

BY

HOWARD FAST

RECENTLY the Supreme Court of the United States refused to grant a rehearing to the 11 convicted Communist leaders, seven of whom are now serving prison sentences of five years each. And this despite the fact that both Supreme Court Justices, Hugo L. Black and William Douglas, have stated that the Smith Act, under which these men were convicted, is unconstitutional.

In a general sense, this means that the Supreme Court underlines the fact that in America a man can be imprisoned for what he says—or even for what he thinks—regardless of whether he engages in any criminal act or not. When the Supreme Court decided against the Communist leaders last June, imprisonment for thought became the law of the land. Now in effect they tell the American people that they see no reason why this law should be changed.

I write this now because to me this is a moment of terrible crisis in the lives of the American people—not a crisis in the lives of one section of our people, but a crisis in the lives of the working class and the middle class, the Negro people and the Jewish people, the old and the young, the poor as well as those who are well to do and comfortable in the lives they live.

In order to demonstrate this, I must tell something of this trial and conviction of the 11 Communists, how it came

about, and what has transpired since. I will endeavor to tell this story as simply as possible, avoiding legal complexities; for this is not a matter of legal complexity.

On the 20th of July, in 1948, a Federal Grand Jury, sitting in the Southern District of New York, brought in an indictment against the twelve members of the National Committee of the Communist Party of the United States. The indictment was brought in under the Smith Act, a measure which had been passed by Congress almost ten years before.

The indictment did not charge the twelve Communist leaders with any crime, any action against the security of the United States, any treasonable activity. It charged them with conspiracy to form an organization which would “advocate the teaching of Marxism-Leninism.” And under the Smith Act, as the indictment was written, if the government could prove that such teaching might some day lead to an overt act against the United States Government, the Communists could be found guilty and sentenced to prison.

The government never proved this; but the Communists—William Z. Foster, because of extreme illness was not tried with the 11 others—were found guilty, and they were sentenced to prison. *For the first time in American*

history, leaders of a political party were sentenced to prison for what they thought and said. For the first time, thought—"dangerous thoughts" as they put it—was made a crime in our land.

I have not space here to go into details of the trial itself. Much of it I saw with my own eyes, and it was as shameless a spectacle as had ever graced an American courtroom, but perhaps no more shameless than the average political trial of our times in our land. More important, for the moment, is the question of why this grotesque indictment was framed at the time it was, what its purpose was, and what results flowed from it.

These are questions which concern every American, and they concern us deeply, as you will see.

Firstly, let us take the time of the indictment. The Grand Jury prepared it during the spring of 1948. Now we have the testimony of Representative Howard Buffett (R-Neb.), in a newsletter sent to his constituents on September 13th, 1951, that during that time there was talk all over Washington that we would be at war with Russia "in thirty days."

Is it a coincidence that this indictment against the Communists was prepared at that very time? Can it be a coincidence, when it is common knowledge that the Communist Party for three years prior to the date of the indictment, had fought a militant, consistent struggle for peaceful relations between America and all other countries? Representative Buffett is highly aware of this, and he states flatly:

"Hitler and Mussolini found the cry 'The Russians are coming!' the perfect weapon with which to enslave their people. But now we know the real peril to those people was not in Moscow. It was

in their own capital cities. Will we learn by their experience before it is too late?"

There is no more meaningful question than that which Representative Buffett asks. Will we learn before it is too late—before we pay a price beyond calculation and imagination?

We did not go to war with Russia then, in 1948. Neither the American people, nor the people of other lands would tolerate a world holocaust then; and can anyone be so insane now as to say that we would be better off if a generation of our youth had perished, if our cities lay in ruins, our fields in ashes? But the Communist party was, in fact if not in law, outlawed—and the Communist leaders were sent to prison.

What is the connection? Well, let us see what has happened since. Since that indictment was brought in—

America, for the first time in our history, is engaged in a major war which Congress never voted, with a country which took no aggressive action against any part of American soil.

Almost a hundred thousand American lads have been casualties in this war. Three million of the Korean people, men, women and children, have perished.

The most merciless measures—unprecedented in our time—have been taken against the Negro people by government agencies. Seven Negro men of Martinsville, Virginia, although known to be innocent, were executed by the state. Willie McGee was executed by the state. Six Negroes in Trenton were framed on a murder charge. And that is only the beginning of enough blood and horror to fill a book*

A man and a woman, whose guilt was never proven, have been tried as atom

* See *Genocide*. CRC, 1951.

spies on what the *National Guardian* calls "framed charges," and have been sentenced to death—the first such sentence in peacetime in American history.

