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FREEMAN

THE RISK OF NO-POLICY IN ASIA
An Editorial

RECLAMATION—FOR WHAT?
Oliver Carlson

WORDS INSTEAD OF BUTTER
Rene Kuhn

UNRRA IN YUGOSLAVIA
Leigh White

MacARTHUR HAS BRAINS
Philip F. La Follette

Editors: John Chamberlain · Henry Hazlitt · Suzanne La Follette

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MAY 7, 1951

CONTENTS VOL. 1—NO. 16

Editorials

Books

Films

Poem

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A WORD ABOUT OUR CONTRIBUTORS

OLIVER CARLSON'S previous article on reclamation, "Arizona Reclamation Muddle," appeared in the *Freeman* of March 12.

EDWARD JEROME is the author of two books, "Governments and Money," and "The Problem of the Constitution." He has been practicing law for more than thirty years, with time out to serve as an army officer in both world wars.

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C. P. IVES writes editorials for the *Baltimore Sun*, many of them on legal and economic subjects. "Ethics by Ear" is part of a book manuscript on which he is working.

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PHILIP FOX LA FOLLETTE, former Governor of Wisconsin, was a member of General MacArthur's staff during World War II. He is now practising law in Madison, Wisconsin.

Forthcoming

In an early issue we shall publish an article by Garet Garrett on the Europeanization of American political thought and practice. Look also for an article, "Ghosts at Commencement," by Lawrence R. Brown, and a discussion of Stalin's revocation of Marr's theory of linguistics by Professor Roman Smal-Stocki. Also a satire on modern methods of education by Charles Yale Harrison.

the FREEMAN

NEW YORK, MONDAY, MAY 7, 1951

THE FORTNIGHT

General Douglas MacArthur's speech to Congress was noble, dignified and restrained. The General kept sternly clear of personalities, yet he made it icily plain that the war in Asia can neither be won nor honorably liquidated by following the present strategy. The answer of the Administration to the speech was just as unequivocal as MacArthur's own utterance: it reiterated its refusal to "widen" the war. . . . What the Administration forgets is that Stalin, on February 16, in his famous interview with himself in *Pravda*, informed the Western world that willy nilly the "interventionists" would be licked in Korea. And what if the Red Chinese forces and the North Koreans can not do it by themselves? The implication of Stalin's warning was that Russian "volunteers" might then be expected to take a hand.

Well, the build-up of Red Chinese forces goes on in Manchuria. The Chinese seem to have more and more planes at their disposal — including jet planes that could only have been made in Russia. Russian submarines have been moving into the Pacific waters. Mao's spring push will come in due course. We may be able to throw it back; we may be able to kill thousands more Chinese. But as the Red build-up continues and as more Russian planes are committed to the fight, does anyone think we can hold on in Korea without bombing Manchuria? And does anyone think we can get by on UN soldiers without enlisting Chiang's Chinese on our side? Won't it seem, a few months from now, that MacArthur was merely stating the obvious when he advocated bombing the "privileged sanctuary" of Manchuria, making use of Chiang Kai-shek's troops as a diversionary potential, and stepping up the blockade of the China coast? The truth of the matter would seem to be that Truman and Acheson need a miracle to justify their course. If no miracle comes to save Administration policy, then all MacArthur needs for his own justification is to sit back and wait.

According to Stewart Alsop, Ernest Lindley and James Reston, General MacArthur assured President Truman last Autumn that the Chinese Communists would not intervene in the Korean War. But the General in a statement published in the *Freeman* of November 27, 1950, denied there was any truth to the reports that he had said on Wake Island that the danger of Chinese intervention had passed. Just for the sake of history, it was Secretary Acheson who gave us the reassurance (on September 10, 1950) that the Chinese Communists would not yield to Soviet pressures "to get into this Korean row."

It has been casually assumed in this country that the various European members of the UN welcomed the dismissal of General MacArthur with practically unanimous relief. Such is not the case. The Dutch press, for example, was far from unanimous in approving President Truman's decision. Said *Het Parool* (Independent Socialist): "The Korean mess remains unsolved. It is still not realized that Mao can be brought to accept a truce only if he is forced to it by military power. . . . MacArthur's dismissal does not release America and the Allies from the necessity for reviewing their political strategy towards Korea and China." Said *De Courant* (Conservative): ". . . the Chinese Communists have gained a great victory. What they did not achieve after three years of struggle has now happened with a stroke of the pen. Stalin's great opponent in the Far East is disappearing from the scene." Said *Trouw* (Calvinist-Conservative): "MacArthur at least took care that the Communists did not get any foothold in Japan. MacArthur's departure should not become the beginning of a political lapse in the wrong direction." Thus we have three important Dutch journals questioning President Truman's wisdom in removing MacArthur. The Netherlands, of course, is an Asiatic power, with far-reaching interests in southeast Asia; it might be expected to react rather sensitively to any American move calculated to hurt Western "face" in Asia. But Britain is an Asiatic power, too — and it is the role of the British in promoting the MacArthur removal that is really incomprehensible.

The truth is that Britain has not been behaving as an Asiatic power. For example, a vast amount of goods, including vital war material, has been moving over Britain's Hong Kong docks to the Red China mainland. Indeed, MacArthur's call for a blockade of the Red China coast would have been unnecessary if it had not been for Britain's insistence that she be allowed to sell to the

common enemy. Britain has also indicated its eagerness to let Formosa fall to Red China. The implication of this is that Britain does not expect to hold on to Hong Kong very long. In other words, Britain is willing to allow Mao Tse-tung to consolidate his hold on the entire east Asian coast. The consequences of such a consolidation would certainly be disastrous to Malaya — and, to say the least, a bit dismaying to Australia and New Zealand. Yet, when the American State Department moved belatedly to repair some of the psychological damage caused by MacArthur's dismissal, by offering a "Pacific Pact" to which Australia, New Zealand and the United States should adhere, the British were miffed because they were not included in the invitation. Said Herbert Morrison, Britain's Foreign Minister: "We most certainly are a Pacific power and it would not have been unwelcome to us if we had been included in the proposed pact."

Mr. Morrison is right on both counts: Britain is a Pacific power; and it should be included in any Pacific Pact. But before the British are asked to join a Pacific Pact, Secretary of State Acheson should insist that they start behaving in a manner consonant with being a power in the Pacific region.

The call for a clear Korean policy is a reaction to pain. If people had not forgotten the meaning of the word policy they would understand that there can be no such thing as a Korean policy. There could be a Korean decision, but a decision is not policy. The use of policy is to govern decisions. The source of the pain is deep and racial. Therefore the first questions to be asked and answered are these: Is the white man through in Asia, politically? If so, in what ways are the relations of the West to the East likely to be modified in the next one hundred years? As you answer these questions you arrive at a rational premise for the next one, which is: Do the imperatives of our own security require us nevertheless to stand on the other side of the Pacific? If the answer to that is yes, then you ask: How and where?

The answers, of course, may all be wrong, but right or wrong they would establish a long-run policy and save us from acting on the instant crisis by a sudden midnight decision. They might have saved us from Korea, for certainly Korea is no place to stand. The place to stand is where your friends and natural allies are. That would mean Japan and the Philippines and certainly Formosa. Suppose, instead of starting in haste a war we can not win and do not know how to stop, we had let Korea go, or had left it entirely to the United Nations, and had then spent in Japan and the Philippines for defensive works what the Korean business has already cost us. Where now would the strategic advantage lie? And suppose we had back the divisions we have lost in Korea. What would we do with them? Would anybody dream of swapping them in death for Asiatic lives on the impossible terrain of Korea, where, in General Ridgway's bitter words, the military object is no longer geography but homicide, and can not be anything else?

News of the sacred spiral: "Washington, (AP) — The government has gone back to the buying of butter to hold up the market price. The Department of Agriculture announced that it had bought 48,640 pounds of Grade B butter on Monday in Chicago at 64 cents a pound. Butter bought by the Department during the heavy production season will be available for resale in the consumer market later, when production slumps." Why shouldn't private dealers buy and store the butter? Silly question. For two reasons: one, they might let the price fall, which would benefit the consumer and not the farmer; two, when they sold it again they might make a profit. Forget the dealer. He is a wicked speculator anyhow. But the consumer is mulcted twice. At the grocery store you pay the high artificial price maintained by the government, and then to the Internal Revenue Collector you will pay your share of what it has cost the government to keep butter dear. On another page of the same paper you may read how earnestly the government thinks it is fighting inflation. And it tells you how you can help, if only you will keep your head — and buy less.

The House Rules Committee has approved a loan, rather than a gift, of two million tons of wheat to India. There is hunger in India. Why was her prayer for American wheat not answered immediately? Why was Congress dilatory? By voluntary contributions and by appropriations from the public purse the American people have relieved more hunger in the world than any other people ever. They have been famous for it. Therefore it can not be that in this one case and for the first time the American heart was stingy. Secondly, in contrast with the forty-odd billions we have poured into the impoverished treasuries of foreign countries since 1945 — more than $11 billion in Marshall Plan aid alone in four years — the cost of giving India the wheat seems almost trifling. It would be a matter of perhaps $200 millions.

What was the obstruction? One thing was that while buying food from Canada, Australia and China, India expected to get it from the Americans for nothing. That perhaps may be waived. But the fact is that for all her poverty India is very rich — rich in rare mineral resources which we could well use, and rich in princely private estates. Why shouldn't the few who are extremely rich help to relieve the distress of the many, instead of expecting the Americans to do it? How many bushels of wheat would be represented by the cost of draining a lake in Assam a few weeks ago to recover a ring the premier's daughter had lost while feeding the fishes? Lastly, India has very large bank balances in London; they are frozen, to be sure, but even frozen bank balances may be transferred. In a memorandum to the State Department the Indian government explained why it could not in any emergency touch the fabulous wealth of its princes. Their wealth had to be treated as private property, inviolable. Moreover, it said: "Some of the jewelry of the senior princes, although regarded as their personal property, can not easily be disposed of by the princes, as they are required for use on ceremonial occasions." It seems, therefore, that ceremonial occasions are more important than food for the hungry. And where does the Indian government suppose the government of the United States could get $200 million to buy food for India if not from the private property of the American taxpayer? It is not, you see, a simple matter of charity.

THE RISK OF NO-POLICY IN ASIA

THE only sane object of a foreign policy is to impose one's will on presumptive unfriendly states at a minimum of cost to one's own nationals. Judged in the light of this axiom, the United States foreign policy in Asia has, since 1945, been an almost complete failure.

We say "almost complete" because there has been one area of success in Asia: MacArthur's Japan. From his headquarters in Tokyo, where he has been the "beloved conqueror," General MacArthur has kept the Communist infiltration to a minimum; he has enabled the Japanese to reaffirm their nationality under their own chosen leaders; and he has reestablished friendly concourse with a people who might logically have been expected to hate us because of the unnecessary barbarities of Hiroshima and Nagasaki.

General MacArthur has always had his personal views about Asia. He has believed that it is the duty of the United States to oppose the spread of communism in the Far East by diplomacy where possible, by limited military aid and advice where necessary. This view, which has been shared by General Wedemeyer, has not been the view of the Administration. During the war our China policy fell into the hands of a group which had given non-Communist China up for lost. A whole host of understrappers in the State Department, from John Stewart Service and John Davies to John Carter Vincent, sold the idea to General Joseph Stilwell, American commander in the China-Burma-India theater, that Chiang Kai-shek was through as a leader, as a general. Stilwell passed the idea along to his military superior, General Marshall, who carried it in his mental handkit when he undertook his mission to China in 1946. Thus, by means of a wholly understandable ideological convection current, the China policy of the United States got involved in a battle of "face" between two wings of American military thought. And President Truman, who believes General Marshall to be the greatest living American, went along with the anti-Chiang orientation of American China Policy.

Since the military has been implicated in our China policy from 1944 on, it is scarcely to be wondered at that MacArthur has nursed his own personal views. Should he have expressed them from time to time? Maybe yes, maybe no, but the point is that President Truman, as Commander-in-Chief, never issued any specific directive enjoining absolute silence on his generals. He said nothing when General Ridgway spoke out on the subject of a Korean stalemate. He permitted General Bradley to say, in connection with the Korean War: "There is no assurance that even when this attack is dispelled that the war will be over." Both Ridgway's and Bradley's statements were quite in line with MacArthur's own: they indicated that the Korean War transcends the peninsula of Korea.

MacArthur had an order to "clear" policy statements with Washington. But that order did not extend to communiqués coming under the heading of psychological warfare. It did not extend to information issued from staff headquarters designed to enlighten the public. Nor did it extend to personal letters. We do not dispute President Truman's right to fire an insubordinate general. We do not dispute his right to make changes in military command whenever it suits him as Commander-in-Chief to do so. But to allow the Administration to reduce the MacArthur question to the issue of insubordination is to confuse the whole question of our effectiveness in the Far East.

As a military leader in Korea General MacArthur conscientiously sought to stay within his orders. He did not bomb the "privileged sanctuary" of Manchuria. He did not permit any movement over the Yalu River. He made no public statement on Chiang, or on Formosa, or on the relevance of UN policy, after the suppression last summer of his message to the Veterans of Foreign Wars — a message that had been written, incidentally, in the fond belief that it conformed with Truman's own ideas. Nor did MacArthur tell Truman on Wake Island that the Chinese Communists would not intervene in the Korean War; he denied that canard in a telegram quoted in our issue of November 27. He did offer to meet with Mao in the field to discuss peace "or else" (a shrewd bit of psychological warfare designed to spread uncertainty in the Chinese ranks). He did send a telegram to the *Freeman* which stated the obvious truth that the question of arming more South Koreans involved "basic political decisions beyond my authority" — which is just the sort of thing Truman had told him he must say when editors came prying. He did write the letter to Joe Martin explaining his feelings about the use of Chiang Kai-shek's troops. But it was a private letter, and it contained nothing which MacArthur had not said prior to the silence that was imposed on him last August. As for arming the South Koreans, there is reason to believe MacArthur wanted *good* arms for them. It would be difficult to sell out a well-armed South Korean army.

No doubt President Truman considered MacArthur disloyal to the spirit, if not to the letter, of an injunction. But generals are citizens as well as soldiers — and they have their duty to act as citizens within the confines of their orders. MacArthur meticulously obeyed his orders. But as a citizen he spoke out wherever his instructions gave him any latitude.

Of what does MacArthur stand guilty? He stands guilty of believing in the Oriental policy first outlined by John Hay and Theodore Roosevelt, the policy of the two-power standard in Asia and of the Open Door in China. According to the Hay-Roosevelt thesis, it is not to the interest of the United States to allow any single power to became dominant on our "opposite shore" in the western Pacific. When the Russians sought to move in on Manchuria in the early years of the century, the United States sided with Japan. When Japan sought to ingest Manchuria in the thirties and the forties, the United States sided with Russia. The policy was the same no matter who was in power in Washington: it was an *American* policy, and it was supported by Republican

Henry Stimson in one period, and by Democratic Cordell Hull in another.

MacArthur has believed in traditional American Asiatic policy because he has read the history of the Russian penetration of East Asia. That penetration has been going on for a long time; it was Czarist policy before it was Bolshevik policy. Lenin, who believed that the explosive power of the revolutionary idea was worth far more than guns or bombs, looked forward to what the "awakening" of the Asian masses would do to shatter capitalism's hold on the colonial areas of the world. Trotsky endorsed the Leninist theory that the fall of Asia to communism must precede the fall of the advanced capitalist nations. And Stalin, the Asiatic-minded Georgian, while disagreeing with Trotsky on the timing of events in China, has always sought to consolidate the Communist hold on the Far East before turning his full attention to the west. The Stalin School for Toilers of the Far East in Moscow has turned out indoctrinated Asiatic Communists year after year; so, too, has Moscow's Sun Yat-Sen University. Flexible in their strategy, the Chinese Communists have posed as agrarians at one time, as "bourgeois" small capitalists at another. But inexorably the work of extending and consolidating communism has gone on. The Soviet Far East has never paid off economically; it has, however, paid off as a fortress to support Soviet penetration of Manchuria, of Mongolia, of Port Arthur and of Korea.

What MacArthur knows is that if Korea goes, Japan will be next. If Formosa goes, Hong Kong and the Philippines will be next. That is the way communism works — and it works faster that way in Asia than in Europe. It may be more important in the final analysis for the United States to save the Ruhr Valley than it is to win back the Yangtze; the Ruhr has a heavy industry where the Yangtze has not. But it is not a static choice between Ruhr and Yangtze; the truth is that if communism in Asia can not be checked, the whole of the Malayan area, with its important rubber, oil and tin, must fall into Stalin's hands. That would isolate Australia and New Zealand; it would cut the world in two. It would enable the Russians to paralyze India, take over the oil of Iran and move up to Suez.

Because of the dynamism inherent in Asiatic communism, the western world must make a stand at Formosa. We must stop this business of allowing Stalin to use Europe to blackmail us in Asia. The United States is strong enough to support a policy of stopping communism in both hemispheres as long as it has friends on the spot to help. Our friends in Europe should be raising armies for Eisenhower. Our friends in Asia — Chiang Kai-shek on Formosa, the Japanese — should be raising armies for the defense of whatever bastions we still possess in the Far East.

With the weakness of Europe in mind, the Administration has been fearful of becoming involved in full-scale war in China. We sympathize with this fear. But the safety of Europe is bound up with the need for diversions that will keep Stalin from moving west before the West is ready to stop him. The Communists have already made their play for total success in Asia; they are moving towards the consummation of their eastern policy. If the United States lets Moscow get away with this in the next couple of years, Stalin will be able to throw his full force against the West long before Eisenhower has had the chance to build a firm anti-Communist wall in Europe.

