any religious ideal. The question raised with Monsignor Martin by the seven Cornell faculty members, "Do you really want the American people to believe that the Catholic Church identifies the widespread concern over preservation of the Bill of Rights with opposition to Catholic ideals?" will reverberate until McCarthy is disowned.

It is our good fortune that we see only a caricature of Fascism. The screwballs coming into town with such people as Rabbi Schultz to support McCarthy are a poor copy of a March on Rome. McCarthy's declaration that the nation's fate is tied to his own would come fittingly from Der Fuehrer or Il Duce but just sounds a little wacky from an American imitator who has grown too big for his britches. The ultimate significance of what is happening is simply that American big business, unlike German or Italian, is not in the decadent and frightened state where it needs to call in psychopathic and gangster elements to protect it, nor is the American middle class in any mood for Fascist adventures. McCarthy's decline indicates that American-style Fascism, which masquerades as "hard" anti-Communism, has passed its peak. "Others who might otherwise have been enlisted," as McCarthy said, "will be discouraged from joining us." *That* is true.

That B-29 Incident—An Opportunity for Peace

Those who are interpreting the latest B-29 incident as a deliberate attempt by the Russians to make the U.S. lose face in the Orient are talking nonsense. If Moscow was thinking in such terms, it would not be going out of its way to woo American good will and to moderate past anti-American propaganda. The tone of the November 7 celebration was one of peace, not only toward Western Europe but toward the U.S. as well. The B-29 affair was an accident. Neither side has a monopoly on mistakes and on trigger-happy airmen. My guess is that those responsible for shooting down the U.S. B-29 on November 7 are in plenty trouble.

If the Russians are well-advised, they will take advantage of the incident for peace. The President went out of his way in his speech to the National Council of Catholic Women next day and again at his press conference on Wednesday to take a conciliatory attitude in marked contrast to his own Senate majority leader, Knowland, and the Congressional fire-eaters.

A Russian offer to permit a neutral commission to investigate these border incidents and to interrogate the airmen of both sides, coupled with a promise in advance to accept the decisions of such a commission, would make a major contribution to better relations with the U.S. Such an offer should be accompanied with a promise, if the U.S. would do the same, to punish any airmen held accountable and to pay damages.

If it is true, as the Russians have charged, that U.S. planes have been engaging in photographic reconnaissance of Soviet territory from the borders of the U.S.S.R., an international commission of inquiry would be a good forum in which to air such complaints. On the other hand, if the Soviets, as seems reasonable to believe, have sometimes also had too quick-on-the-trigger airmen, nothing would do more to improve the atmosphere than to determine the truth and punish those responsible.

(Continued on Page Three)

The New Supreme Court Justice and the "Clear and Present Danger" Doctrine

No Sign of A New Marshall or A Harlan in John Marshall Harlan

Tristram Shandy's father (who believed in the power of a name and therefore baptized his son Hermes Trismegistus Shandy) would have been delighted with the choice of John Marshall Harlan for the Supreme Court. A man bearing the names of both John Marshall and John Marshall Harlan would have seemed to him fated from the baptismal font for the highest bench.

But the bearer of such fragrant names need not necessarily be a judicial rose. There is no reason at the moment to expect that the new appointee will turn out to have the stature of a Marshall. There is good reason to believe that he will not prove to have that noble passion for minority rights and civil liberties which made his grandfather and namesake one of the greatest libertarian judges ever to sit (1877 to 1911) on the U.S. Supreme Court.

The grandfather's glory colors the view of the grandson. It is unconsciously assumed that he will see the segregation issue as the grandfather did in his anti Jim Crow dissent in *Plessy v. Ferguson*. Perhaps he will. But in other respects parallels are already foreclosed.

Last Wednesday, for example, in welcoming the new appointment, the *Chicago Tribune* recalled that on its Tribune Tower are inscribed the words of Justice Harlan's famous dissent in *Patterson v. Colorado*, "I cannot assent to that view, if it be meant that the legislature may impair or abridge the rights of a free press and of free speech whenever it thinks that the public welfare required that to be done. The public welfare cannot override constitutional privileges . . ." Precisely the opposite view has already been urged by the grandson.

Three weeks ago on the Circuit Court of Appeals in New York, Judge Harlan wrote the opinion which upheld the conviction of Elizabeth Gurley Flynn and the "second string" Communist leaders under the Smith Act. The elder Harlan would have thought a peacetime sedition act and a conviction under it for "conspiracy to advocate" completely un-American monstrosities.

But the grandson in a drearily written and obscurely reasoned opinion not only upheld the convictions but put forward a new interpretation of the "clear and present danger" rule which further undermines the First Amendment. As we pointed out in the *Weekly* for October 25, Judge Harlan ruled in effect that the danger need not be either "clear" or "present" but only "potential" to warrant Congress interfering with free speech and free press.

Judge Harlan wrote that the rule "connotes no more than that the setting in which the defendants have conspired is such as to lead reasonably to the conclusion that their teachings may result in an attempt at overthrow." This takes us back to the law of constructive treason in the worst days of the English common law.*

It is always hazardous to be dogmatic about what a man will do once he is on the Supreme Court. All of us left of center protested in 1930 when Hoover appointed Charles Evans Hughes only to see that "Wall Street corporation lawyer" write some of the best decisions in defense of fundamental rights ever to come from the Court. But there is little reason to expect any similar surprise from this new recruit from the highest reaches of the New York corporate bar.

A prime factor in the appointment seems to have been the new Judge's personal acquaintance with Ike in war-time London when Harlan was an Air Force officer. The best that can be said of him is that unlike some of the cronies Truman put on the Circuit and Supreme Court benches, Harlan is at least a lawyer of ability and reputation. As an unknown quantity also, he seems preferable to a Dewey, a Dulles or a Brownell.

Had Judge Harlan written an opinion on the Circuit Court which threatened property rights as his Flynn opinion threatens freedom of political expression, he would of course be subjected to sharp questioning by the Senate Judiciary Committee and have trouble getting himself confirmed. But who cares about the First Amendment! We'll be surprised if the committee even bothers to hold a hearing.

* Judge Harlan did show a laudable independence of the government day after his appointment when he joined in rejecting a motion which would have revoked bail for Miss Flynn and her co-defendants.

For Chicago Readers

Lecture Note: I. F. Stone (and Carey McWilliams of *The Nation*) will speak on "The True Nature of Internal Security and How It Is Threatened" at 2 p.m. on Saturday, November 20, in the Congress Hotel, Chicago, during the National Lawyers Guild convention. There will be a panel discussion under the chairmanship of Prof. Malcolm R. Sharp. The public is invited, as it also is to hear Alvarez del Vayo on the prospects for co-existence at the Guild's annual banquet Saturday night.

The Ill Effects Can't Last Longer Than 5,000 Years

MR. ARTHUR HENDERSON (Rowley Regis and Tipton, Lab.) asked the Prime Minister whether, in view of the further nuclear explosions in Russian territory, he would propose to President Eisenhower and Mr. Malenkov that all nuclear and atomic explosions should be suspended pending the outcome of the subcommittee of the United Nations Disarmament Commission.

SIR WINSTON CHURCHILL (Woodford, Cons.)—We should all be much happier if there were no need for nuclear and atomic explosions. There are several proposals regarding these weapons before the United Nations; it is there that a solution should be sought at the present time, and I am not at present persuaded that Mr. Henderson's suggestion would aid the solution.

MR. HENDERSON said the suspension of nuclear and atomic explosions would greatly lessen the suspicion and mistrust which was making the achievement of a world disarmament agreement so difficult.

SIR WINSTON CHURCHILL replied that he was not convinced that a cessation, wholly or partly, of those explosions would be best achieved by our intervention, or by his personal intervention, at the present time.

VISCOUNT HINCHINGBROOKE (South Dorset, Cons.) asked whether the Prime Minister would be prepared to make clear, at some

suitable time, his attitude on the question of a treaty or pact of renunciation by the leading world powers on the first use of the atomic or hydrogen bomb.

SIR WINSTON CHURCHILL said he considered that should be considered along with all other proposals to lift the cloud of peril from the world.

MR. PHILIP NOEL-BAKER (Derby South, Lab.) asked whether that suggestion had not been embodied in the Anglo-French memorandum which the United Nations Commission was now considering.

SIR WINSTON CHURCHILL. That is very good.

MR. PAGET (Northampton, Lab.) asked how many of those explosions it would take to make the atmosphere lethal, and whether they were cumulative.

SIR WINSTON CHURCHILL said he believed they were cumulative, and certainly an undue number of them might have very serious effects. He was informed, however, that 5,000 years was about the limit of the time during which the atmosphere would be afflicted.

There was some laughter at this, and Sir Winston Churchill added that he did not mean to treat in a facetious manner what was perpetually in everybody's mind.

—Parliamentary Report, House of Commons, Nov. 2

White House Leaks The Story: How Ike Vetoes Bombing of China

(Continued from Page One)

We would never stand for Russian planes coming as close to our borders as our planes have been coming to Soviet territory. Fifteen miles is very little in the days when planes make 600 to 700 miles an hour. General Eisenhower has the good will in the current atmosphere to suggest that our planes had been operating in disputed territory. Were Moscow to match this with an equally conciliatory statement, something might be achieved.

The situation here is this: the election returns are susceptible to any number of interpretations, none very substantial. The White House staff believes (1) that but for Eisenhower's last-minute intervention there might have been a Democratic landslide and (2) that it was the peace issue which prevented a Republican debacle. Whether true or not, it has strengthened the President's very genuine personal desire for peace and created a more favorable situation than existed before. Ike believes that he may win in 1956 if he can show progress toward world peace.

An index of what is going on was provided by the "leak" to the *Washington Post* from the White House Monday of a sensational story. This said that in the Quemoy affair Eisen-

hower vetoed a 3-1 recommendation from the Joint Chiefs of Staff, endorsed by Dulles, to allow Chiang Kai-shek to bomb inland China and if there were an attack on Quemoy to permit American planes to join in the bombing. Admirals Radford and Carney, and Air Force Chief of Staff General Twining favored the recommendations. Ridgway, as in the case of Indo-China, was the one voice on the JCS against intervention. So was then Undersecretary of State Walter Bedell Smith. And oddly enough in this case, according to the *Washington Post*, so was Nixon, who felt such an attack would undercut the G.O.P. "peace" campaign.

Chalmers Roberts, who wrote the *Post* story, as he did its earlier expose of the Indo-China affair, reported "the Quemoy affair has spurred the President to seek a way out of the impasse of American policy in Asia in relation to Red China. This is what has been behind Mr. Eisenhower's recent foreign policy statements with their strong accent on the search for peace." Ike denied at press conference that Chiang had been "ordered" to desist from attacks on the mainland; he did not deny that Chiang had in fact been "requested" to do so. Surely in this juncture, perhaps through Britain or India, new progress toward settlement may be achieved.

The Teapot Dome of the 1956 Campaign: The biggest issue shaping up for 1956, and one which threatens to ruin the Republicans, is the Dixon-Yates deal. Only the surface has yet been scratched and when the full story is known it is likely to wreck several members of the President's official family, including the man on whom he most relies in atomic matters, Lewis Strauss. This is not meant to imply that Strauss has done anything illegal, but that his rightist anti public power preconceptions have led him to run interference enthusiastically for one of the strangest contracts and business affairs in government annals. Some smart promoters have thought to make hay from the G.O.P. hatred of TVA, the symbol of the first successful large-scale experiment in socialist methods and regional planning in American history.

Spy Sensation Fizzles: That pre-election spy sensation, the Peterson case, which was wrapped in so much mystery, began to fizzle out last week once the government was forced to file a bill of particulars. The Chinese radio code he was alleged to have unlawfully possessed at his home can be purchased at the Chinese embassy here for commercial use, and the army decoding machine he is charged with having in his home can also be purchased (it turns out) from Army surplus authorities. He is also accused of having taken notes on the government's success in breaking the Dutch secret code, but is not alleged to have passed this information on to the Dutch authorities. By the time this case gets to trial, it promises to be a considerably marked-down sensation.

Luce's Disappointment in Toynbee: Although the Russian revolution occurred in one of the world's most religious countries and the largest Communist party of the West is in Catholic Italy, some people have been sold the idea that religion insulates people's minds against communism. As long as Arnold Toynbee preached a kind of Christian eschatology in history, he was their pet. But now that Toynbee in his

final volumes and last week here at the National Press Club preaches co-existence, he has lost favor. Thus *Life*, which dabbles constantly and nauseatingly in a fake religiosity, said bitterly of him in its issue of November 8, "In his practical advice to his fellow mortals, Toynbee can be as shallow and commonplace as the next pundit." *Life* seems to object even to co-existence with other religions, deploring "an exaggerated respect for that of others." It says "Great actions are now required of us" (an atomic war?) and wants no faint-hearts interfering with emotional mobilization.

Fuchs and the H-Bomb: A valuable aid in deflating spy hysteria is the article on "Fear and Information" in the November issue of the *Bulletin of the Atomic Scientists* by L. W. Nordheim, a theoretical physicist who was director of the physics laboratory at Clinton and adviser to Los Alamos. Nordheim was present at the famous 1946 conference on the H-bomb which Klaus Fuchs also attended. While not disparaging the need for security, Nordheim feels that "blabbing" is a greater menace than espionage and that we overestimate what can be stolen in the way of secrets. Of the successful Russian thermonuclear explosion in 1953, Nordheim writes, "From what we know of it, this device clearly represents the result of an independent development of their own, which may or may not have been started before our great debate at the end of 1949, but certainly not much later. Considering the time factors involved, it simply cannot have been the outcome of treasonable transmittal of information from our side."

Guess Who, Or How Unconscious Can A Senator Get: "Like Thomas Jefferson he waged an unrelenting war on all forms of tyranny over the minds of men. He championed unpopular causes and espoused unorthodox views regardless of political consequences. He insisted on the same right for others."—*Tribute to McCarran by McCarthy, Senate, last Tuesday.*

A Teacher of Philosophy in a Well Known College Writes—

In a letter asking that we send another philosophy teacher a sample copy of our October 11 issue on the Hunter College trials ". . . and may I say I know of no publication in America today more useful to educators who will take advantage of it than *I. F. Stone's Weekly*. The ethics involved in your choice of coverage and in your comment, and the adequate documentation, make it inval-

able. I regularly direct my students in social ethics to it, and am in process of persuading the members of the local American Civil Liberties Union here that they cannot afford to be without it."