Thousands of innocent men and women have been hounded out of industry and government on loyalty charges. Perjury trials, reminiscent of the Spanish Inquisition, have become, in a phrase Emerson used when he condemned slavery, "the manner of our time."

Half a hundred working class leaders have been arrested under the same Smith Act. The trade-union movement has been torn wide open. The blacklist operates through industry, and the terror of joblessness stalks everywhere.

Some of the best and the bravest American intellectuals have been sentenced to prison, as political prisoners, such men as John Howard Lawson, Albert Maltz, Ring Lardner, Dashiell Hammett, Dalton Trumbo, Samuel Ornitz, Alphaeus Hunton, Frederick Vanderbilt Field, Alvah Bessie—and many others.

A new word, a new horror has been coined in America—"McCarthyism." In the underworld, in gangland, this was known as "the big finger." But today, it has become a part of the pattern of American politics. Senator McCarthy—and he is not the only one who practices it—has become the chief exponent of this shame. He calls men Communists, and thereby he ruins them. It does not matter that they have never been Communists. It does not matter that their hatred of Communism is hardly second to their hatred of McCarthy. It is enough to accuse, and thereby the accused is a ruined man, his career shattered, his friends avoiding him out of the fear of "guilt by association," his future dark and troubled.

What a shameful and awful spec-

tacle we see here in this good land of ours! What a thing it is in the eyes of the world when such men as Henry Wallace and Philip Jessup and Owen Lattimore must try to prove that their anti-communism matches the anti-communism of the "patriotic" McCarthy!

The cooked-up, faked-up, framed-up trial of 11 Communists has turned into a public circus which is destroying the last shreds of honor and integrity in our government. We are becoming a police state, a land where any dissent is attacked as pro-Communism.

Do I exaggerate? Then listen to what Paul G. Hoffman has to say. Mr. Hoffman is president of the Ford Foundation and on the 5th of October he was given the annual Freedom House Award. Both Mr. Hoffman and Freedom House pride themselves on their anti-Communism, but they have learned, bitterly if not completely, that anti-Communism destroys more than Communists. Therefore, Mr. Hoffman admits that "too many of our fellow citizens have been afraid to speak out. In far too many cases, decisions, often in high places, have been influenced by fear."

So says Mr. Hoffman. *But fear of what?*

Fear of the monster of anti-Communism which they themselves created. This is what Mr. Hoffman means. He means a land where lawyers who defend political prisoners are themselves imprisoned, as Vincent Hallinan was in San Francisco, and George Crockett and Harry Sacher and Abraham Isserman and Richard Gladstein and Louis McCabe were in New York. He means a land where the president, Harry S. Truman, who instituted so much of this terror, is in turn threatened by a McCarthy and a Budenz. He means a land

where every man of talent has been driven out of the film industry, where publishers are imprisoned for publishing books on Marxism, as Alexander Trachtenberg was, for editing a magazine, as Victor Jeremy Jerome was, or for publishing independent newspapers, as John Gates and Al Richmond were. He means a land where people are afraid to talk, afraid to think, afraid to protest.

And all this I have detailed is only a part of the score—the rotten, tragic score of those who told us:

“Don’t be afraid. We are not after you. We are after the Communists, only the Communists.”

That is the *great lie* of our times, the Hitlerian lie which grew into a world nightmare. And that is why the day the Supreme Court refused to review the case of the 11 Communists, is a day of crisis and tragedy for all Americans.

Yet the last word lies with us. If only we can see the truth and understand the necessity of our times, we can make this once again the America of Jefferson, Douglass and Lincoln, all of whom said the people were the court of last resort.

You yourself, if you are an American, have an enormous stake in this struggle. The real patriot is he who will not quietly and supinely see all that is good in his nation destroyed. You can stop this and change this. No power is greater than your power—the power of the people

Use your power! Fight back! Protest! Write to the President and let him know how you feel about this! Write to your Congressman, urging repeal of the Smith Act. Write to the Civil Rights Congress about what you can do in this fight! Above all, remember, *you* are the court of last resort!

CIVIL RIGHTS CONGRESS

(WILLIAM L. PATTERSON, *National Executive Secretary*), proudly publishes this third of a series of articles by the noted American author and novelist, Howard Fast.

T E A R O F F A N D M A I L T O :

CIVIL RIGHTS CONGRESS, Suite B, 23 West 26th St., New York 10, N. Y.

- I have written to my Congressman, urging him to work for repeal of the Smith Act.
- I am enclosing \$ as my contribution to the fight for the Bill of Rights.

NAME

ADDRESS