

Price 10 cents



The Time of the Toad

by Dalton Trumbo

- A Study of Inquisition in America
By one of the Hollywood Ten

ABOUT THE AUTHOR

Dalton Trumbo has written four novels of which the most successful was *Johnny Got His Gun*. His motion pictures include *A Man to Remember*, *Kitty Foyle*, *A Guy Named Joe*, *Thirty Seconds Over Tokyo* and *Our Vines Have Tender Grapes*. He has written fiction and articles for a variety of magazines ranging from *Vanity Fair* and the *Saturday Evening Post* to the *New Masses* and *Mainstream*. His play, *The Biggest Thief in Town*, will appear shortly in *Theatre Arts* magazine. His last effort at pamphleteering was entitled *Harry Bridges*. He is presently engaged in a novel based upon his experiences at the United Nations Conference in San Francisco, and in the Pacific where he was a war correspondent in the summer of 1945.

Some time before he became involved in the Dreyfus Affair, Emile Zola wrote an article called "The Toad." It purported to be his advice to a young writer who could not stomach the aggressive mendacity of a press which in 1890 was determined to plunge the citizens of the French Republic into disaster.

Zola explained to the young man his own method of inuring himself against newspaper columns. Each morning, over a period of time, he bought a toad in the market place, and devoured it alive and whole. The toads cost only three sous each, and after such a steady matutinal diet one could face almost any newspaper with a tranquil stomach, recognize and swallow the toad contained therein, and actually relish that which to healthy men not similarly immunized would be a lethal poison.

All nations in the course of their histories have passed through periods which, to extend Zola's figure of speech, might be called the Time of the Toad: an epoch long or short as the temper of the people may permit, fatal or merely debilitating as the vitality of the people may determine, in which the nation turns upon itself in a kind of compulsive madness to deny all in its tradition that is clean, to exalt all that is vile, and to destroy any heretical minority which asserts toad-meat not to be the delicacy which governmental edict declares it. Triple heralds of the Time of the Toad are the loyalty oath, the compulsory revelation of faith, and the secret police.

The most striking example in recent history of a nation passing through the Time is offered by Germany. In its beginnings in that unfortunate country the Toad was announced by the shrill voice of a mediocre man ranting against Communists and Jews, just as we in America have heard the voice of such a one as Representative John E. Rankin of Mississippi.

By the spring of 1933, the man Hitler having been in power for two months, substance was given his words by a decree calling for the discharge from civil service of all "who because of their previous political activity do not offer security that they will exert themselves for the national state without reservation," as well as those "who have participated in communist activities . . . even if they no longer belong to the Communist Party or its auxiliary or collateral organizations," and those who have "opposed the national movement by speech, writing or any other hateful conduct" or have "insulted its leaders."

Thereafter, in a welter of oaths, tests, inquisitions and inquests, the German nation surrendered its mind. Those were the days in Germany when respectable citizens did not count it a disgrace to rush like enraptured lemmings before the People's Courts and declare under oath that they were not Communists, they were not Jews, they were not trade unionists, they were not in any degree anything which the government disliked—perfectly aware that such acts of confession assisted the inquisitors in separating sheep from goats and rendered all who would not or could not pass the test liable to the blacklist, the political prison or the crematorium.

Volumes have since been written telling of the panicked stampede of German intellectuals for Nazi absolution: of doctors and scientists, philosophers and educators, musicians and writers, artists of the theatre and cinema, who abased themselves in an orgy of confession, purged their organizations of all the proscribed, gradually accepted the mythos of the dominant minority, and thereafter clung without shame to positions without dignity. Of such stamp are the creatures in all countries who attempt to survive the Time of the Toad rather than to fight it.

If the first street speeches of Adolf Hitler may be said to have begun the Time in Germany, then June 7, 1938, signaled the approach of the Toad into American life; for on that day the House of Representatives, under a resolution offered by Mr. Martin Dies of Texas, established by a vote of 181 to 41 the House Committee on Un-American Activities.

To outline in exemplified detail the conduct by which the committee thus far has soiled over a decade of American history would merely be to repeat the obvious and to belabor the known. As a matter of general policy it has flouted every principle of Constitutional immunity, denied due process and right of cross-examination, imposed illegal sanctions, accepted hearsay and perjury as evidence, served as a rostrum for American fascism, impeded the war effort, acted as agent for employer groups against labor, set itself up as censor over science, education and the cinema and as arbiter over political thought, and instituted a reign of terror over all who rely in any degree upon public favor for the full employment of their talents.

Throughout the whole period of its existence the committee has been under attack, not only by progressive and liberal-minded persons, but by all persons of whatever political party who despise unbridled authority and believe in the reality of Constitutional procedure. The most distinguished enemy of the committee was Franklin D. Roosevelt, who rarely overlooked an opportunity to denounce its methods and objectives. Practically every other respected public figure has similarly made known his hostility to the committee.

In addition to individuals, a very large number of bar and ministerial associations, civic groups, trade unions, guilds, and profes-

sional and academic bodies have besieged the Congress with resolutions criticizing the committee or demanding its abolition. The principal law reviews of the country have published extensive articles calling attention to the destruction of civil rights wrought by the committee and its agents. The issue repeatedly has been carried to the electorate, and time and again committee members have been retired from public life, indicating the temper of at least some of the people on a fundamental issue.

But neither denunciation nor resolution nor defeat at the polls has diminished the committee's hold upon American life. During eleven years of incessant criticism its budget has increased from \$25,000 to \$200,000 per year, while its status has changed from temporary to permanent. It stands today as the employer of at least seven investigators in addition to its clerical workers. Possessed of dossiers on millions of Americans, it is more powerful, more feared and more determined than ever it was before.

What, then, is the secret of such power? It lies in the right, which the committee has arrogated to itself at the expense of the Constitution, to inquire into the realm of political thought, affiliation and association. It lies specifically in the asserted right of the committee to ask a single question—"Are you now or have you ever been a member of the Communist party?"—a question to which thirty years of propaganda has lent a connotation so terrible that even the asking of it, regardless of the answer given, can imperil a man's career and seriously qualify his future existence as a citizen free from violence under the law.

How then, since group resolutions and public denunciations and electoral defeats have not affected the committee's usurpation, can its immense power be destroyed? It can be destroyed only if it is flatly challenged; only if the dread question is faced and the servile answer refused; only if the courts, by reason of the individual's refusal to surrender to the committee, are obliged once and for all to rule on the validity of the Bill of Rights as opposed to that of any inquisitorial body however constituted.

Men may yearn for easier ways to halt the encroachments of government upon the individual, but in the final moment there are none. Placed on the stand before this committee, a man must either collaborate with its members in their destruction of civil rights, or by his refusal attempt to destroy the committee's fraudulent power and mark out its limitations. After all the resolutions and denunciations and political campaigns have failed of their purpose, there is no other choice. At this ultimate point of conflict either the committee or the individual is bound to be destroyed.

Mr. Bernard De Voto, writing in the September, 1949, issue of Harper's Magazine, makes trenchant comment on the committee's re-

cent request to some seventy American colleges and universities to submit to its investigators a list of "textbooks and supplementary reading, together with authors . . . in the fields of sociology, geography, economics, government, philosophy, history, political science, and American literature." Writes Mr. De Voto:

"They (the universities) have got to stop the government short right now, that is, if they are not to become bondservants of Congress or in fact of any single Congressman who can swing a majority in the Committee on Rules, Appropriations, Ways and Means, or Un-American Activities. If they abandon as much as one book to Mr. Wood they may as well throw in their hand. They will defy any government control of inquiry whatsoever, or they will be forced to submit to any political dictation, any limitation of academic freedom, and any coercion of academic procedure as a committee majority may care or may be induced to impose. There is no such thing as a partial virgin. There is no such thing as academic freedom that is just a mite restricted. The colleges are entirely free or they are not free at all."

Mr. De Voto's conclusion that one must "defy" the committee or yield to it entirely is correct and inescapable. Such defiance is as important in the sciences and the arts—including motion pictures—as it is in education, since all are concerned with the dissemination of ideas; since all partake, in one degree or another, of the nature of "inquiry."

It was a consideration of just such matters as Mr. De Voto has dealt with which determined the stand of those motion picture writers, directors and producers who were subpoenaed by the Committee on Un-American Activities in October of 1947, to appear as "unfriendly witnesses" in an investigation "to determine the extent of Communist infiltration in the Hollywood motion picture industry."

After the hearings were completed, the unfriendly witnesses, finding it impossible to state their case as news, were obliged to resort to a series of paid advertisements, one of which appeared on November 13, 1947. In this rather expensive variation of a free press, they explained their conduct before the committee in the following words:

"Acceptance of the perverted standards of the committee can result only in creative paralysis, timid ideas and poorer films. Surrender to the committee in any single detail is merely a prelude to total surrender."