Our thanks to that kind reader. Why not help us reach others by sending a gift subscription today to a friend, and by using the blank on the reverse side to get your renewal in early. —I. F. STONE

They Finally Got John Paton Davies—On The Ninth Try

The Need for A Double Jeopardy Clause in Loyalty Proceedings

John Paton Davies, Jr., was tried nine times on loyalty charges, and finally cashiered for "indiscretion" on the ninth try. John Stewart Service had been cleared once by a grand jury and six times by the State Department Loyalty Security Board when he was fired—on the eighth try. John Carter Vincent had been cleared three times when he was finally "retired" on the fourth turn round.

Just by the law of averages any government can get any man if it can try and try again. The evil is not limited to government officials. Edward U. Condon, once head of the Bureau of Standards but now in private employment, is being put through the hoops of another investigation after having been four times cleared.

William W. Remington, after being cleared in loyalty proceedings, was tried for perjury. When the conviction was reversed the government tried him again—this time on the ground that he had lied in the course of his first trial.

Harry Bridges, whom the government has been trying to deport since he led the San Francisco waterfront strike in 1934, is now the subject of a fifth try by the government, in the guise of a suit for denaturalization. But substantially it is the same case the government lost four times before.

In various ways, by various subterfuges, the government is violating the spirit if not the letter of one of the most ancient safeguards of the Bill of Rights. This was designed to save people from the pain, expense and risk of being prosecuted, or sued, over and over again for the same offense—until the desired conviction was obtained. Without it, just by the law of averages, any government can eventually "get" any man.

The provision in question is that part of the Fifth amendment which says no person shall "be subject for the same offense to be twice put in jeopardy of life or limb." This is the famous "double jeopardy" clause which is supposed to prevent the government from trying or punishing any man a second time for the same offense.

Of all the provisions of the Bill of Rights, none is older than this. It was solidly established in the common law as

far back as the days when Norman French was still the language of the courts.

Said an early Federal decision (42 Fed. 590), "we will find no principle of the common law grounded upon the rock of the Magna Charta more firmly rooted than that no man shall be twice vexed with prosecutions for the same offense." Another early State decision (17 Pa. 126) said the "right not to be put in jeopardy a second time for the same cause is as sacred as the right of trial by jury, and is guarded with as much care by the common law and the Constitution."

A committee of lawyers would perform a public service if they made a study of the way this safeguard is being eroded in contemporary political prosecutions, and suggested some means of extending it to loyalty proceedings.

Ostensibly these are purely administrative and carry no penalty and are therefore outside the scope of the "double jeopardy" clause. But in fact discharge for disloyalty is more serious than many types of criminal convictions; lives and careers are blasted forever.

A Choice of Fictions

While the law acquiesces in the fiction that such proceedings are not serious enough to warrant the protection of the double jeopardy clause, apologists for what is happening urge that loyalty proceedings are *too serious* to be accorded constitutional safeguards.

Thus the *New York Herald Tribune*, approving the Davies ouster, said editorially (Nov. 7), "To provide maximum safeguards against infiltration, subversion and error, doubts of the reliability of a government servant are to be resolved in favor of national security, rather than of the individual concerned."

This view threatens to reverse centuries of struggle. Had it prevailed, there would have been no Bill of Rights at all. The excuse of "national security," the harsh treatment of "subversion and error," the relegation to secondary place of individual rights and justice—these were the familiar standards by which in earlier times heretics were burned for the good of society and their own presumed salvation.

Please Get Your Renewal in Early and Send A Gift Sub to A Friend

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.
 Please renew (or enter) my sub for the enclosed \$5:
 Name _____
 Street _____
 City _____ Zone _____ State _____
 Enter this gift sub for \$4 more (money enclosed):
 (To) Name _____
 Street _____
 City _____ Zone _____ State _____
 11/15/54

I. F. Stone's Weekly
 Room 205
 301 E. Capitol St., S.E.
 Washington 3, D. C.

Entered as
 Second Class Mail
 Matter
 Washington, D. C.
 Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. II, NUMBER 42

NOVEMBER 22, 1954



WASHINGTON, D. C.

15 CENTS

How Chiang and His Henchmen Made Money on the Korean War

The Hottest Question McCarthy Ever Evaded

Why don't the Korean war generals now flocking to McCarthy's standard, men like Stratemeyer and Van Fleet, ask McCarthy to explain the soybean speculation he financed so successfully just before Communist China intervened in the Korean war? This question, touched on gingerly by the Gillette committee, is the hottest of all the questions McCarthy has so far evaded.

Very few people know that on the eve of the Korean war Chinese Nationalist interests established a virtual corner on soybean futures as if they knew what was coming; that they cleaned up \$30,000,000 on their strange foresight; that Senator McCarthy through a friend financed a flier in soybeans later that year, just before the Chinese Communists entered the war; that the funds he used were loaned him for anti-Communist purposes; and that one of the questions he never answered was whether he had "confidential information" with respect to soybean futures.

Here is the story. This is the time to tell it. And this is the time, when McCarthy is wrapping himself in the mantle of patriotism, for some Senator to get up on the Senate floor and ask McCarthy to explain.

The story begins four months before the Korean war broke out. At that time the long-term prospect for soybean prices was downward. China, with the civil war over on the mainland, was resuming her old role as a major producer and exporter. In February, 1950, *Standard and Poor's*, the authoritative survey of financial and commodity markets, said of soybeans, "the long-term outlook is for lower prices as world supplies become normal."

Yet in March of 1950 the Commodity Exchange Authority of the U.S. Department of Agriculture began to get complaints of excessive trading in soybeans. There were complaints that non-speculative producers were being put out of business and that farmers were getting no benefit out of the splurge because they had already disposed of their crop.

A Report Too Long Ignored

The complaints and what follows are taken from an official report on "Speculation in Soybeans" which the Department of Agriculture issued on August 10, 1950. It was ignored and buried at the time, but now merits resurrection in the light of the McCarthy debate and the more belligerent Far Eastern policies being demanded by pro-Kuomintang Senators like Knowland.

The Commodity Exchange Authority began to investigate. It found on March 27, 1950, three months before the Korean war began, that 87 percent of the holdings in the futures market were speculative and not for normal price hedging.

It was found that Chinese names and firms in this country and Hong Kong were prominent among the speculators.

The CEA reported, "The continued growth in accounts with Chinese names in soybean futures led to a special investigation of such accounts at the end of May," i.e. just four weeks before the war began. The CEA found that Chinese accounts held a third of the July futures on the long side (i.e. those betting that prices would be higher in July). On June 30, five days after the war began, the CEA found that in the intervening month the number of such Chinese accounts had risen to 56 and that they now held almost half the July futures on the long side, and almost one-fifth of all soybean futures.

The Commodity Exchange Authority said speculation in futures by Chinese was not unusual, but it added "*No previous instance has been found, however, in which Chinese held as large a proportion of the total open contracts in any commodity as in the 1950 July soybean future.*" Did these Chinese Nationalist interests in this country and Hong Kong know the war was coming? Their foreknowledge, if such it was, paid off. From March until July, 1950, the July future on soybeans rose from \$2.34¾ a bushel to \$3.45½, a rise of 49 percent.

The report said foreign traders were not, of course, barred from our commodity markets. "Such traders would be subject to sanctions," it said, "only in the event that it could be proven that their activities were manipulative, or in some other manner in violation of the Commodity Exchange Act." The report said that "From the investigation as so far developed such proof had not appeared."

Just a Speculative Splurge?

The report asked no questions—did not even take note of—the strange coincidence that this Chinese Nationalist gambling in July, 1950, futures paid off only because the outbreak of the Korean war on June 25 disrupted the world soybean market. The report ended with the complacent observation that the soybean affair appeared to be just another "classical 'speculative splurge.'"

Some people thought it more than just a speculative "splurge." When Secretary of State Acheson was before the MarArthur inquiry the following year, the late Senator McMahon questioned him about reports that "a year ago last June" certain Chinese interests had cornered the market in soybeans. Acheson said he had discussed it with Secretary of Agriculture Brannan. It is not often that a Secretary of State takes the time to discuss a speculative splurge in a grain market with the Secretary of Agriculture.

The discussion, however, left curiously little impress on Acheson's memory. Acheson replied, "No sir," when asked by McMahon "You do not know the relationship at this time between the so-called China lobby crowd and this operation."

Though Senator, then Representative, Mike Mansfield had already suggested two years earlier (Aug. 25, 1949) that Congress investigate to see whether grants of aid to Nationalist China were being used to finance attacks on the State Department, and Senator Morse had been questioning Acheson along the same lines, the Secretary of State showed a discreet disinterest in the subject.

A Slap on the Wrist From Agriculture

His appearance before the MacArthur inquiry committee was on June 8, 1951. Senators McMahon and Morse asked him to report back on the activities of Chinese Nationalist agents. The only result seems to have been that the Department of Agriculture finally decided to take some action against these speculators.

On August 15, 1951, it was announced that "firm limits" were being placed on speculative trading in soybean and egg futures. (China is a big factor in the world egg market; apparently there had also been Chinese Nationalist speculation in eggs). The Associated Press reported vaguely that the limits were being imposed as a result of testimony earlier in the year at some Congressional hearings. It made no mention of the Chinese angle. But the United Press (see the New York *Herald-Tribune*, August 16, 1951) said the action was being taken as a result of the MacArthur hearings and that Chinese "cleared an estimated \$30,000,000 on a sharp rise in soybean prices."

The "firm limits," to take effect on October 1, turned out to be ludicrous—a limit of 1,000,000 bushels was set on the amount of soybeans futures which could be bought by any one man on any one day on any one contract market. The CEA's own report indicated that large buyers were already using "dummies" to avoid buying in any such large quantities.

In the meantime nobody in Congress or anyone else had taken up a hint dropped by Secretary of Agriculture Brannan when he gave out the CEA report on soybean speculation. Brannan told reporters he "might disclose names of traders and further details of the trading if requested to do so by Congress." (*N. Y. Times*, Aug. 11, 1950.)

It was not until November 26, 1952, when the Gillette committee began to investigate reports that McCarthy, too, had been speculating in soybeans during 1950 that Brannan was asked for and released to the committee and the press (which ignored it) the names and addresses of the Chinese traders in soybean futures "who were referred to, but not identified, "in the CEA report of August, 1950. This showed two Nationalist Chinese family corporations (Franconia Trading and Oriental Fine Arts) among the speculators.

No one bothered to investigate the names, nor to ask them how they came to buy soybean futures just in time to make a killing on a war which was officially a "surprise" to the U.S. and the West. The fact that McCarthy was involved only made members of Congress afraid to look into the subject.

Speculation in soybeans (and apparently also in eggs) continued to be a favorite with Chinese Nationalist speculators. Both commodities stood to be affected by the course of hostilities with the Chinese mainland. The Chiang crowd was in a

Bored With Joe—and Nixon

"The American people showed what Eric Sevareid, the news commentator, calls their low boring point in the November 2 elections. What they got bored with was McCarthyism. Senator McCarthy said he would support every Republican except Clifford Case . . . Case won. Three strong supporters of McCarthy—Congressmen Kersten in Wisconsin, Busbey in Illinois and Clardy in Michigan—were defeated . . .

"Carefully picking his spots, Vice President Nixon adopted McCarthy tactics in Oregon, Wyoming, Montana and New York. Result: Democrat Richard Neuberger was elected Senator from Oregon, Democrat Joseph O'Mahoney was elected Senator from Wyoming, Democrat James Murray was elected Senator from Montana, and Democrat Averill Harriman was elected Governor of New York.

"If the 1954 elections proved anything, it was that Senator McCarthy's political sun is nearing permanent eclipse."

—A. F. of L. News-Reporter, Nov. 12

position to know a good deal about this, and to affect the course of events.

What The Gillette Committee Found

The Gillette committee found that in September, 1950, McCarthy took \$10,000 from special funds loaned him for anti-Communist purposes and passed the money on to an old friend, Henry J. Van Straten, who in turn deposited the money with a brokerage firm and used it between October 2 and October 27 to buy 30,000 bushels of January futures in soybeans. With the advance to the Yalu in November and Chinese intervention, soybeans rose sharply again. By January 2, a profit of \$17,000 had been made on the \$10,000 invested.

The Gillette committee wanted to know, among other things in connection with this transaction, "Did Senator McCarthy have confidential information with respect to the trend of the soybean future market?" The committee in a parenthesis referred to the Commodity Exchange Authority report on Chinese Nationalist activity in soybean futures but seemed afraid to go into the subject. In its section on reported relations between McCarthy and the China lobby it said, "in the face of the reasons which the Senator has used in refusing to cooperate with the subcommittee, namely, because S. Res. 187 was Communist inspired and any criticism or investigation of him was an aid to Communism—the subcommittee has been reluctant to conduct any extensive inquiry of this matter *or to discuss it in this report.*" A more abject statement would be difficult to find.

To sum up, these Chinese Nationalists, Chiang and his family henchmen, made some \$30,000,000 on July, 1950, soybean futures because they "guessed" right that the Korean war was coming at the end of June. If they knew the North planned to attack, they were culpable in not informing our government. If Chiang and Rhee were preparing to provoke an attack from the North in order to divert the Chinese Communists from an attack on Formosa and to strengthen Rhee at home, they are even more culpable. The Chiang crowd stood to gain politically and financially by the outbreak of the war. It is time the country got a complete look at their financial operations and at their relations with Senators like McCarthy.

A Desire to Do More Than "Study and Deplore"

Why The New Bill of Rights Fund Is Being Established

BY CORLISS LAMONT

The Bill of Rights Fund was established November 4 with initial assets of \$50,000. The organizers of the Fund hope eventually to raise a million dollars.

The Fund is non-profit; its officers serve without pay; and its administrative expenses will amount to very little. While recognizing the value of research projects of the sort undertaken by the fifteen-million-dollar Fund for the Republic set up by Henry Ford II—projects that "study and deplore" the present state of civil liberties—the Bill of Rights Fund will stress direct donations, both to organizations fighting effectively for freedom, and to individuals whose rights have been violated and who need financial aid. *We do not intend to hamstring the operations of the Fund by so limiting our type of gifts that we would be able to obtain tax exemption.*

The Fund's First Grants

At the first meeting of the Executive Committee on November 11, donations were voted for one church, for one militant branch of the American Civil Liberties Union, and for the legal defense of two individuals whose defiance of Congressional investigating committees raises basic constitutional issues. No part of the Fund will be used for my own contempt of Congress case.

The first grant that we made was \$1,000 to the First Unitarian Church of Los Angeles to assist in that institution's court battle against the California Levering Act, which makes the signing of a loyalty oath by religious, educational, and charitable organizations a condition for further tax exemption. The First Unitarian Church is one of a number of religious organizations which have refused to sign the oath on the ground that it violates the First Amendment's provision establishing separation between church and state.