A good policy for Asia most emphatically does not mean the commitment of large bodies of American troops to the Asiatic mainland. What it does mean is a limited commitment of the sort that Russia has been making ever since the early twenties — a commitment of influence, of advice, of subversive agents, of guns, of money. We are not called upon to put Chiang's troops ashore on the East Asian mainland. All that we are called upon to do is to see that Chiang has the right to buy ships, the right to good advice, the right to enlist "volunteers" of the caliber of General Chennault and his Flying Tigers. (He might even be permitted to hire MacArthur as his Chief-of-Staff.) In brief, we should counter the Russians with Russian tactics. The Russians did not fight in Mao's armies. But in a hundred ways they helped Mao to build up his strength to the point where he could take over mainland China. Red Chinese soldiers studied in Russia; they had the benefit of Soviet advice on strategy, tactics and arms. They were judiciously assisted with cash and arms and food. It was enough to swing the balance. Well, turnabout is fair play. If it should involve us in World War III, we may be sure that the debacle has all along been part of Stalin's will for the world. All policies entail risks — but the policy of no-policy is just as dangerous as anything else we may elect to try.

MORALITY VS. LEGALITY

THE Fulbright Committee's report on the free way the Reconstruction Finance Corporation had been lending money out of the public purse to the right people was an exemplary document. The evidence told the story. No judgments were pronounced. The witnesses had tracked in their own mud. Mr. Truman, however, was unable to understand it, perhaps all the less because Senator Fulbright is a Democrat and a majority of his committee were Democrats. Certainly it was not good party business. The President's first reaction was to call the report asinine. His second was to scorn it by nominating the same directors of the Reconstruction Finance Corporation to be reappointed. Thus challenged, the Fulbright Committee resumed its hearings, and the evidence became more and more damaging, until the President was willing to make concessions to save the free-wheeling agency from being abolished. He would consider appointing a single head in place of the discredited board of directors.

A person whose name kept coming up in the evidence was Donald S. Dawson, the President's administrative assistant for personnel matters. Senator Fulbright wrote him a letter, saying the committee did not intend to subpoena him, and yet "we stand ready to cooperate with you in a thorough development of the facts about your relations with the RFC." Mr. Dawson's response to the letter was complete silence. At a White House press conference a reporter asked the President if he intended to fire Mr. Dawson. The President said he did not, and then, according to the news, "he turned to Mr. Dawson to note that he was present and sitting close by." Later, former Senator Burton K. Wheeler, now practicing law in Wash-

ington, disclosed that he had been solicited by David K. Niles to go to Senator Tobey, who sat on the Fulbright Committee, and ask him "to go light on Dawson." The plot curdles. This David K. Niles is a mysterious White House janizary whose secret power over hidden events goes back to the beginning of the New Deal. And "to go light on Dawson" could only mean that the White House would be pleased if the testimony about him could be construed lightly, as if to suppose that when he recommended borrowers to the Reconstruction Finance Corporation and afterwards found himself obliged to take favors from them, one should read nothing more into it than that his nature was innocent and jovial. But what Senator Tobey said of the message from Niles was that the White House Palace Guard was trying to interfere in a Senate investigation that touched one of its members.

Then followed a subtlety of news timing that you may not have noticed. On February 27, Senator Fulbright made a speech in which he proposed that a panel of eminent citizens be convoked to study the shocking decline in the moral standards of government. It was a remarkable and devastating speech, and anyone might have guessed that it would be widely reprinted in the periodical press, as in fact it was. Two days later, on February 29, the President seized the megaphone and issued his own denunciation of crime. Every war, he said, left a trail of crime, and not only was he deeply concerned about it, but "we are taking positive steps to combat it." But Senator Fulbright was not talking about crime. What he said was:

> One of the disturbing aspects of this problem of ethical conduct is the revelation that among so many influential people morality has become identical with legality. We are certainly in a tragic plight if the acceptable standard by which we measure the integrity of a man in public life is that he keeps within the letter of the law.

It is a good deal to expect that anyone raised in the Pendergast school would be able to distinguish between legality and morals. He might well think it was asinine for the Senate to waste its time exploring moral scandals for which in any case nobody could be sent to jail.

THE SUDDEN AMERICAN

WE LIVE three lives at once, each one of them in a different time dimension. In the life of the present we deal with crises and emergencies. Next there is the life of the generation, which must bear the consequences. Thirdly, there is the life of society, which is indeterminate and may go on and on almost forever.

We concede that the future has claims on the present. The troublesome fact is that these claims may be and generally are in conflict with the impatient demands of the time present. A wise people will forego the immediate advantage or the short solution and take the hard, long road for the sake of its own future; but this requires, first, that it shall possess fortitude, foresight and a sense of destiny; and, secondly, that special qualities of mind shall be recognized and permitted to act. The mind that can act upon present problems is common, the one that can foresee the consequences is uncommon, the one that can see beyond the horizon is rare. Yet unless you have all three and use them for what they are for, you will never achieve great statesmanship and any idea you may have of world leadership will turn out to be something you saw in the sunrise.

The crucial defect of American behavior in peace and war is thereby suggested. Why has our foreign policy been so disastrous? You may discount the sinister explanations. They are inadequate. If you can not suppose that most of the men who have steered the ship have been, according to their lights, good and loyal Americans, then the evil is a leprosy of the spirit and intelligence can not cure us. Even Roosevelt undoubtedly convinced himself that to save his country he had to sell the people into World War II. And so, too, you may rule out great errors of judgment. Every nation's foreign policy is full of bad guessing and mistaken conclusions. The explanation must go deeper.

What is the radical trait of the American in action? It is a kind of demonic preoccupation with the job on the bench. Litter, wreckage, waste — he can not bother to think of all that, so long as the job itself gets on. Consequences? They will somehow take care of themselves.

Consider him at war. He has then but one thought. The job is victory. This makes him a terrible killer. The other side of it is that his singleness of mind for victory causes him to forget what war is for. He forgets the peace. Thus you may account not only for most of the fatal mistakes of our wartime policy but also for what fouled up the peace, as, for example the formula "unconditional surrender," which was bound to create vacuums we should not be able to fill, and then the bribery of Stalin for fear he would make peace with Hitler or that afterwards he would balk at coming into the war against Japan, whereas, as it turned out, he was not needed for the victory. Japan was already beaten.

After victory there was no peace plan. But there was the job of demobilization and reconversion, and the whole American mind was turned to that. Almost nobody stopped to think what the consequences in the world would be if the paramount military power threw its weapons away; nobody dreamed that in five years the emergency job would be to rebuild our military machine. Five weeks after VE day Senator Hawkes of New Jersey, addressing a GI forum in Rome, said:

> We have spent probably $200,000,000,000 to get an army of 3,400,000 American soldiers on the European continent and to assist our ally, Britain, to get 875,000 British soldiers there. Why shouldn't we announce to the world in simple language the objects for which we fought the war before we take this great army home and ship the equipment to other parts of the world? All I want is to make peace possible while the power is present.

For this speech he was denounced at home as a warmonger and in Europe as an American imperialist. But mark you, the emergency job of demobilization and reconversion was very well handled.

Then England was in trouble for want of dollars. That was a problem — how to save England from going broke. The solution was simple. Lend her the dollars. Those who said that to lend England $4 billion at that time was to subsidize socialism out of the United States Treasury were howled down. It was argued, in fact, that the loan would arrest her progress into socialism. Anyhow, that

problem was thought to be solved and we felt very comfortable about it.

In a year the loan was exhausted, the state of England was worse than before; and moreover, all of Europe was in trouble for want of dollars. Then one summer evening in a speech on the Harvard campus the Secretary of State adumbrated what came to be the Marshall Plan. We were tired of saving Europe piecemeal, one country at a time. We would sooner save it all at once and be done with the job. In the next morning's papers the idea was not big news; but in Europe it created instantly a mighty furore. Those Americans were going to close the dollar gap by one feat of strength; they would provide the dollars to balance Europe's account with America for four years, and after that Europe ought to be able to stand on her own legs. The dollar gap, meaning the debt of Europe to this country on account of buying more than she could afford — that was the problem; and for weeks it ran through the news like a refrain.

Suddenly the Marshall Plan was launched, with no forethought whatever, and our free billions began to flow to Europe, to rebuild her railroads, to create new factories and power plants, to pay her debts, and to make possible an expansion of European industry comparable to that which had taken place during the war in the United States. If anybody said, "But we are giving Europe, not primarily relief, but the free capital to raise there an industrial power that will compete with ours for world markets, whereas our own industrialists have to pay for their capital," the answer was, "How else will you close the dollar gap?" And if anybody said, "But you are going to create in the world a Marshall Plan mentality, so that all the deficit nations will think our principal function is to provide them with dollars," the answer was that you were un-American.

A time came when any nation wanting dollars for any purpose was hurt and resentful if they were not forthcoming at once; and when India wanted 2,000,000 tons of wheat as a gift and Congress took time to inquire if she couldn't afford to pay for it, or offer something in exchange, there were world-wide cries of indignation. The American voice was the shrillest of all, saying that dilatory generosity would embitter all of Asia and perhaps turn it to communism. But mark you, again, the Marshall Plan did close the dollar gap.

Great Britain rolled Greece into our lap. She could not afford to go on stemming communism there and was going to retire. That made an emergency. The President asked Congress to provide for the defense of Greece and at the same time for military aid to Turkey; but not content to handle these two situations as Great Britain had been treating them, the President went on to announce the Truman Doctrine. We were going to defend free people everywhere from aggression, meaning Russian aggression of course. Well, Greece was saved, and you might say another emergency had been successfully met if only the Russian aggressor had not taken us unawares in Korea. Nobody had thought of that possibility.

Mr. Truman had said in a speech at Eugene, Oregon, June 11, 1948:

> I like Old Joe. He is a decent fellow. But Joe is a prisoner of the Politburo. He makes agreements and if he could he would keep them, but the people who run the government are very specific in saying he can not keep them.

After that Old Joe's wicked jailers went on with what they were doing in Europe until they had created an acute feeling of crisis — even more acute here than in Europe. This was a compound crisis. Our frontier in Germany was in danger; and if, despite the decency of Old Joe, the Russians took it into their heads to march, Europe was lost; if Europe was lost America's survival could not be guaranteed by the Department of Defense, and civilization might go down the drain. What was the answer now? The answer was collective security. On that simple immediate idea the State Department negotiated the North Atlantic Treaty — a pact of twelve nations — by which we bound ourselves to regard an attack upon any one of those nations as an attack upon the United States.

This was the most ominous, the most revolutionary change in American policy since the nation was founded. A reluctant Senate ratified the treaty on these assurances from the State Department and the President: first, that it bound us to do nothing, really, until something happened; second, that if anything happened we should still be free to decide what we should do about it; and, third, that in any case nothing would be done to implement the treaty without the consent of Congress.

So another crisis was chained down by the tail, and everybody felt relieved — as if you could enter into a military alliance with eleven other nations, not for war but for preparedness, and expect to do nothing about it until a shooting somewhere automatically involved us in war. The next thing was a large appropriation of money to arm our allies, because they could not afford to arm themselves. Certainly. Those who had voted for the treaty were bound to vote for this, only now we were in the historical position of having first organized a military alliance against Russia and then been obliged to provide it with arms.

General Eisenhower was loaned to the North Atlantic Treaty Organization to prepare an anti-Communist international army. That brought on what has been called the Great Debate. Senators who had voted for the North Atlantic Treaty arose one after another to say: (1) that the President had no such power; (2) that the treaty did not oblige us to send troops to Europe to face Old Joe's hordes on the ground, and (3) that if they had imagined this sequel they would never have voted for the treaty in the first place.

But the whole of the Great Debate was an exercise in afterthought. At the end of it the Senate agreed to a resolution approving the dispatch of only four divisions to Europe and asking the President to consult Congress before sending any more. And on this, too, there may be afterthoughts. Military commitments can not be limited. Suppose four divisions got into trouble. Could we refuse to send ten to save the four and then twenty to save the fourteen?

The image that suggests itself is that of a short-sighted people, with the whole free world on its back, crossing the rapids by extemporary leaps from stone to stone, never looking to see where the next one is or if there is one. As a spectacle it is thrilling; as behavior it is frightening. That is what is wrong with the conduct of American foreign policy and why the world is fearful of American leadership.

RECLAMATION—FOR WHAT?

By OLIVER CARLSON

ON AUGUST 5, 1948, Michael W. Strauss, Commissioner of the Bureau of Reclamation, submitted to his boss, Secretary of the Interior Oscar Chapman, a report entitled "Reclamation Program 1948–54."

The seven-year plan envisaged by Commissioner Strauss and his engineers and planners admittedly would cost the American taxpayer a tidy sum. But, declared the report, ". . . the benefits would be substantial too, and permanent. A huge increase in crop and livestock production would result, as well as an enlargement of electric power facilities . . . one benefit in itself that indicates the impressiveness of the probable returns is the crop production."

Commissioner Strauss and his planners estimated that the program when completed would furnish "a full water supply for some two and one-half to four and one-half million acres." His report indicated that more than 24,000 new family-sized irrigation farms would be created, with a population of from 75,000 to 100,000 persons. The estimated cost for this program, declared Mr. Strauss, would total $3,891,900,000 — with expenditures rising steadily from a mere $204,200,000 in 1948 to $720,200,000 in 1954.

In other words, cost to the taxpayer would be approximately $1000 per acre to turn this arid land of the West into usable croplands. It would represent an investment by the American taxpayer of $160,000 for each of the 24,000 new farms envisioned by Commissioner Strauss. And this cost per farm, remember, would not include farm buildings or equipment — just the raw land.

Is land so precious and the need for new croplands so great that the taxpayers of this country must invest $160,000 per farm?

If Commissioner Strauss and his engineers had consulted with the experts from the Department of Agriculture, they would have learned that our agricultural crisis was due not to a shortage of tillable land or a shortage of crops. Quite to the contrary, they would have discovered that the government was spending hundreds of millions of dollars to keep crop surpluses off the market. And these surpluses — of cotton, corn, wheat, potatoes, etc., were precisely of the crops which would be raised on the land Commissioner Strauss and his engineers propose to reclaim and irrigate.

In the recently issued report by the President's Water Resources Policy Commission, are set forth for all to read the necessary principles to govern the future development of our water resources:

1. "A simple procedure for determining whether the money to be invested in a river basin program will be well-spent."

2. The need for "a system of repayment designed to treat alike all who enjoy the advantages of Federal investment."

3. "That sound management principles be applied to every project."

There is very little in common between these "principles" and those upon which the Reclamation Bureau has been operating.

The American farmer has learned how to produce *more* food for *more* people on *less* acreage. Forty years ago there were 3.55 acres of cropland for each person in the United States. Today it amounts to 2.55 acres per person. In other words, we need an average of an acre *less* per person to feed America and to take care of our large export trade. More than that — the people of this country as a whole are eating more food and better food than ever before. Yet we have less land in crops today than we had twenty years ago when our population was 25 millions less than it is now.

But isn't it true that more land will be needed to take care of our increasing population in the years to come? Aren't Commissioner Strauss and his planners just showing good foresight in reclaiming arid lands of the West at this time to take care of the increased population 25 years from now? Not at all.

According to the studies of the Water Resources Policy Commission, productive croplands of the United States can be increased by 44 million acres "merely by the improvement of existing farm lands now in use." The Commission declares that an additional ten million acres can be obtained by clearing land of trees, stumps and brush; while another 16.4 million acres are available through low-cost clearing and drainage.

If the Water Resources Policy Commission experts know what they are talking about, we can add approximately 70 million acres to our productive croplands without the expenditure of billions of dollars of Federal funds. Drainage costs per acre, even at our present inflated prices, would be less than a tenth of the cost of reclamation projects to irrigate land.

The Reclamation Bureau today, with its more than 17,000 permanent employees and its multi-billion-dollar programs, has been turned into a mighty political lever by Secretary of the Interior Chapman. Every project developed or proposed by the Reclamation Bureau in any of the 17 Western states is exploited to the fullest in developing and consolidating political power for the Administration.

Oscar Chapman is the chief political strategist and manipulator on behalf of the Administration in the Far West. He took over this job in the Presidential campaign of 1940. His power and influence have grown steadily ever since. President Truman relies upon Chapman completely for political policies and strategy in the Western states.

Many Democratic politicians on the Pacific coast have told me admiringly they regard Chapman as the top figure in the Administration. He possesses, they say, more detailed information about the strength and weaknesses of political figures in the West than any other top Ad-

ministration official. When he visits the West to dedicate a new dam or irrgation project, his assistants bring with them complete and up-to-date dossiers on every important figure in the area. Chapman always spends a good deal of time with the key Administration supporters planning strategy and letting it be known that, so far as it is within his power, jobs and contracts will go to "deserving Democrats." Chapman believes in doing good for the West — but more than that, he believes in doing good for those who will strengthen the Truman political machine.

Reclamation is a sacred word in the arid and semi-arid regions of the Far West — and has been so for more than half a century. The Mormons under Brigham Young pioneered the irrigation projects of the West. They began bringing water to the dry and thirsty land of the Great Salt Lake Basin early in 1848. Thanks to them, tens of thousands of California-bound gold-hungry immigrants were saved from starvation during the next decade. Nearly all of the arable land in Utah and southeastern Idaho is the work of the Mormons. Men, mules and horses — without state aid or intervention of any kind — transformed several million acres of semi-desert into croplands within a few years.

Spurred by the accomplishments of the Mormon farmers, the whole West from Montana to southern California was soon afire with plans for developing irrigation and reclamation projects. Where but yesterday there had been only sagebrush, tomorrow there would be fields of grain, orchards and rich pasture lands.