It was their action upon this attitude which precipitated the Hollywood blacklist, the contempt of Congress indictments, and the subsequent trials and appeals. The unfriendly witnesses didn't believe there was such a thing as "a partial virgin." They didn't accept the possibility of a free screen that "is just a mite restricted."

Ranking Republican member of the House Committee on Un-American Activities, and in 1947 its chairman, is Mr. J. Parnell Thomas, a New Jersey politician presently under indictment by a Federal Grand Jury for stealing government funds. Mr. Thomas, as a committee fledgling in 1938, became a qualified expert on literary matters by asking a witness "which WPA payroll is Christopher Marlowe on, New York or Chicago?"

The committee's ranking Democrat then and now is Mr. John E. Rankin, who represents the interests of a minority of some five percent of the disenfranchised inhabitants of Mississippi. He is a man who has used the words "kike," "Jew-boy," and "nigger" in open debate on the floor of the House of Representatives.

Members of the committee who appeared from time to time at the Hollywood hearings were Mr. John McDowell of Pennsylvania, since defeated for reelection; Mr. Richard B. Vail of Illinois, since defeated for reelection; Mr. John S. Wood of Georgia, who is the present chairman of the committee and author of its demands for college and university text-book lists; and Mr. Richard M. Nixon of California.

The hearings were held in the Old House Office Building before some eighty representatives of the American and foreign press. They were recorded and broadcast by every major radio network and by innumerable independent stations. They were reported in every capital of the world. A battery of eleven newsreel cameras covered the event for motion picture audiences.

Witnesses were divided into two groups, labeled by Mr. Thomas "friendly" to the committee and "unfriendly." The friendly witnesses were again divided into writers and actors who came principally to accuse; and producers and labor executives who appeared to defend their special interests in the matter at issue.

It would be difficult to imagine more eloquent assertions of loyalty than those made before the committee by the subpoenaed producers: "I feel very proud to be an American. I spent three-odd months in Europe, and I saw the consequence of people who killed laws, who destroyed freedom of enterprise, individual enterprise, private enterprise . . . I . . . naturally am in favor of anything that is good for all Americans . . . I am for everything you have said . . . it was the statement of a real American, and I am proud of it. . . . I don't think we should be too tense on this. Being too tense,

I think you end up without any tense. . . . I find these people have not attacked the government with violence and overthrowing. . . . We will certainly continue, as long as we are in the motion picture industry, to aid this great country of the United States with every ounce of energy we possess . . . I had nothing to do with Russia in 1944. I want no part of it. . . . We rely on a deep-rooted, pervading respect for our country's principles. . . . I can't, for the life of me, figure where men could get together and try in any form, shape, or manner to deprive a man of a livelihood because of his political beliefs."

Or: "I have abundant reason to cherish the blessings of our democracy . . . If they should find anything detrimental to the American Government or the Congress I would never allow anything against anybody in our government or in our Congress, I would never allow them to have a laugh at such a serious price . . . I have got to confess that was the only time in my life that I gave money to Russia, and if I were to be told that two years ago, God help the one that asked for it. But when they made the plea that we must go out and help Russia, I felt I would rather they kill Russians than kill Americans and I gave them money. I made the picture in the same spirit . . . I am convinced of that. I am under oath, and if I met my God I would still repeat the same thing."

One there was among the producers—a man of higher intellect and morality than those with whom he had been cast—who declared to the committee: "I can tell you personally what I feel. Up until the time it is proved that a Communist is a man dedicated to the overthrow of the Government by force or violence, or by any illegal methods, I cannot make any determination of his employment on any other basis except whether he is qualified best to do the job I want him to do."

Yet it was this man, upon his return to Hollywood, who accepted the chairmanship of the producer committee to enforce the blacklist. Asked by a New Yorker reporter why he had changed his mind, he replied with stark simplicity that he had done it to hold his job. Such is the flavor of toad-meat on the tongue of an aspiring man.

The writers who appeared as friendly, or complaining, witnesses, were of a different stripe. Throughout their testimony ran the plaintive wonder of men who somehow have been passed by in the race for whatever rewards Hollywood may offer: ". . . it is very easy for him (the story editor) to load the (employment) list with Communists . . . (the reader) prepares a very bad synopsis of all material submitted by people who are not Communists . . . I know anti-Communist writers in Hollywood who have been forced practically to starvation by the refusal of the Communist writers to work for them . . . Those members of the Story Analysts Guild (readers) who are sympathetic to or followers of the Communist Party, are in a

position to promote, all things being equal, one submitted piece of material coming from people sympathetic to their cause, and to suppress material coming from anybody unsympathetic to their cause . . . I wrote a story. They were scared off, and never did the picture . . . Hollywood writers . . . have been scared . . . intimidated . . . I was very much in need of money. I have a wife and two children. A job was very precious to me. I sold a producer at Paramount an idea for a story that I had and he hired me and to my joy assigned me to work with ——— . . . But I soon discovered that his (———'s) love of mankind did not extend to me . . . I think they should be silenced, deported, or treated as the spys and agents they are. I am the utmost believer in tolerance there ever was, but . . ."

Here the motive is clear. These witnesses had enjoyed indifferent success in the sale of their literary creations to the screen, and their employment records were spotty. They wanted the jobs held by the men they accused of being Communists, and they forthrightly solicited the aid of the committee in eliminating competition. Despicable, perhaps, or not, as one may view such matters; but certainly not devious, nor beyond the comprehension of reasonable men.

The actors, successful artists all and therefore without private axes to grind, appeared to speak from the deepest wellsprings of patriotism. True, their testimony was prepared by others and carefully rehearsed in advance with Mr. Robert Stripling, committee investigator. But they were eager participants in the show, and their performances seemed to reflect a solemn conviction that their accused fellow-workers were so actively engaged in revolutionary foment their their violent overthrow of the government constituted an imminent peril. Possessed of such convictions—if, indeed, they were convictions—no man may be condemned for voicing them, although the choice of tribunal in this instance may not have been well considered.

By far the most complex of all the friendly witnesses were the two labor executives who, professing widely differing points of view, nonetheless revealed striking similarities as their testimony unfolded. In contrast to the feelings of most men who are invited to participate in such a display, both of them professed their eagerness to testify. "I welcome the opportunity," said the international representative of the I.A.T.S.E. "I would be here, whether you gave me a subpoena or not," said the president of the Screen Writers Guild.

Both men, leaders of labor and presumably aware of those acts of Congress which for thirteen years have barred compulsory reve-

lation of trade union membership, appeared zealous to discard such immunities, not only for themselves but for other trade unionists as well. "I see no reason at all why today a man should deny his membership in an American trade union—none at all," said the trade union leader. "I wanted to volunteer the information that I am both a member and serving my third term as president," said the Guild executive, adding that he was "delighted and proud" to do so. Neither man appeared willing to pay even lip service to a tradition of secrecy, the destruction of which, to Negro trade unionists and organizers in the South, often brings swift and violent death.

Still another similarity between the two stood forth in the revelation that each was appearing before the committee for the avowed purpose of winning a union fight in which he was engaged. The I.A.T.S.E. unions at the moment were violating the picket-lines and taking over the struck jobs of painters, carpenters and story analysts, all of whom the trade union witness accused of being Communists and hence fair game. "We hope," he said, "that with the help of the committee, the Communist menace in the motion picture industry may be successfully destroyed, to the end that Hollywood labor may be spared in the future the strife and turmoil of the immediate past."

The president of the Screen Writers Guild also had a union problem. Elections were shortly scheduled in his guild, and some of the candidates for directorships were those same unfriendly witnesses the committee was indicting for contempt of Congress. The guild executive had himself three times been elected president of the guild with the support of the unfriendly writers. He had also run for Congress in 1946, and had solicited their names as sponsors of his candidacy, used their homes for election speeches, and readily accepted their financial contributions to his campaign chest. But he was presently involved in a coalition with the complaining writers who had already testified, in an effort to defeat his former sponsors in their guild candidacies.

Lest his appearance be misinterpreted as a moral stand against the committee's investigation, he made his position perfectly clear. "My only concern with respect to this whole proceeding, Mr. Chairman," he declared, "is merely that people might go back home and think that they have been political martyrs. An election in November which is coming up in our Screen Writers Guild might be seriously affected, and not for the better, if people thought that perhaps government had interfered any more than was necessary in the normal operations of the guild."