The Fund's initial announcement made clear that we shall not render support to any organization that has compromised on fundamental civil liberties principles.

The Bill of Rights Fund will be particularly interested in cases that test in the courts the constitutionality of recent repressive legislation.

Aid to Individual Victims

One of the worst features of the present situation is that when you are dismissed from a job in the United States Government or private business for, say, standing on your constitutional rights before a Congressional committee, you are likely to be widely blacklisted and to find it all but impossible to obtain fresh employment.

This is why the Bill of Rights Fund also aims to render financial aid to victims in the civil liberties struggle who have lost their jobs. Here, however, as in helping out with legal expenses in important cases, we shall in general expect the individual concerned to match, in contributions from his particular circle of relatives, friends and acquaintances, whatever amount the Fund puts up.

The Bill of Rights Fund is not intended to duplicate or compete with any existing civil liberties organizations. The Fund will not undertake activities beyond making grants for the defense of the Bill of Rights.

The Fund is not following the usual pattern of obtaining a long list of prominent persons for its letterhead. We believe that in this age of suspicion such a letterhead may make people less willing to give; that a small Executive Committee will be more efficient in the administration of the Fund; and that it will be less likely to develop the bitter dissensions that have so crippled other civil liberties organizations in recent years.

The Executive Committee

The Executive Committee of the Bill of Rights Fund, with the advice of the Fund's counsel, Philip Wittenberg, decides on what grants are to be made. That Committee consists of myself as Chairman; Mr. Augustus M. Kelley, of New York City, grandson of the well-known social worker, Florence Kelley, as Treasurer; and Miss Edna Ruth Johnson, Managing Editor of *The Churchman*, as Secretary.

The substantial mail returns during our first two weeks of operation, with very little promotion, lend support to our belief that this enterprise will have a wide popular appeal. All subscriptions over \$5,000 are to remain in escrow accounts from which the donor may give direct to an individual or organization on the recommendation of the Fund's Executive Committee. Under this arrangement the donor has the right *not* to follow the Committee's recommendation. He will not become subject to a Government gift tax from the mere fact of setting up a large escrow account, but only if any one donation from that account totals more than \$6,000 (if the donor is married) or \$3,000 (if the donor is single).

I myself have subscribed \$50,000, not only to provide a good send-off for the Fund, but also to stimulate others to contribute large sums. Public-spirited Americans of means have long given generously to education, hospitals, and charity in general. I believe that they should develop similar habits of giving for the defense of freedom.

Is Paul Sweezy a Victim of the China Lobby?

It was Paul Sweezy who, with Leo Huberman as co-editor, first called attention in the October, 1951, issue of their *Monthly Review* to the political implications of the soybean speculation by the China Lobby crowd on the eve of the Korean war. Now Sweezy—who lives in Wilton, New Hampshire—faces jail for contempt in refusing to answer questions put by his State's 'Little McCarthy,' its Attorney General Louis Wyman.

Wyman, a graduate like Scott McLeod of Senator Bridges' staff, was himself closely linked to the China Lobby crowd. His wife served in 1950 on the board of directors of Franconia Trading Corporation, one of the concerns named by the Department of Agriculture as a participant in the soybean speculations discussed on pages one and two of this issue. Did Sweezy make himself a marked man by his soybean revelations?

If the real interests of this country were decisive, Sweezy would be investigating Wyman instead of Wyman investigating Sweezy. At a meeting under the auspices of the

American Association of University Professors at Columbia last Monday (under the chairmanship of Professor Ernest J. Simmons, himself a McCarthy target in last year's "book hunt") Sweezy had a chance to explain the issues involved. Sweezy refused to name members of the Progressive Party or to submit to interrogation about a lecture he gave on socialism at the State university.

A victory in his case will help to set back similar inquisitions in other States. At a public meeting at the Cornish Army Hotel in New York next Monday night, November 29, Sweezy will repeat the lecture on socialism which gave the witch hunters their excuse in New Hampshire; Leo Huberman will give the facts of the case; Prof. Broadus Mitchell will talk on its impact on teaching; Raymond Walsh will chair and I will have some more to say about this China Lobby angle, and Wyman's claim that he can investigate any political party in order to find out whether it has been "infiltrated." All readers are invited. Make it a demonstration. The *Weekly* is co-sponsor of the meeting.

The Preventive War Crowd Really Believes in Communism

The apparent confusion in Washington is not confusion at all. On the contrary, much is being clarified. What is happening reflects the slow return to sanity at home and abroad. In the process, the assorted screwballs, Fascists and preventive war crowd are being clearly separated from the sane conservative elements of our society. McCarthy's impending break with the Republican party, Knowland's frantic attack on the idea of co-existence, marks their desperation.

It looks now in retrospect as if the J. B. Matthews affair last August, alarming the Southern Democrats with its slur on Protestantism, was the beginning of the anti-McCarthy tide. In this respect the amazing number of priests and nuns among the McCarthy clique in the galleries of the Senate last week did not help endear him to the Southerners.

It was a Roman Catholic Senator, Chavez, however, who really handed McCarthy his most stinging rebuke. This came on November 11 when McCarthy objected to Lehman putting a eulogy of John Paton Davies in the Congressional Record. Chavez said he knew Davies and his family and added, "They are just as patriotic—which is not saying much—as the Senator from Wisconsin."

The "Sore Elbow" Won't Help

A compromise on McCarthy seems to be out. It might have been possible but for his attitude. He treats his own followers with contempt, as was shown when he walked out on Senator Goldwater's speech, and his manners grate even on those impelled to defend him. Butler of Maryland, for example, who owes his seat to McCarthy and shares McCarthy's views is nevertheless a gentleman, courteous to witnesses, willing to hear the other side. McCarthy's "sore elbow" is a feeble run-out device to stall for time.

The Knowland speech on co-existence was a veiled threat to the White House that unless it makes new concessions to Chiang Kai-shek it may not be able to win censure of McCarthy. The immediate reaction from Dulles and Wilson showed that the Administration feels strong enough to "go it alone" without Knowland. Dulles, who agrees much more with Knowland than Eisenhower, was forced to go to bat for the White House. Wilson has been for "co-existence" all

along. What Knowland was threatening in effect was a Congressional investigation which would allow Radford, Carney and Twining to air their grievances against Eisenhower.

The serious aspect of the situation was the readiness of some Democrats to join hands with Knowland. Douglas's immediate approval was not surprising; his speech of January 15, 1951, advocated the "massive retaliation" approach long before it was formulated by Dulles. Douglas was for "no squeamishness" in wooing allies like Chiang and Franco, warned long before Nixon against "nibbling operations" though without using that term, and said that at the next act of "aggression by a satellite" we ought to strike "at the eye of the octopus itself." Symington, who also welcomed the Knowland speech, has long been a spokesman for air force interests smarting under Republican "economy." But it was a little disappointing to see Lehman chime in, too; it was left to another Democrat, Hennings of Missouri, next day to reprimand the Republican majority leader for failing to support a Republican President. How long can Knowland stay as a majority leader?

The Real Answer to Knowland

The real answer to Knowland and the real question was put by Senator Fulbright. "I wonder," he said, "why the Senator feels that under what he calls co-existence and atomic stalemate the Communists are bound to win." Knowland never did answer that question. The fact is that the preventive war crowd have no faith either in democracy or "capitalism" to solve basic problems; they really believe in communism and its efficacy; that is why they hate it so, see war as the only way out, even if war means suicide.

But in Western Europe where there has been co-existence and stalemate since the war, the Communist parties have lost ground wherever democratic parties have been powerful enough with American aid to bring about recovery, to meet popular aspiration halfway and to make some modicum of reform. The big exception is Italy, and Italy is the big exception because its capitalist class is so corrupt and decadent, its feudal hangovers so strong, the power of the Catholic Church so great, as to make progress impossible at anything more than a snail's pace.

Please Get Your Renewal in Early and Send A Gift Sub to A Friend

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

11/22/54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S. E.

Washington 3, D. C.

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. II, NUMBER 43

NOVEMBER 29, 1954

WASHINGTON, D. C.

15 CENTS

The Only Way Out of The Impasse Over Germany

Perhaps the best place to begin in an effort to understand the growing conflict over Germany is with a remark made by a British Laborite during the debate on ratification of the Paris and London agreements for German rearmament. The Parliamentary Report next morning in the *Times* of London only gave him two sentences, but they said more than any other speech in the House. "MR. HOBSON (Keighley, Lab.)," it reported, "welcomed the treaties. Without them, he said, Washington and Bonn would have controlled the defenses of Europe."

It was no enthusiasm for a military partnership with Germany, it was the fear that a Washington-Bonn axis would replace the Atlantic alliance, which spurred London and Paris into action after the collapse of E.D.C. This was the club which belabored the Anglo-French donkey behind the smoke-screen of "partnership." But there was also a carrot. The carrot was that if the English and French went along with our desire to rearm Germany, we would then go along with their desire for a new conference on the reunification of Germany with the U.S.S.R.

Why is American policy at one and the same time drifting toward co-existence, yet insisting on German rearmament? Logically the two may seem incompatible, since the remilitarization of Germany threatens to revive German expansionism. The answer, it seems to me, is quite simple. The prime molders of American policy are big business interests with a huge stake in the Reich. They want to anchor it firmly on the Western side. They are prepared for co-existence with the Soviet bloc. But they believe that they will "co-exist" with greater bargain power if they have a half million German soldiers on their side. The calculation may be dangerous; the anchor may prove unstable; the game is the same game which brought on two world wars. But there it is.

The Russians Are Too Late

The Russians fear that the rearmament of Western Germany is only the beginning. Once Western Germany is rearmed, it will be too late to turn back the clock. It is too late already. Just after the war ended, the Russians might have exchanged withdrawal from East Germany and free elections for a long term treaty demilitarizing the Reich, something like the 40-year pact Byrnes once proposed. But that is no longer practical American politics today. No American Administration could conceivably give up German rearmament; it is hard enough to sell co-existence and beat back the preventive war crowd. But what the Russians see is that after rearmament, there will be pressure for revision of the Oder-Neisse line.

What cards can the Russian play within the framework of the unfortunate political realities? One was shrewdly

hinted at by Mendes-France in his United Nations speech last week—to the obvious displeasure of Washington and the real or pretended disapproval of London. It was simply that Molotov go ahead and organize the tighter East European military bloc he threatens, and then let the two blocs negotiate. "If by similar arrangements, the Soviet Union and the states associated with it adopted formulae symmetrical to ours, and provided that they included a certain degree of publicity," Mendes-France suggested, "an important step forward would have been taken toward our goal. Later, exchanges of information and mutual assurances could take place between the two systems. Perhaps, even, the limitations or controls might take on a contractual form. A flexible regional plan would thus gradually be set up, with the field of the application of the limitations, reductions and control increasing progressively."

East-West Pact on Germany Possible

In this context East-West negotiation could take place, and limitation be placed from both sides on German rearmament. Mendes-France, reflecting French political realities, even proposed that a conference be held on the subject in May, as soon as the unpleasant pill of ratification had been swallowed and months before a German army could be organized. Here lies the best hope at the moment. Nowhere in the West is public opinion strongly enough opposed to German rearmament to block it. The best bet is to bring about negotiations as soon as possible on the basis of ratification; the fewer Germans under arms when the conference meets, the easier it will be to put some limits on them.

The only other alternative fits neither the current pattern of Soviet policy nor Russia's own long range security needs. This alternative would be a withdrawal into armed isolation with an East European army in which East German contingents served; to let world tension and the pace of the arms race speed up again; to move toward war. In such a context, the West German army would grow larger and more threatening. Once more, as in 1939, the Russians would have the choice of preventive war against Germany or an illusory deal (again at Poland's expense) with the hope of turning the German cannon toward the West. I do not believe the Russians will make the same mistake again. I believe that there will be negotiation next spring after ratification but before there is a German army in being, and that on the basis of accepting a limited German rearmament the Russians may settle for something not so unlike Churchill's new Locarno and their own "European security system," but with American participation through the Atlantic alliance. This way something may yet be achieved.

A Bulletin of Warning from Capitol Hill

Do not underestimate the importance of Jenner's proposal for a Senate Bureau of Investigation, a kind of Little FBI to harry and intimidate liberal Senators and purge their staffs on Capitol Hill. When McCarthy accused the Watkins committee of being the "unwitting" instruments of the Communist party, he was hoping to deflect the censure debate into an investigation of the Senate itself, beginning with the relations between Flanders and the Committee for an Effective Congress.

The Jenner speech of November 15 took up the cue and the "reply" made by Ed Johnson the following Thursday showed how dangerously effective this line may prove to be, whatever the immediate outcome on censure. Jenner charged the Communists and the labor movement generally with "maneuvering" so as to plant "a militant group of pro-Communist workers" in the districts of Congressmen they wished to defeat. He asked for a resolution to authorize the Rules committee, of which he is chairman, "to submit a report of the criteria to determine if and when any Senator elect should be refused admission to this body because he had been elected as a result of a deal with the Communists."

This would extend the notion of a Communist conspiracy to elections themselves, take the first step toward investigating voters in liberal or pro-labor areas, and lay the foundations for refusing to seat members of Congress they elected. Jenner pointed out that two former Congressmen, De Lacy and Bernard, have taken the Fifth and that Condon of California had been linked with the Communists. He said we needed an investigation to determine whether members of Congress (like Lee Geyer, of California; Savage, of Washington; Adolph Sabath, John Tolan, Glenn Taylor, Samuel Dickstein, John M. Coffee, Ernest Lundeen, Jerry O'Connell and Claude Pepper have given aid and comfort to the conspiracy initiated in Moscow.)

Jenner said "We have followed the trail of Communists into our colleges, into the United Nations, into our cultural

Land of the Free, Home of the Brave

Washington—A young music teacher turned piano dealer was refused a license here last week to sell second-hand pianos because he had pleaded the Fifth amendment before the House Un-American Activities Committee.

agencies like IPR, into trade unions and farming areas . . . But we have done almost nothing to disclose the degree of influence over Congress and the legislative process." He indicated that to oppose such an inquiry would be to make oneself suspect. "There is not a member of this body," Jenner declared, "unless he is a secret Communist [italics added], who is neutral in this contest."

