

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

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

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

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

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

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

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

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

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

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

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

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

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

"'Admit frankly,' said the Emperor Napoleon, 'that it is Alexander who wants to make war on me.'

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

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

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

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

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

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

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

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

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

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