How much government interference he felt "was necessary" in the guild he elsewhere revealed by stating that he had "appeared

before the FBI voluntarily and had offered to put myself and any records of our guild completely at his disposal at any time." This generous act, performed without consent either of board or membership, established his respect for the privacy of union business: he believed in the principle of the "partial virgin" and had succeeded in making one out of his own bargaining organization.

To Mr. Archibald MacLeish's query, addressed to the nation during the committee hearings—"The question before the country is—can a Committee of Congress do indirectly by inquisition into a man's beliefs, what the Constitution forbids Congress to do directly: And if it can, what is left of the Constitution and the freedom it protects?"—the guild president paid no heed. He was not concerned with the issue raised by Mr. MacLeish: he was impetuous in his desire to answer questions the committee had not even propounded to him: he was willing to forego any obligation to "the Constitution and the freedom it protects."

"I have a piece of information that I would like to put in the record on my own motion," he said to the committee, "and on my own volunteering, because I am not sure as a student of constitutional law whether the committee does have the authority to demand it of me, but let me break the suspense immediately and tell you that I am not a Communist." He then proceeded to tell the committee what he was.

As the two labor representatives were dismissed, Mr. McDowell thanked them for their cooperation. "You have been a good witness," he informed the union leader. And to the guild executive he said: "It is a great relief to have you testify, to hear you testify . . . without waving your arms and screaming and insisting that something was being done to you—about the Bill of Rights. It is good to hear somebody from the Screen Writers Guild talk as freely as you have."

Clearly the urgency to defy the committee or to condemn its activities was not strongly upon these men. In the full flux of the Toad, voluntarily and without any compulsion, they surrendered two vital constitutional outposts. Their capitulation served not only to repudiate those witnesses who had refused to bow before the committee; it actually provided the committee with righteous ammunition for the waging of its future campaigns against trade unions, atomic science and—as Mr. De Voto has pointed out with such justifiable concern—academic freedom itself.

Only one other position—aside from that of the unfriendly witnesses—remains to be dealt with: that of Mr. Eric Johnston,

president of the Motion Picture Association of America. A series of chronological quotations will serve much better than analysis to illuminate the quality of his mind.

In the opening week of the hearings, in the presence of attorneys for the producers and the unfriendly witnesses, Mr. Johnston said: "As long as I live I will never be a party to anything as un-American as a blacklist, and any statement purporting to quote me as agreeing to a blacklist is a libel upon me as a good American . . . We're not going to go totalitarian to please this committee."

On the morning of October 27, in a full page newspaper advertisement, Mr. Johnston wrote: "One of the most precious heritages of our civilization is the concept that a man is innocent until he is proven guilty."

On the afternoon of October 27, appearing as a witness before the committee, Mr. Johnston said: "Most of us in America are just little people, and loose charges can hurt little people. They can take away everything a man has—his livelihood, his reputation, and his personal dignity. When just one man is falsely damned as a Communist in an hour like this when the Red issue is at white heat, no one of us is safe."

On November 20, before a New York audience, Mr. Johnston said: "Freedom of speech is not a selective phrase. We can't shut free speech into compartments. It's either free speech for all American institutions and individuals or it's freedom for none—and nobody."

On November 26—six days later—in the Waldorf-Astoria Hotel in New York City, Mr. Johnston issued a statement which read: "We will forthwith discharge or suspend without compensation those in our employ, and we will not re-employ any of the ten until such time as he is acquitted, or has purged himself of contempt, and declares under oath that he is not a Communist . . . In pursuing this policy, we are not going to be swayed by any hysteria or intimidation from any source. We are frank to recognize that such a policy involves dangers and risks. There is the danger of hurting innocent people, there is the risk of creating an atmosphere of fear. Creative work at its best cannot be carried on in an atmosphere of fear. We will guard against this danger, this risk, this fear. To this end we will invite the Hollywood talent guilds to work with us to eliminate any subversives . . . Nothing subversive or un-American has appeared on the screen . . ."

On December 4, Mr. Johnston appeared before the Golden Slipper Square Dance Club in Philadelphia, to accept its 1947 Human-

itarian Award for the film *Crossfire*, produced and directed by Mr. Adrian Scott and Mr. Edward Dmytryk, two of the men just banished, by his own edict, from the Hollywood scene. Mr. Johnston rose to this awkward occasion with these words: "Intolerance is a species of boycott, and in any business or job, boycott is a cancer in the economic body of the nation . . . Hollywood has held open the door of opportunity to every man or woman who could meet its technical and artistic standards . . . What (our industry) is interested in is his skill and talent, his ability to produce pictures for the joy and progress of humankind."

A year later, in December, 1948, testifying for the defense in the trial of Mr. Lester Cole's suit against his blacklisting by Metro-Goldwyn-Mayer, Mr. Johnston said of the producers' conference which preceded the blacklist: "I then arose and said that, in my opinion, these men would have to make up their minds. I think I used the expression they would have to fish or cut bait—that I was sick and tired of presiding over a meeting where there was so much vacillation."

Comment would becloud the record. Mr. Johnston is as simple and uncomplicated as a million dollars: if he hasn't received them by now it provides a shocking commentary on the gratitude of princes.

* * *

At the outset of the Hollywood investigation, the unfriendly witnesses in a full page advertisement—they spent some \$70,000 of their own funds during the hearings in an effort to present their side of the case—left no doubt as to the position they would take when called upon before the committee.

"We propose," read their statement, "to use every legal means within our power to abolish this evil thing which calls itself the House Committee on Un-American Activities and to put an end, once and for all, to the uncontrolled tyranny for which it stands."

Later, after some of their number had appeared before the committee and received citations for contempt, they further elaborated their stand in an advertisement which stated:

"The Bill of Rights is so popular an organ in the body politic that no public person dares refrain from paying it perfunctory tribute. It is never questioned until someone demands that it be used. At this point, the opposing forces, having almost forgotten its existence, stand forth again to re-enact the struggle which gave it birth—to determine once more whether it shall be the heart or the vermiform appendix of our Constitutional system."

Almost two years later—the indicted witnesses by then engaged in appeal to the Supreme Court—Mr. Archibald Macleish writing in the *Atlantic Monthly* for August, 1949, struck the same note:

"Revolution, which was once a word spoken with pride by every American who had the right to claim it, has become a word spoken with timidity and doubt and even loathing. And freedom which, in the old days, was something you used has now become something you save—something you put away and protect like your other possessions—like a deed or a bond in a bank. The true test of freedom is in its use. It has no other test."

It ought only to be added that the use of freedom, the actual invocation of the Bill of Rights, is an exceedingly dangerous procedure; and that the paths of men who act, even upon sentiments which receive universal acclaim, lead more often to jail than into the sunlight of public approval.

Judicial opinions protecting the individual from inquisition are many and nobly stated: they go back into the remote pages of English history—"And so long as a man doth not offend neither in act nor in word any law established, there is no reason that he

should be examined upon his thoughts or cogitation; for it hath been said in the proverb, thought is free . . ." (Edward's Case: 1421) —and have been brought into present times by living judges. A summary of articles in the most important law reviews since the Hollywood hearings indicates that a considerable majority of contemporary legal opinion supports the theory that no body, however constituted, may ask the questions propounded during the Hollywood hearings by members of the House Committee on Un-American Activities.

If, then, the questions are illegal, and in fact represent an assault upon the Bill of Rights; and if the committee wilfully flies in the face of the Constitution and persists in asking them—who is left to provoke the legal conflict which alone can restore the rule of law? Obviously the witness. At this point he stands in solitude between the Constitution and those who would destroy it. He can surrender or fight. He can assert his rights, or answer the questions.

The question of compulsory revelation of trade union affiliation is not complex. The whole history of organized labor demands that no precedent be set which may, under the compulsion of authority, weaken the right of secret membership. There have been many times in the past when compulsory disclosure led to death; there are in the South even now instances of men lynched for trade union activities; and we have no assurance there may not in the future be other times when violence once more will attend the path of the organized worker.

In addition to Congressional acts which prohibit compulsory disclosure, and the National Labor Relations Act provisions for secret ballot in the choice of unions, there exists in the instance of the Screen Writers Guild a specific statement on the matter.

Mr. Charles Brackett, then president of the guild, testifying in an NLRB hearing on writer representation in July, 1938, maintained that the membership list of his organization must be held inviolable and secret because of the possibility, then and in the future, of discharge of members of the guild from their employment.

The question of political affiliation, hedged about as it is with fear and almost tribal dread, is immensely more difficult. If a man is a Communist and denies his affiliation before the committee, he has committed perjury and he will go to jail. If he answers affirmatively, the second question put to him will be "Who else?" If he refuses this answer he is in contempt in the same degree as if he had refused the first, and he will go to jail. If he answers the second, he will be confronted with the third: "Who are your relatives? Your friends? Your business associates? Your acquaintances?" At which point, if he complies, he is involved in such a nauseous quagmire of betrayal that no man, however sympathetic to his predicament, can view him without loathing.