Four days after this proposal, Johnson of Colorado, a member of the Watkins committee, rose and offered an amendment to the McCarthy censure resolution on behalf of himself and Byrd of Virginia and Daniel of Texas. The amendment said it was the sense of the Senate that the Communist party was part of a deadly international conspiracy. "Accordingly the Senate's appropriate committees should continue diligently and vigorously to investigate, expose and combat this conspiracy and all subversive elements and persons connected therewith." Including Senators themselves?

This kind of tactics, by accepting the premises of Jenner, opens the Senate door to snoop brigades. This is the logical end of the loyalty-security mania, which assumes that people must be screened before they are allowed even to be government clerks or stevedores. Why, then, leave them unscreened in more important functions? Should a "disloyal" citizen be allowed to vote? To work for a Senate committee? To sit in the Senate itself? This, which sounds like fantasy today, may be reality tomorrow.

Hearst and the Hearst Press Do An About Face on Co-Existence

Within the space of a week, young William Randolph Hearst, Jr., and the Hearst press have done an almost complete about-face on co-existence. The sharp change deserves attention not only because the Hearst press is important but because it is another indication that powerful interests are exerting pressure for peace.

On Sunday, November 14, Hearst papers featured a sour dispatch by their top Washington correspondent, David Sentner, headlined "Ike Plans to Make A Try at Co-Existence" and an "Editor's Report" by William Randolph Hearst, Jr., "Red Dove of Peace Hides War Feathers."

Hearst in his own weekly commentary said the Kremlin peace campaign was just a "transparent tactical device, implied that he thought Ike was being deceived by it and warned that there was a crisis coming over Formosa in which "the Eisenhower Administration may be sorry that it fell in with the Russian 'peace' campaign."

Exactly one week later, in the Hearst Sunday papers of November 21, the tune changed. "I think the entire nation will agree with President Ike," Hearst wrote, "that in this era of potentially total destruction, there is no genuine alternative to peace."

Fear of co-existence had dissipated. Hearst began to sound like a paraphrase of Henry Wallace in the old days. "There's no reason to believe," Hearst assured his readers, "that God-fearing democracy will not prevail in a long-range showdown with God-less Communism even though we move into the phase of 'peaceful co-existence.' This conflict between the two dogmas," Hearst continued, "will be the basis on which the cold war will be fought in the immediate future." Peaceful competition!

The Villains

"There are a number of indications that several White House advisers take kindly to this Soviet bait [of co-existence]. These include particularly Gen. Eisenhower's unofficial but highly influential counsellors: Milton Eisenhower, president of Pennsylvania State College; Lucius Clay, president of American Can Company; and John McCloy, chairman of the Board of Chase National Bank."

—Constantine Brown, *Washington Star*, Nov. 17.

The papers of the 21st also featured a Washington dispatch on the subject of co-existence by Howard Handleman, chief of the Hearst International News Service Bureau, "Soviet Soft-Pedals Atomic Power in Its New Cold War."

Handleman told readers the "Russian propaganda campaign for 'peaceful co-existence' appears to be a new set of unwritten 'ground rules' for the cold war." Atomic warfare would be "all but ruled out" while both sides instead tried out on each other "the subtle weapons of intrigue, infiltration, propaganda and subversion."

But unlike Knowland and Jenner, Handleman did not assume this would favor the Communists. "U.S. officials are not opposed to the new rules," he reported, "because they are confident America and her free world allies will win that kind of struggle."

When the peace bug bites the Hearst paper, *that's* news.

One Way Local Witch Hunts Might Be Ended and Little McCarthys Surbed**Louisville and Miami Illustrate the Importance of the Nelson Case**

Washington—Events in Louisville, Ky., and Miami, Fla., underscore the crucial importance of the appeal the U.S. Supreme Court has agreed to hear in the Steve Nelson case. The appeal was brought by Pennsylvania against the decision of its own Supreme Court. If the U.S. Supreme Court upholds the ruling of the State court, it will at one stroke end the growing number of instances in which State sedition acts are being used for local witch hunts.

None more shockingly illustrates the easy abuse of such statutes than the Louisville, Kentucky, case. There the prosecutor declares himself unable to find any clue to the men who dynamited a Negro home. Instead he is putting on trial today (Nov. 29) six white defendants who helped the Negro buy that home in a white neighborhood. The charge is sedition, but the real crime is an affront to white supremacy.

In Miami a local witch hunt with distinct anti-Semitic overtones received a setback last week when the Florida Supreme Court reversed contempt citations against 14 defendants who had pleaded the Fifth amendment before a special Red-hunting grand jury. Seventeen others have appealed to the court against similar contempt convictions. The prosecutor now asserts that he will seek their indictment under the Florida sedition law. This provides that persons may be sent to jail for 20 years for belonging to any organization designated "subversive."

The Pennsylvania Supreme Court reversed the 20-year sedition sentence imposed on a well-known Pittsburgh Communist organizer and Spanish civil war veteran, Steve Nelson. It held that by passing the sedition provisions of the Smith Act in 1940, Congress had superseded State legislation on the subject. This ruling, if upheld, would limit sedition prosecutions to the Federal courts.

State Attorneys General Alarmed

The witch hunters have been quicker to see the significance of this than civil libertarians. The Attorneys General of 27 States have joined in a brief *amicus curiae* filed by Louis C. Wyman, Attorney General of New Hampshire, who (as we explained in last week's issue) has been prosecuting the economist and teacher, Paul M. Sweezy, for contempt in an investigation under that State's sedition act.

One of the States joining in the appeal to the Supreme Court to reverse the Pennsylvania decision is Massachusetts. In a separate brief it cites the effect which a failure to reverse would have on three pending prosecutions in that State. These are the still untried 1951 indictment of Prof. Dirk J. Struik of M.I.T. and a Malden business man for sedition; the indictment last April of Otis Archer Hood for membership in a subversive organization; and the May indictment of Hood and others for "conspiracy to advocate."

The quality of the Wyman brief and the frenetic character of the pleading may be gathered from Wyman's argument that to uphold the Pennsylvania ruling would be to "take from the States their basic right to make criminal attempts to destroy their sovereignty, kill their loved ones if need be, and seize their homes."

But sedition is an ancient crime which seeks to punish the expression of ideas considered dangerous by the State. To

The Dangers of "Sedition"

"In *de Jonge v. Oregon*, 299 U.S. 253, Chief Justice Hughes, speaking for a unanimous court, wisely counselled that 'The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundations of constitutional government.' Surely, no more imperative admonition could have been given to the judiciary of our country. If this counsel is to be heeded faithfully, it is essential that criminal sanctions for conduct hostile to our Federal government be promulgated, imposed and controlled uniformly for the Nation as a whole. And that only the central government can accomplish."

—Penna. Supreme Court in the Nelson Case

take from State governments the power to deal with sedition would leave untouched the criminal laws which punish unlawful acts. Sedition statutes are not needed to deal with attempts to "destroy their sovereignty . . . kill their loved ones . . . seize their homes."

Parallel in an Alien Case

The Pennsylvania court pointed out that the alleged sedition by Nelson was against the Federal government, not the State; that prosecution therefore should be left to the Federal government; that he had also been convicted under the Smith Act; that Pennsylvania's statute books had ample laws "adequate for coping effectively with actual or threatened civil disturbance," and that the Supreme Court (in *Hines v. Davidowitz*, 312 U.S. 52) had already held void on similar grounds a State law which duplicated another part of the Smith Act.

The Smith Act, as passed in 1940, carried provisions for the registration of aliens as well as for the punishment of sedition. Pennsylvania passed an Alien Registration Act of its own but this was declared unconstitutional by the Supreme Court on the ground that Congress had pre-empted the field of alien registration.

The problem of determining how and where State and Federal legislation may overlap is a delicate one. The U.S. Supreme Court in outlawing the Pennsylvania alien registration act said that in determining the question "it is also of importance that this legislation deals with the rights, liberties and personal freedom of human beings, and is in an entirely different category from state tax statutes or state pure food laws." Adopting the same standard, and construing State power narrowly where basic liberties are concerned, the Pennsylvania court held that the sedition provisions of the Smith Act had similarly superseded the State sedition law.

I Need Your Help—And I Need It Now

Week after week, I print news and material you can find nowhere else, defend causes others are afraid to tackle. I need more readers and I need them now as I prepare for my third year of publication.

I am always surprised when I go out on a speaking date to find old friends and readers who have not yet gotten around to subscribing. They approve what I am doing. They want me to go on with it. But they have never stopped to think that

my voice would have been stilled long ago if others were as dilatory as they about subscribing and renewing.

I am sure you, too, know such people. Won't you help me now in the renewal season by making yourself a Committee of One to prod such laggards with a phone call or over the luncheon table to subscribe? Or help me reach a new reader by giving someone a gift subscription with your own renewal? And please get your own renewal in now, today, while you think of it. Thanks.

I. F. STONE

The Lesson of the Field Affair for Those Who Believe in Socialism

The Soviet Bloc, Too, Needs A Bill of Rights

When the Budapest radio on November 16 announced the liberation of the Fields it said, "It has not been possible to justify the charge made in the past against the above-mentioned persons. Therefore, the competent state agencies have announced the case dismissed." Those who believe in socialism and those who believe in law may fruitfully ponder that laconic announcement.

If "it has not been possible to justify the charge made in the past" against the Fields, then the treason confession made by the Hungarian Foreign Minister Laszlo Rajk before he was executed in 1949 was false. Rajk "confessed" that Field was one of the secret American agents with whom he had conspired.

Had there been a real trial, there might have been a different outcome. The accused had counsel but the day before the sentencing of Rajk and his seven co-defendants, these ignominious lawyers rose and told the court their clients were guilty and they were defending them only as a matter of form.

A Whole Series of Frame-Ups

These seven were not the only victims. On October 14 the leading Communist paper in Budapest, *Szabad Nap*, announced that "many comrades" had been purged during 1947-51 on "invented" charges and were now being cleared and restored to duty. On November 21 the Hungarian radio announced that Anna Kethly, secretary general of the Hungarian Socialist party, had been freed after four years in jail. Clearly there were a lot of frame-ups.

Now let us return to the Fields. They just disappeared. They were not produced at the Rajk trial, obviously for fear that they would not support his confession. They were never tried at all. They were held incommunicado. They could not get in touch with relatives or friends. They could not phone a lawyer. They were sealed up in a living tomb as indeed the last missing Field, Mrs. Wallach, seems to be in a Soviet prison.

The Hungarian and Polish governments deserve credit for freeing the Fields. But they might have been saved the humiliating experience of appearing to act only in response

to the revelations of the defecting Polish secret police official Swiatlo if they had allowed a decent minimum of legal rights to start with.

Injustice Will Not Wither Away

The lesson is that Communist States need a Bill of Rights just as much as capitalist States do, in fact more so because the Communist state controls livelihood, press and trade unions and leaves no interstices for the individual who wants to fight for his rights. The Nineteenth Century formula about the ultimate "withering away of the State" with which the Communists tried to meet the criticism of the snaracists is not enough. Communism is here, here to stay in a big part of the world. There has been a generation of experience with it. Let us try to sum it up.

Can mistakes be made in a Communist State? Obviously. Can it be assumed that every Communist official is honest? Obviously not, after the Hungarian, the Polish and last winter's Soviet revelations about the phoney "doctors' plot." Is it therefore possible that an innocent man may be convicted in a Communist court? Obviously. Is it possible that he might even be framed? Obviously.

Then the possibility of injustice does not vanish with the abolition of private property, as some have naively assumed. This does not mean that socialism is bad. It does mean, however, that it does not solve all problems and even creates new ones. It means that the same basic safeguards which help to enforce justice in a capitalist State are needed in a Communist State: habeas corpus—the right to get out of jail on bond and obtain a lawyer who will fight instead of grovel; the right to demand proof and confrontation in open court; a tradition of an independent judiciary; the right of appeal; and newspapers which will print things of which the government does not approve.

That we do not by any means live fully up to these ideals in our own society does not mean that the ideals are not good, or are not applicable in socialist society. With all that has been said—and that we say week after week in our little paper—a Field case is still impossible in this country despite the anti-Communist hysteria.

Please Get Your Renewal in Early and Send A Gift Sub to A Friend

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.
 Please renew (or enter) my sub for the enclosed \$5:
 Name _____
 Street _____
 City _____ Zone _____ State _____
 Enter this gift sub for \$4 more (money enclosed):
 (To) Name _____
 Street _____
 City _____ Zone _____ State _____
 11/29/54

I. F. Stone's Weekly
 Room 205
 301 E. Capitol St., S.E.
 Washington 3, D. C.

Entered as
 Second Class Mail
 Matter
 Washington, D. C.
 Post Office

NEWSPAPER

I. F. Stone's Weekly

VOL. II, NUMBER 44

DECEMBER 6, 1954



WASHINGTON, D. C.

15 CENTS

Communist China and The 13: Who Is to Blame?

1. Last June the British representative in Peking delivered a list of missing United Nations prisoners to the Chinese Communist government. The eleven U.S. airmen now sentenced as spies were on that list. Only negative replies were received. Peking thereby left the impression that these men were dead. This was bad faith.

2. Spies are not sent out in the uniform of their own country. The rules of war merely embody good sense in providing that a man arrested in his country's uniform is to be treated as a prisoner of war, not a spy. The 11 airmen should have been exchanged in "Operation Big Switch" last year. In holding them back, Peking violated the Armistice Agreement and the Geneva convention on the treatment of prisoners of war, which provides that prisoners shall be "released and repatriated without delay after the cessation of active hostilities." All the Soviet States were signatories of that convention, which was concluded just before the Communists took over China. Peking has invoked its terms in the past and thereby recognizes its moral authority.

Held Incommunicado Two Years

3. Under the Geneva convention, certain safeguards must be honored if prisoners of war are put on trial. Among others, "No moral or physical coercion may be exerted . . . to induce him to admit himself guilty of the act of which he is accused." At least three weeks before the trial opens, the neutral nation which serves as "Protecting Power" under the convention is supposed to be notified. The prisoner is supposed to have the service of counsel and at least two weeks to prepare his defense. Three months is the maximum a prisoner may be held awaiting trial. These men were held incommunicado two years, and no one knew about the trial until the verdict was announced.

4. Under the circumstances, the confessions are suspect. No liberal or radical in this country would accept a confession obtained by holding a man secretly for two years, under conditions where he could be told that the world and his family thought him dead—and that he would be dead—unless he confessed. These men could have been killed in prison and no one would have been the wiser. The accused may have told the truth or they may have agreed to confess on a promise that they would get less than the death penalty and therefore have a chance of some day reaching home again.

