Who's Un-American?
An answer to the "patriots"

John Baer in "Labor"

Keep this for reference in answering attacks on the American Civil Liberties Union, or "patriotic" demands for suppressing "subversive" movements.

AMERICAN CIVIL LIBERTIES UNION
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NOT in years have the principles of civil liberty been so under fire as they are today in the attempt to outlaw by federal and state legislation those charged with advocating the "overthrow of the government by force and violence",—meaning by that definition the Communist Party, all anti-capitalist organizations, and militant labor and farmer movements.

A high-brow attack upon civil liberty comes from certain political journalists, notably Walter Lippmann and Mark Sullivan, who maintain that free speech should be denied to those who would, if they achieved power, deny it to others. This doctrine is professedly aimed at Communists and Fascists alike. Such a proposal is itself part of the philosophy of dictatorship, though Messrs. Lippmann and Sullivan profess to be defending democracy.

In this drive for repressive legislation, backed by the whole host of self-styled patriotic agencies, the American Civil Liberties Union is singled out constantly for attack. The Union is charged with being in effect a Communist organization because it defends the rights of Communists to carry on their agitation just as it defends all others.

Alleged evidence is produced to prove the charge chiefly by references to two official documents:

(1) the findings of the so-called "Lusk Committee" in New York State in 1920, and

(2) the report of the Congressional Committee to Investigate Communist Activities, headed by Hamilton Fish, Jr. in 1930.

Favorite references to private sources of "evidence" are the report by William Green, president of the American Federation of Labor, on "Communist Propaganda in America", submitted to the Secretary of State in 1934, and the "Red Network", a "Who's Who of Radicalism", done in 350 pages by Mrs. Elizabeth Dilling, and widely distributed to sheriffs and chiefs of police throughout the country. Mrs. Dilling has dedicated her book "gratefully" to Senator Clayton R. Lusk as one of the "professional patriots" who has made available the background and information concerning the red movement which is incorporated in her book.

These are the primary sources to which the enemies of civil liberty refer in endeavoring to identify the Civil Liberties Union with the Communist movement and with control by Moscow. This pamphlet analyzes and answers the "evidence".
It should be unnecessary to characterize the professional patriotic societies who are the chief advocates of repression, for they are in fact the enemies of all progressive causes. An examination of their political and economic philosophies shows them to be defenders of the existing property system against change. Most of them are also opposed even to the New Deal's mild reforms. Their leadership is composed mainly of "rugged individualists", mostly of the Republican persuasion. Many are identified with the greatest corporations in America, or with inherited wealth.

The fact that the American Federation of Labor is also identified with the campaign against Communism does not commit that organization to measures of repression. Indeed the A. F. of L. opposes all sedition and similar legislation. It relies on educational and disciplinary measures within the trade-union movement.

The "Patriots" Smoke Screen of "Force and Violence"

The specific measures now being pressed by those "patriotic" agencies to curtail American liberties are:

1. To make criminal the advocacy of "the overthrow of government by force and violence", both by federal and state laws.
2. To make it a crime to incite soldiers and sailors to disobey orders, either by utterances or publications.
3. To deny the ballot to parties which are held to advocate such a doctrine, or "sedition or treason".
4. To require special oaths of loyalty from all school teachers as a means of promoting patriotism.
5. To tighten deportation laws by including all aliens found to be "Communists" or "Fascists".

The operation of laws penalizing opinions, as all these do, is always a weapon of political persecution. However reasonable or
definite on their face, they are commonly extended to attack many who do not in fact advocate the prohibited doctrines. The tendency is to invoke them against the most active opponents of capitalism,—whatever their beliefs,—as if capitalism and the government were identical. Advocacy of violence is held to cover mere prophecies of a remote future revolutionary conflict. The practical effect of such laws is to put into the hands of employers and reactionaries easy weapons to curb militant working-class movements.

It is significant that one of the chief promoters of gag legislation in Congress and state legislatures is the U. S. Chamber of Commerce, the leading organization of employers. It is significant, too, that the chief publicity backer of the “patriotic” organizations is the Hearst press, which bases its anti-radicalism and spurious “Americanism” on loyalty to private initiative, capitalist enterprise and the right to get rich.