In 1894 Senator Carey of Wyoming sponsored an Act whereunder the United States Government agreed to donate up to one million acres of public land to any state that would agree to reclaim this land. By 1900 there had been organized the National Reclamation Association. Theodore Roosevelt became an ardent enthusiast for reclamation and conservation, and threw the full weight of his personality and his power as President behind the campaign. As a result, the Reclamation Act became a law of the land on June 17, 1902. This Act provided for a survey of potential developments and the subsequent construction of needed irrigation projects. To finance the surveys and assist the people of the West in constructing the dams and ditches, Congress set up a Reclamation Revolving Fund, to be derived entirely from the sale of public lands in the 16 Western states (Texas was later added to the list).

The Secretary of the Interior then established the Reclamation Service, which many years later became the Bureau of Reclamation. The Reclamation Act had been designed to help the small farmer, not the speculator. It therefore provided that no individual owner could get water for more than 160 acres of land. Furthermore, these owners had to live near or on the land that was reclaimed. Repayment of the total cost of each Reclamation Project was apportioned to every landowner getting water, and repayment had to be completed within ten years. Beyond this all other controls were to be handled at the local level.

In 1914 Congress doubled the repayment period, extending it to twenty years. In 1926 it was further extended to forty years. At present there is a fifty-year repayment policy.

This five-fold extension of repayment time appears on the surface as a wise and justifiable move to ease the burdens of the farmer in the reclamation districts. But in reality such a greatly lengthened repayment plan means governmental control of the project for the entire adult life span of the people involved. Both political and financial control remains in the hands of the Federal Government. In the second place, there is less likely to be a careful scrutiny of construction and overhead costs by the people in the reclamation districts themselves when the repayment period is spread over half a century.

The revolving fund originally established was voted additional funds in 1920 when Congress passed the Mineral, Oil Leasing Act. This provided that 52.5 per cent of the oil royalties from all public lands and leases were to be paid into the Reclamation Fund. In 1939 Congress passed the Hayden-O'Mahoney Amendment to the Departmental Appropriations Bill, enlarging the Reclamation Fund once more. This time it was to receive 52.5 per cent of all receipts (including penalties) received by the Treasury Department from land within Naval Reservations for the period from 1920 to 1939.

The economic feasibility and financial soundness of reclamation efforts during the first three decades of this century have given way to the stupendous but often questionable projects of recent years. The revolving fund principle has been tossed overboard. For the past decade or so the Reclamation Bureau has been submitting an annual budget and getting direct appropriations.

It is important to remember that nearly fifteen million acres of Western lands have become lush and fruitful by virtue of reclamation projects privately and locally financed and engineered. An additional five million acres have been reclaimed during the past fifty years through the work of the Bureau of Reclamation. Of this five million acres, more than 80 per cent (4,200,000 acres, to be exact) had already been reclaimed by the end of 1945; that is to say, before Mr. Oscar Chapman became Secretary of the Interior.

Total expenditures by the Bureau of Reclamation during the past five years under Chapman total almost one billion dollars and represent almost as much money as was spent by his predecessors in the 43 years that the Bureau had been functioning. The expenditures under Chapman for 1950, amounting to $359,703,710, exceed by more than fifty million dollars all monies expended by the Reclamation Bureau up to the time Franklin Delano Roosevelt took office in 1933.

Not only have Bureau of Reclamation costs mounted at an astronomical rate during the Chapman-Truman Administration, but no serious attempt has been made to make the irrigation activities and multiple dams self-sustaining and self-liquidating. The devices used by the Secretary of Interior include:

1. Enlisting local or regional support for a project by playing up motives of self-interest. There will be patronage to insure support of local politicians. There will be jobs for the unemployed. There will be lucrative contracts for the business interests. There will be easy pickings for land speculators. There will be cheap water for the farmer and cheap power for the homes and industries.

2. Always submitting very low estimates whenever a new project is proposed for which Congress is to authorize the money. Once the project is under way, estimated costs

invariably rise again and again. Chapman and Strauss learned long ago that Congress, grumblingly perhaps, will nevertheless go along in voting the new supplemental appropriations to complete a project rather than leave it unfinished.

In 1937 when the Reclamation boys presented their original estimated cost for the Colorado-Big Thompson Project in the State of Colorado, it came to $44,000,000. By 1947 after the project had been partly completed, this had been revised upward to 128 million dollars — and in 1948 to nearly 132 million dollars.

Then there is the Hungry Horse Project in Montana. Originally this was to cost a mere $6,348,000. By 1947 the estimated cost had multiplied to $48,000,000; and in the following year, costs of completion were expected to run to $93,500,000. By the time this project is completed it may have cost us $150,000,000!

3. The self-sustaining and self-liquidating requirements provided by the Reclamation Project Act of 1939 and other Acts of an earlier date, have been largely nullified by a legal opinion handed down by one of Mr. Chapman's solicitors, Fowler Harper of the Department of the Interior. Harper's opinion, declared Congressman Jensen of Iowa in hearings on the Interior Department appropriation bill for 1949, nullified the basic law of the land and "in my estimation, has been very detrimental to reclamation, hydro-electric power funds, and everything else pertaining to reclamation, irrigation and hydro-electric power projects."

What the Fowler Harper opinion did in actuality was to give a special subsidy to the water and power users of the project by throwing interest and amortization costs upon the taxpayers of the nation.

The politicalization of the Bureau of Reclamation under present leadership, and its corrupting influence upon the very localities and regions which it proposes to help, demand full-scale investigation and publicity. Up to now the Reclamation Bureau has been a sacred cow which no one dared investigate. But the citizens of West and East alike need to be told the full story.

That the West will need more hydro-electric power and more water as its population and industries grow is beyond question — but from now on every project planned for the West must be concerned with supplying water to cities and industries, not to reclamation of croplands.

The steel mills, aluminum and magnesium plants, copper, zinc, lead and other metal refineries, foundries and manufacturing plants — without which the new West can not grow — these and the other thousands of manufacturing plants are the ones that need water and power. It takes 270 tons, or 65,000 gallons, of water to process one ton of steel. And though the average person drinks less than two quarts of liquid a day, the daily per capita use of water for domestic and industrial purposes is more than a thousand gallons. Without this supply of water Los Angeles, Salt Lake City, Denver and a host of other Western cities would shrivel up and die.

The time has come for the people of the United States and their representatives in Congress to take a new, hard look at the Bureau of Reclamation and its grandiose plans. The question must be asked — and asked soon — "Reclamation — for what?"

JUSTICE DOUGLAS'S "IMPERIUM"

By EDWARD JEROME

AN OMINOUS indication of the danger which lies in a perversion of the law may be found in this item in the *New York Times* of January 17, 1951:

> Austin, Tex., Jan. 16 (AP) — The Texas House of Representatives adopted a resolution today demanding impeachment of Justice William O. Douglas of the United States Supreme Court because of his stand on the Texas coastal lands question.

It seems, however, that the indignation of the Texans might also have been directed against Mr. Justice Black; for he wrote the opinion in the case, *United States* v. *California*, 332 U. S.19 which, with most illogical reasoning, ascribed a revolutionary meaning to the Constitution in order to uphold the Federal Government in taking tidewater oil lands from the state. The case in which Mr. Justice Douglas wrote the opinion, *United States* v. *Texas*, 339 U. S. 707, followed the judicial lawmaking and revision of the Constitution which had been done in the former case, although Texas had a stronger case than California.

The enormity of the usurpation through which the cases that involved the tidewater oil lands were taken to the Supreme Court and decided in favor of the Federal Government, has attracted little attention except in the few states directly affected. A joint resolution to prevent the prosecution of the cases by the Attorney General of the United States was passed by Congress, but it was vetoed by the President. The resolution was the act of Representatives who were authorized, in the only manner known to our system of government, to express the will of the people; but the veto and the decisions in the cases are typical of the usurpations of power through which the Federal Government has been perverted into a national State on the European model.

The penalties which are always inflicted upon those who permit the perversion of their government into a national State have been clearly and woefully demonstrated in Europe for three or four centuries. Some of these penalties are now being inflicted upon the people of the United States; and yet the Constitution was so written that, had it been given effect, it would have prevented a national State in this country.

A study of the manner in which the tidewater oil lands were taken from the states may be used to illustrate not only how the usurpation of power occurs, but how the Founding Fathers, after considering the nature of the European national states, sought to guard against changes which would convert the Federal Government

into such a monstrosity. The cases may be briefly treated in non-technical words, and the contentions here made supported by well-known historical facts and quotations from the Constitution.

In answer to the suit brought by the Attorney General for the purpose of taking the lands from the state, California pleaded several defenses. The first, and the only one which requires consideration, was: That the original thirteen states acquired from the Crown of England title to all lands within their borders and under navigable waters; and that, since California was admitted as a state on an "equal footing" with the original states, it had become vested with title to the tidewater oil lands. This defense was incontrovertible in fact, and no effort was made by the Federal Government to deny the facts. In the Texas case the same defense was made stronger by the facts that before its admission as a state of the Union, Texas had been an independent republic; and that the Joint Resolution of Congress by which Texas was admitted to the Union had approved the reservation of such title and rights by the Legislature of the Republic of Texas.

In order for the Federal Government to take the lands from the states, which were in possession, both title and the right of possession had to be proved as being in the United States. No evidence was received by the Court; but the necessary proof was dispensed with in each case by a remarkable statement in the opinion.

Mr. Justice Black, in the California case, referred to an old case in which it was held that the states had "paramount rights" in lands lying under inland waters, and then said:

> . . . the same rationale leads to the conclusion that national interests, responsibilities, and therefore national rights are paramount in waters lying to the seaward in the three mile belt. (332 U. S. at page 36.)

Mr. Justice Douglas, in the Texas case, said:

> And so although *dominium* and *imperium* are normally separable and separate, this is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty. (339 U. S. 719.)

Upon the kind of reasoning indicated by these statements the Court decided that neither state had a good defense in law, and that the Federal Government could take the lands. Suspicion may be directed against the use of the words "*dominium*" and "*imperium.*" The former word may be taken as denoting the holding of title to land and the right to possession of it, and the latter as denoting all the powers of unlimited sovereignty. Both words were artfully borrowed from the Roman law; and the word "*imperium*" is not from the pure law of the free Romans during the days of the Republic, but from the degenerated codification of that law under the Eastern tyrant Justinian. And one of the maxims of that law is that whatsoever is pleasing to the prince, whether expressed by decree or letter, has the force and effect of law.

Both statements quoted above from the two opinions are based upon the assumption that, with respect to tidewater oil lands, the sovereignty of the Federal Government is similar to the sovereignty of the states with respect to lands lying under inland waters. In neither opinion, however, is any reason given in support of this assumption. The reasoning of the Court is no more than this: The states have title and the right of possession in lands under inland waters; therefore, the Federal Government has the same title and right in tidewater lands. Some similarity of the two sovereignities is necessary in order to support the Court's position; and such similarity would have to be found either in a particular provision of the Constitution, or in the general nature of the sovereignty conferred upon the Federal Government by the Constitution. No such particular provision is mentioned in either opinion, and none can be found.

It seems that the Court, to sustain the decisions, relied entirely upon the general nature of the sovereignty in the Federal Government. Both the Declaration of Independence and the Constitution prevent this reliance. The Declaration proclaimed the thirteen Colonies to be "free and independent States." When this proclamation was made effective by the treaty that terminated the Revolution, the states acquired complete sovereignty. In the British sovereignty, to which the states succeeded, there was a peculiar feature of the power over land. And an explanation of the relations between the right to hold possession of land and the British sovereignty will help to throw a new light upon the title to the tidewater oil lands.

A man has a natural right to occupy and hold possession of any unused and vacant land that he may find. One who finds and occupies such land establishes his title to it by possession and use, although he may not extend his claim beyond the land that he has put to use within properly marked boundaries. From the first such an occupier has the right of possession against any one who can not prove a legal title and the right to occupy under it.

In 1776 this natural right of occupancy was recognized by English and American common law, as well as by the British Crown and Parliament. But sovereignty imposed a limitation upon the right: it could not be used to defeat the title of the Crown, except as authorized by some statute of limitations against the sovereign himself. The Crown asserted all the rights of ownership in all vacant land over which British sovereignty extended; and these rights were exercised with grants of large tracts of land for various purposes. An occupant of land, who had depended upon his natural right only and who had no claim under a grant from the Crown, might have to surrender possession to a claimant under a grant. Frequently the holders of land in reliance upon their natural rights only had to surrender possession to a claimant under a grant, when the land had been occupied in good faith without knowledge of the grant, and for years cultivated and improved as a home.

This power of British sovereignty to deny the natural right to occupy land passed to the states; and there the power resided when the Federal Convention met in 1787 to prepare the Constitution. The people had always been hostile toward this power to prevent the occupation of vacant land: they had insisted that they had the right to open up western lands for settlement without the consent of Parliament; and they were determined that this power should not be conferred in absolute form upon another great sovereignty. Two short paragraphs in the Constitution are sufficient to prove that the power of sovereignty over land remained in the states, and that such power was absolutely denied to the Federal Govern-

ment, except as granted in the following paragraphs:

> The Congress shall have Power:
>
> To exercise Legislation in all cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; [Article I, Section 8, next to last paragraph.]
>
> The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State. [Article IV, Section 3, 2nd paragraph.]

How could Mr. Justice Douglas ascribe the power implied in the alien word "*imperium*" to a government that can not exercise sovereignty over land required for a fort without "the Consent of the Legislature of the State in which the same shall be?"

The two paragraphs quoted above prevent the Court's reliance upon any particular similarity in the sovereignty of the states and that of the Federal Government with respect to land; and the Court's reliance upon any general similarity in the two sovereignities is also prevented. Another effect is that the natural right of occupancy is good in each state, until modified or denied by the state itself.

The provision that "nothing in this Constitution shall be so construed as to Prejudice any Claims of . . . any particular State" applies to land, as shown by the preceding words "Territory" and "Property." Thus the claims of the states to the tidewater oil lands were made absolute against the Federal Government. Yet the Court, in its opinions, intimated that there is in the Constitution some section, sentence, or word which would justify the denial of the claims of these particular states.

The citizen who does not heed the warning that eternal vigilance is the price of liberty may be inclined to regard these cases as useless altercations between two powers, each of which lays upon him a heavy burden of taxation. There is, however, another aspect in the cases — that of the confiscation of private rights. In both the California and Texas cases lessees from the state were in possession of the tidewater oil lands. These lessees were entitled to assert, against the Federal Government, their natural right of occupancy, in addition to defenses under their leases. But the Court denied the lessees a hearing; their rights were taken without due process of law, and without just compensation, as required by the Fifth Amendment. If this natural right to possess land may be confiscated, then any right of any person may be confiscated in the same manner.

The decisions that these lands can be taken from the states, and from the lessees of the states, can not be defended legally, logically, or morally. The excuse that the end of national defense justifies the taking can not be extended to include the means of confiscation through violation of the Constitution.

Are the people of the United States no longer free citizens, but the subjects of Mr. Justice Douglas's *imperium*, in which the pleasure of the judge, whether expressed by decree or opinion, has the force and effect of law?

THIS IS WHAT THEY SAID

Seating of Communist China [in the UN] will speed along the "divorce" of that nation from Russia. The average Chinese citizen eventually will demand that China live up to its commitments in order to obtain American recognition. If China does, Russia will be alienated.

SENATOR WAYNE MORSE, as quoted in the *Oregon Journal*, October 14, 1950

No war of importance will ever be started while the General Assembly is in session because an aggressor just could not get away with it.

TRYGVE LIE, June 14, 1949

I noticed today that we still have not sent the wheat that India has requested. It seems to me that the value of our gift will be entirely lost unless we stop bickering as to whether it should be a gift or a loan. It was asked as a gift.

ELEANOR ROOSEVELT, March 29, 1951

That Russia should be given full information about the atomic bomb is so evident that the question no longer seems arguable.

FREDA KIRCHWEY, the *Nation*, November 17, 1945

It is well to remember that the Chinese Communists are such only in a very loose sense. Were it not for the value of going institutions and continuing labels, they could more appropriately call themselves the Chinese democrats. They are not under Moscow's influence, except when their wishes happen to coincide with those of Russia, and they are quite capable of taking a completely independent line of their own. Their main political objectives are putting an end to landlordism, and aiding education and industrialization.

Editorial in the *New Republic*, March 13, 1944

I feel England's influence is pronounced in Scandinavian countries and this influence is reactionary, not democratic. It possibly may have inspired the Finnish hostilities, which simply means that Russia is fighting a defensive war.

PAUL ROBESON, *New Masses*, February 13, 1940

In honoring Paul Robeson we honor everything we are fighting for.

EDWARD G. ROBINSON, telegram sent to Robeson's 1944 birthday party, as reported by the *Daily Worker*

"I was especially happy to hear the Generalissimo [Chiang] agree to invite the Communists in as part of the National Government prior to elections," Father said.

ELLIOTT ROOSEVELT, "As He Saw It," 1946

The Freeman *invites contributions to this column, and will pay $2 for each quotation published. If an item is sent in by more than one person, the one from whom it is first received will be paid. To facilitate verification, the sender should give the title of the periodical or book from which the item is taken, with the exact date if the source is a periodical and the publication year and page number if it is a book. Quotations should be brief. They can not be returned or acknowledged.* THE EDITORS

UNRRA IN YUGOSLAVIA

By LEIGH WHITE

WE WON the war and lost the peace, according to Hanson W. Baldwin, because of four false assumptions: (1) The Kremlin had abandoned its policy of world revolution. (2) We could "get along" with "Uncle Joe." (3) Unless we did, Russia would make a separate peace with Germany. (4) Russian participation in our war against Japan was both necessary and desirable.[1]

We now know how false these assumptions were. But they were not the only false assumptions that caused us to lose the peace. Our failure to invade the Balkans (which Baldwin includes as a concomitant of the third false assumption) was just as disastrous as our failure to invade Manchuria (a concomitant of the fourth). The power vacuums that we thus permitted to occur were immediately filled by the Russians. It was only later, and at great cost in lives and treasure, that we managed to secure beachheads in Greece and Korea.