His original affirmative answer will involve him in still other difficulties, unless he has voluntarily and carefully selected the time and place and circumstances of his revelation. He will lose his job. His private life will be invaded by the FBI. His public life will be subject to the chivalry of the American Legion. His friends and relatives, his associates and merest acquaintances, will be shadowed and harassed—even the most innocent, even those with whom he is in political disagreement.

His compulsory confession will not affect his own destiny alone: It will touch twenty, fifty, a hundred lives, baring each of them to the ugly, discriminatory climate of the age. What had been conceived as a brave and noble act becomes cowardly and ignoble. Beyond this, it is wanton; for it was in anticipation of just such emergencies of the individual at odds with the state that the Bill of Rights was adopted. It was not conceived for the powerful and the popular who have no need for it. It was put forth to protect even the most hated member of the most detested minority from the sanctions of law on the one hand, and of public disapproval on the other. It was written, as Mr. MacLeish has said, to be used.

If, however, a man is not a Communist, he must determine for himself whether, by casting aside the immunity with which he is clothed, he wishes to assist the committee in its pursuit of an illegal end. He must consider the precedent which his act establishes. He must decide whether he wishes absolution and approbation at such hands. He must consider the frightened men of Germany, swarming and sweating to appease the inquisition, and the six million people whom their appeasement delivered over to the executioner. He must consider the texture of the Toad, and its desirability for his children. Then he must say no to the question, or he must not answer at all.

In four tumultuous days—October 27 to October 30—the committee cited ten men for contempt of Congress, charging them with refusal to divulge their trade union and political affiliations. The indicted men had been refused the right of cross-examination; they had been denied the opportunity accorded to others to make statements; they had been refused the right to introduce into evidence those scripts which the committee charged carried subversive propaganda; they had been refused the right to examine the evidence against them. It has been said in the press—indeed, it was said by Mr. Thomas himself—that they made speeches to the committee; but this appears improbable in view of the fact that the official record of the proceedings runs to 549 pages, of which 37 contain the testimony of the ten unfriendly witnesses.

As each man was dismissed from the chair a dossier of his activities was read into the record, there to stand for all time, beyond challenge, beyond legal attack, beyond correction. The dossiers

represented the accumulated talent of seven investigators, headed by a former FBI agent, Mr. Louis J. Russell. Citizens who trust their security to the FBI may be interested to discover the quality of Mr. Russell's police work. A sample dossier shows the entire evidence to consist of 55 newspaper clippings, eight letterheads, three pamphlets, two open letters, two circulars, one printed program, one advertisement, one novel, one standard reference book—and six unsupported statements, none of them alleging Communist party membership.

The value of such material may fairly be judged by the following accusation in my own dossier: "According to Variety of March 14, 1941, page 2, Dalton Trumbo was the author of Remarkable Andrew, which was so anti-British and anti-war that Paramount refused to continue with the picture after paying \$27,000 for it."

The facts are different. The Remarkable Andrew was a novel written by me for which Paramount paid \$30,000. I wrote the screenplay. The picture was produced, and released both here and in England. Mr. Winston Churchill—here I resort to Mr. Russell's concept of evidence, and cite Robert E. Sherwood's Roosevelt and Hopkins—thought well enough of the film to cable Mr. Roosevelt in Washington urging him to see it. The novel was published in England, where all of the author's royalties were paid over directly by the publisher to the Lord Mayor of London's Fund for the Relief of Bombed-Out British Children.

Climax of each dossier was the reading into the record by Mr. Louis Russell, from what he claimed to be original documents, of the accused man's "Communist Party registration card." Demand was made—and refused—that the accused be permitted to examine the cards. The most cursory investigation would have revealed that a registration card is not a membership card, nor a duplicate of one, but merely the alleged office record of an alleged card.

The Government, in its trial of the twelve Communist leaders in New York City, has developed the fact that the Communist Party of America was dissolved on May 22, 1944, and became the Communist Political Association. It continued to be the Communist Political Association until July 29, 1945, when it was reconstituted as the Communist Party. Yet the alleged cards introduced into evidence were all "Communist Party" registration cards dated in November or December of 1944 to cover the year 1945. They were "Party Cards" when no party was in existence. "Whether that change of name represented a technicality or an actuality is beside the point," Mr. Ring Lardner Jr. wrote in the New York Herald-Tribune. "Obviously the Communists themselves must have taken it seriously enough to alter their official documents."

No action, performed in the glare of such publicity and under threat of universal reprisal, can be pleasing to everyone. There have been criticisms of the conduct of the ten before the committee, and of their later strategy in the struggle that ensued. Some were justified and some were not. Second performances are always better than opening nights, although it must be remembered in this instance that the cast did not aspire to the roles they essayed. They were dragooned into the play against their wills, and in the absence of more expert performers they were obliged to interpret the piece as they understood it.

The most importunate suggestion made by their most friendly supporters urged them, after having received their citations from the committee, to make announcement of their political affiliations to the press. Such action, dramatic as it might have been, would have negated all that went before. The right to secret political opinion or affiliation is founded upon the right of disclosure by choice, not by coercion. The committee was seeking to destroy people and to censor an entire medium by forcible disclosure of opinion. For the witnesses to have revealed to the press that which they had withheld from the committee would have aided the committee in its objective quite as effectively as direct revelation upon the stand. The accused men made their stand before the committee to reestablish their right of privacy, not only in law but in fact. They actually believed in it.

To assert the right of privacy against committee pressure and immediately surrender it to public pressure would be to render meaningless a principle which must exist not only in law but in life itself; for it is only in the day-to-day actions of living men that laws achieve reality. Privacy in relation to political opinion means secrecy. What principle, then, is served by defending the right of secrecy in law only to reveal the secret in life? In such an event law becomes a meaningless ritual, unrelated to life and unworthy of respect; and those who have invoked it only to cast it contemptuously aside become the betrayers both of law and life.

In April of 1948, two of the indicted ten were brought to trial in the Federal Court of Washington, D.C. A later agreement stipulated that the remaining eight would accept the judgment of the first two as their own. Both defendants were convicted by juries consisting in part of government employees who were required to judge impartially between their employer and the accused in a district which has not recorded an acquittal¹⁰ on any charge involving political irregularity in many years. They were given the maximum sentence of a year in jail and a fine of one thousand dollars. They were not permitted to introduce their allegedly subversive motion picture scripts into evidence; nor were they permitted to prove, through expert witnesses, that control of the ideological content of

motion pictures lay not in their hands at all, but in the hands of the producers.

On June 13th, 1949,—the day on which Dr. Hjalmar Schacht was cleared by a de-Nazification court in Stuttgart—the Court of Appeals for the District of Columbia, in a unanimous verdict written by Mr. Justice Clark, upheld the convictions in the following words: "Neither Congress nor any Court is required to disregard the impact of world events, however impartially or dispassionately they view them. It is equally beyond dispute that the motion picture industry plays a critically prominent role in the molding of public opinion and that motion pictures are, or are capable of being, a potent medium of propaganda dissemination which may influence the minds of millions of American people. This being so, it is absurd to argue, as these appellants do, that questions asked men who, by their authorship of the scripts, vitally influence the ultimate production of motion pictures seen by millions, which questions require disclosure of whether or not they are or ever have been Communists, are not pertinent questions."

The Court of Appeals has answered Mr. De Voto's admonition to the embattled universities with a clear *verboten*. The Court of Appeals holds that speech can be controlled whenever it relates to an important and vital matter or is expressed through an effective medium of communication. Freedom of speech is thereby reserved only for unimportant speech ineffectively communicated. Since the instruction of youth is a vital matter and the profession of teaching an effective means of communication, the schools and universities of the country—by order of the court—must yield up not only their textbooks, but their instructors as well.

All effective communication upon any important subject—whether it occurs in a newspaper, the cinema, the radio, the theatre, the novel, the short story, the press, the laboratory, the pulpit or the classroom—becomes, as of June 13, 1949, the legitimate object of government regulation.

Mr. John S. Wood of Georgia is now more important to the theatre than Mr. Arthur Miller, to nuclear physics than Dr. Albert Einstein, to education than Dr. James B. Conant.

The standards of the Toad have achieved the sanctity of written law.

* * *

What is it, then, which delivers the leaders of a great nation into such an excess of hysteria that they fear and actually assert their power to prohibit the utterance of any word which may be spoken in opposition to their purposes? What great designs must there be shrouded in darkness? What visions have disturbed the national dream to invoke this high and holy madness?