It is thus obvious that the attack on alleged advocacy of the “overthrow of government by force and violence” is in effect an attack upon the opponents of capitalism. These patriots confound the protection of capitalism with protection of the American form of government. Patriotism to them means loyalty to capitalism. They oppose any change whatever from the existing property system. Particularly are they determined to permit no advances by militant action of the labor movement. While they pretend to be opposed equally to Fascism and Communism, in fact they encourage Fascism by condoning violence in favor of the existing property system, while punishing severely those who attack that system merely in words.

Their charges of violence are unfounded. Not a single case of an act of violence or the advocacy of violence involving the activities of radical organizations has been proved in the courts. But hundreds of advocacies of violence and acts of violence by reactionaries in defense of property rights go unpunished.

The American Civil Liberties Union is not in favor of making any advocacies criminal, whatever their character, by whomever made, whether by reactionaries, radicals or others. The time for the law to intervene is when acts take place. Language directly inciting to specific acts, committed or attempted, should also be punishable. The American tradition calls for no penalties on words in speech or print.
The Attacks on the Defenders of American Liberty

Here is the exhibit of the official commissions, so frequently cited to prove that the defenders of free speech are Communists at heart.

1. Joint Legislative Committee of the State of New York Investigating Seditious Activities.

The so-called “Lusk Committee”, appointed by a resolution of the New York legislature in March, 1919, and headed by Senator Clayton R. Lusk, produced a report, published in four volumes in 1920, entitled “Revolutionary Radicalism, its History, Purpose and Tactics, with an exposition and discussion of the steps being taken and required to curb it.”

This report is still the chief source of information for attacks on radicals. Its editor was Archibald E. Stevenson, a New York attorney, counsel to the committee, who served in the Military Intelligence during the war and who is now counsel for the National Civic Federation. Mr. Stevenson has been a specialist in construing freedom of speech when applied to radicals as a “subversive” doctrine, and in uncovering revolutionary conspiracies based upon the theory of interlocking directorates.

The Attack on the Civil Liberties Union.

Concerning the American Civil Liberties Union, the reference most frequently quoted from the Lusk Report, reads:

"... The action of these Federal and State officials has been loudly condemned by organized groups of liberals who, by reason of their access to the public prints, have created a widespread sentiment in favor of free speech, so-called. At the present time these advocates of free speech have consolidated their energies in an organization known as the 'American Civil Liberties Union.'...

"If we analyze the position taken by the American Civil Liberties Union, we will find that what is sought is not freedom of speech, freedom of press or freedom
of assemblage, but license. In other words, they see no crime in the advocacy of crime, provided the advice of the agitator is not carried into effect. . . .

"While the Constitution of the State of New York guarantees the right of free speech it also contains the warning that the citizen may exercise it 'being responsible for the abuse of that right.' The effect of the activities of the American Civil Liberties Union is to create in the minds of the ill-informed people the impression that it is un-American to interfere with the activities of those who seek to destroy American institutions.

"The American Civil Liberties Union, in the last analysis, is a supporter of all subversive movements, and its propaganda is detrimental to the interests of the State. It attempts not only to protect crime but to encourage attacks upon our institutions in every form. Many of the members of its committee are undoubtedly sincere in their convictions, but the consequences of their activity are injurious to the public interest."


This is the same old confusion between defense of free speech and support of doctrines. The Lusk committee perverted the whole purpose of the Civil Liberties Union by making it appear the champion and partisan of those whose rights were most commonly violated.

The Lusk Committee Discredited.

The chairman of the Committee, from whom it took its name, Senator Clayton R. Lusk, then Republican leader in the New York Senate, was utterly discredited in 1921 when he was unable satisfactorily to explain his connection with the $27,000 slush fund raised by the New York detectives to push through the legislature the bill he sponsored to give them increased pay and permanent tenure. In his defense before the Meyer Legislative Investigating Committee, Senator Lusk admitted on the stand that the detectives had given him an "empty wallet" and other gifts, and his wife a silver service. Other attentions were showered on his family by the detectives.

He insisted that he sponsored the bill purely as a "friendly" act toward Detectives Sergeant James J. Gegan and Cornelius J. Brown of the Bomb Squad because of the "valuable service" they
rendered the Committee Investigating Seditious Activities. This act of "friendship" would have cost the New York City taxpayers over $750,000 annually if the bill had not been vetoed.