Equally disastrous was the United Nations Relief and Rehabilitation Administration. For fear of being accused of anti-communism, we permitted Communists and fellow-travelers to infest that global boondoggle as they had infested (and still infest, in many cases) the alphabetical boondoggling agencies of our own New Deal. The greater part of the $3,715,000,000 that we and our uninvaded allies invested in UNRRA was used to finance the sovietization of eastern Europe. Titotalitarianism alone was subsidized to the extent of $407,152,000.

Although the United States contributed 73 per cent, and Russia contributed nothing, the UNRRA mission in Yugoslavia was placed under Russian control. The chief of the mission was Mikhail Sergeichik, a bald official of the MGB who had earlier been charged with receiving lend-lease materials in Iran. He was assisted by James Klugmann, a former British intelligence officer who would soon emerge as a high official of the British Communist Party. Subordinates who refused to toe the party line were either forced to resign or made so miserable that they later wished they had. Leo Hochstetter, the American publicity director, was replaced by his malleable British assistant, the late Leo Fuller, who denied to me that even Sergeichik was a Communist.

It was Hochstetter's duty, among other things, to issue a news bulletin for the guidance of UNRRA's personnel. He recalls that "a former British intelligence officer" forced him to summarize Churchill's Fulton speech as an appeal for "Anglo-American friendship and agreement with Russia." When he questioned such procedure, Sergeichik informed him that he had the right, as the chief of mission, to censor everything issued in UNRRA's name. Moreover, he said, the "British Broadcasting Corporation, which was the UNRRA bulletin's main source of news, gave a distorted version of world events; it was necessary to give balance to the news by discreet editing." [2]

The preference of many UNRRA bureaucrats for the Russian way of doing things was partly inherent in the world crisis with which they had to deal. In great emergencies, totalitarian methods often seem to be the most effective. But the purpose of UNRRA, so far as the United States was concerned, was to save lives, alleviate suffering and restore tranquillity in the devastated countries. It was not our purpose, nor the purpose of our Western allies, to foster totalitarianism. Yet this was precisely the effect that UNRRA had in Yugoslavia.

Herbert H. Lehman, the first director general, voiced his approval of what he was shown in Yugoslavia in the course of a two-day escorted tour. Fiorello La Guardia, his successor, paid a four-day visit to Yugoslavia in the course of which he played chess with Tito and delivered several speeches praising his regime. At a celebration in the Croatian village of Titova Korenitza ("Tito's Korenitza"), La Guardia beamed on Tito from the speaker's platform while the *Vodya* chided UNRRA for the paucity of its aid.

"I am glad to say," Tito told his audience, "that, without waiting for help from abroad, we have accomplished widespread reconstruction on our own."

Even in Zagreb, where he had addressed a Communist "youth congress" a few weeks earlier, Tito had been less dishonest.

"Of course," he said, "we have received *some* help from abroad — namely, from UNRRA. But the principal and most substantial aid came from our great ally, the Soviet Union."

It would have been ungenerous of Americans to demand political or economic concessions in return for what we had given in the name of charity. But we did have the right, if we lacked the common sense, to prevent our charity from being used to enslave a friendly people.

In response to prodding, La Guardia finally appointed a commission to investigate the charges of the American Embassy that Tito was using UNRRA as a means of consolidating his tyranny. The commission was headed by A. G. Katzin, of South Africa, who later became the chief of the UN commission in Korea. Katzin and his colleagues issued a report that completely absolved the UNRRA mission of any malfeasance whatsoever.

Yet the Department of State provided the commission with documentary evidence proving that:

1. Rationed UNRRA foodstuffs were distributed only to persons whom Tito's secret police had characterized as "acceptable" or better.

2. UNRRA trucks were either consigned to the army or held in military car parks as a "strategic reserve" at a time when Tito was demanding still more trucks to distribute food to the starving population.

3. UNRRA metals, rubber, and chemicals were used

[1] *Great Mistakes of the War*, Harper's, 1950, pp. 4–5.

[2] See "Sellout in Yugoslavia," *Saturday Evening Post*, November 2, 1946.

to manufacture arms and ammunition and to repair existing military equipment.

4. UNRRA dyes and textiles were used to manufacture uniforms for Tito's army, which was also plentifully supplied with UNRRA shoes.

Senator Lehman was later to lend his name to an organization called the American Committee for Yugoslav Relief, the honorary chairman of which was Mrs. Eleanor Roosevelt. Her co-chairmen at the time were Louis Adamic and Zlatko Balakovic, the president and vice president, respectively, of a Communist front known as the United Committee of South Slavic Americans. Contributors to the so-called relief committee received free copies of Howard Fast's "The Incredible Tito" and reprints of an article justifying Tito's claim to Trieste.[3]

La Guardia's successor as director general of UNRRA was Major General Lowell W. Rooks (retired). General Rooks, who spoke as a civilian, assured me that every single charge of the Belgrade Embassy had proved to be groundless. He had personally seen no evidence of abuses in Yugoslavia, he said, and, in the absence of any confirmation from his subordinates, he was satisfied that none existed.

I asked him if he seriously believed that Tito's opponents had received their share of UNRRA food and clothing.

"There isn't any organized opposition in Yugoslavia," said General Rooks. "People know that if they don't cooperate with Tito they won't last very long. Tito has consequently been able to do an excellent job of getting his country back on its feet — a much better job than I've seen done anywhere else."

Eric L. Pridonoff, our Embassy's economic analyst, took a different view of the matter. As he observed,

> . . . the Communists were able to do as they pleased with UNRRA supplies. Through summary executions Tito wiped out . . . almost every avenue of legitimate trade — and set up his own government-controlled markets. People could buy [unrationed] UNRRA supplies only at these markets, at . . . from three to thirty times [the] normal prices. In this way Tito obtained the wherewithal to equip and support an army that put every eighth man in uniform. . . .
>
> People must eat. They must have clothes. They must keep from freezing to death. UNRRA . . . supplied the wherewithal. . . . But Tito, with the aid of Russia and through our own blindness, has taken . . . control of these supplies. With them he has re-equipped and strengthened his army. With them he has kept his own political machine well fed, well clothed, well housed. With them he has plundered the people of Yugoslavia, forcing them to give up their belongings and their freedom [in order] to keep alive.
>
> And while he has been doing this, his army of propagandists has conducted a violent campaign against the United States and the other Western democracies. When hungry people protested against the high prices they had to pay for food, clothes and medicine, his government-controlled newspapers said, "Well, there is capitalism for you! Isn't it terrible to think that rich Americans should force us to pay such outrageous prices!" [4]

[3] See the article by Frederick Woltman, New York *World-Telegram*, August 23, 1946. It was later discovered that the same "relief" committee was shipping radar parts to the Yugoslav Red Cross (New York *Times*, November 8, 1947).

[4] See "How UNRRA Bolstered Tito," *American Mercury*, January, 1947; also exchange of letters between Rooks and Pridonoff, *American Mercury*, February, 1947.

UNRRA, before its demise, shipped 2,539,137 tons of free merchandise to Yugoslavia. Its gifts included radio transmitters, steel rails and girders, mining machinery and saw mills, 3500 tractors, 12,000 automobiles and trucks, 4,000,000 barrels of gasoline, 400,000,000 yards of textiles and over a million tons of food and medical supplies.

ERP was at once an extension of and an antidote to UNRRA. "Our policy," said George Marshall, "is not directed against any country or doctrine, but against hunger, poverty, desperation, and chaos. Its purpose should be the revival of a working economy in the world, so as to permit the emergence of political and social conditions in which free institutions can exist."

Stalin had approved of UNRRA, as he had approved of lend-lease, because the dice had been loaded in his favor. He disapproved of ERP and forbade his *Gauleiters* to have anything to do with it, as soon as he realized that, this time, the dice would not be loaded. Instead he ordered Molotov to set up an alternative crap game of his own, a game that could be properly controlled.

The Council of Mutual Economic Assistance, as it was called, grew out of the interlocking series of bilateral trade agreements that Russia signed with its vassals in the summer of 1947. Its purpose was to absorb eastern Europe into the Russian economy and thereby defeat the purpose of the European Recovery Program. By reinforcing the Iron Curtain with economic as well as political barriers, the Molotov Plan made it impossible for western Europe to recover except by bleeding the American economy. In eastern Europe it amounted, in the words of the former Hungarian minister of finance, Nicholas Nyaradi, to "colonial imperialism of the worst sort":

> No two satellites are permitted to deal with each other to their own mutual advantage. All exchanges between them must serve Russia's interests and be cleared through Moscow at a handsome profit to the Soviet government. The satellites today have no more independence, economic or political, than the various Soviet republics, which they are fast coming to resemble. . . .
>
> Russia is neither able nor willing to do for eastern Europe what the United States, by means of the Marshall Plan, is doing for western Europe. Far from bettering the living conditions of eastern Europe, the Molotov Plan is rapidly reducing them to the subhuman level that prevails in Russia.
>
> Leopold Kollonitch, a cynical seventeenth-century political archbishop of the Hapsburg empire, once remarked: "I must first impoverish Protestant Hungary in order to make it Catholic." His purpose was thus to make it Austrian. Rákoshi, the cynical viceroy of the Soviet Empire, must first make Catholic Hungary poor, then Communist, in order to make it Russian.[5]

Another function of the Molotov Plan, as Nyaradi observes, was to "siphon off from western Europe the strategic products denied to the Cominform by the Economic Cooperation Administration." In the fall of 1950 we were still shipping copper, tin plate and rubber tires to Communist China. And in Europe, despite our export controls, machine tools, alloying metals, precision instruments, ball bearings, and other strategic items were moving eastward through the Iron Curtain at the rate of a billion dollars' worth per year. Our efforts to prevent this illegal trade were likened by one American official to "trying to plug the leaks in a sieve."

[5] "How Moscow Sabotages Its Own Satellites," *Saturday Evening Post*, July 9, 1949.

Russia was thus able to prepare for war and strengthen its system of economic slavery at the same time. Yet the Molotov Plan, I think, will prove in the end to have been self-defeating. It has not only tended, as Nyaradi remarks, to "produce what the Russians hoped to prevent"; it has also tended to prevent what the Russians hoped to produce. The Truman Doctrine became the Marshall Plan and the Marshall Plan became the Atlantic Treaty. The West is now belatedly rearming, and, because it is, the "inevitable" depression that was to have enabled the Cominform to engulf western Europe can not occur. Thanks partly to Titoism, but mostly to Stalinism, the tide of Communist infiltration — in western Europe, anyhow — has already begun to ebb.

WORDS INSTEAD OF BUTTER

By RENE KUHN

RECENTLY the man with the most thankless job in the world, Britain's Food Minister, Maurice Webb, had the unhappy duty of informing the long-suffering British public that the individual meat ration would be cut to 8d. (9 American cents) worth, or about two small mouthfuls per week. So ended months of fruitless and stiff-necked negotiations with Argentina, Britain's principal meat supplier. And so ended one more chapter in the feckless chronicle of socialism at work. After five and a half years in power, socialism had reached the nadir of its popular support in Great Britain.

The predominantly Tory press, voicing the impotent fury of the general public, heaped coals of fire on the government's head. But it fell to the Liberal *News-Chronicle* to point up the deeper irony of the situation and cap the Socialists' own climax. Were the Food Minister to pay Argentina's price, the paper noted, the increase in cost to the British taxpayer would not amount to as much as the cost of the increased subsidies the government must now pay the butchers to insure their margin of profit.

In the Commons debate and subsequent vote of confidence in the Attlee government that followed Webb's announcement, party discipline held — but barely. The Socialists squeaked through with the narrowest of wins — eight votes. But outside the stately Parliament buildings angry British housewives demonstrated noisily and some even penetrated as far as the lobby of the Commons to press their shrill protests on hapless MPs. The following day in Portsmouth Webb, who had gone there to make a speech, was serenaded by a mob of implacable women who lustily sang "Maurice, the Red-Nosed Reindeer" a sardonic reference to the Food Ministry's announcement that it would soon begin to import reindeer meat from Lapland to ease the meat shortage.

For eleven long years of war, privation, upheaval and confusion, the British housewife's nerve has held steady. She has broken even Job's record for patient endurance in her dutiful acceptance of the dogma of words instead of butter. But the latest meat ration cuts have proved to be that one last straw. Glum doctrinaire Socialists who only a year ago were attributing their narrow edge of victory in the General Election to their success in capturing the women's vote, survey the latest public opinion polls dourly. For the polls show that, were an election to be held tomorrow, the Conservatives might win with a margin of as many as 40 seats.

What the planners and the heavy thinkers inevitably forget is that it is almost always a small thing that precipitates a crisis — a small thing like a twopenny cut in the meat ration. This is true especially when the grounds for rebellion have been accumulating steadily over the years, piling leadenly one atop the others, their molten latent force held in check by will power alone. And if the Labor government falls in the next General Election, it may well be because the party strategists committed that most fatal of all blunders and underestimated the power of a woman.

World War II brought profound and fundamental changes into the once placid and relatively uncomplicated life of the average British woman. If she was between 18 and 45, she was required to register for national service and was placed in war factory work, in the Women's Land Army to work the undermanned farms, or in one of the auxiliary branches of the military to release men to active front-line duty. If she was over the age limit or already doing work deemed essential to the national interest, she frequently volunteered for air raid emergency duty; or she converted her home into a nursery for children evacuated from the target areas, or into a convalescent home for the wounded; or she served in a canteen. She saw her family life disrupted as the men went overseas. She had her house bombed to dust around her ears and, night in and night out, endured the racking nervous strain of the blitz. Rationing of food, clothing, soap and a hundred household items was strict and skimpy. Queues where she might spend as many as three hours a day waiting for that ration to be filled became a fixed part of her life.

But throughout the grim years of the war there was the realization to sustain her that her contribution to the total war effort was as important and as necessary as any soldier's. And always ahead was the bright hope of peacetime life and a return to the quiet backwaters of normality.

In the summer of 1945, with the European war ended and the Japanese on the verge of surrender in the Pacific, a General Election was called. All the pent-up frustrations of the war years exploded in Britain. A no-longer-patient electorate seized on the handiest and most obvious scapegoat, turned Churchill's coalition government out, and elected a Labor government by a thumping majority.

The Socialists had waited more than fifteen long, lean years for this opportunity and, sensing the mood and temper of the people, had prepared an ambitious party program that would, in effect, revolutionize Britain economically and, they hoped, socially. The time was ripe, they felt. A people weary of war and depression

yearned for a new order that would, as the Socialists promised, produce Utopia overnight — or at least before the next General Election.

The new Parliament that was returned in 1945 had the largest number of women members ever elected. Of the 87 women who were nominated, 24 were elected; of these, 21 were Socialists. The revolt from the past was thus not confined to the men of Britain.

The first fine flush of enthusiasm which had swept the Socialists to power soon faded perceptibly, however, as Britain's desperate postwar economic situation, aggravated by the expensive experiments in nationalization which the Laborites effected precipitately, soon began to make itself felt in every thin purse. The ruinously high wartime taxes were continued and additional ones were imposed to meet the new responsibilities the government had arrogated to itself. Although the Socialists fought to keep the cost of living down through the use of subsidies, prices continued to rise inexorably.

The five-billion-dollar American loan and the yearly transfusion of four billion dollars in Marshall Plan funds kept the Socialist body politic breathing, at least. "The dollar export drive," was used as a mystical incantation by the learned economists to stir a tired, over-taxed people to greater efforts. Severely limited rationing was continued as the people were assured that this was the only means of guaranteeing "fair shares for all." But very few found it possible to live on the basic rations whose prices were protected by subsidies; and rabbits, poultry and fish, which were off-ration, were expensive. Housing, which the Socialists had recognized as a primary problem after the war's devastation, remained a basic problem, unsolved despite Aneurin Bevan's frenzied efforts to prove that a nationalized housing industry could build more dwellings more cheaply and more quickly than could the same industry in private hands. Thus all the dreary monotony and austerity of wartime was continued.

The women of Britain plodded on, carrying the major burden of socialism's effects. With the rations so short, they surrendered their meat and bacon and fats to the children, or in some cases, to the working husbands. Patiently and uncomplainingly, the housewives continued to stand in queues waiting their turn to order from the one butchershop or dairy at which they were registered — the only one from which they were permitted to buy. In many cases they had to return to work themselves to piece out the family income, though this meant putting children of preschool age into the care of older relatives or of nurseries. And when they went out to work, they did not receive the same pay as men, except in a few specialized professions.

But, they told themselves, there were compensations for all this in the "free" health service and "free" medical care, in the maternity benefits, in the "free" milk for children, in the family allowances which gave them five shillings (70 cents) per week for every child after the first. And they thought that the Socialists should be given a chance to show what they could do.

In June 1949, however, an exhaustive survey of Britain's women was made by several social service groups acting jointly. The survey found that the wives of professional and business men were the hardest-worked but, surprisingly, that it was the working-class wife and mother who was the most susceptible to physical and nervous breakdown. Fourteen per cent of those interviewed and examined were found to be suffering from general debility; five per cent from nervous debility and ten per cent from anemia.

Various medical authorities in Britain have spoken out against the stringent rationing of fats and meats and have emphasized particularly the bad effects that can be expected to arise from the necessarily unbalanced average diet over a long-run period, especially in women over 35. Some have attributed the increase in nervous disorders in women directly to diet and the constant worry over food; worry not so much for themselves as for their families.

The winter of 1950–51 was a hard one for Britain. The weather was exceptionally cold and damp. The nationalized coal mines failed to produce even the essential minimum for the country, and coal had to be imported from the United States. An influenza epidemic struck hard among a people whose resistance has been lowered by bad diet. Housing remains inadequate for the needs. A huge new rearmament program has just been budgeted which will postpone indefinitely the day when consumers' goods are again readily available. As factories turn once more to war production, civilian needs are bypassed except where they represent dollar exports.