5. Part of the case against the Americans may also have been built up by offering leniency to arrested Chinese who would testify against them. Thus the broadcast from Peking said of alleged CIA and Nationalist agents parachuted into China, "there are a few who have been intimidated into working for the secret service and the intelligence agencies of the United States and the traitorous Chiang Kai-shek

clique. Having been parachuted, they saw their own powerful country and the happy life of the people and realized that what they did was a crime against the motherland. Consequently they gave themselves up to the People's Government. They were subsequently treated with leniency." (*London Times*, Nov. 25).

The Case of the Two Civilians

6. Some but not all of what can be said in defense of the airmen applies as well to the two civilian defendants. As the *Christian Science Monitor* said November 26, "Their case is far less clear. One was reported by his family as working for the Central Intelligence Agency." The Army says they were "hitching" a lift from Korea to Tokyo. The Chinese claim they were arrested in Kirin province, Manchuria. "It is hard to understand," the *Monitor* said, "how such a flight could stray over China, and we wonder if this is the whole story." It may be indicative that while the sentences imposed on the airmen ranged from four to ten years, one of the civilians was given life imprisonment and the other civilian 20 years.

7. The suspicion that the two civilians may be in a different situation is not, of course, proof. "Persons who accompany the armed forces without actually being members thereof" are also protected by the Geneva convention, and this would cover civilian employes of the Army. It would be important to know whether the names of these two were on previous lists of the missing about whom inquiry was made through the British at Peking. If they were not on earlier lists, it might mean that they were on some secret mission. This like other details cries out for independent investigation. Perhaps the Neutral Nations Repatriation Commission would take over the task if requested by both sides.

Peking Ready to Dicker

8. The one good point in the situation is that none of the Americans have been executed, as were some of the Chinese alleged to have worked with them. The Chinese government obviously is prepared to dicker. The worst point, and the one on which Peking most deserves condemnation, is that the manner and timing of this affair undercuts all who have been working for peace and plays into the hands of Chiang Kai-shek and the interventionists. This is not the way to bring about co-existence.

9. At the same time, our own government would be in a better position to do its duty and help the 13 Americans, and others who may still be held in China, if it were not for the silly position into which we are forced because we do not recognize China. *Reuter's* described the ludicrous procedure
(Continued on page 2)

which took place when we made our protest in Geneva. "As neither consul could go to the other's consulate," it reported, "the procedure involved meeting in a hotel room which was taken for the occasion, the cost of the room being paid by both governments." (London *Times*, Nov. 25). One wonders whether the consuls spoke or merely clicked their heels.

10. The most important factor in the whole picture, the one which perhaps explains our failure to demand a United Nations investigation, is the role of the Central Intelligence Agency. The charges against these 13 men may be unfounded. They may be innocent. It is easy to laugh at the specific charges as the *Washington Star* did in its review of the week last Sunday (Nov. 28) when it said, "No intelligence officer in his right mind would send Caucasians into Manchuria as spies. Nor would he send 11 of them on one plane." But the broader picture is different. As the *Star* went on to say about Peking's charges of "230 American and Chinese Nationalist" agents apprehended since 1951, "the figure is probably much too small. Chiang Kai-shek claims the mainland is swarming with his agents. If only 106 of them have been killed, this must be good news to the Formosa government." But we have been financing Chiang and our Central

Intelligence Agency has been boasting of carrying on exactly the kind of activities of which Peking complains. Our government does not come into court with clean hands.

11. An impartial investigation might clear the 13 but what would it say of the general charge broadcast by Peking? "The primary design of the American aggressors and the traitorous Chiang Kai-shek clique in parachuting these special agents on the mainland," *Radio Peking* said, "is to group together the remnants of revolutionaries in the Chinese mainland, plan and organize armed insurrection, establish so called 'guerrilla bases' and 'parachute landing grounds,' collect military and political information on China, and set up secret communications for the agents and supply agents who continue to sneak into China." Perhaps it is just as well that the American press did not print the broadcast (again we quote from the text in the *London Times* of Nov. 25). The average American might take this as a pretty fair description of what he assumes Chiang is doing with our help, and what he has been led to believe the CIA is secretly doing in China and elsewhere. Against that background it is a little difficult for us to strike an attitude of high moral indignation. We are ourselves partly to blame for the fate of the Thirteen.

Is The CIA Compatible With Co-Existence?

The answer to the question is "Yes" if—but only if—the CIA is to function as originally intended. It was established by the National Security Act of 1947, which was designed to unify the armed services. Section 102 set up a Central Intelligence Agency "for the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security . . ." The purpose was to eliminate evils arising from the existence of competing and overlapping intelligence services. One was that they jealously withheld information from each other. Another was that they tended to find whatever best served the interests of their own particular branch of the service. Naval intelligence could be counted on to discover that the Russians were building ships so fast that we had better increase our naval appropriations; Air Force intelligence could be depended on not to underestimate the Soviet Air Force at budget time; etc.

The CIA was not conceived of originally as an instrument of political espionage or political warfare. The 1947 act explicitly provided that it should "have no police, subpoena, law-enforcement powers or internal security functions."

Johnson Feared "Military Fascism"

A dangerous expansion of powers became evident with the passage of the Central Intelligence Agency Act of 1949. This for the first time gave CIA its peculiar freedom from Congressional budgetary supervision. Alarm was created in Congress by Section 10(b) which says "The sums made available to the Agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds; and for objects of a confidential, extraordinary, or emergency nature . . ." In the Senate, Johnson of Colorado said this was the most sweeping legislation Congress had been asked to pass except for the Atomic Energy Act. He said he feared "military Fascism" and the establishment of a "Military Gestapo" (May 27, 1949). Senator Langer, citing an admission in the House committee report on the bill, said this was the first time in the history of the House or Senate that they had been called upon to pass a proposed statute "without having full and detailed information of the provisions of the bill."

Over and over again critics in House and Senate were assured that fears were unfounded, that the CIA would solely be an instrument of military intelligence. But a different direction was soon given it. John Foster Dulles in a speech before the Bond Club in New York early in 1948 (see the series of articles on "Intelligence" by Hanson W. Baldwin in the *New York Times* in March of that year) touched on the need for a cloak-and-dagger type agency to carry on "liberationist" activities. The continued hostility of the armed

forces to unification in intelligence, as in other aspects of their work, pushed the new agency toward becoming a super OSS instead of a top coordinating body for intelligence; such activities promised the kind of glamor publicity every Washington agency seeks to maintain and extend itself. "Though CIA officials do not admit it publicly," *Time* magazine reported August 3 of last year, "the agency was from the start engaged in a wide range of 'covert activities': espionage, aid to resistance movements and perhaps sabotage. Armed with all the traditional devices of espionage and a few 20th century improvements, such as plastic explosives . . . CIA agents spread across the world."

What are these agents doing? One of the earliest glimpses was given by the *Washington Post* in an editorial on January 9, 1953, which seemed to be based on special information from informed sources. The paper cited five instances as a "sampling of exploits which have been the subject of many whispered complaints." The first was the CIA's subsidizing "of a neo-Nazi organization" in Germany which had marked leaders of the Social Democratic party for "liquidation." The second was holding a Japanese citizen incommunicado for eight months "under excuse of cross-examination—a job initially undertaken by General Willoughby's Army Intelligence and passed on to CIA." The third was tapping the telephones of Jose Figueres, the President of Costa Rica. The fourth proved rather prophetic: "Abortive effort by CIA undercover men to start a revolution in Guatemala and blame it on the United Fruit Company." The fifth concerned Burmese, Siamese and Vietnamese suspicion that CIA was supporting the activities of the Chinese Nationalist forces in Burma. According to the *Washington Post*, the Burma episode "led to the resignation in disgust of one of the best and most respected of our career Ambassadors."

(Continued on Page Three)

End Justifies the Means?

The *Saturday Evening Post* series on CIA ended by saying that CIA would continue to carry on "whether the squeamish like it or not . . . If American policy of combatting communism is moral, the procurement of intelligence to carry out that policy is moral as well." The procurement of intelligence may be "moral" by accepted standards of international morality, but are sabotage and murder moral if carried on for good ends? If CIA believes the end justifies the means, are all moral scruples abandoned? Is it safe to give a blank check to an agency of government which believes it may do anything, even to sabotage operations in which innocent people may be killed?

What Better Christmas Gift Than A Subscription to A Paper Still Fighting for Peace?

A New and More Dangerous Form of Dollar Diplomacy

This tendency of the CIA to become an autonomous undercover "State Department" using cloak-and-dagger methods instead of diplomacy can now be documented more fully from CIA's own boasting. The *Saturday Evening Post* (Oct. 30, Nov. 6, Nov. 13) ran a three-part article, "The Mysterious Doings of CIA," an official portrait done with CIA's approval. In this series the CIA takes credit for the overthrow of Arbenz in Guatemala, of Farouk in Egypt and of Mossadegh in Iran. This is "dollar diplomacy" in a new and more melodramatic guise, utilizing secret agents, sabotage and subversion instead of the Marines to overthrow governments we—or the CIA—dislike.

Another activity which is neither diplomacy nor military intelligence is sabotage. "Besides its spy network and the open CIA function of research," the *Saturday Evening Post* reported, "the agency operates a super-clandestine third force—the top secret activity of aiding and abetting freedom forces where the patriotism of captive peoples may be fanned from a spark into action." Or where even a handful of malcontents may be mobilized for lawless activity: "In another country, where the resistance movement is small but daring, a CIA agent dispatched a band of saboteurs to a trestle on the main Red rail supply line" and the bridge was blown up. When railroads are blown up, people are killed, property is damaged. This is war, carried on secretly in peacetime against countries with which we are at peace and have normal diplomatic relations. This is dirty and dangerous business, a violation of international law, and of common morality.

Against this background it becomes possible fully to appreciate what Mansfield of Montana told the Senate last March 10 in calling for the establishment of a Joint Congressional Committee to act as a "watchdog" over CIA activities. "We cannot permit CIA," Mansfield said, "any more than we can permit any government agency to have free reign to do anything it wants anywhere in the world. If its agents play carelessly with fire, the whole world might get burned."

Domestic Danger as Well

A secret agency, operating with virtually unlimited funds, represents a domestic as well as an international danger. The *Washington Post*, after exposing the CIA in 1953, seems to have been talked out of supporting the Mansfield proposal. It said last March 23 that the arguments for such supervision would be forceful "if the agency had any powers within the U.S. or over U.S. citizens, but the agency does not. It operates only in the foreign field." But there is evidence that CIA operates at home as well as abroad. One example was provided in the *Saturday Evening Post* series. "The CIA," it said, "maintains its own recruiting system . . . Youthful college students do not even know they have been quietly marked as possible intelligence officers." The process of recruiting begins when "Former G-2 [military intelligence] and OSS officers, now members of the faculties of some eighty of our top institutions of higher learning, look over members of their junior year classes with an eye for prospective CIA material." If this network can operate secretly for recruiting, it can operate secretly for other purposes.

The *Washington Star* of December 30, 1952, carried an article asserting that "the CIA established an intelligence service in the United States," though as we have seen it is forbidden to do this by law. Senator Mansfield cited the case of the two CIA agents who last year spread the false report that Owen Lattimore was about to flee the country and later refused to testify when subpoenaed. "Does this incident," Mansfield asked, "mean that the CIA is getting into the internal security field in competition with the FBI? Does it mean that officials of this Government agency can defy the courts?"

How much of CIA's activity is devoted to blowing up bridges in Poland or watching radicals in America? Nobody

What Can Be Done About CIA?

The Atomic Energy Commission, which handles secrets no less vital than those of CIA, is subject to supervision by a Joint Congressional Committee. Mansfield of Montana, backed by two dozen other Senators, has tried two years in succession to get a vote on a resolution to establish a similar committee to supervise CIA. Last year, it was again bottled up by Jenner, McCarthy's friend, in the Senate Rules Committee. The one hope of putting some check on CIA, limiting it to normal functions of intelligence, and keeping it from acting as a super State Department and sabotage agency, big enough to blow up hope of world peace, is to establish such a committee. Mansfield will reintroduce his resolution next session.

knows. How effective is it at the job it is supposed to do—military intelligence? Nobody knows that either. CIA claims the U.S. intelligence system is second only to that of the U.S.S.R. "I do not know," Mansfield commented, "whether this is a boast of strength or a confession of weakness. Hanson Baldwin has reported that some observers believe it is actually not as effective, in terms of end results, as the British Secret Service with roughly 3,000 employees, or the Israeli service, with roughly 300." Mansfield said estimates of CIA's personnel run from 8,000 to 30,000, and its annual expenditures from \$500,000,000 to \$800,000,000. That is a lot of men and money to be used without supervision.

Could Precipitate a Third World War

A network of this kind, by miscalculation, could precipitate a third world war. Its control of intelligence gives it strategic power over policy decisions. Its blank check to act against communist influence everywhere may easily be used against any government which seems "communist" to American business interests. What happened in Guatemala could happen on a larger scale in Mexico. What happened in Egypt could happen on a larger scale in India. Any liberal, any radical, any neutralist may easily appear suspect in CIA's eyes.

Congress and the country ought to know more about the man who heads CIA and wields all this power. Allen W. Dulles, its chief, is much less well known than his brother, John Foster. But the former, like the latter, showed no such crusading liberationist zeal before the war when Fascism threatened to envelop the world. As a partner in Sullivan & Crowell and a director of the Anglo-German J. Henry Schroder Banking Corporation, Allen W. managed to co-exist quite peacefully with Fascism and Nazism. The Schroder bank helped Hitler obtain raw materials and foreign exchange with which to fight the world boycott. Another of its directors, V. Lada Mocarski, served with Dulles in the OSS during the war, operating out of Switzerland. How happy the German clientele of the Schroder bank must have been to have influential friends in both camps during the conflict.

The Dulles brothers represent capitalist forces quite content to do business with the Hitler regime, for all its crimes, so long as it promised to be an effective instrument of world counter-revolution. These latter day Metternichs skillfully emerged after the war to take over direction of national policy, helping to revive a Germany safe for their corporate clients and a world unsafe for socialism. This is the spirit in which they carry on today. The blank check of the CIA is a blank check in the hands of men who do not believe in co-existence, who are devoted to "liberation," who never waxed emotional over Fascist totalitarianism, and who may use their power to turn back the slow ebb tide away from world hate and tension.

Use the Blank on Page 4 to Send the Weekly to a Friend at the Special Rate of Only \$4 a Year

Why Not Call Him Gerald L. K. McCarthy In The Future?