Senator Lusk admitted that he knew the slush fund had been raised but he failed to explain to the public why he had not laid the matter before the District Attorney of Albany County in the same manner that the Lusk Committee placed in the hands of the prosecuting officers evidence of criminal anarchy law violations which the Committee had collected.

Senator Lusk was roundly denounced by the press. The *New York World* in an editorial entitled "Presents for Senator Lusk" (July 20, 1921) commented:

"Nobody will believe that Senator Lusk's interest in the bill providing permanent tenure in office and increased salary for the detectives can be accounted for by two boxes of cigars, a basket of flowers, a leather billfold, a set of silverware presented to his wife, and a trip to Coney Island for his daughter. The acceptance or rejection of such presents is a matter of taste, not of morality. All that can be said of them is that a legislator with an adequate understanding of his responsibilities would have refused to obligate himself even so slightly. . . . The same man who sees Bolshevism in every utterance of free opinion, who has sponsored a report describing the state as honeycombed with revolutionary tendencies . . . might be expected to lend his support to bomb squads and detectives, no matter what they are asking for."

The *New York Tribune* (now the Herald Tribune) in a leading editorial on July 28, 1921, condemned Senator Lusk in an editorial headed "Name Them and Go."

"However Senator Lusk may judge his own conduct, he plainly has outlived his public usefulness—especially his usefulness as a member of the Meyer committee.

"Mr. Lusk is too silverish to have good Republican standing, but before he retires he should either name those whose sense of propriety is the same as his own or else confess that he uttered a mean, cowardly slander—very mean because it brings many under suspicion while giving no chance for anyone to answer."
The *New York Times* in an editorial on the same day entitled "His Anaesthetic Zone" said of Senator Lusk:

"The manner of his defense of indefensible acts indicates not only a want of candor, but the atrophy or absence of politico-moral good taste. . . . So regrettably insensitive to the delicacy of legislative honor is Senator Lusk. So crude is his perception of the distingthedness that becomes a legislator. There is a marked anaesthetic zone in his moral anatomy."

The *Outlook* condemned him as follows (August 17, 1921):

"He (Senator Lusk) has achieved considerable prominence as the head of the so-called Lusk Committee, which insisted upon scrupulous honor and loyalty among our public school teachers and succeeded in passing a series of laws which subject those teachers to tests of character and loyalty. If some legislative committee could now pass an act subjecting senators like Mr. Lusk to similar tests of loyalty to the state and their honor in passing legislation, it might be a good thing."

The *New Republic* said:

". . . No reader of the New York press can fail to note the universal satisfaction at the dramatic conclusion of Senator Lusk's career, owing to his misguided acceptance of presents from the detectives whose services he so amply employed. And when beyond this indiscretion he was led by a clever reporter to make the charge that his colleagues were also in the habit of picking up such unconsidered trifles as $1,000 silver services, the delight rose to a scream. Even the Tribune, Senator Lusk's party organ, hisses, 'Name them and go'."

*The Report Condemned.*

The Rt. Rev. Mnsgr. John A. Ryan, D.D., Director of the National Catholic Welfare Conference, in a letter to the *Nation* (July 27, 1921) characterized the Lusk Report as dishonest:

"The excellent review of the Lusk-Stevenson Report in The Nation for July 13th stresses two important features of that amazing production. The first is mis-
representation of persons whose views are displeasing to the authors of the report; the second is the device of stigmatizing as 'socialistic' or at least revolutionary, every worthwhile proposal of industrial reform.

"May I have space to call attention to the fact that the report manages to commit both these faults in its brief treatment of the attitude of the Catholic Church? In the chapter on "Socialism and the Churches", the report paraphrases and condenses those portions of the Pastoral Letter of the American Hierarchy which emphasized the moral and religious aspect of industrial problems, the rights of the public, and the necessity of the exercise of good-will by both capital and labor, but it ignores the declaration of the Pastoral in favor of labor unions, labor participation in the management of industry, and ownership by the workers of the tools of production. This is misrepresentation by one-sided statement.