M. de Caulaincourt, Duke of Vicenza and general under the first Napoleon, relates in his memoirs a conversation he held with the Emperor at St. Cloud in 1811—the year in which that able tyrant was perfecting his plans for the conquest of Russia:

“The Emperor repeated all the fantastic stories which, to please him, were fabricated in Danzig, in the Duchy of Warsaw, and even in the north of Germany—stories the accuracy of which had been disproved time and again, sometimes by means of investigations carried out on the spot, sometimes even by the march of events.

“‘Admit frankly,’ said the Emperor Napoleon, ‘that it is Alexander who wants to make war on me.’

“‘No, Sire,’ I replied once again, ‘I would stake my life on his not firing the first shot or being the first to cross his frontiers.’”

Napoleon, obsessed with his great objective and unwilling to hear any word against it, later remarked in Caulaincourt’s presence: “M. de Caulaincourt has turned Russian. The Tsar’s beguilements have won him over.” And then, speaking directly to Caulaincourt: “You have turned Russian, haven’t you?”

To which the general replied, “I am a good Frenchman, Sire, and time will prove that I have told Your Majesty the truth, as a faithful servant should.”

Time did prove it, when Caulaincourt accompanied his beaten Emperor in that famous personal retreat from Moscow and a starving army. Throughout the whole long journey Napoleon made no mention of their previous disagreement. He was too engrossed in savoring the destiny of men in whose ears the voice of moderation is always amplified to treason.

Mr. Archibald MacLeish in the *Atlantic Monthly* observes the same symptoms in America and diagnoses the national malaise in this way: “What is happening in the United States under the impact of the negative and defensive and often frightened opinion of these

years is the falsification of the image the American people have long cherished of themselves as beginners and begetters, changers and challengers, creators and accomplisners. A people who have thought of themselves for a hundred and fifty years as having purposes of their own for the changing of the world cannot learn overnight to think of themselves as the resisters of another's purposes without beginning to wonder who they are. A people who have been real to themselves because they were for something cannot continue to be real to themselves when they find they are merely against something."

Although he arrives at a conclusion with which this writer is not in sympathy, Mr. MacLeish has here reached the core of the matter. We are against the Soviet Union in our foreign policy abroad, and we are against anything partaking of socialism or Communism in our internal affairs. This quality of opposition has become the keystone of our national existence. Being only against something and never for anything, we must equate every act in terms of the act of our opponent. What our enemy does we must not do; what he does not we must at any cost do ourselves. Each morning we observe the drift of the wind out of the Don Basin. At lunch-time we test the temperature of the Siberian wilderness. At night we are canny with the moon, for it shines also upon the domes of Moscow.

If there be hurricanes in Florida we must discover more savage gales in the Crimea, for sunshine and citrus are to be found there, too, although of an inferior quality. If we keep fifteen million Negroes in desperate peonage, it is not so bad if only we can unearth twenty millions in Russia suffering a more brutal peonage—and white peons at that. If, by some evil chance, a two-headed monster is born to a Minnesota housewife, then we are obliged to make of it a virtue by proving that Russian mothers are compelled to beget two-headed monsters as a matter of national policy.

The Soviet Union has become a moral yardstick by which we evaluate our national deeds and virtues. We must commit no deed, large or small or good or bad, without first measuring it to the Soviet pattern. And if, in making our daily genuflections toward the Kremlin, its towers are obscured by fog, we are paralyzed. We cannot move at all until the weather clears.

The attitude has developed into a full-blown cult, complete with hierarchy, prophets and lay readers: the cult of the New Liberalism, or the "non-Communist left." No one in his right senses would wish to quarrel with any progressive political coalescence, for the forces to the left of center have been seriously weakened by four years of ferocious attack, and certainly recruits are to be desired. But the New Liberals have no stomach for liberalism itself, save on a high and almost theological plane. When the battle is actually joined on

a specific issue involving the lives and rights of existing men—as in the recent case of the Trenton Six—they are not to be found in the lists. They abandon such earthy matters to organizations designated “subversive” by the attorney-general, meanwhile engaging their own energies in the production of spirited manifestos in support of the status quo antebellum, which is the furthestmost limit of their aspirations.

The self-conscious label “non-Communist left,” indicating more what the worshippers are not than what they are, is naturally reflected in cult policy. Any serious examination of the sacred writings of the “non-Communist left” reveals that it has, in fact, become the “non-anti-fascist left.” Its collective zeal is expended not in being “non-Communist” but in a fight waged almost exclusively against Communists. The difference is not subtle. It transforms the whole spirit of the movement. Its dogma has become nine parts anti-Communism to one part anti-Toryism, or anti-reaction, or—comically enough—anti-anything but fascism. For fascism in the dirty word of the sect: it must not be used because it has been willed out of existence.

During a period when Communists, real or alleged or only suspected, are being prosecuted everywhere for their thoughts and speech and never for their acts, the “non-Communist left” has invoked a unique attack upon all who protest such obvious violations of civil rights. “Would you,” they demand, “protest so loudly if the victims were fascists?”—thus beclouding the fact that except for the fascist Terminiello, who was freed by the Supreme Court on the grounds that his right of free speech had been violated, there is no single instance in the country today of a fascist being haled before any tribunal to account for his thought or speech, or even being seriously prosecuted for the commission of such actual crimes as lynching, flogging and arson. By equating Communism with fascism they bring to mind that other “non-Communist left” which on May 17, 1933 gave a unanimous vote of confidence to Hitler’s foreign policy—and four weeks later found itself outlawed by the policy it had endorsed.

The New Liberals are fondest of citing the Nazi-Soviet non-aggression pact of August 23, 1939 as authority for a doctrine formerly subscribed to only by Mr. William Randolph Hearst and his peers. But search through their holy writings as you may, you will find no mention of the French-Italian agreement of January 7, 1935; the Anglo-Nazi Naval treaty of June 18, 1935; the British-Italian accord of April 16, 1938; the Munich pact of September 29, 1938; the Anglo-Nazi non-aggression pact of September 30, 1938; or the French-Nazi non-aggression pact of December 6, 1938—all of which preceded and considerably affected the one pact they cherish and recall.

Neither do they mention the fact that Roosevelt, Churchill and Stalin at Yalta pledged themselves to "wipe out the Nazi party, Nazi laws, organizations and institutions, remove all Nazi and militarist influence from public office and from the cultural and economic life of the German people." For the liberated areas they pledged themselves to "processes which will enable the liberated peoples to destroy the last vestiges of Nazism and Fascism." At the opposite end of the pole they pledged that "all democratic and anti-Nazi parties" including quite naturally the Communist "shall have the right to take part and to put forward candidates." The leaders of the democratic coalition did not equate fascism with Communism.

If the New Liberals really believe the doctrine they put forth, they must equate the racial mystique of Nietzsche, Houston Stewart Chamberlain, Hitler, Rosenberg and Goebbels with the writings of Marx, Engels, Lenin and Stalin. They must equate 6,000,000 Jews burned and gassed and rendered into soap in the territories of Nazi Germany with 3,500,000 Jews living in the Soviet Union under the protection of laws which ban discrimination of any kind. They must equate the slogans "Blut und boden" or "Ein Volk, ein Reich, ein Fuehrer" with the slogan "From each according to his ability, to each according to his work." It is quite possible to disagree with each factor of every equation; but reasonable men simply cannot maintain they are the same.

Thus the New Liberals are deflected by the holy sickness from any effective attack upon what I am sure they call the "non-fascist right," and have become even more ardent in their genuflections toward Moscow than the State Department itself. To illustrate by one of a hundred quotes: "The slums of America are breeding spots of Communism, and in passing this (housing) legislation we will be striking a blow against Socialism and Communism and for our free enterprise system and our American democracy."

Eliminate the slums because they are indecent and unjust? Because they spawn disease and torment and illiteracy and death? No. Eliminate them because they breed Communism. We do not accomplish the good deed for itself; we do it as an act of war forced upon us by an implacable enemy. And without Communism, one is tempted to ask—what then? Since no moral purpose impels us to slum-clearance, we would take no action if the menace of Communism did not exist. But, one asks, if slums are of themselves rotten, and if it is the pressure of Communism which obliges us to eliminate this rot—what then becomes the role of Communism in such a system of logic? It becomes the role of virtue; the catalytic agent through which progress is accomplished; the enzyme without which no improvement is possible. It becomes, by the speaker's own reasoning, a very good thing. This is not what the speaker means, for he hates Communism. But it is what he said.