All this was the background against which the unfortunate Mr. Webb was compelled to make his announcement of the cut in the basic meat ration. The explosive reaction on the part of the housewives — and the scurrying for cover among the Socialist MPs — points up a dramatic situation in current British politics that has been largely overlooked.

For a long time British women have taken an intelligent interest in politics. They have been active especially on the local level, and their service has been increasingly recognized in the higher echelons of the three major parties. There have been more women MPs in the British Parliament than American women Representatives or Senators. Only the august House of Lords remains closed to women members. But until the General Election of 1950, the concept of a "women's vote" as such was foreign to the British mind. It was assumed that women voted according to their independent convictions. But in the pre-election campaigns, it appeared suddenly to dawn on the three major parties (less on the Liberals than on the Conservatives and Socialists) that there were something like a million and a half so-called "surplus women" in the United Kingdom. That is, the population count showed a million and a half more women than men. And it lay within the power of those women to turn the balance of the election — and then some. The political strategists reasoned, too, that there were "women's issues" on which those million and a half might be expected to be united — principally issues such as housing and rationing.

A concerted and carefully-laid campaign was waged, almost independent of the general campaign, to capture the women's vote for each party. As the results showed, the parties appeared to have split that vote almost evenly between them. But the extraordinary attentions of the politicians have planted the seed now, and British women are themselves beginning to think in terms of the women's vote. Their voice will be the voice of decision in the next General Election.

ETHICS BY EAR

By C. P. IVES

A MAN who reads the papers these days is struck by the evidence of very deep confusion among very brilliant alumni of very good universities. Edmund Burke said that he would not know how to indict a whole people, and we can not condemn a system of higher education because of the errors of some of its graduates. Yet if there are or have been philosophic tendencies, pedagogical fashions in the schools which have been less than helpful, perhaps we should look into the matter.

Certainly it is not unfair to judge philosophies and pedagogical tendencies by their results. Personally I have been worried, in intensifying degree, by three sets of happenings in our public life in the last fifteen years. The most worrisome is the one we now have with us, the widespread indication of traitorous behavior provided by the rash of espionage accusations and arrests, and the subsidiary crop of perjury charges and convictions where the graver crime for one reason or another is not alleged. A second especially troubling episode was the handling of the great railway strike threat of 1941 which, I believe, has damaged the railway labor act so that it no longer serves as a guarantee of industrial peace on the rails or, what is much more serious, as a model for general labor legislation of a voluntary sort. The third worrisome thing, the first in time, and the one which originally set me poking into philosophical trends and pedagogical fashions, was the effort of 1937 to reorganize the Supreme Court.

The spy trials and convictions and the contemporary accusations of subversion need no detailing, for they are all clear in our minds from the daily papers. I will briefly review the facts of the railway crisis of 1941. There the President of the United States had named a fact-finding board to bring in its recommendations for the settlement of the dispute. Breaking with the record of the past, a record reaching back to 1926, the year of the enactment of the railway labor act, the rail unions in the 1941 case refused to accept the fact-finders' recommendations. This refusal came early in the month of November 1941, and I ask you to keep that date in mind.

It was not immediately clear why the unions refused to accept the fact-finders' recommendations, but it was immediately clear what the 1933-type executive proposed to do about it. He asked the fact-finders to reconvene, this time as a *mediation* board, to work out an agreement. The fact-finders agreed, mediated the dispute, and finally worked out a settlement *by which the unions gained more than had been offered them in the original fact-finding report.*

It was, however, not until several years later that a more complete story of the 1941 transaction came to general public attention. Of course the key question was: Why had the unions swept aside the precedents of 15 years to reject the fact-finding report in November 1941?

The first hint came in a published statement by Professor Thomas Reed Powell of the Harvard Law School, a member of the fact-finding and then of the mediation board of 1941. Said Professor Powell, ". . . The President, so far as is known, not only exerted no pressure on [the unions] to accept [the fact-finding recommendations] but on the contrary *encouraged them* to seek greater increases than those recommended by the Board . . ." (Italics mine.)

And Dean, now Senator, Wayne L. Morse, chairman of the 1941 fact-finding and then mediation board, stated in Senate debate in 1946 that:

> After the decision of November 5 had been handed down, the chief executive intervened. *He did not go along with the report* as originally filed, although he admitted to the board that it was an excellent report. But at four separate times he tried to settle the dispute after a decision on the merits had been handed down, and when he reconvened the board on November 8, 1941, he said, "I want you to take back the case because we are further apart now than we were before attempting to arrive at a settlement" [Italics mine].

Now note again the date of these happenings. It was in early November of 1941. Everyone will remember what was occurring in the western Pacific in those dark days. That knowledge was certainly available in official Washington. The picture which emerges is of a chief executive on the very eve of Pearl Harbor encouraging union resistance in an industry where a strike would have paralyzed the country at the brink of war — and encouraging resistance against the recommendations of his own board.

That performance disturbed me in 1941; it disturbed me even more in 1945 and 1946 when Messrs. Powell and Morse made their explanations available; and it disturbed me most of all as the evidence increased that the unions had learned from 1941 how to evade the railway labor act at will. Was there some identifiable philosophy at work, was there some specific set of assumptions and attitudes which may have moved the executive advisers who helped shape this 1941 result?

I thought back to the first episode in contemporary history which had worried me, namely: the court reorganization fight of 1937. It seemed to me then that there was a comparable quality of philosophical confusion in the court reorganization fight and the 1941 rail labor episode and it seems to me now that this same quality, of course in greatly intensified form, is perceptible in the current difficulties certain highly educated young men are having with the espionage and perjury laws.

Please don't read anything more into my words than I put there. I don't liken the court fight, the rail fight and the 1950 spy troubles in any way at all except in the quality of philosophical confusion which seems to me involved in varying degrees in all three episodes. What I am trying to ascertain is whether the confusion apparent (at least to me) in all three episodes can be traced to a common source.

For myself, I think it can. I think it can be traced to a

way of thinking, a set of assumptions about official conduct and public morality, which has been widely taught in some of our crack universities and so widely influential among some of their alumni. Since it was the court-packing effort of 1937 which most spectacularly involved political beliefs and assumptions about public morality, I have found the key to the puzzle in a survey of the kind of thinking to which many of the brilliant young men who figured in the court-packing effort had been exposed and of which, indeed, several of them were the creators and the teachers.

A good way to begin the study of this kind of thinking, this way of teaching about the conduct of public officers is to read a certain article published in a famous university law school journal in 1930. In this article the author listed the founders of a new trend of jurisprudence and gave an outline of the "realistic" doctrines for which they stood. Written by a law professor for law professors, the article attracted little lay attention. But the men whom the author named were to leap at once into prominence after 1933 and to rise to some of the highest places in the executive, administrative, judicial (but never the legislative) branch of the Federal Government.

The core of the new 1933-type philosophy, as one of its exponents saw it, is an insistence that the legal student must accept the "scientific method" — what the author understands to be the scientific method. He must concentrate on "facts" and "things," just as the author thinks a biologist concentrates in the laboratory. He will take nothing for granted, he will put everything to the clinical test, he will distrust all established principles, and he will look on law and the law courts in general as the anthropologist looks on the ritual of savages. A second Realist recalls enviously that "scientists are professional doubters, men devoted to breaking up traditions." Another Realist pleads for a "governing class . . . competent, practical, opportunistic."

Applying what they consider the "scientific method" on their own account to the study of man as a legal animal, two of the Realists find themselves greatly entertained. Why, the law is just like religion, they report, and everybody knows how amusing "scientists" find religion. One speaks of the "purely religious character" of much legal reasoning. "Like the Bible," he says, "the Constitution became the altar whenever our best people met together."

If religion is "unscientific," then the vigilant lawyer-scientist must beware of the faith in abstractions, the *unproven symbolisms*, which characterize religion. One Realist is very rough indeed on "verbal or other symbols which correspond to nothing in the facts." Another finds in a "slavery to Symbols" what he calls a "social disease." This derision of principle, this insistence on the purely and narrowly factual, on what they think is the "scientific method," is infinitely useful to our opportunistic governing class in the practical affairs of government. One of the original Realists, a law professor, was for the court enlargement plan. Following the Realists' contempt of general principle, their "scientific" insistence on the factual and the specific, he insisted that "the [President's] plan is to be judged *without reference to anything outside of itself*" (italics mine). Another original Realist, also a law teacher, had the same notion. Opponents looked upon the court plan as "aimed at the circumvention of the Constitution," he was willing to concede. But he did not try to answer that accusation; a "factualist" and a "scientist," he knew how to parry an argument implicitly stated in terms of political principle: "[The] *particularization* [italics mine] of that principle is found in the fact that the opposition fears the President has found a way to legalize the New Deal." And of such a legalization he was, of course, in favor.

Thus the new philosophy supplies an argumentative technique — at least some of the Realists use this technique — by which every argument from rule and precedent can be handily avoided. What you do is strip the question to its "factual" elementals; which consist, too often, of the end you want to reach and the shortest way to get there. That analysis completed, you simply go. You consider every public question "without reference to anything outside itself." General terms with uncomfortable moral overtones you "particularize" to the specific, factual, and so "scientific" statement of what it is you dislike, and the thing is done.

But the new philosophy offers still further conveniences to its practitioners. For as any "scientist" knows, there is great disagreement among men as to what the "facts" in any given situation actually are. By the very contempt of absolutes which his "scientific attitude" engenders in him, the Realist is wary of any absolute and objective test for either truth or justice. One Realist after years of teaching law, and shortly before he took his place on the Federal bench, summarized the Realistic teaching on this point in a formal defense of the court enlargement plan before the Senate Judiciary committee. "There can not be such a thing," he said, "as complete independence or impartiality, for we are all conditioned by our upbringing and our present ways of living." Most of us, I think, could go along to a degree with that. But there is more: "The *more* a judge is to be respected as a person, the *tougher* his *moral* and mental fibre, the *surer* is he to decide the great constitutional questions . . . *as his previous environment and associations demanded* . . ." (all italics mine). In other words, this Realist says that as the judge's mental and moral strength *increases* he is not more, but actually *less*, able to discipline his prejudices!

This strangely un-self-recognized despair roots, of course, to trace it back no further, in the corrosive attacks on the older logics by Professor Dewey. It draws on Freud's mechanistic interpretation of man. Its ideological pedigree can be traced even more clearly in certain passages from other students of the law. Harold J. Laski, for instance, brilliant Marxoid scholar who taught at both Yale and Harvard, put it this way:

> [men's] ideas of right and wrong are largely born of their position in society. . . . [and] the purpose, the legal postulates of society . . . are always no more than principles which determine in what way the social product shall be distributed. . . .

According to the most candid statement of all:

> . . . Your jurisprudence is but the will of your class made into a law for all, a will whose essential character and direction are determined by the economic conditions of existence of your class.

That, of course, is a quotation from the Communist Manifesto by Karl Marx.

The effect of this 1933-type philosophy upon the new opportunistic governing class is clear. There is a greater or lesser emancipation of the judge and administrator from the older restraints upon bias and partiality. Indeed, the older ideal of objective and disinterested justice, what one Realist calls the "basic illusion of the law," is actually an object of suspicion, a mere neurotic "longing to reproduce the father-child pattern, to escape uncertainty and confusion through the rediscovery of a father . . ."

There is thus an inevitable uncertainty and confusion in the law. Legal Realists will not at all avoid such uncertainty and confusion but will accept it, if not invite it, if not precipitate it. If the post-1937 Supreme Court enforces a technical rule against employers while it declines to enforce the same rule against leftists, why, that is a mere "realistic" admission of the irreducible chaos of natural life. And since all men are biased anyhow, isn't it elemental wisdom, the extremists will ask (not that all the Realists are as extreme as this), to exercise one's own bias and to indulge the bias of one's friends? Why not man the commissions and the courts with partisans if all men are partisans? Why seek the judgely virtues of fairness, equanimity and reserve if you know by premise that these qualities are symbolic moonshine?

It is not an accident that the 1933-type Realists deride the older ideal of a "government of laws, not of men." All government is of men, they insist; the only question is, Which men? — and they have made their answer to that reasonably clear in the last few years.

The ancient doctrine going back to Coke, to Cicero and at length to Heraclitus was eloquently stated in the adverse report with which the Senate Judiciary Committee destroyed the court-enlargement plan:

> No man in this country is so high that he is above the law. No officer of the law may set that law at defiance. . . . All the officers of the government, from the highest to the lowest, are creatures of the law and bound to obey it. . . .

On the contrary, teaches the 1933 philosophy, "men must rely on the judgment of men. . . . These considerations must reveal to us the impotence of general principles . . . the literature of the law . . . [is] Folklore . . . and elaborately frame [s] the little pictures . . . of society as it ought to be. . . . There cannot be such a thing as complete impartiality . . ." Of two public officers, one holding to the old doctrine, the other to the new, which is most apt to do what the people will recognize as justice — to do it against passion, against prejudice, at the risk of votes, vetoes or considerations still more vital?

Arthur Linton Corbin of Yale, a great law teacher and the *only* Realist listed in the 1930 article who actively opposed the court enlargement plan, suggested an answer: "Social and economic and political views influence 'liberal' or 'radical' judges as much as 'conservative' ones *and very likely more*" (italics mine). And another Realist, in one of those interludes of gravity which sometimes grow on youthful iconoclasts with the years, has given an explicit answer to the question: "Human institutions are apt to go to pieces out of sheer lack of self-confidence if their philosophical assumptions are attacked. . . ."

Indeed, it is paradoxically true that no one better than some of the Realists has stated the true implications of the 1933 philosophy. "Words, ceremonies, theories and principles and other symbols which man uses," says one, "make him believe in the reality of his dreams and thus give purpose to his life." Another warns those who disapprove of what his Freudian analysis reveals:

> It is as if one were to treat thirst or hunger or sexual desire as not proper. Such treatment of human appetites has a long history — a history which should serve as a warning to those who continue to deal in like spirit with legal processes.

But it is part of the Realists' own "scientific" teaching that actions speak louder than words. They insist again and again that the law is not what the courts say, but *how* the courts *behave*. As one puts it, "the difference" must be emphasized between "words and practices . . ." if, of course, there is a difference. Some of the Realists may admit the dangers here presented, and not all of them are bound by the extremism of some others. But by their own emphasis upon behavior, *their* behavior is what is ultimately conclusive. And where could the behavior of lawyers be better studied than in our greatest constitutional crisis of modern times, indeed of the whole history of the Republic?

There were some twenty Realists in the original listings. Of the twenty, seven were active anti-court people in the enlargement fight, four were members of the Administration which launched the attack, six made no public statement one way or another, two had died, and one, just one, Corbin of Yale, was, as stated, vigorously opposed. "What officers of the law do about disputes," says one Realist author, "is, in my mind, the law itself." What the Realists did in the court enlargement controversy is, in *my* mind, Realism itself.

Now please, again, do not misunderstand me. I'm not saying here that everybody who was for the court plan was also for the railway settlement of 1941. Certainly and emphatically I'm not saying that the 1933 men were one and all confused about the duty of patriots under the espionage laws. I know people who were for the court plan and against the railway settlement and who very emphatically disapprove the abstraction of restricted papers for a foreign power. I know people who were Realists in 1937 and the exact reverse now.

What I'm talking about is an intellectual fashion, a teaching philosophy, a set of attitudes and of assumptions which have left their mark on some key men educated since 1920. What I'm talking about is a recognizable modern way of ratiocination with special applications in the law, but likely in lesser or greater degree to influence all the behavior of its devotees in the law or out.

What results in the law, and, I suspect, to a greater or lesser degree, in the extra-professional conduct of affected lawyers or others influenced by the same tendencies, is an atomistic divorce of thinking and, worse, of acting, from precept, from precedent, from all conceptualism, political or otherwise.

Government and court doctrine is nervous, fluctuant, passionate, subject "on a twenty-four hour basis" to violent change. There emerges the "opportunistic governing class" which one Realist called for. As Hans Kohn has said of comparable tendencies elsewhere, "the ab-

stract majesty of the law is gone. . . . The unforeseen may happen at any moment."

But it has remained for Mr. Justice Jackson, the seventh Roosevelt appointee to the Supreme Court, and himself a court-packer in 1937, to describe the new trends in their naked peril:

> It is a popular current philosophy, with adherents and practitioners in this country, that law is anything that can muster the votes to be put in legislation, or directive, or decision and backed with a policeman's club. Law to those of this school has no foundation in nature, no necessary harmony with higher principles of right and wrong.

"No necessary harmony with higher principles of right or wrong." There, I submit, is the key concept which wraps together the court-pack try of 1937, the railway crisis of 1941, and some of the perjury and espionage trials of the current time. Note, again, I do not say that all the 1933 men turned out to be spies. Emphatically, they did not. But the 1933 philosophy of scientism, of ethical relativism, of a public morality played by ear, of contempt for religion, for principle, for any concept of unchanging natural law, led its practitioners down a common road on which some went much farther than did others. And it is probable that even yet we have only a whisper of a premonition of a hint of the ultimate meaning of this 1933 doctrine to us and to the Republic.

FROM OUR READERS

Mr. Wallace's Point Ten

In printing my letter in your issue of February 26 you left out my answer to Robert McManus's key contention because you did not want to reflect on two individuals by mentioning them by name. I hope therefore, that in the same spirit of fairness which characterized your printing of extracts from my letter you will now print my Item 10, substituting blanks for the names mentioned.

In fairness to the men and women who served me in my outer office in 1935 it is important that there be printed Chester Davis's recollection of what he actually said to McManus as well as my own comments on the statements of both McManus and Davis. Therefore I submit my revision of Item 10 as follows:

10. Chester Davis writes me under date of January 12, 1951 as follows:

> As I wrote previously, I have already told McManus that at the time of the 'purge' I hadn't the slightest idea that any of the men involved in the Department of Agriculture were Communists, and that the only reference to Communists or communism I heard during that period of about a week, was your remark, following my reference to . . . and . . . of your office staff, that you couldn't go along with the Communists — they don't believe in God.

