

LABOR ACTION

JANUARY 27, 1958

TEN CENTS

The Independent Socialist League VS. The Attorney General's "Subversive List"

In this issue, LABOR ACTION proudly presents a special four-page section dealing with the Independent Socialist League's 10-year struggle against the Attorney General's List of Subversive Organizations.

The special occasion for this is the filing of Exceptions and Brief to the Recommended Decision of Hearing Officer Edward M. Morrissey by the ISL's attorneys, Joseph L. Rauh, Jr. and Isaac N. Groner. This trenchant document concludes the ISL's presentation of its case in the administrative hearings before the Department of Justice.

Be sure to read the four-page section starting with page 5. Spread it as widely as possible. The ISL's fight is now building up to one of the most vital cases in the struggle for civil liberties in this country in a decade.

Return of the Vanishing American

By VICTOR HOWARD

Andrew Jackson thought he had finished off the Cherokees for all time when, in 1835, he browbeat a portion of their head men into signing the Treaty of New Echota, surrendering all their sprawling eastern lands in five states in return for a semi-arid stretch of Oklahoma. Three years passed before they could be driven into exile, the expatriation being carried out by Gen. Winfield Scott, who combed the hills with regular troops until he had corralled 16,000 sullen Cherokees in thirteen stockades. In that terrible winter of 1838 they were marched west under military guard, without adequate food, clothing, or equipment. One-fourth of their number died on the way in this tragic journey known to history as "the trail of tears."

SOME ESCAPED

But twelve hundred had escaped the military dragnet. They hid in "dens and caves in the mountains" and stayed there until, decades later, they were legally allowed to remain in their inaccessible lairs in the Great Smokies, when the 63,000 acre Qualla reservation was granted them. As the band increased, some left their cabins on the steep, densely forested mountainsides, and settled in the piedmont, where they

farmed or took wage jobs, and intermarried with Negroes and whites. From their residence on the Lumber river, they were locally dubbed "Lumbees." They were soon forgotten.

Then, like a thunderbolt, on the night of January 18, 1958, the news flashed across the nation that an "Indian uprising" had occurred near Pembroke, in Robeson County, North Carolina. A band of "Lumbee" Indians, irked by the cross-burning antics of the Ku Klux Klan, had risen in their wrath shouting with arms in hand, and taken to the warpath, firing buckshot into a Klan meeting until the gowned hoodlums had to be rescued by state troopers. This was news, for not since the massacre of the Sioux at Wounded Knee on Dec. 29, 1890, had an organized band of American Indians fired a shot in anger at a group of white men. The broken, defeated, almost exterminated Indians, those vanishing Americans, had risen again.

"We can only sanction their action by saying what they did was a good thing to do," said Mrs. Helen Holstein, a Winnebago, board member of Chicago's Indian Center. "The Indian has not so vanished from the old way as to tolerate, without striking back, the brutality the Klan would heap upon him." Concurring, Thurman Wolf, of the Omaha tribe, proclaimed. "A man, even a red man, can take so much. Then he does what he thinks is right to do. All civilized people should fight everything the Ku Klux Klan stands for."

While politicians, even Southern ones, piously deplore the Klan, the Indians
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The Presidential Messages: 'Something From Everyone!'

The State of the Union and Budget messages reflect the ideology and philosophy of the Eisenhower administration with such minute accuracy that one almost suspects they were drawn up by a malicious and hostile political parodist.

It is all there: the old yearnings to unload on the states the welfare obligations taken over by "big government," now justified by references to sputnik and the arms race. The old mysticism of the balanced budget which is retained in words, even when the actions make its achievement most doubtful. Moral preachments about larger cultural exchanges which blandly ignore the harsh realities of the McCarran act. In general, it is a message to the nation devoid of any real sense of urgency, clear direction, or proposed goals. Even on the items in the State of the Union message which most closely approximated concreteness, the reorganization of the pentagon, continuation of the reciprocal trade agreements, and extension of the foreign aid programs, it is already evident that whatever the speech-writers may have put down on paper, the president himself has little stomach for a real fight.

Despite all the talk about cutting back on essential social services and conservation programs, the budget is a far cry from the Hoover days, of which it reminds some Democratic publicists. First of all, it is a whopper in over-all magnitude. As such, it is counter-recessionist in tendency, no matter what may happen. If the recession tapers off before it goes much farther, the balanced budget might

be within grasp, even with congressional restoration of many of the programs now slated for the axe. If the recession deepens, deficit financing will exert its inflationary influence.

Thus, the question is not so much what the economic impact of this budget will be, but only whether it will be large enough and soon enough to prevent the recession from getting out of hand, with all that would mean politically at home and abroad.

One way of summarizing the social content of the messages would be to say that the president proposes to take something from just about everyone. If Congress were to follow his recommendations without changes, the kids would have fewer and poorer schools, workers less wages, farmers lower prices, the old poorer pensions, and so on down the line. One exception, of course, remains as usual. Big business which gets most of the war contracts would be sitting pretty.

The president's "Economic Report" carried the most concentrated charge of political dynamite of his messages to Congress. In its analysis and argumentation, the administration sought to put the blame for the current recession, or for its deepening, on "excessive" wage demands by labor.

Thus the president put himself squarely in the corner of the big auto, steel and other corporations in the big contract battles which loom this year. The fact that he also urged business not to raise its prices needlessly is just to balance the record. For price-markups by big
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The Issue for 1958: A Policy for Peace - II "Negotiations": A Businesslike Deal or a Political Offensive?

By GORDON HASKELL

Negotiations! This is the word which is dangled before humanity as the magic key to the door which leads from the H-Bomb and missile infested nightmare of the cold war into the promised land of peace and security for the world. "Let us meet at the summit and negotiate our differences and thus bring peace to the world," cry the Russian rulers. "Let us prepare our negotiations carefully at a lower level first," reply the American government and its allies in less enthusiastic tones, "lest a meeting at the summit simply prove an illusion and disappointment to the peoples of the world."

Except for a madman here and there everyone is for peace. At the very least, no one is for a full-blown nuclear war. Very few people of any influence at all are against negotiations with the Russian rulers on principle. (Strangely enough, this does not apply to the Chinese rulers, but since the latter have not

yet orbited a sputnik or exploded an H-Bomb, this does not appear at the moment, too dangerous an aberration).

Independent socialists are not against negotiations. We would be delighted if the Russian and American governments could negotiate an end to nuclear weapons tests; the withdrawal of all foreign troops from Europe and the rest of the world; any and all degrees of disarmament; the raising of all barriers to travel; mutually advantageous trade, and anything else which would contribute to the peace,

In the last issue under the heading "The Issue for 1948: A Policy for Peace!" Gordon Haskell, LABOR ACTION editor discussed the Russian peace offensive and the reaction of the American government to it, and Sam Bottone analysed the political implications of the Gaither and Rockefeller Reports. This week Editor Haskell discusses the vital question of American-Russian negotiations.

progress, freedom and prosperity of mankind.

Thus, we can say quite honestly that we are very much for negotiations. That puts us in a broad company, politically speaking. But since this company includes everyone from the Communist Party to John Foster Dulles, it would

appear that not too much political significance should be attached to membership in it.

For the simple truth of the matter is that a multitude of divergent ideas and programs can be subsumed under the concept of "negotiations." Until this is clearly understood, the cry for "negotiations" in and of itself tends to obscure more things than it clarifies.

One of the first points that requires clarification is just how the roles of the negotiators are conceived. In this case, the proposed negotiators are obviously the United States and Russia, with or without their various allies and satellites. But to establish their identity does not begin to determine the roles in which they see themselves, or in which they are seen by all shades of negotiations advocates.

It is not at all a matter of quibbling or
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On the Eve of the Special Contract Convention

Walter Reuther Presents A New Program for the UAW

By H. W. BENSON

In Detroit, 3,000 United Auto Workers union delegates assembled in special convention Jan. 22, 23, 24 to finalize this year's collective bargaining program. Their demands will go quickly to Ford, General Motors and Chrysler, whose contracts with the union are all due to expire within three days of June 1. Attention is focused on a 3-phased program initiated by Walter Reuther and endorsed by the union's International Executive Board: (1) A platform of basic economic demands suitable for presenta-

In the Next Issue

A full report on the contract convention of the United Automobile Workers.

tion to employers generally in all fields covered by the UAW. (2) A dramatic demand that workers and consumers share in excess profits of the big corporations; though this is aimed straight at the Big Three it is applicable to all big profit makers; (3) A decision to drop the shorter work week as a concrete demand this year and to substitute a proposal for a "study commission." The abandonment of the shorter work week comes abruptly and without warning; it has no necessary connection with the balance of the program and must be considered by itself.

By putting forward its demands in two sections, namely first basic minimum demands and second supplementary demands, the UAW tackles problems that have plagued the labor movement for twelve years, since the big post-war strike wave. It answers the question of the "big" versus the "little" company. Workers in smaller companies have not yet won what has been achieved in the big corporations, thus, the all-inclusive pattern of demands becomes increasingly less realistic to them. In big companies with their giant pools of profit, workers feel that they can, and do, win more. The program is also designed to answer the charge that inflation comes from wage increases; it "suggests" that prices be reduced and presents a plan for it; it proposes, too, that better working conditions come directly out of profits through a clear profit-sharing scheme. In sum, it is a carefully and skillfully mapped out series of demands and arguments that are guaranteed to win the maximum public support for labor and leave the corporation spokesmen to splutter in impotent indignation, which they have already begun to do.

Basic Demands

1. *The basic demands:* The union will not subsidize inefficient companies by sanctioning substandard wages or working conditions. The basic demands define minimum standards for all, the irreducible labor cost of doing business. Under this heading, the union presents an "orthodox" program of improved conditions. (We note that nothing in logic or in practical life necessarily prevents the union from maintaining the shorter work week as a basic or as a special demand). These minimum demands for 1958 are substantially the following:

a. A general wage increase reflecting increased productivity in the economy. Apparently as a concession to the skilled trades which have been pressing hard for increased pay, the union this year wants a percentage increase rather than a cents-per-hour raise, thus giving the higher-paid skilled brackets larger increases than those in lower classifications. In addition, the union demands a correction of wage inequities that could be used as a lever for even higher increases to skilled men.

b. Improved supplementary unemployment benefits. The *New York Times* editorially congratulates the union for dropping the term: "guaranteed annual wage". . . in this year's union literature, it is true, the GAW, with all its implications of broad, basic rights for the workers, has been replaced by the humdrum reference to simple extra unemployment payments.

c. Improved pension and welfare programs.

d. A program to give a measure of protection to workers affected by closing of plants and shifting of production to new centers.

Under ordinary circumstances, a program as ambitious as this, would be the focus of bargaining and

controversy. But not this time. The center of the stage is already occupied by the UAW's special supplementary demands upon the Big Three.

Supplementary Demands

2. *Supplementary Demands.* The basic economic demands are based upon average increases in productivity for the whole national economy. But the supplementary demands are tied to the tremendous technological advances in the auto industry and the super-profits of the big corporations. The union insists that in addition to granting its workers the minimum standards due to all, the big companies must share their huge profits with workers and the auto-buying public. Profits, the UAW demands, should be distributed as follows:

a. Basic profits before-taxes of 10 per cent on invested capital are to be paid out to stockholders.

b. One-half of profits above this total, the excess profits, are to go to stockholders and executives.

c. One-fourth of excess profits goes to workers and salaried employees, to be used as they "democratically" decide.

d. One-fourth, the union proposes as a suggestion, goes to car buyers as a year-end rebate.

By this formula, the union comes forward as a defender of the interests of union members, white collar employees and car buyers. It takes responsibility not only for what should go to its workers out of the profit pool but to millions of others as well.

Shorter Work Week

3. *The Shorter Work Week.* The recommendation to drop this demand came with almost unbelievable suddenness. Delegates to a brief three-day convention are now asked to shelve, with little advance notice, without time for real discussion, a proposal endorsed with fanfare less than a year ago at the April convention. In November 1954, after a big campaign by Ford local 600 and others, the UAW made the shorter work-week an immediate goal. For more than three years the union's leadership has warned of the affects of automation and underlined the shorter week as an imperative necessity. Now, all this is to be shunted aside . . . on the basis of arguments that can only appear feeble to anyone who reads three years of union literature.

"Every thinking American and Canadian concerned with the security of his country and the future of human freedom recognizes today that the problem symbolized by the Russian earth satellites has drastically changed what appeared to be the situation at the time of the 1957 UAW convention. The launching of the sputnik has revealed and dramatized the true dimensions of the challenge of Communist tyranny and has emphasized the necessity for us to make the fullest possible use of our human and material resources to meet that challenge. As responsible citizens and in conformity with established UAW policy in relation to the timing of the introduction of the shorter work week, the leadership of the UAW recommends that the delegates to the Special Convention temporarily defer the implementation of the shorter work week in 1958 in the light of the realities of the world situation."

Sputnik Hysteria

So reads the official recommendation. It sounds like a statement hastily concocted under the impact of that reasonless hysteria which has taken hold since the Russians shot up their moon. "We must act . . . we must do something . . . let's put our shoulder to the wheel . . . all together! So goes the mood. But what shall we do? That is not clear. If there is to be a giant arms race, what shall we race for? What manpower will it require? Will it mean a shift of men from armaments that are now being produced to something new? Nobody knows what the program must be and least of all what manpower it will require. Certainly not Reuther. In any case, how about the men over 40 who can't get jobs? Negroes, the last hired? women who would like to work? But sputnik! Sputnik! How can one face reality soberly when there is a sputnik!

Meanwhile, tens of thousands of auto workers are without jobs. It might seem a fitting moment to reduce hours. But the UAW's administrative letter reads: "We believe that UAW members and their families will share our belief that in this hour of freedom's crisis the real need is to get the unemployed back to work and to get those on short work weeks back on a full work week and that greater leisure, for the time being, can wait." Consider the simple absurdity compressed into this little statement: we need, it says, not more leisure but a full work week. But who needs what? Obviously, the unemployed need less "leisure" and more work. But others can use less work and more leisure.

These matters, however, can hardly get the consid-

eration they deserve; for the attention of union members will inevitably be directed toward the big fight between the union and the big companies over wages, prices and profits.

Reuther Plan

The union demands a share in "excessive" profits. And, since the companies refuse to bargain on prices, the UAW "suggests" that the public share too through lower prices. Distribution of profits, under the union scheme, comes at the end of the year after profits are already earned. All arguments over inflation are settled in advance; public and workers clearly get theirs out of profits. It seems like a simple plan . . . and it really is. But it is loaded with dynamite.

The explosive potentialities are instantly revealed in the first response of company spokesmen:

For General Motors, Harlow H. Curtice writes: "the union proposes a radical scheme under which it would bargain not only for employees they represent but also for salaried employees, shareholders, and customers over the distribution of earnings of the business. This scheme is foreign to the concepts of the American free enterprise system."

For Ford, Ernest R. Breech replies that the union wants "a complicated kill-the-profits plan that strikes at the very roots of the economic system that has made and kept America strong. . . ."

And he adds that Reuther is determined "to twist and manipulate the American private enterprise system into something more to his liking than it now evidently is."

And for Chrysler, L. L. Colbert complains that "Mr. Reuther appears to again insist that part of management's job be turned over to him so that he can increase still further the already dangerous degree of monopoly power he possesses."