"A more flagrant instance of dishonesty occurs in the Bishops' Program of Social Reconstruction: 'A certain group in the Catholic Church with leanings toward Socialism, under the leadership of the Rev. Dr. Ryan, professor at the Catholic University at Washington, issued in January, 1918, a pamphlet called Social Reconstruction, a General Review of the Problems and a Survey of the Remedies.' This is a lie. The authors of the report must have known it was a lie. The second lie . . . is that the members of this Committee (Committee on Special War Activities of the National Catholic War Council in Washington) have 'leanings toward Socialism'. The Rt. Rev. Monsignori on the Committee and Mr. John G. Agar, the Wall Street man, will no doubt be highly amused to find themselves in the category of 'leaners toward Socialism'.

"The second fault illustrated by the Report in its treatment of the Catholic Church is its stigmatizing of reform proposals as 'socialistic'. In the minds of those who prepared this Report the only normal industrial order is that in which the ownership and operation of the instruments of production are concentrated in the hands of a small directing class, while the masses re-
main entirely dependent upon their employers. To advocate workers' ownership of even a part of the instruments of production is 'socialistic'. . . . The industrial creed of the Lusk-Stevenson Report is naked and brazen industrial feudalism."

The *Public*, (July 19, 1919) declared that the Lusk Committee investigation was conducted "after the approved manner of the bigots of Middle Ages":

"The Lusk Committee appointed by the New York Legislature to investigate Bolshevism in the State appears to be suffering from a rush of authority to the head, and has turned itself into an inquisition. Safes have been broken into, papers have been seized, such documents as can be tortured into a semblance of illegality were published with unnatural interpretations without giving the accused an opportunity to be heard or make an explanation. The whole affair is conducted after the approved manner of the bigots of Middle Ages. America, in spite of the Lusk Committee, still stands for a government of law and not of men."

The New York State League of Women Voters, whose chairman was Mrs. Frank A. Vanderlip and its corresponding secretary, Mrs. Vanderbilt Webb, in 1920 issued a report to the Governor and the Legislature upon the danger confronting social welfare bills arising out of the lobby and propaganda backed by the Associated Manufacturers and Merchants and promoted by the so-called New York League for Americanism.

The League of Women Voters found a singular conformity of method in the manner in which Senator Lusk of the Lusk Committee, and the so-called League for Americanism, sought to prejudice the public, in an inflammatory manner, against the welfare bills proposed in the state legislature. The report said:

"We are surprised and indignant to find that the prestige of the Joint Legislative Committee to Investigate Seditious Activities (The Lusk Committee) has been used to inculcate similar insidious conceptions with regard to these measures for human welfare and with regard to the advocates of these measures. From evidence in our possession, it appears that the prestige of the Lusk Committee, backed either by public or private
funds, has been used in such a way as to stimulate the belief that the welfare bills are in some way connected with Bolshevism.

“From similar evidence it appears that someone presuming to speak for the Lusk Committee has even sought the financial aid of the unscrupulous, so-called League for Americanism, to further this kind of unauthorized and extraordinarily partisan propaganda. We feel obliged to ask: What responsibility had the Lusk Committee for the distribution of matter referring to the so-called Lusk investigations and designed to inflame public opinion against the chief welfare measures and their advocates? What funds, public or private, were used to pay for such misleading publicity of a kind utterly remote from the authorized objects of the Joint Legislative Committee to Investigate Seditious Activities?”

The Lusk Bills Repealed.

Governor Smith campaigned in 1922 on the issue, among others, of repeal of two of the laws championed by the Lusk Committee. They were repealed. In signing the repeal bills, he said: (May 23, 1923)

“I am affixing my signature to the two acts which have for their purpose the repeal of the so-called Lusk Laws. I am satisfied that they should not remain upon the statute books of this state, because they are repugnant to the fundamentals of American democracy.

“Under the laws repealed, teachers, in order to exercise their honorable calling, were in effect compelled to hold opinions as to governmental matters deemed by a state officer consistent with loyalty; and, further, no private school could be maintained in this state unless its teachings were similarly satisfactory to certain officials of the state. Freedom of opinion and freedom of speech were by these laws unduly shackled, and an unjust discrimination was made against the members of a great profession.

“In signing these bills, I firmly believe that I am vindicating the principle that, within the limits of the penal law, every citizen may speak and teach what he believes.”
Governor Smith had previously vetoed one of the bills sponsored by the Lusk Committee setting up a system of "spies and secret police," saying:

"The safety of this Government and its institutions rests upon the reasoned and devoted loyalty of its people. It does not need for its defense a system of intellectual tyranny which in the endeavor to choke error by force, must of necessity crush truth as well."