As we went to press, the Senate of the United States had at last cut down to size the most unscrupulous boor ever to sit among its members. Four test votes culminated Wednesday night in censure 67 to 20 on the first count brought against McCarthy by the Watkins committee. McCarthy never got more than 21 votes on any test, and a majority of Republicans had joined a solid block of Democrats on every vote. The vote marked a very deflationary week for McCarthy; he had ignominiously failed to come anywhere near filling Madison Square Garden in New York on Monday night and similar rallies in Chicago and Los Angeles had been cancelled. The letters spread on the record by Senator Fulbright as the final debate opened on censure showed the crackpot, screwball nature of his following.

It has been a bad 18 months for Low Blow Joe. His luck began to sour last year. In July of 1953 he had to get rid of J. B. Matthews as staff director in the wake of protest over the latter's discovery that the Protestant ministry was a nest of Communists. A year later, the Mundt investigation forced Roy Cohn out as his counsel. Last October, deserting a sinking ship, his prize FBI man, Francis P. Carr, resigned as staff director. In less than a month, when the Democrats take over, he will lose his sounding board as investigating committee chairman. In the next few weeks, he will try vindictively to crush a few victims small enough so they can't fight back. We hope they will go into court on motions to quash their subpoenas and so delay his lame duck inquisition until his abused authority expires with the end of the year.

With Joe's deflation, watch for more opposition to his chief Senatorial supporter, Jenner. The conservative *Washington Star* rebuked Jenner Wednesday for his attack on Flanders, but noted that it was not so surprising when one recalled his speech calling General Marshall "a living lie." Jenner seems to be on a par with some of those letter writers to whom Fulbright called the Senate's attention.

Hiss: Congressional witch hunters decided not to summon him when they realized that he would again deny the Chambers charges under oath, forcing them to recall Chambers and embark on a repeat performance. They decided public opinion would not stand for a new prosecution of Hiss on the same charges and that his re-appearance on the witness stand might rebound in his favor, giving him the broader platform he seeks from which to fight for vindication. Our favorite headline of the week was the *New York Daily News* "Hiss Comes Out Fighting." We applaud the tone and content of his statement on leaving prison and believe he deserves the widest support in his determination to clear his name. It would go far toward changing the atmo-

sphere if he could do so.

Remington: There is no good reason to believe his murder had anything to do with politics. Political prisoners report little anti-Communist feeling in jail. The murder, however, may be used by Congressman Joel T. Broyhill (R., Va.), to resume his attacks at the next session on James V. Bennett, the Federal director of prisons. Broyhill accuses Bennett of being too kindly in dealing with political prisoners. The Remington murder would serve some useful purpose if it led to the organization of a group designed to protect political prisoners—the United States, to its shame, now has a growing number—and to help their families.

The German Elections: The Social Democratic victory in Hesse is no cause for rejoicing. The party had distinguished itself chiefly by its skill in evading the 1946 socialist constitution of Hesse, which called for the nationalization of heavy industry and utilities. The Social Democrats are more nationalistic than Adenauer, ready to make capital of the Saar issue, prepared to enter into a coalition with the rightist Refugee party, and not opposed in principle to rearmament. Student rioting against rearmament would be more encouraging if it did not take a mob form. The Christian Democratic Minister Without Portfolio, Franz Joseph Strauss, facing an uproariously hostile audience, made the most important observation of the campaign when he said, "If crockery throwing is to replace political argumentation then we are back in 1932 again." What the campaign demonstrated above all is how little attuned the Germans are to democratic processes.

Two Spanish Items The American Press Did Not Carry: Five men were sentenced in Madrid November 25 to from 12 to 20 years in jail for Freemasonry; leading business men in Barcelona went as a deputation to the Civil Governor on November 22 to protest the Franco regime's restrictions on business . . . The California CIO Council convention in Oakland last month rejected a resolution proposing that the new Anti-Communist Control Act be amended and voted instead for its outright repeal . . . Vigilant Society Guards Itself Against Subversive Teachers: One of the little known chapters in the life of Andrei Vishinsky is that in 1913 when he was about to take up a professorship in criminal law at Kiev University, the Tsarist authorities intervened on political grounds . . . The Illinois Supreme Court has overruled a requirement that Chicago Housing Authority tenants must sign loyalty oaths or face eviction. The Court ruled that to exclude persons "solely because of membership in organizations designated as subversive by the Attorney General" bore no reasonable relationship to the eradication of slums and the construction of low-cost housing.

Use This Blank to Send a Xmas Gift Sub to a Friend and Please Get Your Renewal in Now

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

12/6/54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. II, NUMBER 45

DECEMBER 13, 1954



WASHINGTON, D. C.

15 CENTS

What Reuther Reported to the CIO and the Press Ignored:

The Witch Hunt Hits The Factory Worker

A vivid picture of the way the witch hunt is engulfing the factory worker was drawn by Walter P. Reuther in his annual report as President of the CIO to its convention in Los Angeles last week. But a combination of fear and indifference seems to have muffled what he had to say. Few newspapers carried any reference at all to this portion of his report. One had to search closely even through the 12-page pre-convention issue of the CIO News, which covered the annual report, before one found on page 7 at the tail end of a story about school segregation the single paragraph which was deemed adequate. This said only that the position of government employes and defense plant workers had "deteriorated" during the past 12 months and that defense plant security programs must be watched closely, lest employers use them as "a vehicle of anti-unionism."

Those who turn to the report see that the CIO has been engaged in a quiet battle with the Defense Department. The security program has been extended to the point where the Department "proposed to require every defense worker with access to any classified information to fill out a questionnaire naming under penalties of perjury every person he has ever associated with, *no matter how many years back*, who, at any time in his entire life, had ever belonged to any of the 240 or more organizations on the Attorney General's list." This requires the worker in defense installations of any kind (a category broad enough to cover most of American industry) not only to exhume his own political past for inspection but those of all persons with whom he had associated.

Workers Must Become Informers

Reuther reported that the Defense Department finally agreed to modify this. It now requires "only" that the worker report his associations during the past five years with persons who had been members of those organizations within that period. "Even as limited, however," Reuther informed the CIO, "many employes will find the questionnaire impossible to fill out and abhorrent in principle." It might take a worker months to locate all his past associates over five years and ask them, please, to tell him whether in that period they ever belonged to any organization on the Attorney General's list. The idea is fantastic. It requires the factory worker to become a private detective, an unpaid assistant to the FBI, an informer with his neck in a noose. Serious criminal penalties not only for perjury but for wilful misstatement or omissions attach to such questionnaires.

The extent to which American labor has acquiesced in this *gleichsaltung* is indicated by how little attention this de-

velopment has received. "Your officers," Reuther told the convention, "are also particularly concerned lest the information on these questionnaires come into the hands of employers who might use the 'derogatory' information thus gained by them against militant union men." Indeed the corporations which once shamefacedly hired labor spies may now righteously carry on the same kind of activity behind the facade of a plant "security" system set up to cooperate with the government. The potential of this for anti-unionism will be felt the first time a major recession makes it politic for industry to launch a full scale attack on organized labor.

The Same Security Risk Double Talk

Those who want a clearer picture of the danger than Reuther's restrained account may find it in the October, 1954, issue of *Factory Management and Maintenance* where ex-FBI man Albert J. Tuohy (an editor's note explains that Tuohy directed investigation of the Hiss, Remington, Bentley "and Canadian spy ring cases") tells "What You Can Do About Communists In Industry." Tuohy is director of security at Republic Aviation. Tuohy says the answer is "Fire 'em! . . . And that's exactly what we did to 250 of them this year." Nor do they have to be Communists. "Of those 250," Tuohy went on, "only 15 were known Communists. No matter. They all get the same treatment." All security risks, Tuohy explains, are "not necessarily subversives, not necessarily disloyal." So the factory worker faces the same miasma which renders miserable the life of the Federal employe.

Tuohy is a very sophisticated fellow, and his article is well larded with liberal sentiments. But one passage describing the work of his security organization ("All but one . . . an ex-FBI agent.") illustrates what Reuther fears. "We're alert," Tuohy writes, "to which men are becoming prominent in plant organizations ranging from hobby and sport to religious and political groups. We know who is running for office and who has been elected in the various organizations. A quick look through personnel and security files usually tells us all we need to know." Can employers with so extensive a system of plant espionage be trusted not to use it for union-busting?

Reuther realizes the danger, obviously sees that civil liberty is no longer merely a matter of concern for a few embattled intellectuals and stray non-conformists in the teaching and other professions, recognizes that the issues are becoming vital to the factory worker and the trade unionist.

(Continued on Page Four)

The Meaning of McCarthy's Attack on Ike

The violence of McCarthy's attack on the President is a measure of his desperation. He first sent the statement to Mundt who refused to read it for him, remarking that he could accept no responsibility "for an attack upon the President." McCarthy then turned up and read it himself. Mundt's attitude and Knowland's quick disclaimer of sympathy are indicative. McCarthy is no longer playing practical politics.

But the sensational exchange between McCarthy and the White House, in retaliation for Eisenhower's "well done" to Watkins, should not hide the more serious difficulties of the Administration. Knowland is entrenched as majority leader and Bridges is headed for the chairmanship of the Republican policy committee in the Senate. The China Lobby, the preventive war crowd, the trouble-makers occupy key posts.

The President deserves applause and support for the extraordinary restraint he has shown under pressure at home and provocation from abroad. What we are seeing is the painful task of slowly extricating the United States from the cold war, and preparing the way for peaceful co-existence.

Only a General at the head of the conservative party, backed by big business, could do it. If the Democrats were in, the air would resound with cries of treason.

It is unfortunate that we have been pushed as a nation into so undignified a position by a policy of half war, half peace with the new China. We cannot logically finance Chiang, operate CIA monkey business and refuse to recognize Peking without running into just the kind of humiliation we are now suffering in the case of the 11 aviators.

But as a matter of practical politics, our China policy cannot be reversed in a day. A "cooling off" period is necessary and it is the job of the neutral powers and of Moscow to sober up a Peking which begins to seem "giddy with success."

The balance of forces in Washington is precarious. It would be criminal folly for Moscow or Peking to take for national weakness what the President is doing in his search for peace. If they want co-existence, they had better not undercut the one man who can bring it about.

McCarthy and the Catholics

What really unnerved the more intelligent McCarthyites is that, though there are large blocks of Irish Catholic votes in the urban areas which are traditionally Democratic, these if really pro-McCarthy had no influence on the censure vote. Of seven Catholic Democratic Senators, six (Mansfield, Murray, O'Mahoney, Chavez, Burke and Pastore) voted to condemn McCarthy. The seventh, Kennedy, is ill. McCarran, the only Democratic Catholic Senator who would have supported McCarthy, is dead. The two other Catholic Senators, Barrett of Wyoming and Purtell of Connecticut, voted for McCarthy but both are Republicans. Most of the East Coast hierarchy, particularly Cardinal Spellman, is indeed pro-McCarthy, but they were also mostly anti-Roosevelt, and then too the clerical bark was no clue to the electoral bite.

Mendes-France and the H-Bomb

At the last minute, on objections from Secretary Dulles, Mendes-France eliminated from his United Nations speech in New York a proposal (like Nehru's) for a standstill agreement to end further H and A bomb tests. The news leaked to *Paris-Presse*. The French Prime Minister's thinking is reflected in an article in the latest issue of his friend Servan-Schreiber's *L'Express* which reprints the warnings about the danger of radioactivity expressed by the French physicist, C. Noel Martin. While in Washington, Mendes-France joined the British in opposing the Dulles plan for a SEATO meeting at Bangkok to frame a new agreement for

common action against "internal aggression" or "subversion." Anglo-French objection sees this as a step toward the kind of interventionism exemplified in Guatemala.

When Junker and Samurai Have The H-Bomb

Possession of the H-Bomb may act as a brake on war in the hands of two such powers as the U.S. and the U.S.S.R. For all their differences, neither has a hereditary military caste nor a tradition which glories in war. For both peoples war is an unpleasant necessity. But what happens when, as is inevitable, these dread new weapons are in the hands of the Germans and Japanese, which have such a caste and such a tradition? At the end of the road opened by East-West conflict over Germany and Japan stands a new Hitler, armed this time with the capacity to turn the whole earth into a crematorium.

The Old Japan Begins to Re-Emerge

A visit to the U.S. seems to be dangerous for European statesmen. Adenauer went home to lose an election, Mendes-France to face an Assembly slipping back into its old splinter habits, Yoshida to lose his job as Prime Minister. His successor is worse. Washington finds consolation in the fact that Hatoyama is so fiercely anti-Communist, Moscow in the fact that he is for diplomatic relations with Russia and China. Both Washington and Moscow blind themselves to the fact that with the change Japan swings back further to the pre-war type of mentality which cost America and Russia so much in the past.

Georgia's Chain Gang System Before The Supreme Court

Article VIII of the Bill of Rights forbids "cruel and unusual punishments." The clause is invoked by an appeal which has just been filed here in the U.S. Supreme Court on behalf of Edward Brown by the Philadelphia lawyer, David Levinson, and counsel for the NAACP. The Court is asked to overrule an extradition order from Governor Herman Talmadge of Georgia which has been upheld by the Pennsylvania courts. Seventeen years ago Brown was arrested for the accidental death of a man. On the advice of a white attorney, he pleaded guilty and was sentenced to life on the chain gang. This is his terrible story, as told in the bald language of an NAACP release:

"Brown testified in the lower courts that he had been subjected to all sorts of cruel treatment which included being placed in a sweat box . . . with no ventilation except a two-inch opening, with no toilet facilities or water. He was beaten with blackjacks, rubber hoses and other instruments.

"On December 19, 1937, he escaped and on June 21, 1940, was recaptured. Despite the promises of the Georgia Prison authorities that the chain gang system was no longer in existence . . . the moment Brown was back in the State of Georgia, he was subjected to even more cruel treatment.

"Brown escaped again on September 22, 1940, and was at liberty until 1947 when he was recaptured. The treatment on his recapture was the same as before except for chains . . .

"On two occasions he was put in the 'stretcher' which resembles a medieval rack. Once he was strung from a tree by the wrists and beaten until the blood dripped from his body. On another occasion when he had caught cold he was given a half pint of castor oil, staked to the ground and covered with molasses to attract insects and animals. On this occasion the warden's son urinated in his face.

"In January 1950, he escaped once more and fled to Philadelphia. In April 1952 Brown was taken into custody and put into jail at the request of Governor Talmadge . . ."

Help Us Reach More People Next Year With the Message of Peace

McCarthy's Charge That Investigators Put A "Mail Cover" on Him

Opening The Door on A Police State Skeleton in The Postoffice

McCarthy, always a stickler for civil liberties where his own are involved, put the spotlight on a real issue when he protested the "mail cover" put on him by the Gillette sub-committee.