Shopworn Charges

Reuther's retort came quickly, "The charge that the UAW proposal is 'radical' and 'foreign to the concepts of the American free enterprise system' is, we fear, rather shopworn and moth-eaten. Thousands of American companies have profit sharing plans and two prominent members of President Eisenhower's cabinet were top officials in companies that boast of their profit sharing plans. . . . For many years, GM has had a profit sharing plan in the history of free enterprise. We are somewhat at a loss to understand the kind of mental and moral gymnastics that are required to see nothing but good in a profit sharing plan for executives and nothing but bad in the extension of this principle to workers and consumers."

A. H. Raskin writes in the *The New York Times* "Its [Reuther's plan] basic aim is to establish a sense of partnership that will give the workers more incentive for stepping up productivity and helping the community prosper. In this respect, the goal of profit-sharing is essentially the same as that of the 50-50 stock purchase deal that General Motors and Ford offered their employees. . . ." And he concludes that the Big Three's complaints have a "weary sound." Yet, this innocent scheme and this proffered "partnership" have all the potential for a big battle between labor and capital.

The stock deal would have permitted workers to purchase stocks at half price and then to receive a relatively small dividend upon an investment. The union demand would give the workers perhaps \$500 a year as a right based upon their contribution to industry as workers independent of any stock purchases.

Most profit-sharing plans have been instituted voluntarily by employers to fend off union demands and these plans can be modified, even abandoned at the whim and will of the companies. But a profit sharing plan which is won by union power and backed up by that power cannot be unilaterally altered or ended and becomes a right won by the workers and maintained as long as they have the power.

What Are Profits?

What are profits? Elizabeth Fowler, *Times* financial writer takes up this problem "If bargaining on profit-sharing for the auto workers goes beyond the muttering stage the definition of profit may come into question. . . . What share of profits should be kept for expansion, for price rises, for increased working capital needs? What depreciation policies should be followed. . . . What are normal profits and what excesses?"

Editorially, the *Times* is not too happy; it reminds its readers that profit-sharing plans "have not been included in demands upon employers backed by union economic power." And it views with suspicion any effort by the union to bargain over prices.

If the union wins its demand, it must have a voice in a wide range of questions in order to safeguard its interests. In general, it begins to reach out for the right to decide what profits are, how they are made, and how they shall be used.

The UAW in 1958 takes up again the goals of the GM strike of 1945-6 and the call last year for a reduction in car prices. The union comes forward to curb the enormous power of the big corporations, not only in the interests of labor but for the whole community.

1958: A Policy for Peace! — —

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drawing fine distinctions. The question of the real roles of the negotiators goes a long way toward establishing the character and purpose of the proposed negotiations.

For example: If both sides are viewed somewhat in the light of two businessmen haggling over a sale, it is clear that all that should be involved is to get them to recognize the point at which the advantages and disadvantages of any proposed deal are in such relations to each other that *both* will benefit from the final agreement.

HONEST MEN OR CROOKS

From this point of view, it is immaterial whether both parties are honest men or crooks, whether the objects of the proposed deal are the products of their own industry or goods stolen from others. The point which is emphasized is that both sides control vast and powerful countries and hydrogen weapons and are in a position to blow each other and the rest of us off the map. They have the power and the goods to deal with, and since neither of them is in a position to dictate the terms of the deal to the other, they had better be willing to give a little here and take a little there, but in the name of humanity, to somehow reach a deal which will guarantee the peace!

The proponents of this point of view tend to be, generally speaking, "pro-Russian." They tend to place the blame for the failure of negotiations to get anywhere up to this point almost solely on the United States. They ignore the fact that, formally speaking, the U. S. government has put forth a whole series of proposals on every conceivable question from the unification of Germany to the control and dismantling of nuclear weapons which are at the very least as reasonable, democratic, honorable, and peaceful as the proposals put forth by the Russians, and in most cases more so.

SLIGHT OF HAND

Since the Russians, too, have put forward a whole spate of proposals on the same questions, if one were to accept the "honest opponents," or "two businessmen" conception of their roles their failure to agree becomes incomprehensible. And it is at this point that a bit of slight-of-hand is usually introduced in the argument of the pro-Russian negotiations advocates.

Since the United States is not in a position to impose on the Russians its preferred solution to such questions as the unification of Germany, withdrawal of Russia from Eastern Europe, and the like, argue these people, it must accept the Russian position on these questions as a "fact" and proceed to negotiate from there. The Russians, after all, consider these areas vital to their security, and in any event, whether we like it or not, it is clear that if any negotiations are to take place, their position must be "recognized." Otherwise we are simply asking them to capitulate. That is not to negotiate. It is an attempt to dictate, and it cannot work. Since negotiation is the only way to peace, and since acceptance of the Russian position on these questions is essential to any kind of fruitful negotiations, we must accept that position and proceed from there.

The trick consists simply in this: that on a whole series of questions, the proponents of this view ask the United States government to accept the Russian position as "fixed," in other words, as being the basis on which negotiations

are to take place. Just exactly what these "fixed" positions are varies with the latest Russian pronouncement.

Actually, we have not described this view of the role of the proposed negotiators fully. For the version we have given is only put forward to the general public, so to speak. The closer one gets to the Communist Party in the political spectrum, the more this view is shot through with the implication or assumption that Russia represents progress in the modern world, and the United States reaction, and that the chief reason negotiations so far have failed is that "leading circles" in America are anxious to prepare for war now, and one day to wage it.

OPPOSITE VIEW

A view opposite to this is pretty much that of the American State Department, and shared, more or less, by the vast majority of Americans, running from extreme right well beyond the center of the political spectrum. One could summarize this view, with the role it assigns to the negotiators on both sides as follows:

We don't want war, and we are perfectly willing to negotiate a just and honorable peace with the Russians. But first you must understand that they are ruthless totalitarians (or "godless Communists") who are out to conquer the world. The only language they understand is superior force. They have taken Eastern Europe, and they would march in to the rest of Europe tomorrow morning were it not for their fear of our deterrent and retaliatory military power. Certainly we are willing to negotiate with them, but if we are going to advance the interests of the free world, we have to negotiate from strength. When they see that they can't push us around, and by "us" we mean any country not now in their orbit, they may be willing to settle on some kind of a deal. We have made a whole series of perfectly decent and practicable proposals on the control and limitation of nuclear armaments, the unification of Germany and the like. We stand by them to this day. But there is no point in just going to another talkfest at the "summit" which they will use to make propaganda. Right now their sputnik has given them a certain advantage in the eyes of a lot of people, and they want to press it to the hilt. Why should we give them that opportunity?

Here again, the view is portrayed one-sidedly chiefly in that the conception of America's role which accompanies it has been omitted. Hand in hand with this view of the Russian role goes the idea that the United States represents nothing but progress, freedom and the interests of humanity, and that all its attitudes and proposals flow exclusively from these virtues. In those sectors of liberal and even conservative opinion where the idea that "Dulles must go" has gained weight in recent months, the feeling is that he has distorted, warped or "frozen" America's basically sound position due to an unfortunate mentality or personality.

DEFENSIVE POSTURE

Now, whatever one may think, either of Dulles or of the origins of the current posture with respect to negotiations of both sides, it is clear that the United States is on the defensive diplomatically and propagandistically speaking. It requires a degree of mental fixation at the military stage of development to attribute this solely to the lead gained in the armaments race by the Russian launching of sputnik. The reason for this country's defensive position becomes particularly confusing if one bears in mind what we have already stated twice in this article, once as an assertion and again as a paraphrase of the point of view prevalent in this country, that *formally speaking* the proposals made and the positions taken by the American government on a whole range of outstanding problems at issue in the cold war are at least as good from a humanitarian or democratic point of view as those of the Russians, and in many

cases better.

Why then can't the United States take and hold the political initiative, and what relationship does this question have to the whole problem of negotiations?

It would go far beyond the limited purpose of this article to assess the role which America plays today in the whole pattern of human history. But two points are essential. The United States is allied with countries which historically and to this day have been the great imperialist and colonialist powers. Its tendency, all over the world is to ally itself with conservative, and often reactionary ruling classes; to back and seek to strengthen the socio-economic status quo. Thus, though to hail the "progress" and "change" and even "revolution" of the underdeveloped countries has become virtually official dogma in this country, it is actually an empty ritual. "Progress," and above all "revolution" are aided and hailed only where they are or appear to be strictly controlled by the United States or by forces closely allied with it. Otherwise revolutions or any other independent, uncontrolled, autonomous action of the masses are regarded with suspicion, fear, or hostility.

RIGIDITY'S ORIGIN

One might expect to find an exception to this tendency at least where the Hungarian and Polish revolutions were concerned. But when one scratches below the surface of formal and official expressions of encouragement, anger at the Russian suppression, and condolences and relief for the refugees, the same attitudes are found toward these revolutions as to all others. For the truth is that the "ruling circles" in America (and that takes in a lot of territory on this question) believe in (are willing to rely on) only such "hard acts" as nuclear weapons, supersonic bombers, missiles . . . and iron-clad guarantees by the very "godless Communists" they denounce as utterly untrustworthy!

It is precisely here that the "rigidity" of the American position begins. If one has no alternative but to deal with a crook, one has to be exceptionally cautious. Every angle has to be surveyed, assessed, and covered in advance. Every part of the package has to be tied in with every other part, so that the crooks can find no loophole through which to crawl, no loose end from which to unravel the whole. And it all has to be done in such a way that retreat from the agreement can be made without loss, the moment the crook fails to carry out even the minutest of its provisions.

It is essentially because of this attitude that the United States representatives required several weeks just to state all the terms of their package on the reduction of armaments at London. Doubtless the plan was technically, so to speak, an excellent one; and we are prepared to believe that it was acceptable even from the point of view of freedom and democracy. One of its worst faults, however was that compared to the simple, stark Russian proposals, it was virtually un-understandable.

MAXIMUM PRESSURE

That is, it was not understandable to the millions of people all over the world who yearn for an end to the nuclear tests immediately. It could not set them in motion with telegrams and demonstrations. It was not designed for that at all. It was designed as the actual blueprint for an agreement on the limitation of armaments to be signed and guaranteed and enforced by two powers, each of which insists, on other occasions, that the real objective of the other is to conquer the world!

We have said above that independent socialists are for agreements between the two great power blocs which contribute to the peace, progress, freedom and prosperity of mankind. It is not at all out of the question that they, each proceeding from its own point of view, and acting in what it considers to be its own best interests, may one day conclude agreements, even on important questions, which will make such a contribution.

But very little, if anything, will be achieved by simply shouting for negotiations. The objective of policy should be to create a political atmosphere which will put the maximum possible pressure on the Russians to conclude acceptable agreements. The objective should be to create political situations in which, whether or not they formalize it in agreements, the Russians are compelled to yield ground to the advantage of progress, freedom and prosperity, and yes, of peace.

FOOL-PROOF DEAL?

But for that policies which are put forward in the spirit of making a fool-proof, crook-resistant deal will get us nowhere. What are needed are policies which stimulate the imaginations, and elicit the enthusiastic partisanship and support of millions, all over the world, and specially in the areas most intimately affected by each given agreement. The goal of policy should be not so much the signed agreement with Russia (though that may well be one of the by-products of an effective policy), but rather to arouse the conscience of mankind and set its feet on the road to practical solutions to its problems.

We cannot, in a single article, indicate what this would mean for all areas and problems which enter into the cold war struggle. We have discussed such programs with respect to specific areas from time to time in LABOR ACTION, and the whole idea more generally in resolutions dealing with what we have called in a short-hand way, "a democratic foreign policy." But here let us give one example of what we mean. Let us consider the unification of Germany.

The American government has taken its position, side-by-side with Adenauer, for a Russian withdrawal from East Germany; free elections in the whole country; the country to be left free to decide its own future foreign relations and alliances. The Russians demand that the future government of a united Germany be formed by negotiations between the two present governments, in which both are considered equal. They have further vaguely demanded that in the united Germany politics be open only to "peace loving" parties, or something vague like that; and that it be neutralized militarily by agreement between Russia and the U. S.

DEADLOCK

There the two sides stand, deadlocked. Adenauer supports the American position, and the Stalinist government in East Germany the Russian. There seems no way out of the deadlock.

Now, the Russians have talked, from time to time, about the idea of a mutual troop withdrawal by all countries in Europe to their own borders. This has been taken to mean: Russians back to Russia, Americans back to America, British back to Britain, etc. The American argument against this formula has been essentially that this would leave Russian troops poised a few hours from Warsaw, Berlin and Paris, while American troops would have to come all the way from New York to stop them.

But today it is generally acknowledged that the American troops in Germany are not an effective obstacle to Russian invasion of Western Europe. They are, rather, a token of American determination to defend the area. With "big war" weapons turning inter-continental, the argument is re-inforced. Then why should not the United States accept the Russian proposal tomorrow as a basis for negotiations?

Since the uprising in Germany three years ago; since the Hungarian and Polish revolution, it is difficult to believe that much of Communism as we have know it would remain in Eastern Europe after a Russian withdrawal. If the Germans were left to themselves to negotiate unity, the division of Germany could hardly continue for any length of time.

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Army "Security" Program Gets Real Blow

By MEL STACK

At the present time the Supreme Court is hearing the case of two men who received less than honorable discharges from the Army—and there is strong evidence that the Court may find in their favor, ordering the Army to grant them honorable discharges.

Primarily the congratulations go to the Workers Defense League. In its seven year campaign to protect the rights of draftees, the WDL has handled 140 discharge cases—winning 45 with 17 still in litigation. And now the Harmon case, under the aegis of the American Civil Liberties Union, has reached the Supreme Court.

Both men, Howard Abramowitz (represented by the Emergency Civil Liberties Committee) and John Harmon 3rd, have raised basic constitutional questions in regard to their discharges. They received less than honorable discharges on the basis of activities prior to service, and argue that federal statutes prohibit such procedure, that a discharge must be based solely on the record of a man's military service.

As Judge Edelman has said in a previous case (quoted in the WDL's brief for Harmon): "If an honorable discharge were denied to a soldier with an unexceptionable service record, on the basis merely of pre-induction conduct, it would be in my opinion a deprivation of property without due process of law . . ."

In fact, the WDL's brief goes on to argue, "Harmon was denied the right to be informed of the charges against him, to be confronted by his accusers, to cross-examine witnesses for the government, to a fair and open hearing, to be represented by counsel."

CONTINUING INJURY

Finally, the WDL maintains that a less than honorable discharge means "substantial and continuing injury" for the dischargee in his later civilian life. He suffers the loss of public benefits—government employment, veterans benefits, relief assistance, loans, disability compensation, etc. He suffers private dislocations, such as the difficulties of finding employment or of even gaining admittance to city colleges.

The attorney for the Justice Department, Mr. MacGuineas, rests his entire case on the grounds that civil courts have no jurisdiction to review military discharges. After arguing for 90 minutes before the Supreme Court, MacGuineas remarked: "The Army is entitled to dismiss any man as a security risk. But we do not argue that there is authority to base that finding on pre-induction activities."

This remark threw the Court into a furor, as the case before the court involved exactly this question. Simultaneously, the judges asked, "Are you confessing error?"

"No," replied MacGuineas, for he maintained that even if he conceded that the discharges were illegal, the Court still had no jurisdiction in these matters.

Justice Brennan then caustically said, "You mean you're wrong but the courts can't do anything about it."

And MacGuineas answered, "That's right."

In fact, he even went further, and admitted that the Justice Department has been attempting for the past six months to persuade the Army to change all the old discharges to honorable. And the Army has refused.