2. The Congressional Committee Investigating Communist Activities.

This Committee was appointed by House Resolution 220 early in 1930, headed by Representative Hamilton Fish, Jr. The Committee after an exhaustive investigation all over the country made a report to Congress on Jan. 17, 1931.

Referring to the American Civil Liberties Union and its director, Roger Baldwin, the Report said:

"The American Civil Liberties Union is closely affiliated with the Communist movement in the United States, and fully 90% of its efforts are on behalf of the Communists who have come into conflict with the law. It claims to stand for free speech, free press and free assembly; but it is quite apparent that the main function of the American Civil Liberties Union is to attempt to protect the Communists in their advocacy of force and violence to overthrow the government, replacing the American flag by a red flag, and erecting a Soviet government in place of the Republican form of government guaranteed to each state by the Federal Constitution.

"Roger N. Baldwin, its guiding spirit, makes no attempt to hide his friendship for the Communists and their principles. He was formerly a member of the I.W.W., and served a term in prison as a draft dodger during the war. This is the same Roger N. Baldwin that has recently issued a statement 'That in the next session of Congress our job is to organize the opposition to the recommendations of the Congressional Committee Investigating Communism.'
Roger Baldwin's Testimony Distorted

In his testimony before the Committee he admitted having said at a dinner held in Chicago that the 'Fish Committee recommendations will be buried in the Senate.' Testifying on force and violence, murder, etc., the following is quoted:

Chairman: Does your organization uphold the right of a citizen or alien—it does not make any difference which—to advocate murder?

Mr. Baldwin: Yes.

Chairman: Or assassination?

Mr. Baldwin: Yes.

Chairman: Does your organization uphold the right of an American citizen to advocate force and violence for the overthrow of the Government?

Mr. Baldwin: Certainly; in so far as mere advocacy is concerned.

Chairman: Does it uphold the right of an alien in this country to urge the overthrow and to advocate the overthrow of the Government by force and violence?

Mr. Baldwin: Precisely on the same basis as any citizen.

Mr. Chairman: You do uphold the right of an alien to advocate the overthrow of the Government by force and violence?

Mr. Baldwin: Sure; certainly. It is the healthiest kind of thing for the country, of course, to have free speech—unlimited.

What Roger Baldwin Really Said.

The quotations from the testimony of Roger N. Baldwin, director of the Union, were purposely selected in order to make him appear to be an advocate of assassination and murder. The exact testimony, taken from the printed hearings, shows the Committee's deliberate distortions. (Part I, Volume No. 4, pages 405 to 417.)

Chairman: Mr. Baldwin, does your organization uphold the right of an American citizen to advocate force and violence for the overthrow of the Government?
Mr. Baldwin: Certainly, in so far as mere advocacy is concerned.

Chairman: Does it uphold the right of an alien in this country to urge the overthrow and advocate the overthrow of the Government by force and violence?

Mr. Baldwin: Precisely on the same basis as any citizen.

Chairman: That is not your personal opinion?

Mr. Baldwin: That is the organization's position.

Chairman: That is the position of the organization?

Mr. Baldwin: Also the position of two justices of the Supreme Court.

Mr. Bachmann: And you have no limit on the extent to which a man may go in expressing his ideas or opinions about the Government?

Mr. Baldwin: In so far as expressions are concerned, no. The old common law and the old statute laws which were in effect before the war, is the position which we take.

Mr. Bachmann: Would your organization go so far as to defend a man if he committed an overt act?

Mr. Baldwin: Oh, no. We draw the line at either the overt act, or attempted act.

Mr. Bachmann: The minute he makes an attempt, or the overt act is committed, your organization would not defend him?

Mr. Baldwin: We leave him there.

Mr. Bachmann: You would not have anything to do with it?

Mr. Baldwin: No; because the theory of free speech is, if you allow people to talk, they won't act to put into effect their revolutionary principles.

Mr. Bachmann: That is pretty good theory.

Mr. Baldwin: It is the Hyde Park theory, the old familiar theory.
The Chairman: Does your organization uphold the right of a citizen, or alien, it does not make any difference which—to advocate murder?