It is a crime to interfere with someone's mail in order "to pry into the business or secrets of another." It is also a crime for a postal employe "unlawfully to detain or open any letter." Despite these two provisions of the law, it appears that the postal service is accustomed to place "covers" on the mail of suspected persons. Such a "cover" was used in the McCarthy investigation.

David H. Stephens, the chief postal inspector, testified on the matter at the one-day hearing held by the special Ferguson-George committee on December 2. Stephens explained that the postoffice imposes such "covers" at the request of police or other government investigators. But he insisted that no letters are opened and that the postoffice merely reports "what the exterior of the letter discloses," i.e. the postmark, the return address and any similar information. Stephens also said the postal employe "may not in so doing in any way retard the handling of the mail." Whether a "cover" can be operated without delaying the mails is open to question.

No Test Because Secret

The practice of imposing "covers" rests on a postal regulation which says that "to aid in the apprehension of fugitives from justice, a postmaster may give to officers of the law, upon proper identification, information regarding the addresses, return cards or postmarks on mail, but shall not withhold such mail from the addressee or delay its delivery." There is reason to suspect that in other cases, as in McCarthy's, the use of a "cover" is not limited to fugitives. It would be miraculous in the current atmosphere if "covers" were not used for political espionage. The legality of the regulation has never been tested because people never know when their mail is being watched.

A legal test would start with the leading case on the subject, an 1877 Supreme Court decision (96 U.S. 727) in which Mr. Justice Field ruled that letters or sealed packages "in the mail are as fully guarded from examination and inspection, except as to their outward form and weight, as if they were retained by the parties forwarding them in their own domicile. The constitutional guaranty of the right of the people to be secure in their persons against unreasonable searches and seizures extends to their papers, thus closed against inspection, wherever they may be . . ." The question to be decided by the courts is whether reporting the source and character of a man's mail from outward examination is not equally an invasion of his privacy.

Never Before Against A Senator

The unpopularity of McCarthy and his own readiness to use improper methods should not blind us to the gravity of the charge. The chief postal inspector testified that he had never before heard of a mail "cover" being used against a U.S. Senator.

A grand jury inquest is certainly called for. Even more important would be a full Senatorial investigation to determine just how widespread the practice is. McCarthy has opened a door on a real police state skeleton in the postal service. But there ought to be opposition to McCarthy's effort to make ex-FBI man Paul J. Cotter, chief counsel of the Gillette committee, the goat of that inquiry. McCarthy's interrogation of Cotter showed how eager he is to punish Cotter for his temerity in daring to investigate McCarthy's bank accounts.

Cotter told an interesting story in his own behalf. He said he and McCarthy had mutual friends and when he took over the job, "I felt that perhaps by sitting down with him

De Profundis

Westbrook Pegler at a McCarran Memorial Meeting in (appropriately enough) Lost Battalion Hall, Queens, N. Y., Dec. 6, said small crowds at recent pro-McCarthy rallies were "melancholy and depressing." "Let's face it," he said, "we have been laying some terrible eggs lately—let's not kid ourselves. We're a minority. I don't know why we can't turn out a good crowd." (Source: N.Y. Journal American, Dec. 7).

[McCarthy] . . . and discussing a lot of these allegations and finances informally that we could clear up a lot of this smoke."

McCarthy declined to talk with Cotter informally about the financial charges against him "but suggested," according to Cotter, "that we meet at a dinner, my wife and Miss Kerr and he and another chap and his wife, at this third party's house." Cotter said, "That I did not want to do," explaining later in the hearing "I did not feel the place to do it was at a social gathering." This refusal to be "shmoosed" does credit to Cotter.

The Intermediary Was Robert E. Lee

When McCarthy pressed Cotter to give the name of that third party, Cotter reluctantly identified him as "Bob Lee", that is now Federal Communications Commissioner Robert E. Lee. Though this was one of the "hottest" items in the testimony, so far as I know not a single newspaper or radio commentator has published the fact that Lee was the intermediary. Cotter said when McCarthy declined to discuss the charges, a mail "cover" was ordered to determine whether he had other banking accounts and through what brokerage houses and third parties he was speculating.

Cotter said he was familiar with mail covers from his work with the FBI and other investigating agencies. "It is a pretty common practice," he told the committee. "When I took this investigation," Cotter said to McCarthy during the hearing, "I was quite as willing to clear you as to determine any information . . . I have a number of friends who are great admirers of yours."

Cotter said the actual mail cover order came from another ex-FBI man employed by the committee, Francis X. Plant, whom the McCarthy committee tried to hire. Cotter, giving Plant's credentials, said Plant was "with Whittaker Chambers during the Hiss trial."

Jean Kerr and The Soy Beans

McCarthy wanted to know why a mail cover was also put on Jean Kerr, then his fiance. "It was Jean Kerr," Cotter explained, "who went down and made that transfer of the money you got from the new Congressman from Michigan [Bentley]. You had her take the money out of the bank and send it to the chap in Wisconsin who put it in the brokerage account and bought the soy beans with it. So this was all an intimate group to you . . ." McCarthy dropped that line of questioning.

The mail cover apparently was imposed without the knowledge of any member of the Gillette committee. Senator Hayden pointed out that in one McCarthy hearing McCarthy told a witness, "We have 600 of your telephone calls recorded." Hayden said this was the equivalent of a mail cover. Nobody asked McCarthy if he or his staff used mail covers. A safe guess is that McCarthy's ex-FBI men have used this device as readily as ex-FBI man Cotter. Since this may be the last chance in a long time to really explore the practice, it is to be hoped that liberal Senators will press for a full inquiry.

By Giving A Gift Sub for Christmas at Our Special Rate of Only \$4

Reuther Fails Even to Mention The 1st and 5th Amendments

(Continued from Page One)

No doubt he also understands the cord which binds the mania about "security" to the world tension which gave it birth. The shocking thing about the report is how timidly it discusses civil liberty and how equivocally it touches on the related problems of foreign policy.

Here are some of the vital omissions. There is not one word in the report about the Fifth Amendment or the First. What if a worker, confronted with one of those questionnaires, does not want to hazard perjury or prosecution, and pleads the Fifth? What if a worker invokes the First and declines to accept the restriction on his basic freedoms which these questionnaires impose? What if he declines on moral grounds to inform on others, especially when this may mean exposing a friend to trouble as serious as deportation for a matter as slight as having been a member of the International Workers Order. (This is no far-fetched example—a 61-year old Baltimore grandmother faces deportation for just that.) When the Bill of Rights thus begins to mean bread and butter to workers, how can Reuther discuss the situation without once mentioning the Fifth or the First?

Doesn't The 5th Apply to Workers?

The Courts have held again and again that the Fifth is a shield for the innocent, and that no presumption of guilt attaches to its invocation. Yet the General Electric Company and other concerns have begun to discharge workers who plead the Fifth. A suit brought by the United Electrical, Radio and Machine Workers against General Electric has just been tried and awaits decision in Federal District Court here. Where does the CIO stand on this? Will it lend its weight to an appeal if the decision goes against the UE? Will it protest the new Fifth Amendment firings at Bethlehem Steel?

Reuther in his report applauds Flanders for launching an attack on McCarthy, and called (the report was written in advance) for the latter's censure. But beyond this there is not one word in the report about the Congressional inquisition generally. A Congressman as far right as Walter of Pennsylvania was daring enough to propose the abolition of

the Un-American Activities Committee before he was vetoed by the House Democratic leadership, but Reuther does not even mention the committee. Nor the Senate Internal Security Committee, that other arm of the witch hunt. Nor the McCarthy hearings on defense plants which precipitated the General Electric firings and provide an easy mechanism for collaboration between anti-labor employers and the Congressional inquisitors.

There is no mention in the report of the need to reform investigating committee procedure or to limit its scope, both matters vital now to the labor movement. There is not one word of condemnation for passage of the immunity bill, which makes it possible to strip witnesses of their Fifth amendment privilege. Nothing is said of the fact that Eisenhower and Brownell put through a bill which for the first time in American history could deprive native born radicals of their citizenship, converting them into stateless persons. These are all measures which add to the atmosphere of fear and repression that is beginning to engulf workers as well as intellectuals.

Soft on the Democrats

Of all the repressive measures in the last session of Congress, Reuther mentions only one, the anti-Communist law. Those who turn to the text of what he said will see how weak it is. Who would guess from this discussion alone that the liberal Democrats fathered the worst provisions of this law, that it applies not only to Communist "dominated" but to Communist "infiltrated" unions, and that the Humphrey-Morse amendment established standards so loose and vague for determining who is a Communist as to threaten any radical, militant trade unionist or liberal? Or that a man adjudged Communist by these standards may be sent to jail five years for failing to register under this new law? This is how the information in those security questionnaires may lead to frame-up and jail. And this is why repeal of the new law—for which Reuther fails to ask—is of vital concern to the labor movement.

Next Week: The C.I.O. and Foreign Policy.

Use This Blank to Send a Xmas Gift Sub to a Friend and Please Get Your Renewal in Now

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

12/13/54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly

VOL. II, NUMBER 46

DECEMBER 20, 1954



WASHINGTON, D. C.

15 CENTS

The CIO At Last Offers Some Leadership

Time for Counter Attack on The Civil Liberties Front

The resolution on civil liberties finally adopted at the CIO convention was much stronger than the position taken by Walter Reuther in his annual report. Indeed for the first time the CIO now offers what we have all hoped for—a lead by a mass organization, with political power. “Now is the time,” the resolution declares, “for a counter attack on the civil liberties front.” The concrete proposals, ignored in most newspaper coverage, provide a rallying point around which, for the first time in many years, an effective resistance to the witch hunt may be built.

These are the proposals and we urge every reader to press for action on the CIO program in his own organizations. The first is that the Judiciary Committees of the House and Senate appoint a joint committee “for the purpose of investigating infractions of civil liberties throughout the land” and to recommend “ways and means of combatting these infractions which are weakening the fabric of our society and our world leadership.” The second is that this joint committee “review all Congressional legislation over the past forty years dealing with the Communist problem.” The CIO resolution asks that this review be made with two purposes in mind. One is to ensure that Federal legislation “contain all necessary powers to deal with espionage and sabotage.” The other is that “all Federal legislation limiting what people can think and say be removed from the statute books.” Such a Congressional inquiry could become an historic turning-point.

No Mention of “Subversion”

It is heartening to see that the CIO limits its concern for protective legislation to the concrete crimes of “espionage and sabotage,” omitting altogether the indefinable bogeyman pseudo-crime of “subversion” which has begun to haunt our law and provides an excuse for the policing of ideas. The CIO proposal is broad enough to cover a campaign to repeal all legislation which makes it possible to punish or proscribe people for their ideas, as in the sedition provisions of the Smith Act, and the registration provisions of the McCarran Act, tightened to the point of political lunacy by the Humphrey-Morse-Douglas amendments last August. The resolution attacks the outlawry of the Communist party in the new legislation as “a sign of weakness.” It says that portion of the new Communist Control Act which calls for “the branding and busting of ‘Communist-infiltrated’ unions constitutes a dangerous first step toward state control of all trade unions.”

The resolution, like the Reuther report, steps warily around the First and Fifth amendments. One wonders why the CIO can't quite mention them. But the resolution does attack the most important limitation on free speech in our time. This

is not sedition and registration laws, bad as they are, but the fear engendered by the Twentieth Century public pillory—the Congressional committee “investigating” radical ideas. We put the word in quotation marks because even the investigation of ideas was long lost sight of in a planned campaign to terrorize intellectuals of all kinds into abject conformity. The resolution warns that “the public revulsion against McCarthy” is not necessarily the end of McCarthyism as practiced by others, declares that the investigating committees have gone beyond “their legitimate function of obtaining information for legislative purposes” and calls on Congress to adopt a code of fair procedure limiting their scope and ensuring fair treatment of witnesses.

A Chance to End Soliloquy

These sentiments, while so familiar to us as to seem trite, are not to be measured by their degree of novelty. They offer a chance to broaden out what has too long been a soliloquy. This program reflects the CIO's alarm over that invasion by the witch hunt of the factory to which we called attention in last week's issue. The security program in the trade union movement is no longer the concern only of the besieged Left unions and the government employees. It now begins to affect workers in most of industry, and the opportunity is offered of mobilizing a substantial political force against the thought control drive. The roll call of the resolutions committee which drafted this program indicates its potential. McDonald of the steel workers, Curran of the NMU, Potofsky of the Amalgamated, Rieve of the Textile Workers, Quill of the TWU, Mazey of the Auto Workers and Helstein of the Packinghouse Union were among the framers.

When it is remembered that the labor movement in America is fat with success, that its leaders are part of the upper crust in our great industrial cities, that the rank-and-file are only now beginning to stir after the Golden Era of New Deal and Fair Deal, this call for a “counter attack” in the field of civil liberties may be seen in its proper perspective. Here is a chance to reach a wider audience with a message for which the system of security clearances on the docks and in the mills has prepared the minds of workers. The chance comes just when McCarthy's exposure and condemnation by his own colleagues has made the country wonder about the witch hunt. And not the least important reason for swinging behind the CIO program is that it may shame labor's liberal Democratic allies in Congress into making amends for their cowardly abandonment of dignity and principle last August.

The CIO Turns A Flip-Flop At the Last Moment and Supports Ike

A Surprising Postscript to Reuther's Report on Foreign Policy

The Reuther report on foreign policy to the CIO convention was pretty standard Democratic party and ADA line. Military security was linked with "protection from internal subversion" by the CIO president. Like Symington he echoed the Air Force lobby, and even went so far as to speak as if the judgment of the Joint Chiefs of Staff was something sacrosanct. Here is a typical passage: "In the field of military defense, budgetary rather than defense requirements have seemed to be the basic criterion. Cuts in military appropriations," Reuther said, "especially the Air Force, were urged and adopted without the approval of the Joint Chiefs of Staff."

This is loose and feeble stuff, which reflects the labor movement's tendency to regard large military appropriations as a useful means of maintaining employment. This is what has been leading it into alliance with the aviation lobby and the military bureaucracy. The talk about budgetary rather than defense considerations being the criterion is loose; Reuther knows how wasteful the military services can be, and how insatiable is their appetite. As for the Joint Chiefs of Staff, it only reflects the bureaucracy it heads. This is the same Joint Chiefs which had a majority last summer for war in Indo-China and more recently for a blockade of China.