MacGuineas summed up his case by denying that any harm is caused by the individual who receives a less than honorable discharge. He argued that the discharge is not a public document, but

a private matter between the Army and the soldier.

To which Justice Frankfurter coldly replied, "Do you give it to him for his secret archives?"

A few statistics will suffice to fully grasp what is at stake in the cases before the Supreme court.

- There have been 726 security discharges from 1948 to 1955.

- The charges have ranged from membership in organizations listed by the attorney general as "subversive" to having the names of people with subversive backgrounds in your address book.

- In fact, the charges have descended to guilt by kinship: there have been 11 cases of association with a mother, 10 with fathers, 8 with wives, and one apiece for a mother-in-law, a father-in-law, a sister-in-law, and a brother-in-law.

The bulk of these discharges were handed down during the depths of McCarthyism. Since that time the Army has backtracked somewhat, but this has taken enormous public pressure.

After Rowland Watts, former Nation-

al Secretary of the WDL and presently general council of the ACLU, published his *The Draftee and Internal Security* (which documented 110 discharge cases), a Senate Sub-committee on Constitutional Rights, headed by Senator Hennings, Jr., investigated the Army security program. The hearings took place in November, 1955.

ARMY SOFTENS

After the disclosures before the Hennings Committee, the Army softened its approach towards both the discharges already handed out and to new draftees. By "voluntary reform," the Army began reviewing the old discharges and has since upgraded 263: from undesirable discharges, 69 have been changed to "general" and 65 to "honorable"; and from "general" discharges, 129 have been upgraded to "honorable."

But, of course, this still leaves over 400 men who suffer from the effects of a less than honorable discharge — and countless other men who are always fearful lest they too receive such a discharge—and it is these indignities that the cases before the Supreme Court may wipe out.

Yet, at the same time, the Army has already begun a grand maneuver to outflank the Court if, and when, it decides in favor of the GI's. They began this new tactic immediately after the Hennings Committee meetings.

Previously the Army would hand the inducted man a questionnaire, concerning his civilian associations, after he was already in the Army. It was this procedure that led directly to less than honorable discharges. The new tactic begins by giv-

ing the draftee a questionnaire before he is inducted. The questionnaire consists of 16 questions, relating to association with listed organizations and to the reading of various periodicals. If the inductee falsely answers the questionnaire and is thus inducted, the Army may give him a discharge less than honorable. If he refuses to answer or indicates that he has had some contact with listed organizations or periodicals, he is "screened." That is, he is sent home to await further investigation.

Assuming that the Army decides he is "disloyal," they can reject him via a recommendation to the local Selective Service Board. But if the Selective Service Board places such a person in a special category (let us say, a classification of 1Z) because of his political associations, the Army opens itself up to the charge of interference with civilian life. If they do not follow this procedure, but merely refuse to draft the person (leaving him 1A), they are still liable to the charge of creating "second class citizens and control over civilian life."

LAW OF LAND

Unlike government employment, where the "screening" of people with "undesirable" political beliefs can at least be covered by a legalistic argument, by the theory of the "privilege" of such employment—service in the Armed Forces is mandatory for all non-deferred, able-bodied citizens upon reaching the age of eighteen. It is the law of the land. So by simply leaving the "undesirable" youth in 1A classification, the Army is disregarding the Selective Service Act.

(Continued on page 9)

LETTER FROM SPAIN

Students Against Franco

By BERNAT DESCAMS

Madrid, January 10

It is two years since the student demonstrations in the face of the falangist terror and Franco's military dictatorship, in the University of Madrid. The Catalan upsurge, in Barcelona, started just one year ago, when the whole people broke the famous *Franco's peace* for two weeks. Despite all the military and police forces the students—the overwhelming minority of them—continued the strike against the indignity of Franco's regime which is maintained since 1939 only by force of arms.

The UDE (Student's Democratic Union), a clandestine student's organization, has drawn up a manifesto, during the last days of 1957. Here are some excerpts from it:

"Throughout the academic year 1957-1958, we do not wish the University to continue at a mediocre level of thought devoid of any consideration of national problems in a country which is suffering from repression. The University should not only be a center of scientific and humanistic studies, but also a highly sensitive political catalyst—the voice giving expression to the aspirations of the nation. To make it such is our most important task during the academic year: to complete the political penetration of the University in order to transform it into a weapon in the hands of young Spaniards against the dictatorship."

The following is the program of action for university students which the UDE recommends to fellow students throughout the country:

"1. Progressive democratization of university organizations and the calling of a meeting of the Free Congress of Students representing the body of students on a democratic basis.

"2. Strengthening and development of united action on the part of university opposition groups—Christian Socialists, Christian Democrats, Liberals, Syndicalists and Socialists—for the purpose of laying down basic aims in the struggle against the regime, furthering a knowledge of this struggle among the student body, and attracting those sections of opinion at present undecided and who may have cherished the hope—now no longer tenable—that the regime was capable of being reformed. This unity of action at the university level will be the first step towards the unification of all democratic parties throughout the country in a future National Democratic Front.

"3. United action and solidarity with the people in the struggle against the dictatorship as expressed last year by means of demonstrations in force carried out peacefully and in good order; seeing that a common front of the University students and the workers is the most effective means of ensuring victory over the present regime: of convincing the world at large of the justice of our demands, cultural, social, political and economic; and of ensuring the peaceful existence of all social classes

within the community in the days to come.

"The UDE is resuming its activities and makes known to all university students, to the academic authorities, the government, and all democratic bodies throughout the world that the principles which inspire its members in their struggle are as follows:

"1. An independent and democratic national organization of students.

"2. The union in the struggle against the dictatorship of all groups and sections in the university having a democratic character.

"3. Fraternal solidarity with the Spanish people and its aspirations for justice and redistribution of resources.

"4. Opposition to all anti-democratic theories which fail to respect the decisions of the majority or the liberty of minorities.

"5. The overthrow of the present regime, the liquidation and renunciation of the spirit of the civil war, and a return to a peaceful national life within the framework of political forms freely chosen by the Spanish people.

"6. The introduction of a national program of reforms in the social-economic field which would make all Spaniards truly one, united in common effort and common gain.

"7. The country's independence of international ties except those freely entered into by the express will of the people."

The manifesto concludes with an appeal for "a ceaseless struggle for truth and liberty."

A Brief History of an Incredible Journey Through the Labyrinth of the Department of "Justice"

The Independent Socialist League VS. The Attorney General's 'Subversive List'

By ALBERT GATES

With the publication of the Exceptions and Brief to the Recommended Decision of Hearing Officer Edward M. Morrissey, the Independent Socialist League and its predecessor organizations have completed their final rejoinder to the attorney general in the administrative phase of their case against the listing. Only the decision of the attorney general himself is awaited. If that is unfavorable, the case will be taken to the courts to challenge not only the inclusion of the organizations on the attorney general's List of Subversive Organizations but the constitutionality of the List itself.

Astonishingly enough, this marks the tenth year in the effort of the Organizations to obtain an adjudication of their case! Only the smallness and the isolation of the Workers Party, Socialist Youth League and Independent Socialist League, has prevented the case from becoming nationally known, for no other single event epitomizes the nature of governmental bureaucracy and its power for evil as the case of the ISL.

A brief survey of the fight made by the ISL is highly instructive to those interested in civil liberties and willing to fight in their defense.

When the list was originally drawn up, none of the organizations listed were advised of this fact. Needless to say, none had known that they were under consideration for government proscription. All of them, like the Workers Party, Socialist Youth League and Independent Socialist League, learned of their listing through the press. Upon publication of this list the Organizations made haste to request first, the reasons for the listing, and second, a hearing where a protest might be made along with the presentation of reasons justifying their removal from the list.

Hearing Denied

The very first response of the attorney general, under the Truman administration which promulgated the List in the first place, was that the presidential order did not provide for hearings and none would be granted; further, that the attorney general's office was not obligated to disclose the reasons for the listing to any of the organizations involved. The most that the attorney general, guardian of that great bastion of freedom, the Department of Justice, would grant, was a meeting with one or more of his representatives wherein the Organizations might say anything they wished in their own behalf! The Organizations were quite willing to attend such a meeting and even present their views, provided only that the attorney general would state prior to such a meeting the reasons why they had been placed on the List so that the Organizations might then know what it was they had to rebut. Could anything be more reasonable?

But, no, the attorney general would do no such thing. There was no provision, he insisted, for disclosing to any organization why it had been placed on the list and he would certainly not make an exception in this case.

Since continued efforts to obtain some statement from the attorney general as to reasons for the listing brought no results, the ISL sought legal assistance in an effort to force the attorney general to make public the reasons for the listing, and to obtain a hearing for the Organizations. These were strange days indeed for it proved quite difficult to obtain legal assistance within our reach, until we turned, as so many have done over the years to the Workers Defense League and the sympathetic ear of its secretary and unceasing champion of civil liberties and civil rights, Rowland Watts. For the first time now, it was possible to take the initial steps in the long uphill struggle to bring our case to issue.

Once more, a hearing was sought, but this time through the request of the Workers Defense League, which had decided to sponsor the case of the ISL. But again, a hearing was denied; only a meeting would be arranged. Thus, the ISL, through Max Shachtman, national chairman and Albert Gates, national secretary, and its counsel, Rowland Watts, appeared in Washington in January of 1951, more than three years after the listing, to argue its case before Mr. Raymond P. Whearty, assistant attorney general in the Criminal (1) Division, and one of the Department's officers who helped draft the List.

It was a memorable meeting—memorable in its futility. Just imagine the scene: The above mentioned sat in Mr. Whearty's office to answer what amounted to "charges" of the attorney general without being in the least aware of what it was they were to answer. They had to present an affirmative case in behalf of the ISL and its predecessors without knowing what to

refute. And they did it as best they could under the circumstances, presenting along with oral argument, a written statement of the Organizations. Mr. Whearty listened. He said nothing. The three continued to speak. Whearty continued to say nothing. Once more he was asked why the Organizations were put on the list. Mr. Whearty was sorry, but he was not at liberty to advise as to the reasons. They were secret! Well, what could the organizations do to get off the list? He shrugged. He didn't really know because there was no provision for such a thing in the presidential order! Truly, a scene from Kafka.

At the time it appeared that some impression was made on Mr. Whearty because after several hours of talking, he made a "solemn commitment" that he would review the case of the ISL, but not of the Workers Party or Socialist Youth League. But don't rush me. The Department is very busy. We will get to it as soon as we can.

And that, was the last of that commitment. Repeated requests of Mr. Whearty and the attorney general that followed, brought evasive replies. There were cases in the District Court in Washington that bore on the whole matter of the List. These would have to be resolved before the commitment was honored.

The second stage in the case was reached when Watts felt that the case could not be handled properly except through Washington counsel and that the indicated person was Joseph L. Rauh, Jr., counsel of the United Auto Workers union and eminent civil liberties attorney. Rauh did not waste any time in attempting to bring the case to issue. First, however, it was necessary to exhaust all administrative procedures before a genuine legal test of the List could be made.

Shachtman Passport Case

At this time, Shachtman had applied for a passport which was denied him on the ground that he was a member of an organization of the attorney general's list. Here, then, was a concrete example of how the List, presumably intended as a guide for government employment, was actually being used beyond the confines of government employment. As a matter of fact, the List had long since been used as a national index employed by industry, state and local governments, trade unions and all manner of organizations. After a formal administrative hearing in the Passport Division of the State Department, where the refusal to grant a passport was affirmed, Rauh took the case into the U. S. Court of Appeals.

After a thorough hearing, the Court in a momentous opinion unanimously rejected the contentions of the State Department and ordered a rehearing of Shachtman's case. The attorney general's List came in for a scathing attack in Judge Edgerton's opinion; the right of a citizen to a passport was upheld, and the Secretary of State was told he could not use his discretion in granting passports arbitrarily. Rather than appeal this decision of the Court, or carry it out, the State Department issued a passport to Shachtman.

With the change in administration, a new presidential order was promulgated and for the first time, in reaction to court decisions and the improvement in the civil libertarian struggle, hearings were granted to organizations listed provided they availed themselves of a given time limit. The ISL immediately wired Herbert Brownell, the new attorney general, requesting a hearing and a statement of the charges against the Organizations. The request was granted, but several years more were to pass before these came to pass.

In 1953, seven years after the List was drawn up, the organizations were finally presented with the attorney general's statement of Grounds against the WP, SYL and ISL, to which a lengthy reply was made by the ISL. The complete text appeared in LABOR ACTION. It goes without saying that the government's document was a strange melange of charges, much too long and involved to repeat here. With the Statement of Grounds and the reply "Is Socialism Subversive?", the basis for the hearing was set. But still, it was not until July of 1955 before they actually began.

What a beginning! Shortly after the hearings opened, Rauh and his co-counsel, Isaac N. Groner, requested that the Hearing Officer be removed on the grounds of bias. Numerous procedural and legal motions were made by counsel and all of them summarily rejected by Mr. Morrissey. The motion that the government be required to state the standards by which they made the charges against the Organizations was denied on the ground that everyone knew! Counsel then demanded of the government attorneys to state whether they were charging the organizations with being "big C" Communists, or "little c" communists. Upon the governments refusal to answer, a motion was made that the government be required to state their position. This motion was also denied. After the long debate over this question and after

his ruling that the government did not have to explain, The Hearing Examiner then asked: what was the difference between "little c" and "big C?"

The government completed its case in a little more than two days with the presentation of exhibits and not a single witness! Moreover, they stated that they were dropping the charge that the Organizations were "subversive!"

The performance of the government was pitiful. It had no case and it knew it. What is more, the Hearing Officer revealed that he did not understand the nature of the case or the issues involved and was not competent to sit in the case. The motion of Rauh and Groner requesting that the attorney general disqualify the hearing examiner was then considered by the attorney general, and rejected. Presumably the hearing would continue. Yet, almost another year would pass before the hearings were resumed!

In May and June of 1956 the hearings reopened as a continuation, but began all over again. The attorney general played for time. First, a new battery of government lawyers appeared, headed by F. Kirk Maddrix, a Department expert in radical cases, and they had to prepare for the case. Second, the government needed witnesses this time. Out of dozens of attempts they finally came up with two! Now the reasons for the long delay, because indisputably clear. It took the government from August of 1955 to March of 1956 to get their first witness, Professor Geroid T. Robiisor, and almost a year to persuade James Burnham, a leader of the lunatic fringe of the McCarthyite movement, to become a "reluctant" witness.

The professor sat in the hearings for two and a half days reading from the Selected Works of Lenin. The Professor was unable to connect up the Organizations with his citations because he knew nothing about the Organizations, had not even heard of them before the hearings, knew nothing about their views, and therefore could not venture an opinion. Why, then, had he come? The government had asked him, and while he would have preferred not to, the government needed him!

Burnham too didn't want to be a witness. The government appealed to his patriotism, because all manner of men had refused to be witnesses. It was his duty! So, he saw his duty and came down to fill the atmosphere of the hearing room with his special kind of "philosophical" pleading. He succeeded only in making one thing clear: honesty is not one of Burnham's virtues.

Burnham admitted that he was one of the founders of the Workers Party but that he had resigned about a week after its formation, he did not follow the press of the Organizations, was not acquainted with their views or programs, and knew literally nothing of their activities. This enormous ignorance naturally qualified him as the government's second expert witness. The Department, for all its efforts and expense, could not get anyone except Burnham, to do this kind of dirty work.

No Case Made

The government read into the record dozens of exhibits consisting of the *The New International*, LABOR ACTION and organization bulletins. But in all of this, added to the testimony of its two "witnesses," it could not prove the essential charges made against the Organizations in the Statement of Grounds.