Mr. Baldwin: To advocate murder?

The Chairman: Yes.

Mr. Baldwin: If it is mere advocacy?

The Chairman: Yes.

Mr. Baldwin: Surely.

The Chairman: Or assassination?

Mr. Baldwin: Of course.

The Chairman: Assassination of the President of the United States?

Mr. Baldwin: Well, the law, Mr. Fish, on that matter is this—and it has been established for years in Hyde Park, London—you can, in Hyde Park, London, advocate the assassination of kings and be protected by the King's own guards, but you may not advocate the assassination of the King; you may not advocate the direct incitement to commit the specific act, but may advocate the political philosophy of assassination, which is the same as the law in the United States.

The Chairman: Does your organization uphold the right of a citizen to advocate the assassination of the governor of a particular state?

Mr. Baldwin: I think that would be direct incitement.

The Chairman: You draw the line there?

Mr. Baldwin: Well, we have never had such a case. The people who are going to assassinate governors, or going to overthrow governments, do not talk about it in public. It is purely an academic issue.

The Chairman: They might advocate it?

Mr. Baldwin: They might advocate it; but in ten years' experience, I have never heard of such a case.

The Chairman: But you uphold the right of an alien to advocate the overthrow of the Government by force and violence
Mr. Baldwin: Sure; certainly. It is the healthiest kind of thing for a country, of course, to have free speech—unlimited.

Mr. Baldwin thus stood on the traditional American position of defenders of free speech who draw the line between the word and deed as the basis for action by the public authorities. He even more cautiously excluded specific incitements to acts from the protection of free speech.

How Much Defense of Communists?

The American Civil Liberties Union categorically denies the basic charge made by the Fish Committee that “90% of its efforts are on behalf of the Communists who have come into conflict with the law.”

This charge was based upon testimony that the largest part of the work of the Civil Liberties Union involves the defense of workers whose rights are violated in the struggle between capital and labor.

It is estimated that about four out of five issues or cases handled by the Union in the average year involve the political or civil rights of organized labor and movements expressing a working-class political program. Of these a considerable number involve Communists. The proportion of Communist cases varies, but ordinarily runs about a third of the total of working-class cases. The Communists have their own defense organization, with which the Union cooperates on request, as it does with all the defense agencies. If the proportion of Communist cases and issues seems high, it is only because the attacks on them are greater. Our clients are chosen not by us, but by those who attack their rights.

The Press Answers Mr. Fish.

FIGHTING FREEDOM’S BATTLE

From the Trenton, N. J. Times—March 2, 1931.

“In several respects the Fish Committee report on Communism in the United States is characterized by hysterical exaggeration. But perhaps the most absurd comment in it is the reference to the American Civil Liberties Union as an organization whose “main function is to attempt to protect the Communists in their
advocacy of force and violence to overthrow the government.

"People familiar with the aims and activities of the American Civil Liberties Union will recognize that the Fish allegation is absolutely baseless. In defense of free speech, free press and free assembly, the Union has frequently rallied to the support of groups which are anything but Communistic. The Ku Klux Klan, for example, once enjoyed the backing of the Union on a free speech and free assembly issue.

"Mr. Fish and his fellow committeemen are not doing conservatism a good turn by casting slurs at a body which has persistently and consistently upheld Constitutional guarantees. American liberty would soon deteriorate into a weak rhetorical gesture were it not for organizations which, like the American Civil Liberties Union battle day in and day out in opposition to reactionary restraints of whatever character."

HAMILTON FISH: HISTORIAN

From the Indianapolis Times—February 17, 1931.

In the section of his report dealing with the American Civil Liberties Union, Representative Hamilton Fish made the following sally into the history of American ideals:

"'The principles of free speech, free press and free assembly are worthy of an organization that stands for our republican form of government guaranteed by the Constitution, and for the ideals of Washington, Jefferson and Lincoln, instead of an organization whose main work is to uphold Communists in spreading revolutionary propaganda and inciting revolutionary activities to undermine our American Institutions and overthrow our Federal government.'

"With Mr. Fish's absurd implication that the Civil Liberties Union is Communistic in character or sympathetic with Communistic aims we shall not deal here. But we fruitfully may investigate his apparent notions of the ideals of Washington, Jefferson and Lincoln.