How different the voice of President Roosevelt, who was not afflicted with such holy madness: "There are those who say there is no answer, that this great city and all great cities must hide in dark alleyways and dingy street buildings that disgrace our modern civilization; where disease follows poverty and crime follows both . . . I believe you will take this up as a body, in mutual confidence, and apply your most practical knowledge to this matter of housing our poor."

Or that even greater moment when he said: "I see one-third of a nation ill-housed, ill-clad, ill-nourished. It is not in despair that I paint you that picture. I paint it for you in hope — because the nation, seeing and understanding the injustice of it, proposes to paint it out."

There spoke the voice, as Mr. MacLeish puts it, of "beginners and begetters, changers and challengers, creators and accomplishers." The voice of a people moving with sanity toward a moral objective, not to win strategic advantage in a cold war, but to exalt the dignity of man.

Even so distinguished a lady as Mrs. Eleanor Roosevelt falls victim now and again to the current fevers. "One hundred forty-five persons were injured," she writes of the Peekskill riots; "Fifty busses were stoned, and a number of private cars, many of which did not contain people who had been at this concert, were molested and damaged. This is not the type of thing that we believe in in the United States. If peaceful picketing leads to this, all the pickets do is to give the Communists good material for propaganda . . . I was particularly sorry to hear that one of the busses and a number of cars which were man-handled by a particular group that was not controlled by the police authorities were cars that were returning from the Hyde Park Memorial Library and held no people who had been to the Robeson concert."

Mrs. Roosevelt, who has complained in her column that America's treatment of Negroes provides fuel for Communist propaganda and adds difficulties to her work on the Human Rights Commission of the United Nations, goes on to say that: ". . . if he (Mr. Robeson) wants to give a concert or speak his mind in public, no one should prevent him from doing so."

But this is not enough. She has already made the fatal concession to Mr. De Voto's principle of the "partial virgin." She is "particularly" sorry that visitors to Hyde Park were molested, along with others who had not been to the concert. She disapproves molestation of her friends a little more than of those with whom she is not in agreement. Her friends partake of the nature of innocence, and those with whom she disagrees of guilt, and she is led by her dis-

like to an implicit disavowal of the Bill of Rights. She does not mean it so, but that is what she says.

By saying it she permits Miss Hedda Hopper to crawl into the fatal breach there left unguarded, and tell her readers in the Los Angeles Times: "Paul Robeson will appear at Wrigley Field September 30. I must say he's giving our people plenty of time to heat up a reception." Thus a leading citizen of the world becomes linked—however wide the degree of difference—by careless thinking and a mutual enemy, to a common purveyor of small adulteries.

If the best and noblest among us falls victim to this sacred malady, it is not surprising that lesser men hasten to proclaim their infection. Thus the mayor of Los Angeles, his chief of police indicted for perjury, his leading detectives torn between bribery and extortion, his city overrun with gangsters, announces valid reason for a cleanup:

"Nothing is more welcomed by Communists and the subversive elements of our population than to see mistrust of government, confusion, disturbance, and hoodlums, racketeers and those who make crime their principal business profit, and the public interest suffer."

For a parallel one is obliged to go back to Alphonse Capone eighteen years before the District Court of Appeals wrote his views into law: "Bolshevism is knocking at our gates. We can't afford to let it in. We have got to organize ourselves against it, and put our shoulders to the wheel together and hold fast. We must keep the worker away from red literature and red ruses; we must see that his mind remains healthy."

Sometimes the inflamed grenadiers of the cold war, even though moving toward a common goal, break the line of march to stab a laggard, as when Mr. Arthur M. Schlesinger Jr., defending "The Right to Loathsome Ideas" among university personnel, ran afoul of Mr. Morris Ernst.

From the chilly heights of three years at Harvard, where he holds an associate professorship in the department in which his father occupies the Francis Lee Higginson chair of history, Mr. Schlesinger hurled the epithet "wretched nonentities" at three University of Washington professors who, combining sixty-six years of university teaching in their total experience, had been discharged—two for stating they were Communists, one for saying he had been.

Deploring the fact that the discharged men are "far more powerful in martyrdom than they were in freedom," and denouncing them as "contemptible individuals who have deliberately lived a political lie"—although it was their statement of the truth which proved their undoing—Mr. Schlesinger arrived at the tortuous conclusion that, "No

university administration in its right senses would knowingly hire a Communist . . . But, once given academic tenure, none of these can properly be fired on the basis of beliefs alone short of clear and present danger."

Mr. Ernst, perceiving the flaws of the argument, hastened to point out that the moral right to refuse to hire a scoundrel also carries with it the obligation to fire him, no matter how long he has browsed in the academic pasture. As for Mr. Schlesinger's theory of free speech in relation to clear and present danger, Mr. Ernst developed a totally new concept of speech. He distinguished between free speech as commonly practiced, and "secret speech" as practiced by Communists. The latter variety, he asserted, carries with it no immunities whatever.

Mr. Louis Russell, investigator for the Un-American Activities Committee and an avid reader of *The Daily Worker*, *The People's World*, *Masses and Mainstream* and *Political Affairs*, would be perplexed at Mr. Ernst's ideas about the "secrecy" of such speech. But he would agree with his conclusions, as one day Mr. Schlesinger will too, if he hasn't already; for they are all possessed, in only varying degrees, of the same affliction.

Nowhere does the epidemic rage more fiercely than among the publicists and critics and space-rate Cains who infest the half-world of the semi-slick "reviews." No approach may be made to any American work without evaluating it, for better or worse, against its Soviet counterpart, or estimating its effectiveness in the cold war.

Mr. John Gunther is reproved in the pages of the *Saturday Review of Literature* for his own reproval of Mr. Ernest Bevin, who called Premier Stalin and Marshal Tito "thugs." The reviewer of *Behind the Iron Curtain* pointed out that they are thugs, and in times like ours one must call a thug a thug. Mr. Clifton Fadiman, same magazine, worries about something called "the decline of attention," attributing it to "a wholesale displacement away from ideas and abstractions toward things and techniques." And who is to blame? "The movement toward displacement is the result of calculated policy in such police states as the Soviet Union." Mr. Elmer Davis, *Saturday Review* again, in passing on to a larger subject, and without any supporting evidence, refers to the "defenestration" of Mr. Jan Masaryk without a thought in his innocent mind of the death of Mr. James Forrestal. There is scarcely enough toad-meat to go around.

Where amidst this "formidable army of sychophants and delators" can be heard even the whisper of reason? Who in these frightened ranks has ever stopped to ask himself: Is this after all a matter of the intellect, an affair of some philosophic substance, a question not entirely to be resolved by incantation? Has any one of them heard

above the din from Brocken the voice of such a one as Mr. Thomas Mann saying: "I testify, moreover, that to my mind the ignorant and superstitious persecution of the believers in a political and economic doctrine which is, after all, the creation of great minds and great thinkers—I testify that this persecution is not only degrading for the persecutors themselves but also very harmful to the cultural reputation of this country?" No. That voice was not heard. The holy sickness not only maddens its victims; it deafens them as well.

These men who might have been the bravest and best loved, these soldiers of the intellect to whom a troubled people looks for truth, have abandoned the outposts of reason like unfaithful sentries in the night. Hand in hand and chanting tribal hymns they have deserted into the land of Chaos. There they sit in perpetual twilight, confuting folly with unreason, muttering like frightened murshids of the "mystery and menace of the Slavic soul." There they build their fires before the ancient totems and prepare to offer up in living sacrifice the mind of a generation.

* * * *

At the conclusion of the Hollywood hearings on October 31, 1947, the indicted ten again purchased newspaper space to declare: "Not only a free screen, but every free institution in America is jeopardized as long as this committee exists . . . Our original determination to abolish the committee remains unchanged." They also took this last opportunity to warn the country that "education, atomic energy and trade unions are the next targets" of the committee.

How goes the matter two years later? How goes the loyalty check—that iniquitous process which inquires of men whether they associate with Jews or Negroes, what magazines they read, what candidates they vote for, what meetings they attend?

It goes well. The city of Washington is a city of whispers, of tapped phones and cautious meetings; a city whose very air is polluted with the smell of the secret police. "There are political forces so manipulating things on Capitol Hill today," writes Roscoe Drummond, Washington bureau chief of the Christian Science Monitor, "that Congress is being put in a position of being so almost totally concerned with exposing and condemning the activities of Communism in the United States that it is almost totally unconcerned with exposing and condemning the activities of fascism in the United States . . . This isn't protection of democracy at all; this is imperiling democracy . . . There are so many evidences of Congressional pre-occupation with the dangers of Communism to democracy and Congressional indifference to the threats of fascism to democracy that they no longer can be dismissed as casual or unintentional. They appear deliberate and purposeful."