In contrast to this, the Organizations were able to put on the witness stand Norman Thomas, America's most renowned socialist; Harry Fleischman, former secretary of the Socialist Party; Daniel Bell, editor of *Fortune* magazine, and Dwight Macdonald, of the editorial board of the *New Yorker*—none of them political friends, but on the contrary political critics of the Organizations. That they testified was an expression not only of their opinions of the ISL and its predecessors, but of their devotion to civil liberties and to truth. Shachtman was on the stand for days explaining in the greatest detail the theories and political views of the Organizations in refuting the government's contentions. He was corroborated by B. J. Widick. Their testimony as well as the testimony of the four above were not refuted by the government in any rebuttal testimony.

In addition to the witnesses, written testimony on all subjects and in the minutest detail was introduced into the record to insure that no mistakes could be made on the grounds of any omission for which we were responsible.

At the end of all this, and after waiting for a further nine months, Mr. Morrissey wrote a Recommended Decision that establishes beyond a doubt that for him the hearing was unnecessary and merely took up his time.

The close of this stage of the case has almost been reached. An unfavorable decision from the attorney general will mean that one of the most important legal cases of our time will be brought into the courts. It deserves the widest support of all civil libertarians and most important of all, the labor movement. Up to now the WDL and the ISL have carried on the fight through these long ten years virtually unaided, and what is more, have had to finance these costly administrative battles with little or no aid from others. The WDL, under its new secretary, Vera Rony, is preparing to see the case through its new stages because of its importance in the fight against the attorney general's List of Subversive Organizations as part of the struggle for civil liberties. When the case comes into court, important democratic constitutional issues will be decided.

(For 'Exceptions and Brief' Turn Page)

The Independent Socialist League vs. The Attorney General's "Subversive List"

In the following three pages LABOR ACTION prints in full the brilliant Exceptions and Brief filed by attorneys Joseph L. Rauh, Jr., and Isaac N. Groner before Attorney General William P.

Rogers on January 10, 1958.

Headings and boldface type have been added by LABOR ACTION for reasons of readability on the printed page.

BEFORE THE
ATTORNEY GENERAL
Washington, D. C.

IN THE MATTER OF THE DESIGNATION OF
WORKERS PARTY
INDEPENDENT SOCIALIST LEAGUE
AND
SOCIALIST YOUTH LEAGUE

EXCEPTIONS AND BRIEF OF ORGANIZATIONS
ON RECOMMENDED DECISION OF
HEARING OFFICER
EDWARD M. MORRISSEY

Preliminary Statement

The Attorney General has granted permission "to file exceptions to the recommended decision and a supporting brief." The obvious assumption is that this proceeding has some relationship to a regular administrative hearing where the purpose and authority of the agency is clear and settled; where the substantive standards are prescribed by statute and further refined by both regulation and adjudication; where the hearing officer can display not only impartiality but expertise as well; and where the findings of the hearing officer are with some care confined to the record and supported by record references and rational explanation.

In this proceeding, however, as the Organizations have declared from the start and as the Recommended Decision demonstrates beyond reasonable doubt, the authority for and the uses of the listing involved are suspect and indefinite; no standards whatever have been defined for the ultimate decision by the Attorney General as to whether any of these Organizations is "Communist" (or "communist") or "seeks to alter the form of government of the United States by unconstitutional means" or for some even less verbalized reason is a proper subject for a "subversive list"; the Hearing Officer has governed himself by a fixed and unchangeable predisposition and predetermination to uphold the position of the Department of Justice and has lacked either the capacity or the willingness to understand or consider the position of the Organizations; and neither the Hearing Officer nor the Department of Justice whose case he upholds has considered itself bound by any normal concept of proof or evidence of record. For

these reasons, the following Exceptions and Brief cannot correspond exactly to the typical Exceptions and Brief, but the Organizations have endeavored in good faith to confine themselves to the permission granted by the Attorney General. Where the prosecution and conviction have proceeded with such unrestrained vagueness and generality, it is not easy—or even genuinely possible—to write typical precise and brief Exceptions.

In so doing, the Organizations do not waive and cannot be taken as waiving any of the legal contentions which they have already raised in this proceeding or which may become appropriate, to contest the constitutionality and the legality of the general context of this proceeding. In specific illustration but not by way of limitation, the Organizations believe that the Executive Orders, and their application to these Organizations, are clearly in violation of the Constitution of the United States, the First and Fifth Amendments as well as other provisions thereof, and that the procedure prescribed and also that followed herein violated the Constitutional and legal prescriptions for a fair hearing and for due process of law. The Organizations expressly reserve their right to present their case whenever and wherever it can properly be presented, and as responsive to whatever is the prevailing Government action or position.

The Organizations' Proposed Findings of Fact are incorporated herein as though repeated in full. They should have been adopted; in fact they were hardly even considered. The Organizations have made every effort to avoid unnecessary repetition of the discussion therein contained, on the assumption that the Attorney General is bound at this stage to give them complete review and fresh consideration.

Exceptions to the Recommended Decision

The Organizations hereby except to the Recommended Decision for each and all of the following reasons. The Hearing Officer:

1. Repeated and failed to reverse his own denial of the following motions of the Organizations:

- To require the Government or the Hearing Officer to state the standards by which the Organizations were to be judged in determining whether they are "Communist";
- To require the Government or the Hearing Officer to state standards by which the Organizations were to be judged in determining whether any of them "seeks to alter the form of government of the United States by unconstitutional means";
- For a Bill of Particulars; and
- To dismiss paragraphs 1 through 27 of the Statement of Grounds unless the Government or the Hearing Officer clarified the meaning of "Communist" (or "communist") and "unconstitutional means" as used therein. Page 6, lines 3-17.

2. Failed to state the standards which the Attorney General has applied in deciding to list these Organizations and to continue them on the list, or the standards which will be applied in deciding whether they shall be removed from the list.

3. Did not include Organizations' Proposed Finding 1, dealing with the failure of the Government to state any standards and the lack of notice to the Organizations of any standards (PFF, pp. 14-16).

4. Did not define the standards which were applied during the hearing and for the purpose of the Recommended Decision, other than the statements that the standards "are to be found in the Executive Order itself" (Page 37, Lines 26-27), and "are those inherent in Executive Order 10450, particularly Section 8 (5)" (Page 38, Lines 33-35). Since the issue is the standards to be utilized in judging the applicability of the Executive Orders to these Organizations, this does not state a standard, but begs the question of standards.

5. Failed to make any distinction between the category of "Communist" or the "unconstitutional means" category, or to note the fact that the Department of Justice had stated it was ceasing to rely on the "subversive" listing.

6. Failed to specify any definition of "Communist"; and failed to make Organizations Proposed Findings 2-6, pp. 16-22, which deal with this issue.

7. Assumed in advance the ultimate finding that the Organizations had some evil relationship to force and violence, by asserting at the outset, without any explanation or record reference, and in fact without any foundation in the record or in real life, that "The term 'socialism' as generally used and as used by . . . the Organizations are not the same. The difference in usage should be kept in mind in reading the material of the Organizations." (Page 12, Lines 30-32). The completion of the footnote from which this question is taken makes clear that the difference which one should bring in advance to a reading of the Organizations'

materials is the difference between peaceful and violent change.

This self-caveat is a plain confession that the Hearing Officer firmly adopted for himself at the outset, and rigidly adhered thereto throughout, the immutable principle that he could not and would not read the writings of the Organizations (or listen to their witnesses) on the assumption that their words would convey any normal meaning, but that he would always read and understand the Organizations as denoting a socialism which necessarily included force and violence. This is not even a presumption of guilt until innocence is proved; this is an irrebutable presumption of guilt even if innocence is proved by the Organizations through their own words and actions.

8. Automatically ascribed to the Organizations anything which was testified to about Marx, Engels, Lenin and Trotsky, without regard to whether the Marxism, Engelism, Leninism or Trotskyism involved had any relationship to the Organizations.

A. On this basis exclusively, found against the Organizations, "It is found that the Organizations were, and the ISL is, Marxist, Leninist and Trotskyist. As such they advocate force and violence. . . ." (Page 24, Lines 43-44, emphasis added).

Unchangeable Preconceptions

B. At no time, save for mere summaries unrelated to any other portion of the Recommended Decision (Page 15, Lines 16-27 and Page 16, Lines 13-32), discussed what the Organizations meant when they used terms such as "Marxism" and "Leninism." Failed to give any genuine consideration and no weight to the position of the Organizations, because of such unchangeable preconceptions as those noted in Exception 7, *supra*.

C. Wholly independently of anything which the Organizations ever said or did, and indeed in reliance upon the testimony of a Government witness who had never heard of the Organizations and who was procured after the commencement of the hearing, concluded that Marxism, Engelism, Leninism and Trotskyism necessarily included advocacy of force and violence, and that this was necessarily the connotation of the Organizations' reference to these individuals and their thoughts and activities. (Page 11, Line 4—Page 14, Line 30; Page 22, Line 20—Page 25, Line 5).

D. Wholly independently of anything which the Organizations ever said or did, concluded that Marxism, Engelism, Leninism and Trotskyism necessarily included advocacy of force and violence, and that this was necessarily the connotation of the Organizations' reference to these individuals and their thoughts and activities. Concluded, further, that any reference in the actual writings of the Organizations themselves against force and violence was "defensive language" (Page 22, Line 24), a wholly undefined phrase but one which obviously reflects such well-anchored preconceptions as those noted in Exception 7, *supra*, and therefore not to be given any credence (Page 17, Line 18—Page 25, Line 5).

E. Made this finding in reliance on the testimony of a Government witness who even the Hearing Officer said displayed "some bitterness against the Organizations" (Page 22, Lines 41-42), who is described as "one of the founders of the Workers Party" (Page 17, Line 18), the Recommended Decision carefully omitting that he left that Organization within a "few weeks" and attended but "one meeting" and scrupulously avoiding reference also to his admissions (on cross-examination) that he was not "directly acquainted" with the positions of the Organizations during the subsequent 16 years of their existence and throughout failing to mention that this witness said he read the publications of the Organizations only "occasionally" and "now and then" and "not in detail" (see PFF, p. 45).

9. Confined consideration of the actual writings and positions of the Organizations to a very few phrases, with-

F-L-A-S-H

In a letter to Attorney General William P. Rogers dated January 17, attorneys Joseph L. Rauh and Isaac Groner draw his attention to the fact that in the hearing dealt with in these pages the government refused to furnish the Organizations or their counsel with the record of James Burnham's conversations with the FBI during the years preceding the hearing. In view of the Supreme Court decision in the *Jencks* case, and the application of this decision to administrative proceedings in the Court of Appeals decision in *Communist Party v. Subversive Activities Control Board*, the attorneys point out that this denial was a clear violation of the due process rights of the organizations.

Their letter concludes: "The organizations request, in the event you should determine to retain them [the Organizations] on the list, that you specifically state in your determination whether or not your findings are based in any measure whatever upon the testimony of James Burnham."

The full text of their letter will appear in the next issue of LABOR ACTION.

Independent Socialist League vs. List of Subversive Organizations

out adequate discussion of the whole context, without clear specification of the time involved and the problems to which the writings were addressed, and which show no more than abstract discussion or prediction as to the indefinite future, and no actual advocacy whatever of force and violence (Page 18, Line 44—Page 22, Line 12).

10. Ascribed to the Organizations certain views on force and violence, of which the following are examples, without any record citation or any foundation whatever in the record or in the actual facts:

A. That, if "war or other disturbing factors should occur and the economy of the nation should become disrupted," the Organizations held the view that "it would be folly . . . to wait for the slow processes of the Constitution to bring about the change in control of the government." (Page 24, Lines 17-24).

B. That the Organizations "advocate force and violence to overthrow the Government of the United States, if necessary; until the time comes when such advocacy can be put into practice, they indoctrinate their members to do what they can to undermine the government in order to create conditions suitable for that time." (Page 24, Line 44—Page 25, Line 3).

Adamant Prejudgments

11. Made no attempt fairly or impartially to weigh or evaluate the testimony of the witnesses, but for reasons having nothing to do with such testimony or the demeanor of the witnesses, but reflecting such adamant prejudgments as those specified in Exception 7, *supra*, credited all the Government witnesses and discredited all the Organizations' witnesses.

A. Did not note any of the facts rendering both Prof. Robinson and Mr. Burnham, the only two Government witnesses, incompetent and unqualified to discuss these Organizations, nor any of the obvious internal inconsistencies in their testimony, nor (except for the "bitterness" concession tucked in a footnote) any of the overwhelmingly persuasive reasons for rejecting the Burnham testimony *in toto* as incredible (see PFF, pp. 12-14, 20-22, 24-26, 33-37, 41, and especially 44-47).

B. Did not mention that Socialists Norman Thomas and Harry Fleischman had testified that they were familiar with the actual writings and activities of the Organizations (see PFF 21. C. ii-iii, pp. 43-44; and *cf.* non-committal "based on his readings," Page 15, Line 37—Page 16, Line 1); but attempted to hide the significance of their testimony by the following acts of arrogation and unfairness:

i. Actually concluded, after not summarizing their testimony about their knowledge of the Organizations, that "The basis of the opinions of Thomas and Fleischman do not appear to be sufficient. . . ." (Page 22, Lines 18-19).

ii. Actually concluded, when Norman Thomas himself had testified on behalf of the Organizations and former Socialist secretary Fleischman had characterized the Organizations (on cross-examination) as "competitors" of the Norman Thomas Socialists, that the Organizations "are not socialist in the limited sense that the followers of Norman Thomas are Socialists" (Page 22, Lines 28-39). Failed to mention that there was nothing whatever in the record as to the beliefs of Socialist followers of Norman Thomas, except for witnesses produced by the Organizations, such as Fleischman and Norman Thomas himself.

iii. Misstated the clear position of Norman Thomas, by twisting his reference to "clearly foreseeable future," which obviously and unmistakably was meant to denote that the Organizations did not advocate force and violence for any and all time in the future which Thomas could clearly foresee, to extend to something which Thomas did not say and which is clearly the opposite of his meaning, although very much in line with the predetermined results of the Recommended Decision (Page 15, Lines 33-43; Page 22, Lines 36-39).

Out of Whole Cloth

iv. Intruded a personal refutation of the Thomas testimony, by creating out of whole cloth a point which Thomas "apparently did not take into consideration" (Page 15, Lines 43 ff.). This is a point having to do with an evaluation of the security program. There is in fact nothing in the record or in the testimony or background of Thomas to suggest that he did not take this into account. And this is a point which the Hearing Officer obviously had no basis in the record or in his instructions for judgment or comment.

v. Stated of Thomas and Fleischman that they "were never members of the Organizations" (Page 15, Line 32) while discounting the testimony of those who were members for any period longer than the initial few weeks or who attended more than one meeting, and while not pointing out that Department of Justice witness Robinson was never a member or had never even heard of the Organizations.

