

Blacklisting Rules: Theory and Practice

As originally set down, a person seeking clearance for work in films was forced to comply with three conditions: (1) answer for his own politics before the committee; (2) inform upon others with whom he had associated; and (3) engage in some specific anti-Communist act, such as writing an article or making a speech.

The third condition was dropped early in the game, since so few victims had the ability to write or speak effectively to an audience large enough to make the gesture meaningful. The requirements to answer the question under oath and to inform on others have been retained to this day. Yet as we all know, there have been interesting exceptions.

1. Howard Fast. This one has everybody baffled. Fast has announced that he will not cooperate with the committee, and that he will not give names, and I see no reason to doubt that he means what he says. He has sold novels to two different producing firms, and been employed to do the script for one. He thus becomes the first person I know of to avoid both ~~the~~ the first and second conditions. It is true that he magnificently fulfilled the third, even though it no longer has practical existence. I do not think, however, he wrote his book for clearance. He was a public figure in a public break, and, being a writer, the book was inevitable. He had, moreover, for years written such ravenous nonsense that he was almost compelled to write his change of views. Nonetheless, his case is interesting because technically he has ~~become~~ become the first man to resume a film career without yielding to clearance procedures. Under the technical rules of the blacklist, as they were violated by producers in the Fast case, ~~the~~ the employment of you or me could occur at any time.

2. Sidney Buchman. Buchman, in partnership with Yip Harburg, has announced his return to motion picture production with "Finian's Rainbow". You remember his position before the committee here in Los Angeles, and the resultant legal shenanigans in Washington. It is my guess ~~that~~ he has never complied with the rule to inform, and never will. The trade press treated the announcement with elaborate objectivity. Variety didn't even mention his past difficulties.

3. John Doe. Doe had taken the Fifth Amendment years before, gone to Europe, worked there as a writer in various ways and countries, and has now returned. He employed a Washington, D.C., attorney named Williams. Williams ~~was~~ the late Senator McCarthy. He was defense attorney for Teamster Hoffa and Public Character Costello. I am told ~~that~~ at one point he handled certain matters for Buchman. He is active in the American Civil Liberties Union. Williams' method, if I am correctly informed, was this: he went to the House Committee on Un-American Activities, the Senate Internal Securities Committee, the Subversive Activities Control Board (or whatever it is properly called), the

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Department of Justice, the F.B.I., and every other agency or bureau in the government, and said, in effect: "I represent John Doe, a passport-carrying American writer who appeared before the committee and took the Fifth Amendment, ~~stating himself then not to be a Communist.~~ Do you ~~have any action pending against John Doe?~~ Do you have any present intention of calling him before your body for any purpose whatever? ~~Do you have information about him which, in your opinion, might lead to him being called before your body in the future?~~" Based on negative answers from every agency approached, Williams then wrote a letter to John Doe's prospective employer, stating the facts as he had gathered them, ~~guaranteeing the employer that if John Doe should ever be called before any of the agencies named, Williams would defend him.~~ With this assurance, the employers signed John Doe to a writing contract under his own name, and all seems ~~well.~~ The essence of this business, if I'm correctly informed, is that "you must make it seem as if you ~~were~~ ARE quite willing to appear before the committee---as if you ~~were~~ ARE not hostile to it."

4. Richard Roe. Roe is a younger man, and extremely talented. He found himself blacklisted not only in films, but in the magazine field where he had achieved a certain prominence. In the last year, ~~he has been~~ by the New Yorker, indicating diminishment of pressures there. He is now acceptable for film work in at least two major studios, and, I am told, ~~working at this moment under his own name quite openly.~~ This has occurred because of certain measures he has taken in his own behalf. What they ~~I don't know,~~ although I imagine they touch somewhere upon the Buchman-Doe-Foreman formula. No one entertains the slightest suspicion that he ~~is an~~ informer. There probably are, or soon will be, others like Richard Roe.

5. Fred Smith. Smith ~~had been a novelist and screenwriter.~~ After blacklisting ~~he wrote a very successful novel.~~ A production firm wished to purchase it. Conditional ~~its purchase was~~ request for a letter from Smith stating he was not at that time a Communist, and giving his reasons therefore. Smith complied. Two days after the Supreme Court rejection of Wilson vs. Loew's, at the request of the producer's lawyers and, apparently, under their guidance, Smith wrote a letter to the committee. It was 1500 words in length, ~~Smith described it as "bitter in parts".~~ Chairman Walter replied to Smith's communication with a letter of thanks. Since then, nothing has happened. Smith has received no offers of employment. He does not know whether his name is cleared or not. Neither does he know whether or not the committee intends to call him, although his concern about ~~IT~~ IT has caused him to explain to the producer's lawyers that this would be "very disturbing" to him and would "interfere with his work". It should be explained that the final price for Smith's novel will be determined, at various stages, by the degree in which he succeeds in clearing his name. It is my belief that if he is called, Smith has no intention of informing. Smith's mistake is clear. He gave a document without having arranged

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to receive one in return. Buchman, Doe, Roe and Foreman, each on his own initiative, employed his own attorney to solve his own special problem in a way that accorded with his own personal attitudes. Smith permitted himself to be advised not by his own attorney, but by his producer's. The value of Smith's novel to the producer will be increased if Smith's name can be fully cleared. Hence it is the producer's interests, and not Smith's, that the producer's attorney is forwarding. Having allowed himself thus to be used, Smith has little choice but to play his hand out, balking only at the final demand to inform, if it comes. His present uncertain status, his almost complete lack of control over his own future, derive, in my view, from this original mistake of allowing his case to be guided by other men's attorneys instead of guiding it himself through his own.

6. Carl Foreman. I have placed Foreman at the end of this group because his case is the most interesting, and he himself has come through it more successfully than the others. Before looking at what I believe to be its implications, I append herewith copies of an article relating to it that appeared this week in Daily Variety, based on an article in The Reporter Magazine which is also appended.

(Here both articles
are inserted: then
the piece continues.)