"From what he says we might imagine that if these men were alive today they would be members of the National Civic Federation and the Better America Federation, and would be receiving the alarmist mail service of Harry Jung and Fred Marvin. . . ."
WHO'S UN-AMERICAN?

OUR MR. FISH AGAIN
From the Birmingham (Ala.) Post, February 5, 1931.

"One of the sharpest sections of the Fish Committee report on Communism relates to the American Civil Liberties Union. We may well investigate this as a sample of the accuracy and fairness of the report as a whole. . . .

"If the American Civil Liberties Union puts in most of its time defending Communists, which is an exaggeration, this is only because the Communists are the most persecuted class in our American system today. If the government would leave Communists alone to enjoy their constitutional rights there would be no need for their frequent defense by the Civil Liberties Union or anybody else. The Civil Liberties Union has defended the Ku Klux Klan in its rights to free speech and assembly. Does Mr. Fish allege that this makes Roger Baldwin a Klansman?"

3. The Committee on un-American Activities.

The committee was designated by House Resolution 198 on March 20, 1934, "to investigate Nazi and other propaganda." This committee, inspired by a resolution of Congressman Samuel Dickstein of New York and headed by Representative John W. McCormack of Massachusetts, though appointed to investigate Nazi propaganda, devoted more of its report of twenty-four pages to Communism than to Nazism or Fascism. The Committee's hearings, particularly in its closing days in Washington, were captured by the professional patriots who turned the investigation of Nazism into an investigation of Communism.

No mention was made in the report of the Civil Liberties Union, but the report attacked the American tradition of civil liberties by recommending (1) a federal sedition statute making it a crime to advocate the "overthrow by force and violence of the government"; and (2) a bill making criminal any language urging any member of the military forces to disobey laws or regulations. The committee wholly ignored the fact that the present laws punish every act or conspiracy against the government of the United States except the utterances of single individuals in speech or print. The committee's report in itself is thoroughly un-American.
The *New York Post* (February 16, 1935) warned against using the un-American methods recommended by the committee:

"The House Committee on Un-American Activities and its able investigators are to be commended for having uncovered the first major attempt of its kind in this country; the effort to hire General Smedley D. Butler to be America’s ‘man on horseback’—on Wall Street’s horse . . . .

"It uncovers the connection between the Hitler Government and movements like the Silver Shirts and the American Vigilante Intelligence Federation, and brands them ‘petty rackets’ . . . . Unfortunately, with one exception, the committee’s legislative recommendations could easily play into the hands of the same clique that tried to buy up General Butler for an American Mussolini . . . .

"Typical of the other suggestions is the committee’s proposal for a law to make it a crime ‘to advocate changes in a manner that incites to the overthrow of the Government’. Such legislation, vague in its wording and susceptible to the widest interpretation, would play into the hands of the very forces that sought to use General Butler. It could be used to limit free expression, to break strikes, to crush even mild efforts at financial reform—for in Wall Street anything is ‘subversive’ that threatens privilege or profit. Publicity, and yet more publicity, not legislation, is the corrective. Repression will only evoke sympathy. Suppression will only create suspicion . . .

"The Constitution protects Communists and Fascists as well as Republicans and Democrats. The spotlight of free discussion is the best safeguard of democracy."

Said the *New York Times* (February 16, 1935):

"The House investigating committee has found that there are many dangerous Reds and Communists in this country, and also that we are much exposed to ‘foreign propaganda’. These things it set out to find. If it had not found them, doubtless another investigating committee would have been appointed to investigate the investigators. . . . .
“It is, however, doubtful whether the House Committee is justified in attributing so much of this mischief to foreign sources. We have a fairly good supply of propagandists who are of native stock. Seditious or revolutionary writings from abroad can be matched by similar domestic productions. It is something that gets into the air, as it were, and infects impatient young men and women like influenza. Their cure is not the drafting of drastic new laws to ‘combat’ them, as the House committee proposes, but time and patience and the restored play of economic forces. Our great trouble is internal. We should not be seeing so many Reds if so many individuals and the Government itself were not ‘in the red’. A few doses of old-fashioned American prosperity would do the complaining patients a lot of good.”