To the best of my knowledge none of us in the top brackets of Agriculture in 1935 suspected anyone in the USDA of being a Communist. Therefore it is very unfortunate that the impression should be left that I thought certain members of my own staff were Communists. Davis uses the phrase "the Communists" and McManus "these Communists." Undoubtedly I told many people on many different occasions that I didn't like Communists and gave as a reason their lack of belief in God. But that was a generalized statement and I know positively that I could not have made a particularized statement such as McManus and Davis infer because I had no acquaintance or dealings with anyone I knew to be a Communist. Categorically I say that I did not in the least suspect the two individuals named by Davis nor do I look on either of them as Communists today. Nor did I suspect anyone else in my office or in the USDA. The two individuals referred to by Davis took the complete American-Allied position during that period from August of 1939 to June 22 of 1941 when Stalin was in alliance with Hitler. I did not know there were any Communists in the USDA until Pressman so testified in 1950.

South Salem, New York — HENRY A. WALLACE

Praise From Governor Driscoll

It is good to have a journal of opinion "devoted to the cause of traditional liberalism and individual freedom." I am pleased that your journal has chosen to challenge "the dead mediocrity of sloganized" thinking.

I have enjoyed reading the articles that have appeared in your magazine. We need support for the proposition that enlightened citizens should determine the destiny of government. We must reject the proposition that it is the task of government to control the destiny of the citizens.

I am sure the *Freeman* will meet the challenge of our time in a courageous and progressive manner, and thus serve a high, useful purpose.

Trenton, New Jersey — ALFRED E. DRISCOLL

Thanking Mr. Sokolsky

George E. Sokolsky's article in the *Freeman* of April 9, "The New Anti-Semitism," was most interesting.

To identify the Jews with communism is an old Hitler gag and is just what Joe Stalin would like us to do. . . . When we see that Julius Rosenberg and his wife are Jews, we must also remember that Judge Irving R. Kaufman, who sentenced them in the New York spy trials, and prosecutor Irving H. Saypol, are also Jews. . . .

New York City — JOHN A. RADKE

Answering The Alsops

In absolute rebuttal to Messrs. Joseph and Stewart Alsop's article "What's Wrong with the Army," published in the *Saturday Evening Post* of February 24, I submit the following.

The Alsops say that in the opinion of many soldiers the American light mortar was "not worth the powder to blow it to hell." Whose opinion, General Marshall's? I spent 168 days on the Island of Luzon doing nothing but utilizing that offensive mobile (artillery) piece and saving American lives in the process. The Alsops belittle our 81 mm mortar crew because it has three more men manning it than the Soviet 82 mm. In component or initial fire position, those "extra" three men give the American mortar an eighteen-round destructive firepower advantage over the Soviet.

Readers, take heed! Constructive criticism is most desirable, but it must be correct, positive and of absolutely unquestionable intent.

New York City — MICHAEL G. FARRINGTON

MOVIE ON A MYTH

By BURTON RASCOE

WE ARE all (or most of us are, anyhow) sentimental suckers for the Philemon and Baucis or the Darby and Joan romantic idyl in any of its variations in prose or verse, on the stage or in the movies. We gurgle and glow with tender, congratulatory emotions at the mere mention of any endearing couple's having attained their golden wedding anniversary.

Therefore, to the vast majority of folk who are out of the Hopalong Cassidy and Harold Teen stage, this movie fan urgently (and almost unqualifiedly) recommends "The Magnificent Yankee" as a sedative and satisfying screen entertainment. It is produced with opulence and care by Metro-Goldwyn-Mayer; it is directed with skill, if not with insight into some of the slight absurdities of the scenario, by John Sturges; and it is an adaptation by Emmet Lavery of his successful play, which, in turn, was based upon former Attorney General Francis Biddle's somewhat gushingly idolatrous biography, "Mr. Justice Holmes."

The movie, as the play was also, is the personal triumph of Louis Calhern in the juicy role of probably the best-mannered, the most worldly wise and most gallant old gentleman we ever had on the Supreme Court bench. So superbly does Mr. Calhern counterfeit all the physical and mental characteritics of mellowing venerability that generations of the present day may, years later, confuse Mr. Calhern with the congenitally dissenting associate justice of the Supreme Court, just as you will find a few old people nowadays who imagine they know all about Queen Victoria's cleverest prime minister and what he looked like when what they really remember is George Arliss in all of his roles, from Paganini to Alexander Hamilton, in which he was always elaborately made up to look exactly like George Arliss.

The movie, even more than the play, has minor flaws of which anyone who has read the comparatively small body of Holmes's published writings (including letters to friends) must be conscious. This misguided effort on Mr. Lavery's part has caused the director and several proficient actors some bewildered and obviously uncertain moments. For three of these actors are called upon to portray Henry Adams, Owen Wister and Mr. Justice Brandeis as animated sophomoric essays in "social significance" instead of adults of intelligence, dignity and importance, each of them quite as biography-worthy as Mr. Justice Holmes, if not more so.

The myth of Holmes's "greatness" has been pumped up almost unceasingly for many years by James Haydon Tufts, Sir Frederick Pollock, Silas Bent, Francis Biddle, Morris L. Cohen, Harold Laski, John Dewey, Jerome Frank, Felix Frankfurter, Benjamin Cardozo, Alfred Lief and a score or more of lesser lights in the juridical and literary world. Even Roscoe Pound and Learned Hand, whose basic legal principles are almost diametrically opposed to those entertained by Holmes, concede to Holmes a mental stature that is nowhere borne out in any of his writings. And the most devastating analyst of Holmes's legal philosophy, the Rev. John C. Ford, S.J., says: "After all he was a great judge, a champion of free speech and of social reform legislation."

Father Ford's grounds for using that adjective, "great," are that Holmes's juridical conduct was exemplary; that he knew the letter of the law and conformed to it; that he respected the consensus regarding proprietary interests and the public good as embodied in common and constitutional law; that he was in favor of the constitutional guarantees of free speech; and that he approved of social reform legislation. But Holmes was in favor of any legislation which reflected the will of the majority that was powerful enough to bring about such legislation and to enforce it — though Father Ford does not add this important qualification, which is an essential factor in Holmes's shallow, materialistic philosophy of expediency.

Such merits as those enumerated do not make a man a "great judge." They merely make him a competent, knowledgeable, reasonable and judicious one — incorruptible, unemotional and common-sensical in his decisions, never influenced by bigotry or private interests. But I have known scores of judges on municipal, county, state and Federal benches who have had all of those qualifications. They would one and all set aside any verdict that declared them "great."

What Holmes thought on any public matter may be gleaned from this small collection of his published writings: "Collected Legal Papers" (1921), "Holmes, His Book Notices and Uncollected Papers" (1936), "Holmes, Speeches" (1900), "The Holmes-Pollock Letters" (1941); and in curiously revealing citations in "Law and the Modern Mind" by Jerome N. Frank (1930), "Justice Holmes and the Nature of Law" by Morris L. Cohen (1931), and several papers in the *Harvard Law Review* by Cardozo, Pollock, Frankfurter and Cohen.

The shallowness of Holmes's philosophy of law and of his philosophy of life is so obvious, so frequently reiterated, and based upon such elementary, crackerbox-atheist tag-lines, "arguments" and "posers," that it is amazing how the rumor got started that he was a philosopher or even a thinker at all. Indeed, John Dewey, when he pounds the drum for Holmes as a moral philosopher, confines himself largely to citations from Holmes in support of Dewey's own basic philosophic position, which is that there is no Certainty except that there are no certainties. When Felix Frankfurter attempts to prove that Holmes was a great moral philosopher he cites the facetious statement, in rather conspicuous bad taste, in which Holmes characterized God, the Absolute and the Law with the "derisive phrase" (as Judge Frank says approvingly), "a brooding omnipresence in the sky." Mr. Justice Frankfurter declares that this and other nihilistic wisecracks show that Holmes "escaped from sterile dogma and romantic impressionism."

Holmes was forthright: he didn't believe in any dogmas at all, sterile or fertile — except one, to which he held very firmly for about seventy years, namely, that Might is Right. Moreover, "impressionism," romantic or otherwise, was so far from any concept in Holmes's mind that he wouldn't even admit having an impression that he was alive. Dr. John Wu thought Holmes was joking when he wrote, "How do you know that you are not dreaming me?" and asked what Holmes meant. Holmes replied:

> I am quite serious . . . You can never prove that you are awake. By an act of faith I assume that you exist in the same sense that I do and by the same act assume that I am in the universe and not it in me. I regard myself as a cosmic ganglion.

That "cosmic ganglion" gibberish is something that Holmes clung to all his life. In another letter to another disciple, he wrote:

> I believe that . . . our personality is a cosmic ganglion, that just as when certain rays meet and cross there is a white light at the meeting point, but the rays go on meeting as they did before, so when certain other streams of energy cross, the meeting point can frame a syllogism or wag its tail.

That is the sort of vocabulary and syntax that resulted when a lot of heads went into a dizzy spin at the first blows from Thomas's and Kelvin's theories of energy, Darwin's "Origin of the Species" and Huxley's lectures on "Man's Place in Nature"; they came to their finest oratorical foliage in the lectures of Robert Ingersoll, and they were part and parcel of the verbal pyrotechnics of Brann, "the Iconoclast."

But Holmes's semantic legs were forever failing him; for, as in a letter to Dr. Wu, he would use such positive words as "an act of faith," and then go right along to assert that all faith is "humbug." His most freqent word was "humbug," appearing oftener than "ganglion." And he would talk about a universe in which "rays meet and cross," and go right along to express doubts that a universe exists, as in "Perhaps the universe, if there is one, has no truth outside the finiteness of man."

He had what he called his "personal fictions," and his "can't-help-thinkings." About these he was very positive while at the same time doubting whether he was a person, whether there are any fictions or can't-helps or any other kind of thinking. These assumptions (he would never call them "beliefs," just as he preferred "seems to be" to "is") were:

1. There is no God; there is no Absolute; there is no Divine Law or Laws; there is no Natural Law; there is no Moral Law. "Our system of morality is a body of imperfect social generalizations expressed in terms of emotion." "The Golden Rule is that there is no Golden Rule." What quite a few of us call the good, the right, the eternal truths and the highest ideals are only "deep-seated preferences," and no more important than a taste for rum and a distaste for beer. When "differences of taste are sufficiently far-reaching," however, "we try to kill the other man rather than let him have his own way." As he once wrote to Lady Pollock, "A dog will fight for his bone," and "that's the whole matter of it."

2. Might makes right. The only right or rights that any individual or any group has, or is entitled to have, are the privileges which the sovereign or the majority or ruling group deigns to grant them. Hitler and Mussolini were Right as long as they had the Might; and if Stalin should defeat us in a war, nothing would be settled except that Stalin was Right and we were Wrong. (Holmes is explicit about this in a commentary on World War one, and he is reiteratively implicit and dogmatic about it in his essay on "The Natural Law" and in other papers. He once said at a funeral: "I know of no true measure of men except the total of human energy which they embody. The final test of energy is battle in some form.")

3. "The sacredness of human life is a purely municipal ideal of no validity outside the jurisdiction." "I see no reason for attributing to man a significance differing in kind from that which belongs to the baboon." "No society has ever admitted that it could not sacrifice individual welfare to its own existence."

4. Holmes's belief in the totalitarian state as against any "fictions" about human rights or the sanctity of the individual were, at all points, identical with Hitler's, even to the sterilization of the "unfit" or the mass cremation of the "unwanted":

> I shall think that socialism begins to be entitled to serious treatment when and not before it takes life in hand and prevents the continuance of the unfit.

A state, according to Holmes, can justify its existence only by its effective use of "cannon fodder." And the state is justified in using any "humbug" about "democracy," "freedom," "equality," "human rights," the "defense of small peoples," or "*Lebensraum*" to put fight into the conscript who already has the state's "bayonet at his rear."

5. Holmes's basic philosophy of law is so appalling that I doubt that the godless Stalin or the neo-pagan Hitler ever entertained more ghastly notions. The Code Napoleon, starkly factual as it is, is based upon an underlying faith in the workings of the Natural Law and a Moral Order. The nearest that Holmes ever comes to admitting that an absolute exists is that appearances seem to indicate that people wish to live, and

> . . . we can say with varying degrees of certainty they can do so on certain conditions. To do it they must eat and drink. It is a necessity of less degree but practically general that they should live in society. Reason working on experience does tell us, no doubt, that if our wish to live continues, we can do it only on those terms that others have laid down [whether we like the terms or not!]

If such statements mean anything — and they are not isolated, casual remarks but basic ingredients of the thin, early nineteenth-century mechanistic broth which Holmes ladled out over a long period of years — they mean that Holmes did not believe there was any such thing as an inner check, a moral conscience, any choice between good and evil, any inner sense of decency, any governance of our conduct beyond fear of the police or awareness of the penalties prescribed for breaking the rules.

In the movie, as well as in the play, Mr. Lavery has set up a futile, silly, hysterical caricature of a man labeled Henry Adams as a symbol of "reactionary defeatism," and makes this fool the kindly butt of Holmes's mighty intellect and patronizing indulgence. There is no historical basis for this slander. If Adams and Holmes had ever been intimate (they never were) Adams would have found Holmes's notions about Energy a mere superficial par-

roting of Sadi Carnot's "Essay on the Motive Power of Heat" (1824). Adams's metaphysical theory of Energy was as far beyond Holmes's comprehension as the Fourth Dimension is beyond the grasp of a street-cleaner.

Again, there is a scene in the movie which depicts Holmes stopping in the street to say to the newly appointed Associate Justice of the Supreme Court, Louis Brandeis, "We must not only consider property rights but human rights also." The actor playing the role of Mr. Justice Brandeis is required to show by the expression on his face that Holmes has just uttered a profound, revolutionary thought which had never occurred to Brandeis before.

This scene is a silly libel on both men. In the first place, Holmes was far too well-bred to condescend to Brandeis. And Brandeis, who had made a career of fighting for human rights, would quite rightly have resented Holmes's talking to him — a man of 60, with a wider background of experience and culture than Holmes — as though Holmes were a magistrate in a juvenile court giving some kindly counsel to a short-pants delinquent. Also, Brandeis must have jolly well known (for he had certainly read Holmes pretty thoroughly) that Holmes thought any talk about "rights" was moonshine, except the rights of the ruler or the state.

Holmes and Brandeis are associated in the public mind as intellectual and emotional twins, standing like Castor and Pollux ideologically, two great "liberals" fighting reaction. This was the result of a double accident: (1) Holmes was such a graceful, clear and witty writer that whenever he wrote a dissenting opinion newspapers nearly always quoted it extensively or in full, confining the majority decision to a bare statement of the points; (2) "Holmes and Brandeis dissenting" often appeared in the Monday morning announcements from the Supreme Court, but not nearly as often as people suppose. Whenever the two were bracketed in dissent, analysis would show that, unless Holmes wrote the opinion for both, their dissenting conclusions were reached by entirely different processes of logic and even from different premises.

Brandeis was a fundamentalist in his belief in moral law, absolutes, eternal verities and good and evil; he stood at Armageddon and battled for his God. Holmes was a literary man *manqué*, an informal essayist in the tradition of Montaigne. I suspect that he often dissented not because he had strong convictions in a case but because dissent enabled him to compose a charming essay, which had no binding force whatever on law or precedent. The majority opinion was final. And that majority opinion was Right, for him; for had he not stated, "The most far-reaching form of power is not money, it is ideas"? And that Power is the only Right?

So enjoy the Darby and Joan story of "The Magnificent Yankee," but leave your intellect at home and don't go to the movie with the erroneous idea that it will improve your education.

DAISY

Of summer's rabble, hail the chief
Where summer's laughter sweeps the field;
Boisterous, rude and open-hearted:
Rich man, poor man, beggarman, thief.

JAMES RORTY

SHAKESPEARE AND THE PSYCHIATRISTS

By THADDEUS ASHBY

IT HAS been suggested to me, by an exponent of the use of psychiatry as a basis for literature, that Hamlet would most certainly be found in a psychiatrist's notebook, and that the "Tragedy of Hamlet" is most certainly concerned with disease. I answer that he wouldn't and it isn't.

We admire Hamlet for his **wisdom,** his hesitance to set the world right by the use of expedient means, and for the timeless quality of the justice in his most musical utterances. A true tragedy tells of the mistakes of a great man. A true tragedy is therefore optimistic: it warns us not to make the same mistakes; it counsels reason and wisdom and tries to tell us what they are; the lesson we learn is healthy, for the tragic hero might have been both happy and great but for certain mistakes. Tragedy is not the pointless dissection of some pointless person's bloody guts.

Tragedy points the right way, by using examples of the wrong way. It was Hamlet who said:

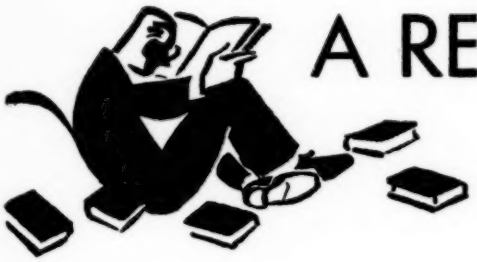
> What is a man
> If his chief good and market of his time
> Be but to sleep and feed? a beast no more.
> Sure He that made us with such large discourse,
> Looking before and after, gave us not
> That capability and god-like reason
> To rust in us unus'd.

This would not be found in a psychiatrist's notebook; there are few patients with that much respect for reason.