From the postal services of outlying cities there come occasional reports, cautious and confidential and never complete. They read like casualty lists from a battleground, as indeed they are: Of 34 persons known to have been purged in Cleveland, 24 were Negroes and four were Jews. Of 41 known to have been discharged in Philadelphia, 12 were Negroes and 21 were Jews. Of 14 known to have been fired in Los Angeles, 12 were Negroes and one was an American of Mexican origin. Of 133 known to have been fired throughout the country, 72 were Negroes and 48 were Jews.

This is not surprising. Anti-Semitism and Negrophobia among Federal bureaucrats is well known and never mentioned. With the policy-makers of such Neanderthalic cast it is only reasonable that

purge lists should reflect their distaste. When they address the world upon matters affecting the lives and fortunes of millions, or when they weep in public for the oppressed and downtrodden of other countries, it is well to remember that the voice is Democratia's voice, but the hands are the hands of the Toad. The purges go well.

How goes Congressional censorship of motion pictures? It goes excellently. The Committee on Un-American Activities called for the discharge of ten men on political grounds. The motion picture monopoly promptly broke all existing contracts with the accused men and, in theory at least, banned them for life from the practice of their profession. Beyond the blacklisted ten there extends a vague and shadowy "gray list" composed of scores of men and women whose ideas and politics might possibly give offense to the committee. And beyond the gray list lies a wide and spreading area of general fear in which unconventional ideas or unpopular thoughts are carefully concealed by self-censorship.

The committee did not only tell the producers whom they might not employ: it also told them what kind of pictures they must make in the future. Throughout the hearings the committee demanded over and again why anti-Communist pictures were not being made and when they would be made. The producers returned to their studios and immediately set about the production of the films for which the committee had called. The Iron Curtain, I Married a Communist, The Red Menace, The Red Danube and Guilty of Treason—all of them calculated to provoke hatred and incite to war—were made without reference to audience demand, possible profit or normal entertainment value. They were produced as the direct result of Congressional command over the content of American motion pictures.

Even though it is customary in intellectual circles to deplore motion pictures as an art, it would be a fatal mistake to underestimate them as an influence. They constitute perhaps the most important medium for the communication of ideas in the world today. The Committee on Un-American Activities recognizes them as such. The Circuit Court of Appeals recognizes them as such. The Legion of Decency and the National Association of Manufacturers and the American Legion and the National Chamber of Commerce recognize them as such. Unless intellectuals quickly come to the same conclusion and act as vigorously as their enemies, there is an excellent chance that the American motion picture monopoly, abasing itself as the German monopoly did, will succeed in its assigned task of preparing the minds of its audiences for the violence and brutality and perverted morality which is fascism.

How goes the encroachment of politics upon science? It goes very well. Scholarships have been restricted to the elite; the Con-

gress has asserted its power over atomic decisions; the President has complained that the committee on Un-American Activities renders it difficult to find competent personnel; the Federation of Atomic Scientists has been all but silenced; the conspiracy between the military and the banks to surrender the incalculable riches of atomic energy into private hands progresses nicely.

Mr. De Voto declares: "There is a growing suspicion, which a lot of us would like aired, that the generals and admirals are demanding and being accorded the right to determine the political (and what other?) opinions of the scientists whose salaries they are paying. If they are not making that demand now, we can be quite sure they will be tomorrow."

Dr. Edward U. Condon, head of the United States Bureau of Standards, reveals that one of the charges made against him was that "you have been highly critical of the older ideas in physics," and goes on to warn that "Anti-intellectualism precedes the totalitarian push, and anti-intellectualism is on the upswing here."

How goes the infliction of censorship upon art? It goes well. Representative George A. Dondero of Michigan has addressed Congress to the extent of ten columns in the Congressional Record on the subject of "Communism in the Heart of American Art—What to Do About It." Mr. Dondero was inflamed by a Gallery on Wheels—an art exhibit for the benefit of the men in veterans hospitals, to which 28 artists had contributed their work.

The Congressman cited fifteen of the artists as Communists or sympathizers, and went into the political records of thirteen of them. Important among the charges he made was support of Mr. Henry A. Wallace's candidacy. Declaring that "the art of the Communist and the Marxist is the art of perversion," he denounced the contributors as ". . . radicals all . . . explaining their theories to an audience who could not get away from them . . . They had a great opportunity not only to spread propaganda, but to engage in espionage." One important art gallery also came under Mr. Dondero's fire, which culminated in a demand for "a major investigation on the part of a competent governmental agency" and, while disavowing any intent of censorship, demanded "directional supervision" of art critics by their superiors.

Mr. Arthur Millier, art editor of the Los Angeles Times states that the Congressman's attacks "have resulted in the return of paintings by named artists to New York art dealers, the loss of a mural commission and the expulsion of at least one well-known artist, a National Academician, from a conservative artists' club." He also reports that "the reviews of one New York critic, respected by her colleagues, are reportedly being personally edited by her publisher . . ."

Presumably the baiting of modern American art would not trouble President Truman, who has participated in the sport himself; nor the State Department which, under Secretary Marshall, abjectly withdrew its traveling show of modern American artists at the first breath of "conservative" criticism and sold it as war surplus.

How goes the campaign against free inquiry in schools and universities? It goes extremely well. The roll call of professors purged during 1948: Dr. Clarence R. Athern, professor of philosophy and social ethics, Lycoming College; Professor Daniel D. Ashkenas, University of Miami; Professor James Barfoot, University of Georgia; Professor Lyman R. Bradley, head of the German department, New York University; Professor Joseph Butterworth, associate in English, University of Washington; Professor Leonard Choen Jr., University of Miami; Professor Charles G. Davis, University of Miami; Professor Ralph H. Gundlach, associate in psychology, University of Washington; Dr. Richard G. Morgan, Curator of the Ohio State Museum; Mr. Clyde Miller of Teachers College, Columbia University; Professor Luther K. McNair, Dean of Lyndon State Teachers College; Professor Herbert J. Phillips, assistant in philosophy, University of Washington; Dr. George Parker, professor of Bible and philosophy, Methodist Evansville College; Professor Ralph Spitzer, University of Oregon, Professor Don West of Oglethorpe.

Charges against these men ranged from stating under oath they were Communists and being in contempt of the Committee on Un-American Activities to supporting Mr. Wallace for the presidency and running for the governorship of Georgia.

But the formal leaders of American education have gone even farther toward restricting academic freedom. They have resolved to save their house from the arsonists of the Un-American Activities committee by setting fire to it themselves. In the recent report of the National Educational Association and the American Association of School Administrators—a synopsis of which was overwhelmingly approved at the NEA convention—they have not only barred Communists from their faculties; they have thoughtfully handed down a plan for a complete renovation of the American mind.

The report was predicated upon the assumption that "the cold war will continue for many years" and therefore requires a "basic psychological reorientation for the American people as a whole." Admitting that "it is deeply patriotic to attempt to protect one's country and one's fellow citizens from the calamities of war" it nevertheless points out that "in the years just ahead it will not always be easy to teach such things as these in American schools." However "the schools of the United States will certainly be expected and required to continue their work in developing strong individual national loyalties" which inevitably will reveal "the need for healthy

young people to wear uniforms and man machines . . ." The report exhorts educators to work toward that time when education shall deserve to receive popular support "as an instrument of national policy."

Education, hitherto presumed to consist of free inquiry into the nature of truth, thus becomes merely an "instrument" of whatever policy the nation momentarily may pursue. That policy, determined outside the university and being on its own ipse dixit right, obviously cannot be subject to free inquiry. When policy has been made, inquiry ceases. National policy is truth, truth is national policy. It cannot be otherwise.

The report was signed by twenty leading educators, among them that politico-military pedagogue, General Dwight D. Eisenhower, and Dr. James B. Conant of Harvard, who immediately afterward found himself in a preposterous situation when the author of the Maryland Loyalty Bills—later declared unconstitutional—demanded that since Dr. Conant had pledged himself to bar Communists from the university in the future, he discharge those already employed. Dr. Conant replied with a resounding peroration against faculty witch hunts, but logic did not abide with him. He retired to the same corner into which Mr. Ernst knocked Mr. Schlesinger, there to receive unguents from the "partial virgin" who has made of that place her domain.

We have retreated almost the full distance from President Roosevelt's "No group and no government can properly prescribe precisely what should constitute the body of knowledge with which true education is concerned. The truth is found where men are free to pursue it" to William Jennings Bryan's "No teacher should be allowed on the faculty of any American University unless he is a Christian."