C. Afforded no discussion other than the simplest summary and the most summary rejection to the testimony of McDonald, who belonged to the Organizations until 1942 (Page 16, Lines 5-8). Even if the testimony of Shachtman and Widick is the testimony of still interested parties, the testimony of McDonald obviously is not. The Hearing Officer did not explain why the

approximately two weeks' worth of Burnham's knowledge about the Organizations was entitled to crucial weight, while the two years' experience of McDonald "cannot be credited" (Page 22, Line 18). According to his Recommended Decision, the Hearing Officer credited Burnham's testimony in part because Burnham was "one of the founders of the Workers Party" (Page 17, Line 38); and he rejected McDonald's because McDonald was "a former member of the Organizations" (Page 22, Line 17). In the Appendix, listing the qualifications of the witness, the Hearing Officer records a terminal point for McDonald's membership in the Organizations, but none for Burnham's. The former is listed, "member of Workers Party, 1939-1942"; the latter, "one of the founders and member of the Workers Party."

Cart Before the Horse

D. Did not mention the qualifications of witness Bell (except for the Appendix; *cf.* the treatment of Burnham, Page 17, Lines 36-41), nor discuss his testimony as to force and violence, presumably the issue somehow ultimately herein involved and obviously the reason for his being called by the Organizations; instead, summarized only his peripheral testimony as to "antecedents." (Page 9, Lines 9-14).

E. In the end, credited the testimony of Burnham as "more in accord with the character of revolutionary-socialist organizations disclosed by the record than that of the Organizations' witnesses." (Page 22, Lines 43-45). That is, if you start with the proposition that these Organizations are "revolutionary socialist organizations," you must necessarily believe those who testify that they are, and of course you cannot possibly believe those who testify to the contrary. Obviously, this puts the beginning of the cart some distance ahead of the end of the horse.

12. Created a completely unprecedented definition of socialism, which is wanting even the barest hint of foundation in the record, and is actually used by no socialist whatever. It was clearly contrived solely and exclusively for the purpose of this proceeding or this Recommended Decision. These are the definitions that socialism is "a continuation of" capitalism (Page 12, Line 39); and, differently put but no less an anathema to a socialist, that socialism is "a modified capitalist system" (Page 23, Line 1).

"Socialism" Redefined

13. Equated "the form of government of the United States," as used in the Executive Orders, to the capitalist economic system, and did not confine the phrase to the political or Constitutional aspect of government. The best demonstration is the footnote on Page 12, more particularly starting with the third sentence, Line 32, which defines socialism in purely economic terms and in terms of result or end. The following sentence begins by defining socialism in political terms or means, but concludes by referring in effect to democracy as the end result, ". . . the conduct of government by such parliamentary means in the management of the means of production and distribution." The economics of this is neutral; but the politics is democracy. And this is the next sentence: "Socialism in this sense contemplates a reform of the capitalist system and a continuation of that system." (Page 12, Lines 38-39; emphasis added). This states an unequivocal identity; parliamentary means equals the capitalist system. For another statement of this equation, see Page 22, Line 33—Page 23, Line 2.

14. Failed to make Organizations Proposed Findings 7-12, pp. 22-27.

15. Made the following findings as to "antecedents" without any citation of evidence of record, and without any evidence of record:

A. The Socialist Workers Party "in the period from 1938 to 1940, advocated the utilization of force and violence to change the form of government of the United States" (Page 8, Lines 36-38). This issue was not tried on this record.

No Trace of Support

B. The "antecedents of the Workers Party . . . were in Communist and Trotskyist parties which advocated force and violence, if necessary, to gain control of the United States Government ostensibly on behalf of the working class." (Page 9, Lines 23-27; see also *Id.* at Lines 21-22; Page 10, Lines 36-40). The general question reflected in this statement was not tried on this record, and a *fortiori* none of the particular conclusions which may be reflected in the undefined categories and innuendoes can have any trace of support on this record.

C. "Witness Burnham established that force and violence are inherent in the general Marxian theory of which Leninism is one and the most important variant, and that it is also inherent in the Trotskyist movement" (Page 14, Lines 32-35).

16. Failed to make Organizations Proposed Finding 13-14, pp. 27-30, and obviously made an assumption which should have been considered foreclosed by *Schneiderman v. United States*, 320 U. S. 118, discussed in the Organizations Proposed Findings; and see discussion of *Yates v. United States*, 354 U. S. 298, *infra*.

17. Failed to make Organizations Proposed Findings

15-22, pp. 30-52.

18. Attached adverse significance to "holding up the Russian Revolution as a historical fact," concluding that "it is intended to be used as a shining example of what is to be done when circumstances permit" (Page 24, Lines 26-29). Failed to mention that the entire American people hold up the American Revolution as an historical fact, and indeed precisely because it is a shining example of what is to be done when circumstances permit.

19. Utilized as a standard for "Communist" and "force and violence" that the hatred of these Organizations for Communists stems only "from a hatred of Stalin" and only from a desire to see Russia defeated in a war with this country. Required as a standard not merely "loyalty" but "love for the Government of the United States" and "a desire to protect the United States from the dangers represented by Russian Communism," both undefined and neither expressly or implicitly contained in the Executive Orders (Page 24, Lines 30-41).

Permissible Criticism

20. Relied on positions taken by the Organizations which were obviously within the scope of permissible free speech criticism, not capable of being used as evidence to support listing, such as the Organizations' "political opposition to the war" (Page 33, Lines 39-40) in both World War II and the Korean War. (Page 33, Line 11—Page 37, Line 18).

21. Regarded it as pertinent to the issues involved herein that the structure and activities of the Organizations are directed to serving the purposes of the Organizations; and that the Organizations urge their members to be activists and to be active in labor unions and Negro groups (Page 25, Line 7—Page 33, Line 9; Page 36, Line 42—Page 37, Line 4).

22. Failed to make Organizations Proposed Findings 23-32, pp. 52-61.

23. Failed to recognize that the list has in fact many uses in addition to any related to government employment; and failed to recognize that the uses of the list are pertinent to any decision on whether the Organizations may lawfully or properly be listed.

24. Used inconsistent formulations as to what was meant to "seek to alter the form of government of the United States" by force and violence; and expressly rejected the "clear and present danger" criterion (Page 38, Line 20—Page 39, Line 14).

Advocacy of Change

25. Eliminated non-advocacy of force and violence as a means of inducing change as a defense to listing, by declaring that any organization is within the Executive Order if it advocates any change in the existing system, and

A. "the manner and means by which such change is to be accomplished involve steps tending towards the disruption of the economic and political structure of the United States and include force and violence. . . ." (Page 38, Lines 27-30). This is a standard that is independent of whether or not the organization advocates force and violence, but involves only the judgment, on some undefined and perhaps undefinable basis, as to what it will take to bring about the change which is advocated. Further, this is a standard which neatly covers within its terms any change of law whatsoever, for any change of law tends to disrupt the previously existing political structure of the United States, and any and every law may ultimately need enforcing by the force and violence of the policeman.

Thought Control!

B. Another basis for listing, likely additional but possibly alternative to the above, is that the organization or the means "contemplate the use of unconstitutional means to bring about the change. . . ." (Page 38, Lines 30-31). Contemplate! Thought control is an ugly concept, but the plain fact is there it is. And if the Attorney General blinks at that fact, there can be absolutely no denial whatsoever that, whatever the definitions and standards which may be applied to each term, "contemplate" must necessarily mean something different from "seek." It is more reflective, less active. It is more infernal and subjective, less capable of being tested by objective evidence and reasonable proof. The Hearing Officer failed to realize that "seeks" is in the Executive Order but "contemplates" is not. If the Executive Order is a blank check to the Attorney General in controlling the free association of American citizens, the Recommended Decision is the key to the bank vault.

26. Failed to adopt the Conclusions of Law in the Organizations Proposed Findings, pp. 61-65; or to adopt any other finding, contention or conclusion contained in the Organizations Proposed Findings and not heretofore covered herein.

27. Recommended expressly that the Attorney General deny the request of the Organizations that they be removed from the list; and recommended implicitly that the Attorney General deny the request of the Organizations that a finding be made that they could and should never have been listed initially or maintained on the list and that appropriate corrective relief be tendered.

(Turn Page for Brief)

The Independent Socialist League vs. The Attorney General's "Subversive List"

Brief

Guilt by inheritance and guilt by disassociation are the hallmarks of the Recommended Decision and of the listing of these Organizations. Since in the dim past a leader or two of these Organizations was a Communist, the Organizations must now be held Communist. Since the ancestry of these Organizations may be traced back, over the decades, to other organizations against whom there might conceivably be a stronger case on some other record on advocacy of force and violence, the conclusion here must be as though a stronger case had been made against these Organizations on this record. Since these Organizations have reverence and respect for the pioneer insights and unhappy genius of Marx, Engels, Lenin and Trotsky, anything evil which can be culled from any of the writings or deeds of any of the Four is evidence against the Organizations. To the Hearing Examiner it is evidence even though the Organizations have disassociated themselves expressly from the particular thoughts which might be involved.

If the leading individual in these Organizations in fact broke bitterly and completely with the only one of the Four (Trotsky) whose life he actually touched, this must be disregarded, although it is recorded in the Recommended Decision that "Shachtman was a close associate of Trotsky. . . . Shachtman was the editor of the English edition of Trotsky's works and is the executor of his literary estate." (Recommended Decision, Page 9, Lines 40-43). Guilt by editorship and translation, and guilt by provision of will. If the Organizations use "Marxist" under their own careful definitions, those definitions are "defensive" and to be disregarded, but some other definition must be applied.

Guilt by Prejudgment

This is guilt by prejudgment. It equates verdict with indictment, and gives no genuine heed to any question or defense. Such guilt is un-American, irrational, and monstrously unfair. These Organizations surely should be entitled to judgment on the basis of what they have said and done. They should have been judged on the basis of testimony by witnesses who knew something about them.

Instead, it would appear in this proceeding that witnesses are to be credited in inverse proportion to the amount which they know about the Organizations. Professor Robinson never heard of them—the entire Department of Justice case and the Recommended Decision which reflects it accurately are built upon the foundation of the Professor's testimony about some "Leninism" that he knew about, obviously not the Organizations' Leninism. And even the Professor admitted his lack of qualifications to testify on Trotsky, even as to his academic, abstract, unrelated-to-these-Organizations brand. If James Burnham quit these Organizations after their initial meeting and their first few weeks, and has not bothered to keep up with their writings since then, he must be credited and believed.

Accordingly, if Norman Thomas and other Socialists testify that they have kept up with the activities of the Organizations, their testimony is to be discredited. Most of all, the Hearing Officer and the Department of Justice must not take seriously the testimony of any actual member or officer of these Organizations. Guilt by ignorance.

Because of what was said and done in the dim past, any present statements must be discounted in advance, with or without some insubstantial blanket like "defensive." If Marx and Lenin advocated force and violence, any organization that calls itself Marxist or Leninist advocates force and violence. Nothing more need be said. If certain groups now within either of the major political parties supported the force and violence known alternatively as the Civil War or the War Between the States, both parties can and should now be listed. If certain members of President Harding's cabinet were convicted two decades ago, all who now call themselves Republicans are guilty. The conviction of J. Parnell Thomas irredeemably brands as convicts all members of the House Un-American Activities Committee for all time to come. Any disavowals are simply not to be credited.

The predetermined result is what counts. If it takes a brand new definition of "socialism," if it takes a hopelessly confused and confusing interplay between means and ends, between Communism and communism, between advocacy and contemplation—why, that is what it takes, and that is the Department of Justice position and the Recommended Decision.

And if it takes believing an obviously lying witness, one who goes so far as to admit he would lie (PFF, pp.

46-47), why, again, that is what it takes. This witness may so lack judicial balance and respect for traditional American institutions like the separation of powers as to demand "a Congressional investigation of the federal judiciary, in particular of the Supreme Court" because of "its legal sabotage of security measures" and some other decisions, such as the segregation decision. James Burnham, *National Review*, July 20, 1957. He may obviously be the last-ditch hope of the Department of Justice, for some testimony somewhere by an any-time member of these Organizations. It may be obvious that the Department could not obtain the testimony of any other member, any member who had stayed longer than the paltry few weeks Burnham did, and obviously because their testimony would not have supported the Department position. It may be obvious that even the undercover agents of the FBI in the Organizations had nothing unfavorable to offer against the Organizations. And it may be obvious that Burnham is exactly the type of witness who could not possibly be credited in any proceeding whatever. But this being a proceeding for a very special purpose, and his testimony being thought necessary here, his testimony must necessarily be credited.

For these Organizations are to be listed regardless of the clear provisions of the Bill of Rights and the clear teaching of Supreme Court decisions. There is no basis on this record for finding that the Organizations advocated force and violence even as abstract doctrine; but it would not matter if they did. "The distinction between advocacy of abstract doctrine and advocacy directed at promoting unlawful action is one that has been consistently recognized in the opinions of this Court. . . .", the United States Supreme Court declared in a decision handed down subsequent to the filing of the Organizations Proposed Findings. *Yates v. United States*, 354 U. S. 298, 318.

Distinction Disregarded

But that distinction is clearly disregarded by the Department of Justice and in the Recommended Decision. The Supreme Court may think the distinction "between advocacy of forcible overthrow as an abstract doctrine and advocacy of action to that end," *Id.* at 320, a real and governing distinction. But it is a distinction which does not exist to a Department of Justice which takes pride in refraining from stating the standards which will be applied in determining whether an Organization "seeks to alter the form of government of the United States" by force and violence, or to a Hearing Officer who believes that an Organization can be listed if it or the change it advocates "contemplates" the use of force.

On the need for standards and on the range of private association for political objectives which is immune from governmental interference, the *Yates* decision is instructive and should be considered controlling here. The following, for example, is directly in point: "The need for precise and understandable instructions on this issue is further emphasized by the equivocal character of the evidence in this record. . . . Instances of speech that could be considered to amount to 'advocacy of action' are so few and far between as to be almost completely overshadowed by the hundreds of instances in the record in which overthrow, if mentioned at all, occurs in the course of doctrinal disputation so remote from action as to be almost wholly lacking in probative value. Vague references to 'revolutionary' or 'militant' action of an unspecified character, which are found in the evidence, might in addition be given too great weight. . . ." 354 U. S. at 327.

The Hearing Officer was at fatal variance with the fundamental law as set forth by the Supreme Court not only as to the general approach, but even as to particular facts. The Hearing Officer assumed, for example, that the Communist Party advocated force and violence at the time that Shachtman and Gates were expelled therefrom; but that assumption is foreclosed by the Supreme Court decision in the *Schneiderman* case, as the Organizations pointed out in their Proposed Findings and as has now been discussed by the Court in *Yates*. The Supreme Court recognizes, as the Department of Justice and the Hearing Officer do not, that time marches on, and that the Communism of 1927 is different from the Communism of 1947—as the Marxism of 1848 is different from the Marxism of 1888 or 1928, and the Shachtman of 1927 is different from the Shachtman of 1940, 1947 or 1957.

Time Marches On

In *Yates*, 354 U. S. at 336-337, the Court declared that the *Schneiderman* decision was best read as applying to *Schneiderman's* own interpretation of the Communist Party's teachings in 1927, an interpretation which did not feature "agitation and exhortation calling for present violent action." 320 U. S. at 157-159. If it be accepted that the holding extended in the alternative to the character of advocacy engaged in by the Communist Party, then the essential finding was that the Party had not, in 1927, engaged in "agitation and exhortation calling for present violent action." *Ibid.* The Court in *Schneiderman* certainly did not purport to determine what the doctrinal content of 'Marxism-Leninism' might be at all times and in all places. . . . the Court was there concerned with the state of affairs existing in 1927, whereas we are concerned here with the period 1948-1951. . . ."

