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

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

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

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

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

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

On December 4, Mr. Johnston appeared before the Golden Slipper Square Dance Club in Philadelphia, to accept its 1947 Humanitarian Award for the film Crossfire, produced and directed by Mr. Adrian Scott and Mr. Edward Dmytryk, two of the men just banished, by his own edict, from the Hollywood scene. Mr. Johnston rose to this awkward occasion with these words: "Intolerance is a species of boycott, and in any business or job, boycott is a cancer in the economic body of the nation . . . Hollywood has held open the door of opportunity to every man or woman who could meet its technical and artistic standards . . . What (our industry) is interested in is his skill and talent, his ability to produce pictures for the joy and progress of humankind."

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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