There are, however, still men in the academic world who speak out bravely. Dr. Robert B. Pettengill of the Teaching Institute of Economics, University of Southern California, writes in the Los Angeles Times: "The fear of being accused of heresy causes professors to lean over backward to avoid teaching anything which might make them suspect. Impartiality is no longer safe. Partisanship on the 'right' side is the way to gain promotion. And those in the pay of approved groups or dependent upon their favor will continue as now to violate the standards of free inquiry and free teaching in the name of which you would purge Communists."

Dr. Robert M. Hutchins, chancellor of the University of Chicago, carried the issue boldly to the Illinois Subversive Activities Commission. Pressed to admit that Communists were traitors upon the evidence that President Truman had called them such, Mr. Hutchins replied: "You will forgive me for saying there is reason why we should not model our vocabularies on the President's." While ex-

pressing his opposition to Communism, he went on to say that "the University of Chicago does not believe in the doctrine of guilt by association. . . . As is well known, there is a Communist club among the students of the university. Eleven students belong to it. The club has not sought to subvert the government of this state. Its members claim they are interested in studying Communism, and some of them, perhaps all of them, may be sympathetic towards Communism. But the study of Communism is not a subversive activity."

Professor Dwight E. Dumond of the University of Michigan concludes: "What we must say is: that until every Teachers Oath law is repealed; and every Board of Regents is told that it cannot interfere with the inalienable rights of free discussion by faculty and students, in the classroom and out, on the campus and off. . . . man's eternal fight for freedom is dangerously compromised."

Mr. Dumond does not speak only for himself. In those universities where freedom of academic opinion is an established custom, educators are speaking out boldly. When the Board of Regents of the University of California recently prescribed a non-Communist oath, the faculty academic senate at Berkeley, according to the U.C.L.A. Bruin, rejected the proposal by a vote of "approximately 700 to one," while the same body of the university in Los Angeles voted a unanimous no. The issue still remains to be fought out, but at the University of California it does not go by default.

Mr. De Voto understands such matters. He is no Communist. He is not sympathetic to Communism. He is, if I read his Harper's article right, a convinced opponent of Communism and a formidable one. But he understands a fight and he is hopelessly addicted to logic. Speaking of those university heads who, announcing their intention to resist inquisition, simultaneously agreed to ban Communists, he says:

". . . they have already lost the battle of the outposts, and have lost it by voluntarily retreating from a position of great strength. . . . If a college is to protect the freedom by which alone it exists in the tradition of democratic education, it has got to run the risk. The full risk." And the full risk, adds Mr. De Voto, is allowing Communists on the faculty.

There is, indeed, no other stand to be made. Either the fight is carried forward without compromise—in the civil services, in private industry, in the arts, the sciences, the church, the universities—or it will not effectively be made at all. The pastel feints of a Conant or a Schlesinger, illogical as a flight of fleas, are worse than no fight at all. They are mere quarrels, always attended by disaster, and their

creamy contradictions bring embarrassment to those who must clean up the mess.

The fight has already begun. It has been going on for two years. As of today it goes badly. If you are engaged in any work which may be interpreted by any Congressman as dealing with the "molding of public opinion"; if you are involved with anything which is—or is capable of being—"a potent medium of propaganda", or which can "influence the minds of millions"; or if by "authorship" you "vitally influence" anything which may be "seen by millions", you are subject to every compulsion he may wish to put upon you.

That is the law as it stands in the case of the Hollywood Ten. It is the law as it applies to you. Only the Supreme Court can reverse this judgment. The Court has been tragically ravaged by the death of two of its ablest members, Justices Murphy and Rutledge. It is a Court the temper of which may have changed materially in the past two months.

While it is true, as Mr. William Seagle remarks in his *Men of Law*, that "a man cannot change a lifetime of habits of partisanship by taking the judicial oath. The past is always an entangling alliance"—what Justice Oliver Wendell Holmes said is also true:

"The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed."

If the fight is to be won we must therefore change "the prevalent moral and political theories" and the "intuitions of public policy" which may influence the Court. Here is a task which calls for more than stately memoranda or measured speech unheard beyond the cloister. It calls for crying out in the streets. We are witnessing the murder of a tradition, and when murder is going on it is more honorable to jostle angrily in public than to appear as witness at the inquest.

Franklin Delano Roosevelt would have thundered out against the treachery afoot and destroyed it. Those around him would have thundered too. But not the least among the late President's talents was his remarkable ability to make his associates appear to be men—a piece of wizardry no one has been able to bring off since. Those who were men in their own right still remain what they were. Mr. Henry Wallace, Mr. Harold L. Ickes, Dr. Rexford Guy Tugwell, Mr. Archibald MacLeish—these and certain others, while differing among themselves, have not felt obliged to repudiate those principles which animated their services to the Roosevelt administration. But most of the late president's companions, deprived of courage and

even of identity by his death, hang on in a pitiable state of suspension, "half indoors, half out of doors," sniffing every breeze that blows and unwilling to fight for anything but their share of the toad.

We shall have to do without these plastic warriors in the campaign ahead. We shall have to depend upon our ability to summon from its slumber the immense devotion to Constitutional government which still abides with the American people. We shall have to reassert the dignity of the intellect. We shall have to reestablish the pleasures of reason. And in the course of it we shall have to rescue those "partial virgins" of the mind from the low resorts into which they have fallen and restore them to the house of their fathers.

It can be done. There are resolute men and women in the arts, the sciences, the professions and the clergy if only they be heard; and there are determined men and women by the millions outside. The moral climate of a nation can be changed overnight if the crisis be great enough, the will strong, the truth known.

But if it should occur in this battle of the mind against encroaching and oppressive law that an occasional Communist appears upon the lists, he must be defended too. Not with the high-piping invective of a Schlesinger, not while calling him a scoundrel worthy of hell's own damnation, for if you defend him in this manner your case is fatally weakened. If, because of the political labels attached to men, you have lost all capacity to judge them by their words and acts; if, in brief, you believe a Communist to be a scoundrel per se, then you cannot defend him. But by the bitter necessities of history and of logic, neither can you defend yourself.

Adolph Hitler said: "Bismark told us that liberalism was the pace-maker of Social Democracy. I need not say here that Social Democracy is the pace-maker of Communism." Similarly Mr. J. Parnell Thomas equates "New Dealism" with Communism.

The legal principles which protect one against the force of the state protect all. If a Communist comes first under attack and is overwhelmed, the breach opened by his fall becomes an avenue for the advance of the enemy with all his increased prestige upon you. You need not agree with the Communist while you engage in his and your common defense. You may, indeed, oppose him with every honorable weapon in your arsenal, dissociate yourself from his theories and repudiate his final objectives. But defend him you must, for his defeat in the Constitutional battle involves the overturn of principles which thus far have stood as our principal barrier, short of bloodshed, against fascism.

The case of the Hollywood Ten is not the first instance of a challenge offered to the Committee on Un-American Affairs. Mr. Eugene Dennis, General Secretary of the Communist Party; Mr. Rich-

ard Morford of the Society for American-Soviet Friendship; Mr. George Marshall of the National Federation for Constitutional Liberties; the directors of the Joint Anti-Fascist Refugee Committee—these and others have vigorously challenged the power of the committee on half a dozen fronts. Without exception the men involved have suffered conviction, and now rest their cases on appeal before the Supreme Court. There has not yet been a single victory over the committee in the courts.

How to cry havoc and yet not spread despair? It would be a damaging overstatement to contend that the case of the Hollywood Ten is the ultimate battle—although the decision of the court is sweeping enough to tempt such a conclusion—or that all depends upon the outcome. The forces of repression have almost the endurance of those of progress, and the contest between them will extend into the remotest future. But there are landmarks; there are occasions when one side has gained a decisive advantage, compelling the loser to toil for weary years to regain a position even of competitive equality.

It is no exaggeration to say that the case of the Ten represents such a landmark. It is a direct challenge to the censorial power of government over the human mind. If it is lost, the customary rights of free speech—provided the government chooses to use the power bestowed upon it, and governments rarely seek power for idle purposes—may legally be abrogated. If it is won, then the sinister twins of compulsory confession and political censorship will, at the very least, have been stunned; not forever, certainly, but long enough to give free men respite and time to marshal their energies. The case is the immediate outpost in a long line of battle. If it holds, all will hold, and even advance a little. If it falls, all will share in the defeat and in the hard years of struggle to make up for it.

The issue being thus clearly joined, all who profess interest in the preservation of Constitutional procedure must accept the materials with which they have been presented—the Committee on Un-American Activities on the one hand and the Hollywood Ten on the other—and enter into the conflict as their conscience dictates. Whether they enter or not, they will be considerably affected by the outcome, and it is generally accounted desirable to have a hand in one's own fate.

* * * *