Times change. The damage which may be done by public official action against an individual or an organization which has unorthodox political beliefs and ideas "is even more harsh when it is past beliefs, expressions or associations that are disclosed and judged by current standards rather than those contemporary with the matters exposed. . . . Beyond that, there is the more subtle and immeasurable effect upon those who tend to adhere to the most orthodox and uncontroversial views and associations in order to avoid a similar fate at some future time." *Watkins v. United States*, 354 U. S. 178, 197-8.

Fundamental Rights

It is worth while to remember that the Workers Party, before it ceased its political operations and became the propaganda organization which is the Independent Socialist League, was a lawful political party. There is no legal or moral right in the Attorney General to brand it as unlawful to the extent of listing it, by his own retroactive and solitary action. *Cf., Schwere v. Board of Bar Examiners*, 353 U. S. 232, 244. At the time, the Government "had not attempted to attach penalties of any kind to membership in the . . . Party. . . . Those who accepted the State at its word and joined that party had a right to expect that the State would not penalize them, directly or indirectly, for doing so thereafter." *Konigsberg v. State Bar*, 353 U. S. 252, 268. That these Supreme Court decisions concern State action on the basis of Communist Party activity should make unconstitutional, *a fortiori*, action by a Federal official on the basis of activity in Organizations which are admittedly and obviously anti-Communist.

Fundamentally, this case involves the right of American citizens to associate freely and to speak freely, without fear of being subjected to adverse treatment by a public official; and it concerns, too, the right of an American citizen to be an employee of the Federal Government, without regard to his political and philosophical views. The Supreme Court has seen fit to repeat, and the Organizations repeat it here, that "Obviously an applicant could not be excluded merely because he was a Republican or a Negro or a member of a particular church." *Schwere v. Board of Bar Examiners*, 353 U. S. 232, 239.

The Constitution of the United States prohibits discrimination on any such basis. These Organizations have been listed on the basis of just such a discrimination, based upon an imputation of others' views to them, not even of their own views. Such a listing is and always was unsustainable. "The Bill of Rights is applicable . . . to all forms of governmental action. . . . Nor can the First Amendment freedoms of speech, press, religion, or political belief and association be abridged." *Watkins v. United States*, 354 U. S. 178, 188.

Conclusion

Alice in Wonderland! The Examiner recommends that the Organizations be found "Communist" even though they are admittedly "anti-Communist." The Examiner recommends that they be found to advocate force and violence even though the Supreme Court in the *Yates* case refused to find forbidden advocacy on far stronger evidence. And the Examiner makes both these recommendations without telling anyone, now or before, what "Communist" or "advocacy of force and violence" means.

Black is white! Robinson, who never heard of the Organizations, and Burnham, a brazen McCarthyite who admitted he would lie, are witnesses to be credited; Norman Thomas, a distinguished and revered American and most knowledgeable in the field, and Harry Fleischman, Daniel Bell, and Dwight McDonald, all reputable and disinterested witnesses familiar with the Organizations, are not credited.

For ten years the Organizations have struggled for clearance and they are ready, able and willing to fight on for another ten years if need be. But, with the passing of the worst phases of McCarthyism, we venture the hope that the time has come for a prompt delisting of these Organizations. Nothing that the Attorney General can do today can rectify the past wrongs suffered by these Organizations. But there is no warrant in a free America for aggravating these past wrongs by continuing the listing.

We appeal to the new Attorney General, making his first civil liberties decision, to strike a blow for freedom.

Respectfully submitted,

Joseph L. Rauh, Jr.

Isaac N. Groner

Attorneys for the Organizations

Another "Triumph" for U.S. Foreign Policy

THE ELECTIONS IN GUATEMALA

By MAX MARTIN

A number of lands in and around Latin America have been the scene of widespread turbulence during recent weeks. Unlike many struggles in this area, which are fights for political power by contending military or political cliques having little significance for the masses of people, the upheavals currently prominent are of wide import for the desire of the peoples for democracy and social advance.

In Cuba, a revolutionary movement continues its fight against the reactionary and authoritarian government of Batista. In Venezuela, strikes and demonstration by workers and students against the dictatorship of the Perez Jimenez regime are now in progress. In the British-ruled Bahamas, a general strike by the Negro workers for economic and political gains has been going on for over a week. And in Guatemala, the January 19 elections signalled a continuation of the social unrest which has been sweeping that country during the last few months.

Each of these events has constituted a test for the foreign policy of the United States, a test which has exposed the bankruptcy of the program by which America relates to the rest of the world. The U.S. has not merely failed to act as a champion of the democratic needs and aspirations of the peoples of these countries. It has been involved up to its shoulders as an accomplice of reaction. Guatemala can be regarded as the prime ruin of U.S. foreign policy in this part of the world.

A little less than four years ago the U.S. intervened into Guatemalan affairs to help overthrow the legally and democratically elected Arbenz government in behalf of the United Fruit Co. and the State Department's conception of fighting communism. Its justification for this action was the claim that the Arbenz regime was Communist-dominated, was little better than a Russian puppet government. That there was no truth in these allegations, that they were outright fabrications, did not matter.

REACTION

The Castillo Armas government which ensued from this American-backed counter-revolution proceeded to wipe out many of the land and political-democratic reforms instituted under Arbenz and his predecessors, although it apparently was not vigorous enough in this work to suit the more reactionary landowners. To this inadequate vigor in the work of reaction the regime, Castillo Armas' party, and its candidate in the recent elections owe the designation "middle of the road" which the American press has bestowed upon them.

The assassination of Castillo opened up a new period in Guatemalan political life. The old Castillo coalition broke into two, with the more reactionary elements supporting General Ydigoras Fuentes for president and the rest of the Castillo machine, regarding itself as the genuine successor to the Castillo government running its own candidate. In the period of increasing freedom which followed the death of Castillo, many of Arbenz' supporters came out into open political life, some returning to the country from exile and others coming up from underground. The same

Army "Security" Program —

(Continued from page 4)

Thus, although this procedure might appeal to some, it still does not solve the Army's problem. And besides, this procedure would make the "punishment" angle of the security program next to meaningless.

Undoubtedly, the Army realizes their dilemma, for up to the present they have stalled on all such cases. Rather, they have attempted to find some new alternatives to evade court action and still fulfill all phases of the "security" program: thus, in at least one case known to this writer, they have, via the local Selective Service Board, temporarily

was true of many Communists.

The former Arbenzites organized the Revolutionary Party, which was immediately branded as "Communist-infiltrated," and even as "Communist-dominated." While the underground Guatemalan Workers Party, as the CP is called, undoubtedly sent its followers into the Revolutionary Party, the leadership and bulk of the membership of the latter was clearly of a non-Communist, social reform character. Indeed, the leadership of the party gave evidence of concern with what Communist infiltration there was in the party, a concern not shown by Arbenz.

"COMMUNISM"

The ruling provisional government, composed of the bulk of Castillo's colleagues, however, ruled the RP off the ballot for the elections held last October on the basis of the charge of "Communism." That left two main candidates in the field: Ortiz Passarelli, the government candidate; and Ydigoras Fuentes, the candidate of the right-wing of Castillo's coalition. Apparently many followers of the Revolutionary Party and many Communists voted for Ydigoras. Whether this was simply because of a feeling that Ydigoras, an army man, might make concessions to them and to the workers and peasants, and swing away from his landowner backers; or because they felt that a close election might create a new situation in which anything could happen; or because of some understanding or deal with Ydigoras, is impossible to tell.

The government leaders proceeded to rig the elections in a very crude and obvious way, counting Ydigoras out and declaring their man the winner. So palpable was the fraud by this "democratic, middle-of-the-road" government and its party, that none of its supporters in this country, whether liberal or conservative, deny its falsification of the election result. The most that American journalists have found to say for it is that it would have won the election anyway, a view belied by the result of the current election, and that it simply acted this way out of unjustified insecurity.

The government's fraud at the polls produced an upheaval in the entire country. Ydigoras rallied his followers from the countryside who poured into Guatemala City, massing themselves in demonstrations and meetings. The workers went out in a general strike that was 100 per cent effective. The Revolutionary Party's followers went out into the streets. The CP emerged into the open, participating in the demonstrations.

UPHEAVAL

The upheaval, verging on revolt, toppled the government. An Army group, which took over, declared the elections void

classified the individual 4F (on moral grounds!) until the investigation is completed. But, of course, the investigation is never completed — in the above mentioned case, the individual has been suspended in this never-never land for over one year.

There is still a long road ahead before civil libertarians will be able to sit back and relax. It will not be until the Army judges military service solely on the basis of military service and until they stop using political criteria in any form; in fact, perhaps not until the entire attorney general's list is declared unconstitutional.

and called for new elections for mid-January. The period between then and now was characterized by increasing turbulence, workers' strikes and demonstrations, the legalization of the Revolutionary Party and its being accorded a place on the ballot.

At various times during the past two months there was talk about the elections being called off. There were also rumors of a deal between the Revolutionary Party, whose candidate was Mendez Montenegro, and General Ydigoras. According to some reports, the RP was concentrating its activities on the congressional elections and ignoring the presidential race. Other dispatches stated that the RP was urging its followers to vote for Ydigoras. Whether or not this was true nationally, it appears to have been the case in some provinces and towns.

The reasoning for this course ascribed to the RP was as follows: Mendez Montenegro probably could not win, since the RP had had so short a period of legal existence in which to organize and propagandize. And even if he could win, the U.S. and native reaction would overthrow his government in short order. Hence it would be better if the RP did not win the presidency now and waited for a better time.

Between Cruz Salazar, candidate of the Castillo Armas party, and Ydigoras, the latter was preferable for the same reasons which led so many RP members and supporters to vote for him in the first election. Fallacious as such reasoning appears to be to American socialists and democrats, it obviously led at least a section of the RP to either tone down the campaign for the RP candidate, or to openly support Ydigoras.

The results of the election are almost all in by this writing. Ydigoras Fuentes came in first, with a vote of 140,800, a plurality of the total ballots cast. Mendez Montenegro, the RP candidate, and Cruz Salazar the Castilloist candidate were running neck and neck, each having about 98,000 votes. At the time that this is being written, Mendez is ahead by several hundred.

Under Guatemalan law, if no candidate gets a majority, the Congress chooses the president from between the man with the plurality and the runner-up. Ydigoras has claimed that he should be chosen on the basis of the vote. The RP has backed his position and declared that it will not contest his election in Congress, if it is runner-up. But the "democratic, middle-of-the-road" party of Castillo has announced that it will try to get the Guatemalan Congress to elect Cruz Salazar in the event that he comes in second. Everybody is waiting for the final returns.

DEMOCRATIC ROAD

The most obvious point about the election is that it constitutes a repudiation of Castillo and of the U.S. policy which led to his being installed as ruler of Guatemala. It shows that the Guatemalan people are looking for a democratic and progressive road for themselves.

If one takes the vote received by the RP, impressive in itself in view of the short period of time the RP had for organizing itself and campaigning as compared with the others; together with the vote of RP supporters who voted for Ydigoras (when the results of the Congressional races are known we may have some idea as to how many there were of these); together with those disfranchised by Castillo who could not participate in the voting, most of whom are poorer peasants who backed Arbenz; we can see where the majority of the country undoubtedly stands.

If Cruz Salazar received the second highest vote, the Castilloites may force the lame duck Congress in which it has a majority to declare him president, a fitting action for American-sponsored, "anti-Communist, democratic" government. Even if Cruz came in third, there is no guarantee that his party will not try a coup (backed again by the U.S.?) to restore

itself to power undemocratically.

These are the fruits of American foreign policy in Guatemala: rigged elections, authoritarianism, economic and social reaction, the CP as strong as ever, with some elements of the RP feeling they should collaborate with the communists, other elements of the RP feeling that they have to make some kind of alliance with reactionaries, a continuation of the social unrest and instability the U.S. State Department hates so much, propaganda material for Moscow, oppression for the Guatemalan people. Thus the U.S. "fights Communism."

Fortunately, the period of passivity and repression which characterized the Castillo Armas regime seems to be coming to an end. A new period has opened. The Guatemalan workers, peasants and intellectuals are beginning to assert themselves again. Therein lies the hope of Guatemala.

N. Y. Meeting Protests Russian Anti-Semitism

The year 1958 marks ten years of the Stalinist liquidation of Yiddish culture in Russia. The Congress for Jewish Culture arranged for a protest meeting on Sunday, January 12 at the Biltmore Hotel in New York City to mark the anniversary and to bring pressure on Stalin's heirs to permit a renewal of Jewish culture and the establishment of some freedom of association with the Jews of Russia.

At the beginning of the Soviet regime under Lenin and Trotsky, secular Yiddish culture was recognized and encouraged. There was a "golden age" for Yiddish with hundreds of schools, publishing houses, theaters and periodicals. In 1948 all this came to an end, not by voluntary relinquishment and absorption of the Jews into Russian life, but by force, arrest, exile, shootings, the closing of newspapers and publishing houses, theaters, etc.

Among the speakers at the meeting were Mrs. Miriam Broderson. Her husband Moshe was an outstanding Jewish poet from Poland. He fled to Russia and was arrested in 1950 with one of the last groups of writers to be purged by the Stalin regime. He was freed in 1955 and died three months after his release.

Jacob Pat of the Jewish Labor Committee gave a factual report on the number of writers, artists, etc. who were arrested and executed during the purge: 238 writers, 78 artists, 94 actors, and 100 musicians.

Chaim Grade, a past president of the Jewish Pen Club pointed out that while the assault on Yiddish culture reached its culmination in 1948, it began in the late '30s "under cover of the liquidation of Trotskyism."

Leon Crystal, the journalist who in 1956 brought back from Moscow the first details of the mass slaughter of Jewish intellectuals pointed out that the admitted discrimination against Jews in the Soviet Union was not a concession that the leaders grudgingly acquiesce in. It is, rather, a policy that originates from the top and only uses the sentiments of the people as an excuse.

In conjunction with this meeting, which was primarily one of Yiddish intellectuals, the Congress organized some action by American Jewish intellectuals who work in English. A statement was issued by Herman Wouk; a group of American Jewish writers published a letter in the New York Times. Myer Levin, author of *Compulsion* made a personal appearance and speech. Unfortunately, he talked mostly of his suit to be recognized as the author of the play adaptation of *The Diary of Ann Frank*, and tended to impute a similarity between plagiarism of his play and Stalin's liquidation of Yiddish culture and murder of Jewish intellectuals!

The speeches stuck closely to the cultural question. Important as that is, it should not completely eclipse the general anti-Semitic and discriminatory policy practiced by the rulers of Russia today.

The New York branch of the Independent Socialist League sent the following telegram to the meeting.

"The ISL joins your protest against the murder of Jewish writers, liquidation of Yiddish culture and the practice of anti-Semitic discrimination by Stalin and his heirs. Such meetings as this will arouse public opinion and may force corrective action."

FRANCE

Left Socialists Unite To Form New Party

By SAUL BERG

On December 8, at a Congress in Paris, the Nouvelle Gauche (New Left), left socialist group which has been discussed in our columns several times in the past, merged with other groups to form a new party, the UGS (Union of the Socialist Left).

The significance of this event is evidenced by the space devoted to it by the big French dailies. *Le Monde*, France's New York Times, so to speak, said:

"The general appearance of the congress of unification, at which were present over 300 delegates mandated by the different organizations, the form and content of the resolutions adopted, the fact that the new party has at birth an active base in seventy departments, permit one to think that it is a question of the most serious attempt [to build a workingclass party rival to the Socialist and Communist Parties] in many years."