The fact that Hamlet may have had an Oedipus complex is entirely beside the point. Shakespeare was more concerned with acts, events, and the grand design of justice, than he was with motivations. Hamlet may have killed his uncle out of jealous love for his mother; that's debatable. What is not debatable is this: Shakespeare had Fate choose Hamlet as her avenging instrument of justice, and it is with Justice that the poet was most concerned.

When the stars are off their courses, is violence justified to put them back? This is the ethical question in "Hamlet," "Julius Caesar," and "Macbeth." Whether the stars were wrenched off their courses by paranoia, schizophrenia, manic-depression, or a desire for intercourse with one's mother, is purely irrelevant in the great tragedies. Modern writers make it relevant because they are not concerned with right or wrong or abstract justice. They are concerned only with what made them the way they are, and with being forgiven — but not with changing for the better.

The aim of psychiatry should be to help a man become what he really is. What he is depends on what he knows and believes. To be great, a writer must believe in great ideas. Psychiatry is not a great idea — it is a *means* to ideas. Writers who turn to psychiatry for situations and characters are trying to find the end within the means. It is creative poverty that drives them to psychiatry.



A REVIEWER'S NOTEBOOK

By JOHN CHAMBERLAIN

James A. Michener is a marked man. He wants to write about what is under his nose, about life in the United States. But ever since his Pulitzer Prize-winning "Tales of the South Pacific" was levied upon by Rodgers and Hammerstein and Josh Logan to make a Broadway musical vehicle for Mary Martin and Ezio Pinza, he has been typed as a literary beachcomber. His public insists that he write about atolls, about the sound of surf on coral rock, and about slim brown Polynesian maids who advertise their easy morals by sticking frangipani flowers in their hair. He can no more escape his literary fate than he can jump out of his skin.

Bowing to the inevitable, Mr. Michener recently returned to the scenes of his wartime success. He has insisted, however, on writing a book ("Return to Paradise," Random House, $3.50) that is something more than a mere collection of moderately romantic tales. Half of "Return to Paradise" is made up of fact-packed essays about the changing life of Polynesia, Melanesia, Australia and New Zealand. The rest of the book consists of stories written to illustrate the themes of the essays.

The stories will bring mild pleasure to any bed-bound reader who likes James Norman Hall or who remembers Jack London's "Jerry of the Islands" with affection. But the best part of "Return to Paradise" is the essay material. The United States Department of State keeps its eyes steadfastly on Europe and tries to forget Asia, but Mr. Michener tells us in many a prophetic sentence that Asia is America's fate. It is in Asia that the world is in flux and ferment; it is here that the wars of the future will start. The great value of "Return to Paradise" is that it never forgets the pressure of Asia on the Pacific Islands and hence on the United States. In Tahiti there are the Chinese. They aren't Communist now, but they will become Communist once their consulate has been thoroughly indoctrinated from Peiping. In Fiji there are the Indians. They already outnumber the native Fijians, and they are breeding like mad. Australia has no "color" problem, but it is a vast and empty land — and extremely tempting to Asiatics who are starving for lack of rice in China and lack of wheat in India. The Japanese are under control for the moment, and the United States stands ready to protect its national shrine at Guadalcanal. But some day the Japanese freighters will be roving the seas again and calling at Sydney and Rabaul.

Meanwhile, pressing on the nations of Asia and forcing them to look to the Pacific, the Soviet Union complicates everything. In the New Hebrides and the Solomons the natives are waiting for the day of "Mazinga Rule," or "Marching Rule" — pidgin English for "Marxian rule." They confidently expect that "Marxian rule" will bring them free shiploads of refrigerators, meat, jeeps, axes and ice-cream stands. And if the United States doesn't counter the "Marching Rule" expectations by providing some sort of future for the islands, the Soviet Union will have a fertile field for agitation.

Mr. Michener is no economist. But you have to go to books like "Return to Paradise" to learn the facts of economic life. Long before England became a Social Service State, the countries of the Antipodes — New Zealand and Australia — had labor governments and welfarist ideas. Mr. Michener does not inveigh against the Welfare State, but he casually notes that

> A totally inadequate labor force plus a rigid 40-hour week means that New Zealand is underproduced in everything except mutton, butter and wool. For example, the country has immense deposits of coal, yet coal is often imported from Australia or even the United States. There is abundance of wool, but carpeting is simply not available. There are fine forests, but no lumber; great wealth, but not enough homes.

And of Australia Mr. Michener says:

> A glaring result of labor's domination is a critical underproduction of everything. Practically all items that go into building a house are unobtainable through normal channels. Bathtubs, toilets, tiles, telephones, cement and steel can not be bought. As a result, the housing shortage is much worse than in America, for even the smallest town is brutally overcrowded.

The answer of Australian labor leaders is that their charges don't want luxuries, they don't want chrome fittings, they don't want night clubs, they don't want the extra things that might be available if the State would only get off people's backs. The Australian labor leaders even hope to unionize the baby sitters, and when they have managed to do that, few people will be able to enjoy the long Australian week-ends. Australians already have plenty of leisure time, but nobody stands ready to serve anybody else in the enjoyment of that leisure.

Mr. Michener is excellent in conveying the atmosphere, the flavor, of social life in the various places he has visited. He makes you feel the super-Anglicanism of New Zealand, the polyglot laziness of Tahiti, the brooding animosity of the Indians on Fiji, the almost insulting independence of the Australians. His novelist's eye and ear are busy even when he is writing his essays. Or perhaps I should say his novelist's eye and ear are busy *especially* when he is writing his essays. For the sad fact is that in only one instance — the short story about the New Zealand girls' behavior in a wartime land bereft of New Zealand men — does Mr. Michener make his fiction more telling than his fact. The essays in "Return to Paradise" are concentrated; the fiction — see "Povenaaa's

Daughter" and "The Story" for examples — is diffuse. Nevertheless, the essays benefit considerably because Mr. Michener is primarily interested in uncovering material suitable for fiction. Mr. Michener is only interested in sociology as it affects human drama, and his forays into the sociological essay are more warmly human than anything a mere essayist or a mere sociologist might have turned out.

Speaking of Asia, there is a new edition of Louis Fischer's gigantic "The Soviets in World Affairs: 1917–1929" (Princeton, two volumes, $10). Mr. Fischer was ardently pro-Soviet when he was writing these books, but that does not negate their value in the least. Written out of Mr. Fischer's immersion in the Soviet archives, "The Soviets in World Affairs" makes it indelibly plain that Stalin's prime consideration is a conquest of the East as the prelude to a conquest of the world. The Borodin adventure in China was a harbinger of things to come. We sincerely hope that Dean Acheson, who seems incorrigibly bent on learning the hard way, will speed his education by spending a couple of nights at home with the re-issue of Mr. Fischer's work. He might come away from the experience with a more favorable view of General Douglas MacArthur's conviction that the fate of Europe is inseparable from the fate of the Far East. This is not to say that Europe is either unimportant or "expendable"; it is merely to say that the Soviets must be opposed most forcibly in the field of their primary endeavor, which is Asia.

MacARTHUR HAS B-R-A-I-N-S

The Riddle of MacArthur, by John Gunther. *New York: Harper. $2.75*

In his foreword Mr. Gunther writes: "To weigh MacArthur against the background of his work in Japan, to say nothing of Korea, is not easy; his career demands the most careful scrutiny, from stem to stern, with all the Far East taken into account." That is a large order. No one, no matter how great his capacities, could fulfill it within the obviously brief time Mr. Gunther gave to this book.

The author's selection of a title for his book seems to me significant. MacArthur was still a riddle to Mr. Gunther when he had finished his book. He did not scrutinize his material with sufficient study to sift the wheat from the chaff and thus arrive at his answer to his riddle.

Mr. Gunther considers General MacArthur an "intricate" character. I disagree. There are few men I have known whose characters are less intricate than General MacArthur's.

Intricate and complicated characters are those whose desires, beliefs and aims are not integrated but move, sometimes in harmony but more often in conflict, for ascendancy one over the other. These conflicting traits therefore seem to pull in varying degrees of strength for control in weaving a pattern in which it is difficult to define the dominating character traits.

Mr. Gunther writes:

> His dominating characteristic, next to courage, is probably ego. Out of this ego which is measureless, come some of his most useful characteristics, like confidence, magnetism and the capacity to inspire utter devotion in his followers. Out of it too come . . . his touchiness and sensitiveness to criticism . . .

Any thoughtful person who will study the record — let alone those who have known him — can come to only one conclusion: MacArthur's dominant attribute is b-r-a-i-n-s — intellect — and his brains are of the highest order. In his field he will rank with the greatest of military leaders, and his record of reconstruction in Japan is without parallel in history. He is in an intellectual class almost by himself in his field, just as Toscanini and Einstein are in theirs. This is due primarily to brains.

My father used to say that great brains without integrity were a menace. MacArthur's great intellect has had and has beneficent meaning for his fellow countrymen and for people of the world because his brains are guided by moral integrity and rigid self-discipline.

When I first met MacArthur in Port Moresby, New Guinea, in the autumn of 1942, the thing that struck me first was: This man is strangely familiar. He was a general with two generations of military background, but there was something about him that kept reminding me of characteristics of my father. It was not his directness — though my father had that. It was not his sense of drama — though my father and every other great figure I have known have had that. No, it was that they both spelled "honor" with a capital "H"; that nothing was worth while without moral integrity. In all that has been written about MacArthur — the searching of his past and present with the finest of combs in pursuit of defamatory matter — not even a whisper has been raised touching his moral integrity.

The two driving dynamic forces within MacArthur that distinguish him from thousands of other brave and unusual human beings are his extraordinary brainpower and the integrity of his character. Strangely enough, I believe that MacArthur's greatest handicap during his military career is that he has seldom had to rub mental elbows on a plane of equality with his mental equals.

MacArthur is charged, as Mr. Gunther puts it, with having a "measureless ego." Others have called him arrogant, conceited, etc. MacArthur is self-centered — more so than anyone I have ever known. But that is not necessarily conceit. His supreme (and to some, irritating) self-confidence is based on a long record of experience. It is the self-confidence of the skilled surgeon with a thousand operations behind him who *knows* what he can do. It is not the conceited assertions of vain inexperience.

MacArthur during the war against Japan showed the courtesy and consideration due to his military colleagues. But the inescapable fact was that when it came to questions of strategy — the decisions that win or lose — MacArthur was the maestro. His colleagues knew it. He knew it. They all recognized it. But that does not usually win popularity contests. It earns admiration and respect, seldom affection.

It is MacArthur's tireless, unceasing concentration on the job at hand — his job — that gives people like Mr. Gunther the impression of "measureless ego." I think they fail to realize that there have been few great leaders in any walk of life — especially those who have bucked prevailing views — who have not had sublime faith in and complete concentration on their chosen task.

I do not want to give the impression that Mr. Gunther's book is prejudiced or that it is not well worth reading. Mr. Gunther writes interestingly and I am sure that he aims at being fair. Where he sets down what John Gunther has seen and heard himself it is just as solid and valuable as John Gunther is a good and accurate reporter. My chief criticism of Mr. Gunther's book is that it makes the mistake made by a good many others: It fails to see MacArthur's qualities in proportion. Some of these qualities are extremely great and others are very small. If we are to see them in proportion, we must first ask ourselves from what position we are going to examine them. Are we looking at MacArthur and his works from the point of view: Would he make a good, intimate friend? Would he be a good hunting companion? Would he make a good author? Would he be a popular member of Rotary or Kiwanis? Or are we going to evaluate him and his career in terms of his military leadership and his capacity for great statesmanship? It seems to me that the confusion about MacArthur arises from confusing qualities and traits in him as a mortal human being with his attributes of leadership in the tasks that have been assigned him.

In the two and one-half years that I worked under his command, I always saw him as two individuals: first, as an ordinary human being with his full share of the foibles, vanities, and little idiosyncrasies that make us mortal; second, as one of the two or three greatest military leaders of modern times, and joined to this, in unusual fashion, a man who had the qualities of great statesmanship.

Anyone who followed MacArthur's relations with the people and governments of Australia and the Philippines during World War II was not surprised at the extraordinary leadership he has provided in the reconstruction of Japan.

No one reading Mr. Gunther's book can fail to see MacArthur's genius. But the picture is blurred because through the pages are a large collection of comments, criticisms, anecdotes and opinions relating to MacArthur as an individual. And many of these will give some readers a distorted or untrue picture of him, both as an individual and as a leader.

With one or two possible exceptions, MacArthur has not made big mistakes. What mistakes he has made are little ones. He is a really great man with small foibles, and little human weaknesses. Some people are so limited in vision they can see only the latter. Incidentally, Mr. Gunther speaks of the idolatry of MacArthur by his staff. I have heard far more penetrating and justified criticism of MacArthur from important members of his staff than from any of his enemies. The loyalty of his staff, at least as I knew it for two and one-half years in World War II, was loyalty to a great commander and the mission assigned him rather than to the private individual.

My last comment is that while Mr. Gunther makes clear that MacArthur is now and for long has been a controversial figure, he fails to make clear the reasons. And an understanding is important if we are to appraise MacArthur's value in the present crisis.

Dislike of MacArthur's leadership comes from five sources:

1. People who dislike traits in his character which make it either difficult or impossible for them to evaluate his capacities as a leader in time of great crisis.

2. From those who think the Far East of comparatively less importance to the United States than Europe. They fear that support for MacArthur's ideas means lessening support for western Europe, and it is hard for them to grasp the significance of the awakening of the teeming millions of Asia. The power and influence of those holding this view in the great organs of public opinion should not be underestimated.

3. From a large segment of the so-called intellectuals. To them MacArthur is a most unwelcome symbol of reality. They appear determined not to face the tremendous troubles arising in 1951 from policies we pursued in the 1940s. MacArthur is an unwelcome symbol of responsibilities for action rather than words.

4. From Communists and fellow-travelers, because MacArthur has been the firmest and most successful leader among democratic nations in resisting their inroads wherever he has had responsibility.

5. Lastly, it comes because he is a doer rather than a sitter. Handed difficult, sometimes seemingly impossible tasks, he takes calculated risks because he knows that in a dynamic world procrastination must mean inevitable defeat. He is quoted as saying that there is no such thing as security; there is only opportunity. Such leadership is poison to those in power in Washington who want such policies as Secretary Acheson advocated a year or so ago for the United States in the Far East: Wait "until the dust settles" in China. That "dust" we waited for has brought us nearly 60,000 American casualties in Korea. And even now neither the Administration nor the United Nations can make up their minds to fight back in Korea, or get out. We wait, and while we wait more and more human beings are turning into casualties. MacArthur has been a symbol of the opposite kind of leadership — he has led while they sat and waited for disaster.

With the reservations I have noted, you will find Mr. Gunther's book has a great deal of valuable observation and comment. It holds your attention, and by the end you have a broad over-all picture of Japan in particular and Asia in general.

PHILIP F. LA FOLLETTE

VIRGIL IN OUR IDIOM

The Aeneid of Virgil: A verse translation by Rolfe Humphries. *New York: Scribner's. $3.50*

This is a remarkably fine translation of a great story. Mr. Humphries is sensitive to the beauties of the "Aeneid" and no less to its interest as sheer narrative. He has used as his vehicle a very special kind of blank verse which gives the tale all the readability of prose while yet preserving the enchantment which only verse can lend. I am not sure that it is the best translation of Virgil ever made, but it is certainly the best for the modern reader, for it is written in the idiom of our day. Even the reader with no particular reverence for the classics as such — perhaps especially that kind of reader — must recognize in the version Mr. Humphries has given us the eternal qualities of the "Aeneid," substance, motion, depth and sheer charm. I am sure all who read it will enjoy it. I hope it reaches the large public that it should have.

THOMAS G. BERGIN

SERVICE INDUSTRY

American Express, by Alden Hatch. *New York: Doubleday. $3.50*

Henry Wells, the founding father of the American Express Company, first went into business in 1841, serving as his own manager, shipping agent, carter and messenger. Through the following year and a half he made weekly trips from Albany to Buffalo, toting parcels in a carpetbag so huge that he had to buy extra railroad and stagecoach tickets for it; these journeys took three nights and two days in a variety of conveyances, all of them unheated. A tough way to make a living, certainly, but by holding on to the handles of that bag Henry Wells raised himself to such an eminence of wealth that he was able to make speeches congratulating his customers, in the expansive style of the Gilded Age, about twenty years later. "When I took your little packages in 1841," he told the merchants of Buffalo, "and you believed that you could trust the Express to see what it would do, you initiated a power for good."

Wells's idea of how to initiate a "power for good" included a large dose of obstreperousness when interfered with; doubtless the experience of sitting on a hard wooden railroad bench for sixty continuous hours each week drove plenty of iron into his soul. Upon learning that a stagecoach operator named Enoch J. Humphrey was about to start a rival express service with the backing of the government, Wells was so irked that he appealed to all businessmen to arise and resist this menacing encroachment. "In a well-regulated country," he announced, "government should do as little as possible of that which the people can do." His bewhiskered customers agreed with him and together they boycotted the government's express line to death. Two years later, in 1845, Wells and his partners were carrying so many packages that *they* decided to go into the post-office business on the side. They may also have thought of giving the government a taste of private competition.

In any case, after surveying his costs carefully Wells came to the conclusion that the government's rate for carrying a letter from New York to Buffalo was fantastic. The government charged twenty-five cents. He figured to make a profit at six cents. He had a batch of orange-colored six-cent stamps printed with his own idea of a proper design ("bearing . . . the head of a lady, as associated with every good work") and soon was carting enough mail to encourage another expressman, one James W. Hale, who ran a line from New York to Boston, to do likewise. Official business declined abruptly in the face of competition from this free-enterprise postal industry, and the government responded by seeking indictments against Wells's messengers on the ground that they were illegally carrying mail. Wells organized mass meetings and circulated petitions; feeling ran so high, according to Mr. Hatch, that express messengers were invariably bailed out by friends of the Company wherever arrested. Finally Wells decided the time was ripe for a peace offer. He proposed to close his postage-stamp department if the government would give him a contract to carry U.S. mail at five cents a letter.