Nothing more completely reveals the inadequacy of Leftist stereotypes in the analysis of the present situation than the contrast between this kind of talk from the leader of Detroit's auto workers and the activities of Reuther's old antagonist, Charles Wilson of General Motors, as Secretary of Defense. The head of the largest defense contractor in the country cuts the military budget and helps the President veto the belligerence of the military while the head of the CIO defers to the Joint Chiefs of Staff! The capitalist cuts war expenditures while the labor leader deplures the reduction in "defense spending"!

Reuther Frightening, Too

An ambivalence like that of the liberal Democrats marks Reuther's discussion of the world situation. On the one hand, he says Dulles "frightened . . . the free world with his talk of massive retaliation." On other hand, Reuther goes on immediately to say, "but in Indo-China, America's policy seemed closer to appeasement than to all-out militant resistance." What does this mean, if anything? "Massive retaliation" was a form of "all-out militant resistance." How could you have "all-out militant resistance" in Indo-China without sending in American troops to resist—the desire of the natives for independence?

As for frightening our free world allies, they must be a good deal more frightened when they hear this kind of talk coming from America's ablest and most intelligent labor leader. What does he mean by "appeasement"? The French "appeased" Ho by giving up North Vietnam, but Ho appeased the French by giving up South Vietnam when it was his for the taking. Both sides gave something for the sake of peace, as was done in Korea. If this mutual adjustment is to be stigmatized as "appeasement," how can there ever be peace in the world?

Reuther accuses the Administration of "bluster" but shows no inclination for a more reasonable policy himself. This is evident in his attitude toward co-existence where his words are hardly distinguishable from the paranoid utterances of senators like Jenner. Reuther sees the co-existence line "as a device to ensnare and entrap millions of men and women throughout the world who live in poverty and without immediate hope of improving their living standards and their status in society."

Suffers from The Same Rigidity

Yet a few lines later in his report Reuther is accusing the Administration of "rigidity" in foreign affairs and of giving millions of people in the world "the totally false impression

Case Study in "Liberation"

"In Latin America we supported the overthrow of a government in which there had been a marked degree of Communist infiltration; but once the Communists were uprooted the Administration gave aid and the prestige of its support to a regime which can only be described as anti-democratic. Guatemalan democrats have been placed in jail because they believe in democracy. Democratic trade unionists in Guatemala, fighting to re-establish their unions on a clean basis, have been harassed by their government, which much of the time seems far more sympathetic to the profit hopes of the United Fruit Company than to the legitimate aspirations of the great majority of Guatemalan workers and farmers."—Reuther's Annual Report to the CIO.

that it is America that is belligerent and the Soviet Union that wants peace." Well, isn't it rigidity to take the same attitude toward a conciliatory Soviet policy, as toward a belligerent one? And what else are people to think when even the head of the CIO sees mysterious dangers in co-existence? If he doesn't want co-existence, does he want war? And if he doesn't want war, then doesn't he have to take co-existence?

The Reuther report is full of brave words about Point Four and spending money abroad to lighten the lives of common people so they will not succumb to Communism. But how is this to be brought about without relaxation of tension and co-existence? If the world is to live in tense enmity, piling up armament in a deadly race, how much money and labor power will be left for social reforms and improvements?

The labor movement is going to have to wake up soon to its own stake in a relaxation of world tension. The witch hunt that is beginning to be a bread and butter matter for the worker in the shop and on the dock owes much of its origin, direction and planning to the shrewd master-minding of the U.S. Chamber of Commerce. Its 1946 report on Communism and Socialism blueprinted the thought control drive, and the ultimate objective of the drive was to wreck the labor movement and turn back the clock of social progress.

Why Labor Needs Co-Existence

But that plan could not have succeeded except against the background of tension between the U.S. and the U.S.S.R. Should tension flare up again, the witch hunt will be intensified and every labor leader who was once allied with the Communists or sympathetic to socialism will come under suspicion of those watching for "infiltration." Tension abroad is indissolubly linked with tension at home. The fight for a peaceful world is also the fight for a free America in which the labor movement can thrive.

P.S. That the labor movement only indulges in this kind of demagoguery as long as it seems safe is evident from the CIO foreign policy resolutions, particularly No. 40 on the Far Eastern Crisis. These were written after the Reuther report and since the clash between Eisenhower on the one side and Knowland and the Joint Chiefs of Staff on the other over the question of blockading China.

The CIO resolution says a blockade might bring war and declares "President Eisenhower has demonstrated restraint and realistic understanding which reflects the thinking of the overwhelming majority of the American people and our allies." Says the CIO, "We recognize, as do sensible men everywhere, that the answer to these problems does not lie in preventive war; in blockades that can only heighten tensions and create the atmosphere in which international incidents can set off atomic war." So the CIO is itself "ensnared and entrapped" by co-existence, after all!

Notes On The News

No "deal" will, of course, be made to swap the 35 Chinese students we hold for the airmen the Chinese have accused of espionage; we occidentals are as sensitive about "face" as the Orientals. But this does not preclude the possibility that we might hasten their clearance if Peiping on its side should grant the airmen an amnesty. We can be as subtle as Bret Harte's "heathen Chinese" when the occasion arises. Anyway these subtle interstices between the apparently rigid attitudes of both capitals is where the British and the Russians hope to get their respective partners off their high horses . . .

The American press is underplaying the gravity of the split between British and American opinion over the question of using atomic weapons. Recent speeches by Montgomery and Gruenther have alarmed British opinion because if atomic weapons are used the Russians would strike first at atomic air bases in Britain. That might well mean the end of Britain. The U.S., however, is far more deeply committed to atomic warfare than the American public realizes and unwilling to subject use of tactical and strategic atomic weapons to political control . . .

Another crucial subject on which the public here is ill informed is the real nature of the new Japanese "caretaker" government and the ugly forces rising behind it. All the news dispatches dutifully refer to the new Prime Minister Hatoyama as "pro-American" as if the repetition would make him so. He still smarts, however, from the fact that MacArthur purged him as pro-Fascist in 1946, and is riding a wave of anti-Americanism. This springs from discontent with continued occupation, and the extent to which Japan is tied to the dangerous kite of American foreign policy. The Left, which applauds the friendlier feelings toward Communist China which accompanies this wave almost as a corollary, shuts its eyes to other aspects. When Colonel Masanobu Tsuji, the conqueror of Singapore, can win applause by attacking President Truman (as he did recently) as "the World's Number One War Criminal" the danger signals are obvious and it is time American public opinion became aware of them.

New Trap for Libertarians

There could be no greater trap for the Left and for those who believe in liberty than to acquiesce in the newly advertised plans of the House Un-American Activities Committee and the Department of Justice to go after rightist "hate" groups and publications. This could only fasten thought control more firmly upon the country by giving it the enhanced status of a respectable impartiality. Remember that the Un-American Committee began as a misguided effort from left

of center (Dickstein-McCormick) to police Fascist ideas and within two years was being used against the New Deal.

The Second Hand Piano Dealer

The Case of the Second Hand Piano Dealer may yet become famous. The issue in the case of William Shonick is whether business men may be denied licenses purely on political grounds. A teacher who lost his job after an FBI informer named him as a Communist, Shonick has been a second hand piano dealer here for three years. Police conceded that he had complied with all regulations but this year denied him his annual renewal of license. The factual grounds cited were like those in a loyalty case: that he was present at a public meeting against discrimination addressed by Paul Robeson in 1949, that he had attended a public meeting in 1951 to defend victims of the Smith Act, that he went to a private party to raise funds for the defense of a Federal employe accused of false statement, and that he had pleaded the Fifth last year when asked if he were a Communist.

The police officer who recommended that his license not be renewed made an interesting witness. He said he didn't think anybody should be penalized for pleading the Fifth and he also volunteered that he didn't think a man's political ideology had anything to do with trade in second hand pianos. He claimed, however, that denial of the license was required by one of the findings in the preamble to the new Anti-Communist Control Law. This says that "unlike other parties" the Communist party recognizes "no constitutional or statutory limitation" on its conduct. Ergo, a man named as a Communist could not be certified as of that law-abiding character required of licensees.

Perpetual Imprisonment?

The Smith Act makes it a crime to advocate overthrow of the government, to circulate literature teaching such doctrines or to belong to any group which so advocates. In the first Foley Square prosecution of the 11 top Communist leaders they were indicted for "conspiracy to advocate" and also for "membership" in the Communist party. The government shelved the latter indictment, perhaps because it feared that the outlawry of a party per se might not stand up in the courts. Now, however, detainers for trial on the second indictment have been filed against the eleven, and Irving Potash, the first to be released, was arrested before he left the prison grounds at Leavenworth and transferred last week to a jail in New York. The re-arrest shockingly violates the spirit if not the exact letter of the constitutional safeguard against double jeopardy.

We salute the passing of a great lawyer and a lifelong champion of civil liberty in the death of Arthur Garfield Hays.

Wishing You All A Merry Xmas and A Happy New Year

I want to thank each and every reader for two wonderful years, and for the certain prospect (as judged by the first response on renewals) of a third. I hope the New Year will be a happier one for all who believe in peace and freedom. I think it will.

Now for a personal note. The *Weekly* has been a success and in the black (1) because of your support and (2) because it has been a one-man job. It will have to continue such until I can push circulation up by another couple thousand. I was warned that a weekly of this kind was a back-breaking job. It is.

All this leads up (as nervously as an office boy asking the boss for a day off to see the ball-game) to the announcement that I am taking two weeks off for a badly needed and (if I may say so) well-earned rest over the holidays.

The *Weekly* goes to press on Thursdays and is dated the following Monday. This means it will not go to press the Thursday before Xmas and the Thursday before New Year's. It will resume the first Thursday in January, for the issue dated Monday, January 10. You will still get 50 issues this circulation year, but in the future the *Weekly* will be published only 48 times a year, allowing two weeks off at the end of August, two weeks at the end of December.

I will be back on the job fresh as the proverbial daisy when Congress reconvenes on Wednesday, January 5. Till then, again, a Merry Xmas and Happy New Year. Those of you who have already put gift subs in the *Weekly's* stocking, my thanks. Give the *Weekly* to a friend for the holidays, and help me by getting your renewal in early.

With warmest greetings,

—I. F. STONE

Thanks to Kinsey, The Baby-Sitter Escaped Subversion

Carl Braden Convicted: The Nightmare at Louisville

The affair at Louisville is one of those nightmares we thought could no longer happen. It has the flavor of Nineteenth Century labor frame-ups. We have been accustomed to more sedate prosecutions. This is as raw as the home made whiskey still being distilled in the Kentucky hills.

A group of friends, a tiny band of the assorted radicals to be found even now in almost every American city, helped a Negro buy a house in a white neighborhood. They joined together to defend him when he became the target of mysterious shootings. When the house was dynamited, six of them were indicted for sedition under state law and one accused of blowing up the house himself. The supposed motive: to stir up racial discord. Among the six was a Louisville newspaperman, Carl Braden, and his wife. Braden was the first to be tried.

The most disturbing aspect of the Louisville affair is the way the resources of the FBI were mobilized to help the Kentucky authorities put over as palpable a fake as anything in the annals of American radical prosecutions.

Before the jury which convicted Braden last week and sent him to jail for 15 years (and a \$2,500 fine) were paraded some of the most notorious informers employed by the immigration service and the FBI. Ben Gitlow, Matt Svetic and Maurice Malkin were on hand to testify on the nature of the Communist conspiracy and the literature seized in a raid on the homes of the indicted. "Mere possession of such literature," the Commonwealth's Attorney, Hamilton, argued, "raises a presumption of guilt."

Bunche's Accusers Also Turned Up

Among the ten professional ex-Communists or FBI spies who testified at the trial were the two, Manning Johnson and Leonard Patterson, who were accused of perjury after they called Ralph Bunche a Communist at a United Nations loyalty hearing. Patterson at least still claimed to be a per diem consultant for the Justice Department. Manning Johnson told the jury the Communists planned to establish a Black Republic in which all property owned by whites would be expropriated and given to Negroes.

This fit the mental climate established by the first prosecution witness, an FBI undercover agent named Mrs. Martha Edmiston, who testified that Communists were taught to incite racial trouble whenever possible. Mrs. Edmiston, a star performer in the past before the Ohio Un-American Activities Committee, thought the Communist party of the U.S. was founded in 1915 and the Russian "I should say in the 1860's" and offered this sensation:

Q. Was an actual revolution planned?

A. Yes. It was planned for Jan. 12, 1941.

Another FBI informant, Arthur Paul Strunk, of Dayton, Ohio, finally admitted under cross-examination that there was nothing in the constitution of the Communist party about overthrowing the government by force and violence.

Strunk: I don't see anything . . . It was in the by-laws.

Defense Counsel: You say it was in the by-laws?

Strunk: I wouldn't say straight out.

Braden A Lifelong Socialist

Braden denied that he was or ever had been a Communist but admitted to being a lifelong socialist, interested in many labor and peace causes. "They want us to disarm," the prosecutor said in his summation to the jury, "so we can be taken over without much difficulty."

The prosecutor asked the jury to convict and make the case "a milestone" in ending "this setting whites against blacks . . ." But neither the Kentucky authorities nor the local FBI office seem to have done much about the bombing of the Negro home in a white neighborhood which precipitated the affair.

Even in this trial, tantalizing bits of evidence cropped up. The Wades, a Negro family, had moved into a white neighborhood. A fiery cross had been set off to warn them. Shots had been fired through their windows. According to the testimony of a county patrolman, when the explosion occurred, "In a matter of a few minutes, there was a lot of people there, mostly police" but "There were no neighbors that I know of."

The explosion occurred at 12:30 a.m. It seems very strange that no neighbors showed up unless indeed they knew something was in the wind and stayed away lest they be implicated. Wade testified, "We got threats a week or two before that they were going to bomb the house."

The prosecution and trial stayed as far away as possible from the bombing. Braden was a copy reader on the Louisville *Courier-Journal* and extended testimony was even allowed on whether he had ever "slanted" copy. His colleagues swore that he had not. A baby-sitting neighbor of the Bradens was questioned closely on whether they had ever tried to subvert her. She had come through her experiences as sitter among the Braden books unscathed. "I just read three books," she testified, "a couple of those Dr. Kinsey sex books, and some poems."

I. F. Stone's Weekly, 301 E. Capitol, Wash. 3, D. C.

Please renew (or enter) my sub for the enclosed \$5:

Name _____

Street _____

City _____ Zone _____ State _____

Enter this gift sub for \$4 more (money enclosed):

(To) Name _____

Street _____

City _____ Zone _____ State _____

12/20/54

I. F. Stone's Weekly

Room 205

301 E. Capitol St., S.E.

Washington 3, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office