The UGS, which claims a founding membership of 10,000, was constituted by the merger of the following groups: New Left, Movement of Liberation of the People (MLP), Party of the Young Republic, Socialist Action, Groups of Socialist Unity. Their relative strength is indicated by their representation on the national committee of 12, 12, 8, 4, and 2 members respectively. This committee will serve until May. In the meantime the local organizations will merge, so that in May a new Congress will take place whose delegates have been selected directly by the new local branches, instead of mandated by the separate organizations as in the case of the unification congress.

VARIED BACKGROUND

To appreciate the varied background of the membership of the new party we need to review briefly the history of the merging groups. The New Left supplied most of the drive for unification because it was far less homogeneous than the MLP or the Young Republic and was itself originally (and originally in this case means just two years ago:) a loose combination of still smaller groups. Although most of its members are in their 20's and 30's, and previously either belonged to no party or had drifted out of the Socialist or Communist Parties in disgust, among its leaders and more experienced members are militants who were previously Trotskyists or who participated in earlier attempts to build an independent socialist left. Among those with whom some of our readers may be familiar are Yves Dechezelles, former assistant general secretary of the SP and an outstanding trial lawyer, Yvan Craipeau, national secretary of the French Trotskyists until 1948, Claude Bourdet, director of the weekly *France-Observateur*, formerly editor-in-chief of the daily *Combat*, Daniel Guerin, author of *Fascism and Big Business*, and Pierre Naville, a founder of the Left Opposition in 1928, known in France today as a scholar.

The New Left was overloaded with students and intellectuals. The MLP, on the other hand, was almost exclusively composed of industrial workers. Its origin, astonishingly enough, was in the Catholic worker family associations. These associations agitated for a system of family allowances paid by the government, a system adopted in 1946, but also carried on in each workingclass neighborhood social activities such as campaigns against the black market, mutually organized health centers, and popular adult schools. The leaders of the associations banded together as the MPF (Popular Movement of Families) and began the mass occupation by homeless workers of unused housing. This activity brought them into conflict

with the state and awakened them to the broader implications of their housing struggle.

In 1949 the MPF changed its name to MLP (Movement for the Liberation of the People) and adopted in principle the aim of transforming itself into a socialist party. It was always open to non-Catholics, but it further emphasized its freedom from clerical influence by full support of the state school system and opposition to the program of state subsidies for the parochial schools. Its transformation into a political party caused the departure of two groups—on the one hand those who rejected a socialist orientation, and on the other hand those Communist fellow-travellers who wanted the group to be a transmission belt for the Communist Party among Catholic workers, rather than an independent party. In 1954 the MLP adopted its fundamental program, a clearly secular, anti-imperialist, democratic socialist program. As contact with the members of the New Left began, especially in local campaigns against the Algerian war, the stage was set for unity negotiations.

YOUNG REPUBLIC

The Young Republic, founded in 1912 by Marc Sangnier, was a left Catholic party, though formally open to non-Catholics. Its program was one of liberal social and economic reform. In 1936 it was one of the organizations in the Peoples Front, electing five deputies. Underground during World War Two it collaborated with the more conservative Catholic democrats and in 1945 fused with them to set up the MRP, France's major Catholic center party. A minority of the party, however, rejected this step and revived the organization. It is this minority, many of whose members are active in the Catholic trade unions, which evolved in its thinking toward a socialist program. By 1949 the Young Republic had adopted a third camp outlook on international affairs, and a purely secular position on church-state problems.

Socialist Action was founded thirteen months ago by leaders of the Socialist Party in the Ardennes, who had decided that the cause of the left wing within the party was hopeless. Its membership consisted of a large section of former SP members in the Ardennes and a scattering of such members elsewhere.

The Groups of Socialist Unity were composed of Parisians who left the SP a few months ago and had been joined by others interested in constructing a new movement.

PARTY PROGRAM

In the first issue of the UGS paper, *Tribune du Peuple*, is printed an appeal to the French workingclass adopted by the founding Congress. From the following excerpt we can get a good idea of the party's outlook:

"We want to unite the popular forces to impose:

Improvement of the living standard of workers of city and country, (wage and pension increases, elimination of geographical wage differentials, allowances for students).

Respect for democratic liberties; the end of arbitrary police action.

The end of the war in Algeria by recognition of the right of the Algerian people to define their own political status, immediate negotiation of a cease-fire. . . . We reject the "cadre

law" that the Assembly wants to impose in Algeria.

In the international field we fight to impose peace against war adventures like that of Suez, against bloody repressions like that of Budapest. We are hostile to the policies of the great military blocs of East and West.

The Party demands disarmament controlled by the workers' organizations, the cessation of the manufacture, stockpiling and testing of nuclear weapons in the two camps and throughout the world.

We want France outside of any military alliance—the present NATO as well as any with the USSR. . . ."

Another interesting quotation from the new paper is the following, answering the question of how a party can hold together that has in it Christians and non-believers, Marxists and non-Marxists, ex-Trotskyists, ex-SP and CP members, even a few ex-Gaullists:

JUSTICE AND EQUALITY

"We address ourselves essentially to the workers and to their natural allies of the peasantry and middle class. It is not a matter for us of identifying the left with a vague liberalism, but with the struggle of the masses against the capitalist regime. We are socialists. We judge necessary a profound transformation of the economic and social structure and we think that this transformation implies, in particular, the abolition of private ownership of the means of production and distribution. But we think also that socialism will find its way in our country respectful of the fundamental rights of man, in the spirit of our revolutionary and democratic tradition. . . . It is in the course of our

experience that we will elaborate our doctrine. There are among us certainly different philosophical or religious opinions. But we are in accord on the essential principles of justice and equality that must guide society. . . ."

"You will find in the Party of Union of the Socialist Left men of very diverse political experience. They have however in common one conviction: that of the ineffectiveness of small sects, or of impotent minorities in the ranks of big bureaucratic machines. Whatever their origin, the militants of our Party have no desire to "infiltrate" other organizations. On the contrary they have come to it [the UGS] to escape the sectarianism or spirit of faction that destroys so many worthwhile spirits."

GREETINGS

Greetings to the Congress were received from the Italian Socialist Party (Nenni), Al Baath (Arab Resurrectionist Socialist Party of Syria), the Mapam and Achduth Avodah Parties of Israel, the Spanish POUM, the Chilean Socialist Party, and the African Convention (of French West Africa). This list of independent socialist parties, varying from resolutely third-camp to near-Stalinist, reminds us of the heterogeneity of the new UGS itself, not so much in terms of the diversity of political background of its members, but rather in terms of the broad range of views of its members on the whole problem of Stalinism.

In the coming months we will see whether the UGS can attract substantial numbers of new members and elaborate its doctrines more clearly and thoroughly while participating in the struggles of the French working class.

BOOKS AND IDEAS

Yvan Craipeau's New Book

"The Coming Revolution"

The following review of Yvan Craipeau's *La Revolution Qui Vient* was written some time ago by Michael Harrington as part of a general article on the prospective unification of *La Nouvelle Gauche* and other groups in France. The article was held over for a number of issues of *Labor Action* due to editorial considerations.

Now the unity has been carried through, and is described in the accompanying article by Saul Berg. We believe that a review of Craipeau's book takes on an added timeliness, as it will give readers a clearer idea of the ideological and political ideas of a significant section of the new organization in France.—ED.

By MICHAEL HARRINGTON

Yvan Craipeau's new book, *La Revolution Qui Vient* (*The Coming Revolution*) is a statement of the general political attitude of *La Nouvelle Gauche*, of which he was a member, and to the extent that there is a common political denominator within the new Union of the Socialist Left (UGS), of the united organization as a whole. Craipeau's study is introduced as the product of the collective work of the theoretical leaders of *La Nouvelle Gauche*. As such, it is not simply another book about socialism; it is a comprehensive attempt to state a theoretical and political program for the regroupment of the French left.

Indeed, one of the problems with Craipeau's book is its comprehensiveness. So many questions are raised that only the major points can be reported in a single article.

SOCIALIST APPROACH

The general political character of *The Coming Revolution* is that of a sophisticated, left socialist approach. The book is generally Marxist in inspiration, although it makes certain interesting and important revisions of traditional Marxism. In terms of an action program it is committed to opposition to both the French Communist Party and the French Social Democracy (SFIO). However, it calls for a Popular Front stretching from the left Radicals to the CP itself. This latter point is the main immediate demand, but it functions within the context of a much more far-reaching perspective for a socialist transformation in France.

On the Russian question, Craipeau's books is quite revealing. *La Nouvelle*

Gauche has long contained tendencies with various illusions about Stalinism, a fact which is often manifested in their publications. But Craipeau's book is remarkably free from this defect. Here is his basic description of Russian Communism: "This situation (primitive accumulation in a backward country) produces an eminently contradictory society in which barbaric traits co-exist with social possibilities. Because of the primitive economic and cultural conditions of the country where the revolution is made, a bureaucracy crystallizes which is all powerful and conceives of the foundation of its power as the role of being the tutor of the workingclass and of society in general. This bureaucracy monopolizes political power and the mechanism of production, and utilizes both in its self-interest at the expense of the interests and freedom of the actual producers."

"The bureaucracy progressively expropriates the collective control of the enterprises for its own profit. It alone makes the decisions concerning the development and orientation of production, the rhythm of accumulation, the choice of the sections of the economy for investment. . . . Under cover of a "dictatorship of the proletariat" a new form

(Continued on bottom of next page)

LONDON LETTER

Campaign Against Launching Sites Grows

By OWEN ROBERTS

London

The news that British-based planes of the United States air force are flying regular patrols loaded with hydrogen bombs coupled with the recent announcement that rocket bases are to be built in Scotland has made many Britishers wake up to the fact that they are up to their necks in the military plans of the "Western Camp." A much delayed realization has taken place that the frontiers of the next war would not be a line drawn somewhere in central Europe but one drawn through the U.S.

air bases in English county towns and missile launching sites carved into the heathered hillsides of Scotland. This has brought a corresponding change in the climate of public opinion and, while it would be a crude exaggeration to claim the whole of Britain was now stridently voicing anti-war feelings, the general attitude is such that organizations and individuals making a case against nuclear weapons, U.S. air bases, rocket sites and all the other paraphernalia of modern war, have a much more sympathetic audience. Thus encouraged the anti-war camp is stepping up its campaign.

PARTY DRAGGING FEET

The Labor Party itself, as given expression by the official leadership, is dragging its feet—but this has not prevented the voice of Socialism from making itself heard in dozens of different (and largely unofficial) ways. Earlier this week, for instance, a number of back-bench Laborite members of parlia-

ment held a meeting to discuss ways and means of forcing the pace. They were, in the words of one of them, tired of the "half-baked" position taken up by the Parliamentary Labor Party on the questions of H-bombs.

No announcement has yet been made by these MP's (who call themselves the Labor H-bomb Campaign Committee) but it is known they are busy drawing up a detailed policy which will be discussed at another meeting in a week's time and then presented to the Labor Movement in the hopes that it will form the focal point of a growing campaign which will ultimately win so much rank-and-file support that the leadership will have to fall in step—as it did when similar action was taken at the time of Britain's aggression in Egypt. The policy presented by this Labor H-bomb Campaign Committee is expected to advocate the unilateral abandonment of nuclear weapons by Britain and resistance to the placement of rocket sites in the British Isles.

In Scotland itself the reaction of the Labor Party leadership has been much sharper than that of the London-based national leadership of the British party

as a whole. A meeting of the executive of the Scottish Labor Party has condemned the decision to build the rocket sites, and added the significant rider that it deplores attempts to quiet Scottish opposition by suggesting that the missile bases will help ease some of the pressing economic problems now confronting Scotland. This later statement is considered by many observers to be a sideswipe at certain members of the Scottish Trades Union Congress who are thought to be favorably inclined towards this Tory-inspired idea that rocket bases will help overcome Scottish employment problems.

NO LAST WORD

Even from these snippets of news it is obvious that, whatever has been decided in the past, the Labor Movement has yet to hear the final word on the question of H-bombs, nuclear armed planes and rocket launching sites. From half a dozen different directions views are being expressed which are clearly setting up stress within the leadership of the Labor Party. This is indicated, for instance, by the fact that next week the General Council of the Trades Union Congress is sending a deputation to see the prime minister to discuss nuclear weapons, disarmament and the H-bomb carrying planes flying from US air bases. The significance of this is that the attitude of the TUC, as voiced by its congress last September, appears to be further to the left on the question of nuclear weapons than the views expressed by Nye Bevan and subsequently

accepted by the Labor Party conference a month later. That the TUC leadership is choosing this moment to express its view to the prime minister could create further problems for the Labor Party leadership and aid the left-wing of both the unions and the Labor Party.

At rock bottom, however, no effective opposition to any military actions of either the British or U.S. governments can be made by the leadership of the British labor movement so long as it remains committed to the idea of N.A.T.O. and similar alliances. Even on the left there are few who are prepared to speak out firmly against British involvement in the Western power bloc, and in so far as the official party leadership is concerned there is little indication of any change of attitude from that it held when it acted as one of the midwives at NATO's birth. Thus in the current issue of the weekly periodical *Forward* the Labor leader Hugh Gaitskell can be found saying: "What brings a war, the danger of war, nearer, is not a balance of power; it is the lack of a balance of power. . . . This is the case for NATO and for the policy which lies behind it." In actuality, therefore, Gaitskell is subscribing to the ideology of "nuclear deterrent" and is echoing the plea made by Bevan that the Labor Party should not send a future Labor foreign secretary "naked into the conference chamber" when he was arguing the case for British manufacture of H-bombs at the Party conference three months ago.

PUBLIC FIGURES

On a wider front many well-known public figures in the world of literature, art and science are speaking up on the issue of the H-bomb, some of them using their voices very loudly and very effectively. Philosopher Bertrand Russell, for instance, is devoting much energy to advocating an attempt by Britain to secure international agreement on nuclear weapons but, if that should prove impossible, unilateral action; Britain should adopt the slogan: "Nuclear war means universal death," he said last week. Writer J. B. Priestly is also again swimming in the sea of political action, and taking every opportunity to stir up opposition to the Nuclear weapon race; and he, too, wants immediate action by Britain—even if it means "going it alone." A National Council for the Abolition of Nuclear Weapon Tests (which includes Julian Huxley, Lord Boyd-Orr and Professor Waddington) is canvassing support among Fellows of the Royal Society for the petition started in U.S. by Dr. Pauling.

"The Coming Revolution"

(Continued from page 10)

of the domination of man is developed."

REJECTS ONE-PARTY STATE

Furthermore, Craipeau makes it clear that he rejects the one-party state on principle. *The Coming Revolution* has a certain tendency toward illusions on the question of Yugoslavia (the decentralization and Workers Councils are taken as a real, and fundamental, change), but it still opposes the Yugoslav defense of the one-party doctrine. On the question of the rights of bourgeois parties in a socialist society there is a certain hesitation. Craipeau is willing to see these rights suppressed under certain circumstances, but he does not state his criterion too clearly. This aspect of his thought is, of course, at variance with a thorough going democratic socialism, yet it would be wrong to condemn him out of hand for it since he is clearly moving in the direction of understanding, more and more, the absolute necessity of democracy in the creation of socialism.

Indeed, an excellent section of the book is entitled "Democracy, the primordial condition of socialism." In it, Craipeau demonstrates that he understands that political democracy is not a question of the "superstructure" for the socialist (as it is to the bourgeois), but rather of the very substance of socialism itself. "If the control of the means of production escapes from the hands of the producers," he writes, "they will have lost, not only political, but economic power as well." And, a little later, "In a socialist regime, democracy is not a luxury which one grants according to favorable circumstances. It is the very substance of the regime." In this, Craipeau's analysis follows that of the independent socialists very closely, for he well understands that the only way the workers can maintain any social power in a stratified economy is through complete political freedom.