The offer was, of course, refused, and being stumped in the courts the government proceeded to cut the price of official letter postage until it fell below the rate at which Wells or Hale could hope to make a profit, to wit, three cents. The further reduction of postage to one cent is not a part of this story but it is notable, and well worth remembering, that the initiative toward a cheaper postal service was not the result of political philanthropy but of business competition. Meanwhile, Wells turned to other problems. Express service had grown so popular in less than a decade after he began that numerous small operators, pioneers like himself, were setting up a maze of routes north, west and south of New York. Wells forestalled some of this competition by expanding as vigorously as his earnings permitted; he absorbed still more by entering into a series of partnerships, but rate wars were unavoidable and were fought strenuously by all concerned, to the delight of the customers. When both sides were groggy somebody would suggest a merger to save the situation, and the fracas would begin all over again on a larger scale. The formation of the American Express Company in 1850 brought three firms together in an unincorporated association.

Before Wells retired in 1868 the Company, under his management, had installed the first of its many innovations, the COD system of delivery. Others to come later were money orders, travelers' checks and finally the collection of bills for public utility companies. Howard K. Brooks, the employee who started the bill collection service, was a young man with no more than an elementary school education at the beginning, but he managed to complete his education while working in the travelers' check department to such good effect that he could write the first important textbook on foreign exchange to be published in the United States. He even lectured on the subject at the University of Chicago. By 1917, the year of our entry into the first World War, the merger process had reduced the number of major firms in the business to four, leaving only a sprinkling of smaller concerns in the Northwest. When the government seized the railroads all the contracts between express companies and the railroads were canceled; and William G. McAdoo, the newly appointed Director General of Railroads, simply forced consolidation upon them. American Express, like the others, went out of the express business, taking in payment for its equipment, facilities and real estate shares of common stock in the brand-new supercorporation called the Railway Express Agency.

Today the Company is predominantly a freight and tourist forwarding enterprise, with a very lively international and domestic remittance business on the side. Or perhaps the order of these activities should be reversed. It is hard to say. Mr. Hatch, whose book appears to have been commissioned by the Company as a centennial history, has a keen eye for a good story but he is absolutely figure-blind. Almost the only figures one can find in his volume are the numbers at the bottom of each page. This is too bad; the chronicle of the American Express deserves more serious treatment, both for the sake of its contribution to the business history of the past and for the lessons one may draw from its experience for the business future of the service industries of our time.

ASHER BRYNES

FIRE AND FLIGHT

Caught, and Concluding, by Henry Green. *New York: Viking. $3.00 each*

Suppose a novelist conceived of a set of characters in predicaments which would accurately reflect the crucial experience of his times. The novels he would write would not be imitations or reports on reality; instead, these books would be complex processes that discovered, gave order, unity and form to, a critical reality, thus allowing his readers to imbue their own experience with significance and value. Such a novelist would be a moral historian, abreast of or before the fact, creating a current legend.

Should our novelist be alive in our present situation, he might conceive of a character confronted with a choice which may be our own any day. The nation faces attack and the city requires defense. Shall I be a hospital orderly, a member of the home guard, a stretcher bearer, a driver — or a fireman? I have always been afraid of heights: I shall choose to be a volunteer fireman, once and for all to vanquish the desire to throw myself off high places by making a habit of scaling ladders and towers. So might our novelist imagine his hero's thoughts, and, having insight, our author would know that his character feared heights both real and symbolic: he had not as yet accepted his class or role in society. Indeed, he had lived through times in which he had felt a need to renounce and to consume the tradition which had sustained his father; now that he was a father himself he could not accept his son or establish a relationship with him — he feared he might fall or be thrown from the heights he had climbed.

In "Caught," Mr. Henry Green calls such a hero Richard Roe. He gives him a counterpart, a regular fireman whose fortunes rise as those of the high-placed hero fall, both of them caught in the determinism of crisis. Pye is the fireman's name, and he has no child, because of an accident in adolescence in which he made love to his sister beneath a hedge at night, recognizing her too late. The sister is psychotic and Pye blames himself for her illness; Roe and he are drawn together originally when the sister kidnaps Richard's son, and when Pye becomes Roe's instructor in the fire brigade he also becomes his antagonist. Roe becomes a fireman and used to one kind of heights, but Pye as his status rises in the environment of crisis — in which the ruling class are those whose needs society requires — suffers vertigo and breaks, stealing another child in the streets and, when his fraud is found out, committing suicide. Richard is compelled to delve into the heart of the conflagration of London, running away from the flames and returning, persevering, so that when the crisis is past he may keep his place at home and in his land and be himself simply.

Whatever place civilized man has in the world today is under attack, and all of us suffer from the dizziness of those who are about to be pushed from or to throw themselves down from high places. The holocaust we must quench was first set in our hearts, only later to threaten our cities, in a revolt from maternal domination that led us to betray our tradition. We are in confusion as to who we are and how we should act — the "liberals," for example, cling to their chauvinistic dream of an impossible Utopia, while the minions of a totalitarian state use their unity to destroy us. Some of us will make Richard Roe's choice to penetrate and douse the flames; others will give in and try to escape, to isolate themselves or to destroy that which they should defend. Whichever role a man follows, he will be acting centripetally or centrifugally.

Henry Green as a novelist sees humanity as having the dual obsession described symbolically in terms of *fire* and *flight*. In all his novels there are these two families of symbols. Roses, flowers in general, fires — from a spark to the burning of a city in the blitz — represent what could be called the feminine in man, nature and civilization. The need for roots, the conservation of a way of life and a culture, the holding together of home and family and all the forces and habits that contribute to these qualities, are embodied for him in fire symbols. Man also quests, discovers, revolutionizes, escapes, annihilates (not that all these activities are identical); and birds, ships, moonlight, states of fugue, are all made to represent these masculine aspects of humanity.

"Caught" and "Concluding" are elaborate conceits, composed of antitheses and dealing with historical predicaments. Everything has its place and its many-leveled ambiguity. Yet both books are to some extent realistic novels also. "Concluding" is as much of a political novel as "1984" and shares a similar vision of a reverse Utopia. George Orwell might have imagined Mr. Rock, the scientist to whom the state is indebted for a major invention, who by being human is heretic. The nihilistic revolution has progressed to the point that science and reason are witchcraft, mechanism is the thought of the state and the liberating impulse will come from pantheism and magic.

Yes, Mr. Rock is a witch and he has a cat, a pig and a goose as familiars, as well as a half-witted daughter. His livelihood is guaranteed by the state as long as he lives, a grant made decades before and long regretted. He lives in a cottage on the grounds of a school for girls who will become administrators of the authoritarian state, but the headmistresses of the institution wish to oust him. The roses that in "Caught" meant to Roe the country house in which he was born have become rhododendrons growing wild in the park of a building that once was a country home, and to Mr. Rock they are the possible hiding place of a lost girl. Yes, a pupil is lost and Mr. Rock, like gooseygander, wanders upstairs and downstairs, discovering Pan and a secret society of schoolgirls who might be sorceresses. Echoes of "The Odyssey," of nursery rhymes with a political heritage, of the ironies of the Elizabethans, enrich this account of a terrible day in 2003 A.D., during which Mr. Rock contrives to live a little longer. In "Caught," London burned brightly, the fire was put out and England survived; but, in "Concluding," England glimmers faintly in the soul of one old man, who must consort with Pan and countenance sorcery to exist on the periphery of what once had been a culture.

All that happens in "Concluding" has a natural explanation, and an unnatural one. The woodman may be only a licentious man guilty of a sexual offense, or then he could be a demi-god. The cabalistic society of girls — who otherwise are totalitarian automatons, described only by mass, color and categorical qualities, dancing a waltz even with the precision of a complex machine — could be adolescent foolishness; but then the girls could be nymphs and dryads. Rather than a literal tract, this novel is a poetic rendering of a complex transformation

that is going on in human nature. Polemic is replaced with an emotional-ideational compost. You live the situations and hallucinations of the characters.

Coleridge considered the power of the poet to be revealed "in the balance or reconciliation of opposite or discordant qualities." In these two novels, Mr. Green has put this ironic resolution to work on the central problem of our times: the defense of civilization against the barbarians. There is no doubt that both novels are among the best of our era and that they begin a new tradition of conservatism in the novel. As always with conservatism, the new renews the old. Although the style and content may seem experimental at first reading, so did that of T. S. Eliot. The uses of metaphor as serious pun and objective correlative, of double identity plots to mirror the duality of man's plight, of poetic ambiguity to inform the style, and thus innately the thought, with a true universality of meaning: these devices are as old as Donne and Guillaume de Lorris.

Mr. Green is writing about Mr. Coleridge's ideal whole man. He is never a pedant, always a poet. It is his belief that a character in a novel should be as inscrutable to the reader as his own friends. The reader should know a great deal about him, entirely in terms of what he has said and done; but at no point should the reader be able to predict him completely. Mr. Green's art is not realistic, not unrealistic. He is an original.

JOHN FRANKLIN BARDIN

THE MARTYR IMPULSE

The Loved and the Lost, by Morley Callaghan. *New York: Macmillan. $3.00*

"The Loved and the Lost" is Morley Callaghan's first novel in a dozen years. His early work (he has published six novels and two volumes of short stories since 1928) has been compared to that of Hemingway. That Hemingway's influence has matured Callaghan even less than it has matured Hemingway himself is only too obvious after one has put down this book.

It is the story of one James McAlpine, associate professor of history at the University of Toronto. On the strength of an article which appeared in the *Atlantic Monthly* he has been summoned to Montreal (all expenses paid) by the editor of the *Sun* with the idea that he might do a "provocative" column on current events.

This might have worked out in spite of McAlpine's sophomoric views on the world situation (his slant on the United Nations is even less than that) had he not, at the outset, tangled with two women — the editor's divorcée daughter, Catherine, a long-legged girl with wide-spaced glacier-blue eyes, and Peggy Sanderson, a small-town preacher's daughter, who has done a Carol Kennicott to the big city and whose revolt takes the form of frequenting the society of Negroes. She, too, has long legs and that cool look.

Catherine sets him dreaming of marriage but it is the enigmatic Peggy who gets under his skin. Is she Joan of Arc or merely a frustrated girl who wanted the spotlight and has never been able to make the grade? Was her penchant for Negroes just a perverse taste for violence? McAlpine turns his back on the compliant Catherine and jeopardizes his job to find out. He follows Peggy to the squalid room where she keeps open house, then down to the Negro quarter where she spends her evenings in one of the cafés. There she sits "in her little white blouse queening it over the customers." The fact that she repulses his advances, although she has obviously fallen for him, encourages McAlpine to believe that she also repulses the others (both white and colored), but he can't be sure. Finally, one night, she is raped and murdered — by whom, the police are unable to determine. Inasmuch as McAlpine is the last person, outside her murderer, to see her alive, he is involved and as a result loses both Catherine and his job. Not only that; Peggy, like her death, is still unsolved.

Mr. Callaghan is obviously trying to prove something. He doesn't succeed in proving anything except that it doesn't take much to upset a former associate professor of history.

There are, however, one or two rather effective snow scenes in the book.

ALIX DU POY

RELATIONS BETWEEN NATIONS

International Relations in the Age of Conflict Between Democracy and Dictatorship, by Robert Strausz-Hupé and Stefan T. Possony. *New York: McGraw-Hill. $6.00*

The title and size of this volume in conjunction arouse the expectation of a coherent assessment and evaluation of contemporary international relations, and even of a general reasoned program for their conduct. One is led to hope for a treatment that will be developed in the light of the teachings of history as to the relations between powers, and the teachings of political science as to the limits and abilities of man the political animal. Despite a seemingly coherent division of the work into parts, by title properly successive, the hope is disappointed. Why?

The authors have, indeed, certain theses. They insist that the methods of conducting international relations must be tentative and experimental. They seriously doubt whether a lasting era of peace can be attained even by a formal and federal Atlantic union, by reason of the diversity of nations. They urge the competence of cooperative policies, and the great value of a common tackling of non-political issues, as against any attempt to create institutions of formal government on a scale larger than that of existing states. They regard world government as potential tyranny or as unstable illusion. They plead for respect for the diversity of nations, which they apparently deem ultimate. They argue the absolute necessity for preparedness through armaments. They espouse a doctrine of full world leadership by the United States. They urge the essential evil of communism and the incompatibility of the USSR, inspired by that ideology, with the democratic world. They see no hope of accommodation between the two.

At the same time they urge that, for effective leadership and sound foreign policy, the United States must reform its institutional techniques and its practices in the conduct of foreign affairs, and that its people must become enlightened about the realities of foreign policies, lest democracy prove incompatible with needed effective power. They urge above all that foreign policy, resting as it does on internal power, necessitates the substitution internally of morally enlightened ideas and consequent

understanding for ideology, lest democracy in trying to fight fire with fire prove self-defeating, and, even though victorious on the battlefield, lack effective basis for a better order. They argue, too, the necessity for understanding the needs of other parts of the world and of developing genuine economic leadership on the basis of those needs. In particular they insist that the United States and the Latin American countries must alike make Pan-Americanism, at present a myth, into a genuine reality by creating the social-economic foundations for effective harmony in the Americas. Finally, the authors' dominant position is a defense of the realistic power analysis of international relations, though with suitable pleas that power must be informed by reason and morality.

It is not my purpose to denounce these theses, though I happen to disagree with some of them. What concerns me here is that they are not presented as a coherent and consistent argument. Their relationships and their interdependence are not made clear. The book does not present a sustained development of its theses, and perhaps by its nature can not do so. It is full of information, historical and analytical. It digests the views of all sorts of scholars on all sorts of subjects, without proper assessment, and often without clear indication of relevance. It is full of detail which is often meaningless, and sometimes no better than pseudo-scholarly. It is encyclopedic in the bad sense: it lacks the virtues of coherent organization of an encyclopedia. The authors pay due deference to all sorts of viewpoints, and even embrace many of them in a somewhat incoherent eclecticism nowhere better demonstrated than in the first chapter. While their viewpoint is at bottom realistic, in the sense of opposition to naive idealism, the latter part of the work is chuck-full of moral platitudes and aspirations without any real demonstration of how to reach or pursue them. The authors plead for improved understanding and better citizenship, but give no guides to their attainment. To many of the chapters in the last four parts of the book they add appendices of documents with brief introductory notes. These documents, though no doubt interesting to serious students, do not have any coherent and precisely indicated relation to the body of the chapters to which they are appended, and certainly their relevance to the authors' argument is not clear.

Finally, I have the impression that, while the authors are fully agreed on desirable policy, and on the necessity of containment and political defeat of the USSR, they are not really in agreement on basic philosophy. I suggest that what they have done is to present a vast amount of scholarly raw material which might make a useful book of readings or an elementary text intended to indicate all viewpoints and issues. On this work the authors have superimposed theses inadequately argued and related, which, if carefully argued and presented in a small book, might be valuable for the enlightenment of public opinion.

I further deem that a systematic book leading up to the authors' conclusions, or some of them, would have to be done on a different pattern. It would start with an analysis of the nature of man, follow with an analysis of the nature of political society, survey systematically the elements in political dynamics, state carefully the bases of political ethics, and then assess the current situation in the light of the findings previously made. Such a work would be of enormous value, though conceivably it could not be done by the present collaborators. But this vast tome, full of semi-digested and not directly illuminating fact, generously but confusingly eclectic in its use of varied viewpoints, yet ultimately dogmatic without effective demonstration of its dogmas, requires heavy labor to read, and ends with no proportionate enlightenment.

THOMAS I. COOK

CHURCHILL AND STALIN

The Hinge of Fate, by Winston S. Churchill. *Boston: Houghton Mifflin. $6.00*

"The Hinge of Fate," like the three preceding volumes of "The Second World War" series, is an extraordinary piece of writing. Here is grandeur of concept and execution. Here is drama of global sweep and a portrait of the one man who saw it whole. Here is the raw stuff of history shaped by a master hand into the noble mold of literature.

This installment, named for the turn in Allied fortunes, opens with the "torturing defeats" of early 1942. It covers the catastrophes in the Pacific, Britain's campaigns against Rommel, the battles to keep the Atlantic sea lanes clear, the American-British build-up in the British Isles, some aspects of the titanic Russo-German struggle, the launching of "Torch" in northwest Africa. The volume concludes with the preparations for the invasion of Italy.

For today's reader the most significant chapters are undoubtedly those dealing with the author's visit to the "sullen, sinister Bolshevik State" and with the relations between the Western allies and the USSR. "We had always hated their wicked regime," writes Mr. Churchill, "and, till the German flail beat upon them, they would have watched us being swept out of existence with indifference and gleefully divided with Hitler our empire in the East."

Despite his policy of going all-out to support the Russians, Mr. Churchill never had any illusions about the ruthlessness and, above all, the intelligence of Joseph Stalin. When the British Prime Minister explained the projected "Torch" operation to Stalin, the Soviet dictator immediately showed "complete mastery of a problem hitherto novel to him. Very few people alive could have comprehended in so few minutes the reasons which we had all so busily been wrestling with for months. He saw it all in a flash." That is the intellect we are up against today.

It is tragic that so few in the Western world had any conception of what Stalin kept in mind, whether he was wooing Hitler, fighting off the Nazi invasion, convening with Western leaders at Yalta or grabbing Manchuria. Long before most of his contemporaries, Mr. Churchill saw through Stalin's plan to control the world. In his Fulton, Missouri, speech, two years before the Soviet putsch in Czechoslovakia, he warned the free nations to close ranks and resist. For his pains he was denounced from many quarters of the United States. In the light of the Fulton episode, we should read "The Hinge of Fate" with even more respect.

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