On a series of other questions, *The Coming Revolution* puts forward some interesting revisions of traditional Marxist analysis. Craipeau analyzes the Marxist theory of "absolute immiseration" and of the proletarianization of the middle class, the increasing growth and concentration of the workingclass. In all cases, he finds that the reality is not what

was predicted: there has been relative, but not absolute, immiseration; there has been a significant development of a "new middle class"; and the concentration of the workingclass has not continued to rise in a straight line, but has been interrupted by the emergence of all kinds of "non-productive" sectors in the economy. These ideas are, of course, not new. What is fresh about Craipeau's approach is that he views them within the context of a continuing commitment to socialism and the Marxist method. They are not "refutations" of Marxism for him, but rather elements of new evidence which must be taken into account through a Marxist reconsideration. Thus, he still insists upon the decisive role of the industrial workers, but within the framework of a changed relationship to the rest of society, one that differs from the classic Marxist perspective.

"GOING BEYOND"

This leads to the thesis that the transition to socialism in the advanced countries (and running through Craipeau's discussion is a basic distinction between the political development in backward and advanced countries) will not be an "explosion" but rather a "going beyond," a passing over the stage of capitalist society into the socialist order. This does not mean that Craipeau envisions bourgeois acquiescence in the socialist reconstruction of society. It does mean that he sees the socialist revolution as more complex (particularly in the necessity of making alliances with the peasantry, the "new" wage-working middle-class, etc.), that he avoids the conception of a single "day," a sudden, violent transition to workers' power.

Even this brief discussion (which has necessarily omitted many salient points) should make it clear that *The Coming Revolution* is a significant socialist book, a real product of the attempt to "re-think" the questions of socialism in the modern situation. An evaluation demands a double consideration: first, on the merit of the ideas themselves; second, in reference to the political perspective for France which Craipeau puts forward.

A political evaluation of the program for France offered by Craipeau is difficult for an American. For one thing, he is in

possession of much more information about the immediate situation; for another, it is hard for us to estimate questions of tactics at a distance. But two major points deserve comment. The first is that Craipeau is absolutely convinced of the fact that both workers parties in France are at a dead end. He rightly points out that the Communist apparatus, firmly in the control of "right-wing" Stalinists (Thorez), offers no perspective for socialist activity. He welcomes the appearance of an opposition within the Communist Party but he sees no real future for it inside the Party itself. On this count, he draws an accurate inference from the experience of the past in France.

SFIO REJECTED

Craipeau also believes that there is no perspective of working within the French Socialist Party (the SFIO). And this involves a complicated judgment. There is, of course, no question that all democratic socialist should be committed to basic change in the Party, particularly a repudiation of Mollet's support of French imperialism. But how is this to be accomplished? The SFIO minority has recently become active again, and now proposes to publish an organ dedicated to this perspective. Furthermore, there is the problem of beginning a new party. France has seen several such developments in the past several decades (Pivert's Workers and Peasants Party in the thirties; the RDR in the late forties) and they failed to develop a new tradition. Indeed, the lessons of the last twenty or thirty years is that the allegiance of the workers to traditional party labels (Social Democratic or Communist) is not easily transferred to a new formation. Craipeau and his co-workers, however, are convinced of the necessity of founding a new party, and of its viability.

It is not the purpose of this review to pass judgment on the political wisdom of the course taken by Craipeau and his comrades. Suffice it to say that their motivations, their socialist idealism cannot be questioned. Whatever the future may hold for the relationships between them and the SFIO (and specially its left wing), it is clear that the fundamental theoretical and socialist conceptions and orientation of *The Coming Revolution* are very close to our own.

Labor Action FORUM New York

MAX SHACHTMAN
National Chairman, ISL
**AMERICAN SOCIALISM
RETROSPECT AND PROSPECT
PART II**

Friday, Jan. 24

Friday, January 31

Ben Hall
Labor Action's Labor Editor

**REPORT ON THE
UAW CONVENTION**

Friday, February 7

George Rawick
Editor of ANVIL

**AMERICA'S RISE
TO WORLD POWER**

8:30 p.m. at L. A. Hall, 114 West 14 Street, N.Y.C.

(Please note that from now on Labor Action Forum will be on Friday instead of Thursday evening.)

1958: A Policy for Peace! — —

Messages — —

(Continued from page 1)

(Continued from page 3)

If the U.S. were to snap up the idea of mutual troop withdrawal, any Russian attempt to attach strings to it, to include mutual guarantees of the East German regime, or anything else would quickly expose them to the world not only as tyrants, but as frauds.

PROMISING IDEA

Why does the American government hang back from such an obviously promising idea? One reason is, no doubt, the military fixation which believes that "Russians would march tomorrow" regardless of the political circumstances and consequences.

The fundamental reason why the present American government is incapable of that kind of a daring and imaginative political step, however, is that it gives the initiative to the people of the area. Withdrawal of foreign troops from Europe could encourage political demonstrations, resistance, and even revolution throughout Eastern Europe . . . but revolutions which would be in no way controllable by the United States. To actually foster such a development is beyond the ken of the present policy-makers of this country.

But if such a proposal would be so dangerous to the Russians, why do they play around with it themselves? In our opinion there can only be one answer. They are convinced that the American government is incapable of taking up their bluff. If they are right it creates priceless political capital for them all over the world.

THE GREAT FORCE

In this respect the Russian government differs from the American. Made up of ruthless tyrants, of men with a totalitarian, bureaucratic and anti-democratic mentality, the Russian government regards the whole business of negotiations, campaigns for negotiations, agreements, programs and the like not from the point of view of businessmen seeking to make a deal with an honest (or dishonest) rival, but rather as weapons in a vast and epic political struggle. And despite their own totalitarian and bureaucratic contempt for the masses all over the world, they understand that these masses represent a force vast, dangerous, but directable at least to a degree. And wherever possible they seek to harness that force to their own aims.

That is why, just a year after the terrific setbacks they suffered in the Polish and Hungarian revolutions, their diplomacy is once again on the offensive. They have cleverly estimated the fundamental, built-in cause for the rigidity of our government's foreign policy. They see that the estimate of the dynamics of the world situation on which that policy is based is shared, at bottom, by the Democratic opposition, and is present, often

even in a heightened degree in the most advanced sections of the liberal-labor wing of American politics. The lack of any concrete alternative policy backed by influential leaders frees their hands to come forth with bold, simple and appealing proposals which can catch the imagination, and hence attract the allegiance of masses all over the world without running the risk that their proposals might be taken up, accepted, and interpreted and amplified in such a way as to force them either to give up positions which they have no intention of yielding (eg. Germany), or to eat their words in front of the whole world.

John Foster Dulles recognizes the appealing nature of the Russian position, and that is why he is reluctant to rush to a summit conference. While he takes the blame (and we would be the last to deny that he has a positive genius for putting the government's case in the most rigid, hopeless light possible), his critics in the Democratic and liberal camp indulge themselves, for the most part, in vague generalities about the need for an "imaginative" policy while failing to indicate its concrete outline (eg. Stevenson). Others tend in desperation to drift into the camp of the advocates of a deal based on accepting the "fact" of the Russian domination of the whole of Eastern Europe.

TIME TO BEGIN

Independent socialists tend to believe that the paralysis of American foreign policy in the cold war is pretty much congenital, endemic and incurable short of a basic institutional change in this country. Its fundamental reliance on American-controlled military power, and on the most conservative social classes all over the world, its lack of comprehension, yes, its suspicion and fear of mass revolutionary movements, these are the determinants of its scope and its limitations. They were as clearly marked in the Roosevelt and Truman administrations as they are under Eisenhower, though there are differences in the circumstances and the cleverness with which fundamentally identical and basically sterile policies are applied.

But it should not be necessary for people of good-will to agree on their theoretical views of the possibilities or limitations of a given social system in order to find common ground in advocating a clearly-needed, radical re-orientation of American foreign policy. And though the time is late, there is time enough if we begin now.

Let us urge, in all circles where our voices can be heard, that it is a disgrace for the government of this country to fear to meet the Russian tyrants in open negotiations at the summit, or anywhere else. Let us argue that just as the Russians propose negotiations on the basis of a simple,

understandable program, the U. S. government should do the same. Both sides have enough nuclear weapons with which to make the world unhealthy for humanity, so let us end nuclear tests at once. We can negotiate later on controls. All foreign troops out of Europe at once, with no conditions or reservations. Let the Europeans, including the Germans, settle their own internal problems just like any other free and independent peoples.

Let us offer economic aid to underdeveloped countries unshackled by the dogmatic insistence that it must assist in the development of "free enterprise" economies. Let the governments and peoples of those countries decide for themselves what form of economic development suits them best. And above all, let us everywhere and at all times stand clearly and openly for freedom, democracy, the self-determination of peoples, even when this may impair our own military posture or that of our allies (Okinawa, Cyprus), or where it might cause grave political and economic problems for us (France in Algeria).

LET US NEGOTIATE

Negotiations? Yes, let us negotiate, by all means. But the objective of such negotiations should be to dramatize and concretize our devotion to the concepts of freedom and democracy, not to sign a guaranteed deal to share control over humanity's future between Washington and Moscow. Its objective should be to lay the conditions most propitious for the independent action, struggle, development of humanity in its quest for a life fuller and more free.

As Hungary shows, and Poland, and Algeria and Cuba, the desire and capacity for such struggle lies everywhere just below the surface. The Russian rulers seek to suppress it ruthlessly at home, where they are able, and to stimulate and guide it to their own advantage where they are not. A great power like the United States has infinite potential political and economic resources at its disposal for the liberation of this desire and capacity for struggle. Once that power is recognized, welcomed and utilized, instead of ignored or feared, its ability to confound and route the Russian tyrants at their own game cannot be doubted.

And that is the surest road to successful negotiations. It is the surest road to peace not in the sense of a humanity immobilized on the brink of destruction, but of a humanity struggling for greater freedom, democracy, prosperity and dignity: It is the road to a peace guaranteed not by an arms race reaching from the depths of human misery to the stars, but founded on the proposition that for a true democracy the surest defense, the surest source of strength lies in the extension of democracy, by the people and for the people, all over the world.

Vanishing American — —

(Continued from page 1)

have been goaded into direct action against it. And it is all very much in the American tradition. But this time there will be no seventh cavalry under George Armstrong Custer riding to punish the red vandals. This time, to most Americans, the Indians are the good guys.

DIRECT ACTION

The Cherokees have a proud past. Under Oconostota they rose in arms against the British in 1760. A large part of them under Dragging Canoe harried the colonists during the revolution, and for twelve years thereafter. In each war, with unerring instinct, they fought the side which represented the greatest immediate menace to their lands. In the early 19th century they were a farming and stockraising people, designated as one of the "five civilized tribes." In 1828 they owned over 73,000 head of livestock, twelve sawmills, twenty grist mills, fifty-five blacksmith shops, and six cotton gins. They had ten ferries, nine stores, a turnpike, and six public roads. They set up a government modelled after that of the United States. When the scholarly

Sequoyah devised a syllabic alphabet for their language, they published for eight years a newspaper in their own language, (aptly named, in view of recent events, *The Phoenix*) until it was silenced by the heavy hand of Jackson.

In 1835 the Cherokees won from Chief Justice Marshall, in the case of *Worcester vs. Georgia*, a recognition of their status as a domestic, dependent nation, recognized by the United States as sovereign in the Treaty of Hopewell in 1785, and having jurisdiction over a recognized territory in which the laws of American states could have no force or effect. But Jackson, the Faubus of his day, defied the court and removed the Cherokees. The Cherokees who evaded removal built the first road across the Great Smoky Mountains during the civil war, while their western brethren in Oklahoma had a model Indian government supporting schools and hospitals until it was dissolved without their consent in 1906.

PROUDER STILL

In 1956 the soft spoken Jarrett Blythe, chief of the tribal council of the North Carolina Cherokees, received at Chicago

the annual achievement medal of the Indian Council Fire for his leadership in improving conditions among his people. I visited the Qualla reservation of the Carolina Cherokees seven months ago. Here the tribe runs a modern motel, has a tribal museum, and stages a historic pageant for tourists in summer. Many of the women still make baskets and pottery, the men engage in farming or lumbering. Clan organization, traditional games, and language survive. They are proud that they outwitted Scott's roundup and preserve still a measure of their old culture. But today they must be prouder still of their separated brethren in Robeson County who surprised the nation by putting the Klan in its place.

A non-Indian movement is spreading rapidly among American Tribes. It is resulting in increasing inter-tribal cooperation and resistance to local or federal efforts to harass, dispossess, or disperse be a harbinger of things to come. The Indians are not yet done in. And old Dragging Canoe, who would not lay down his tomahawk until 1794, must have stirred in his grave on the night of January 18, and muttered in the old tongue, "well done, my children."

corporations do not take place in the context of a public struggle, but are put over quietly, almost behind the backs of the buying public.

Aside from this attack on the labor movement, the economic message contained nothing startling. It confidently predicts an end to the recession in the second or third quarter of 1958 . . . if the unions restrain themselves sufficiently, that is.

But the reason clearly pointed to by the report for its feeling of confidence (whether or not this feeling is misplaced, we shall see in time), should once more give pause to the propagandists of capitalism's inherent tendency to stability and growth. The report points, as the major factor working for an end to the recession, to the increased arms budget.

As one "administration adviser" told reporters with regard to sputnik's impact on America's economic outlook: "The Russians made a great contribution to the cause of economic stability."

How would the capitalist system work without the good old Russians?

The proposals on cutbacks in the farm support program at last come close to making explicit what has been implicit in the Republican approach for a long time. This is the conviction that in the long run what will have to be retired from production is not just a lot of farmland, but a large number of farmers. The Democrats have accused Secretary of Agriculture Benson of believing this during recent election campaigns. It will no longer be possible for him to deny it with success.

There can be little doubt that the reduction of the number of marginal farms and the relocation to other occupations of their hard-pressed owners must be an objective of any long-range farm program in America. As in so many other areas where the final goal is obvious, the question here too is: who is to benefit from this reduction, and how are those to be taken care of who will have to change their way of life due to it?

The beneficiaries of the Republican program are, clearly enough, the same big farmers who have been the chief beneficiaries of all the farm programs of recent decades. If the government assists them in eliminating the competition of the small farmers, all the sooner will they reach that longed-for day when a few gigantic farm combines will be able to fix farm prices in roughly the same way as the prices of steel, oil, cars and such things are fixed today.

Actually, the chances of the Republicans enacting anything like the proposed reduction of parity in this Congress are negligible. Their own stalwarts from the farm states will not hold the line for it, and the Democrats will go after it with unholy glee. Recession is hardly the time to whet the long knives for the scalp of those farmers (and now there are many of them once more) who are poor and struggling.

Laura Gray

With profound regret, we note the passing of Laura Gray who for the past thirteen years was the political cartoonist for the *Militant*, the Socialist Workers Party's paper.

Despite our political disagreement with the *Militant*, and hence with the content of many of Comrade Gray's cartoons, for years we have admired her work. Always technically competent, it frequently rose to real greatness. The death of this outstanding cartoonist and devoted socialist is a loss not only to the SWP, but to the cause of socialism to which she devoted her life.