Sharp criticism of the committee’s investigation was voiced by Major General Smedley D. Butler, former Commander of Marines, because of its failure to go to the bottom of the alleged Wall Street plot to establish him as a Fascist dictator. General Butler declared in a radio broadcast that he had given the committee a number of “leads” involving the Wall Street conspiracy to recruit an armed force to overthrow the government. The committee admitted that it had substantiated General Butler’s charges and had turned over the information to the Department of Justice for “investigation”.

“But,” General Butler said, “like most committees, it has slaughtered the little and allowed the big to escape. The big shots weren’t even called to testify.”

4. The American Federation of Labor.

Through its president, William Green, the A. F. of L. prepared and distributed a report on “Communist Propaganda in America” submitted to the State Department and to the President of the United States in relation to the recognition of Soviet Russia under date of July, 1934. That report, referring to the American Civil Liberties Union, said:

“Their (the communists) tactics may perhaps be called the tactics of irritation, since the purpose is to
create dissatisfaction as widely as possible and to bring into disrepute the authorities and the established institutions of the country.

"As an example, the American Civil Liberties Union may be cited. Its announced purpose is the defense of those who fall afoul of laws when engaged in endeavors for which the law should offer protection. Its practice is almost exclusively the defense of communists. Among those who have joined it in protest against the use of police action to suppress communism are such Americans as Prof. Charles A. Beard, Susan Brandeis, Dr. Henry Sloane Coffin, Dr. John Haynes Holmes and Dr. John Dewey, all of them non-communists, all belonging to various so-called liberal or progressive groups. Dr. Dewey participates in the activities of the Civil Liberties Union and heads the Peoples' Lobby which seeks to influence legislation. This in turn is interlocked with the National Council for Prevention of War, which cannot be characterized other than as a pacifist organization. Dr. John Haynes Holmes belongs to more radical organizations than he can attend.

"To pursue the subject of interlocking directorates to its conclusion would require almost a volume. . . ."

The American Civil Liberties Union took exception to this attempt to identify the Union as a tool of Communists and demanded of President Green that he make an investigation of his charges. Mr. Green, in a telegram addressed to the Union from San Francisco at the time of the Federation's convention in July, 1934, said:

"I assure you I do not wish to do the American Civil Liberties Union and men associated with it an injustice. I hold many members of the Civil Liberties Union in high esteem and high regard. For this reason will make inquiry suggested in your telegram."

Over a year later no such inquiry has been made, despite repeated requests. The Union, answering Mr. Green's charges, wrote him:

"The extent to which the Union aids Communists is determined entirely by the degree of attack upon
the rights of that movement by the authorities. The Communists have their own defense organization and do not often call upon us for aid. The Civil Liberties Union is not a defense organization as such but rather an agency for dealing with the larger issues of law in legislatures and the courts.

"Your attempt, therefore, to make it appear that we are essentially a Communist defense agency is unfair and unjust.

"Your second point implies that the American Civil Liberties Union is a creature of Communist tactics whose purpose is to create dissatisfaction and to bring into disrepute the authorities and the established institutions of the country.

"This is a wholly unwarranted conclusion and imputes to us motives which none of us entertain. We have no political purpose to serve. Far from bringing authorities and established institutions into disrepute, we help maintain those institutions of freedom to organize and carry on propaganda, which is the heart of democracy. Our long service for instance in the matter of labor injunctions should make that perfectly clear.

"Your statement further implies that the Civil Liberties Union is dominated by Communists who are using the Union for their own purpose. The facts again are against such a conclusion. There does not happen to be a single member of the Communist Party on our Board of Directors or our National Committee, though there are two or three Communist sympathizers. We would not object to having an interested and qualified Communist Party member on our board or National Committee, but we do not happen to have at the moment. At no time of the Union’s history have there been more than two or three Communists identified with our controlling committees.

"It is amazing to see that you should attempt to describe as tools of the Communists those who protest against their suppression. It is good American doctrine which any American should be proud to champion. When you name such persons as Prof. Charles
A. Beard, Dr. Henry Sloane Coffin, Dr. John Dewey and others as sustaining this American principle in relation to Communists, should you not credit them with patriotic motives rather than with being the dupes of Communists?

"The device of tracing connections by interlocking directorates leads to absurd conclusions. By following it, it would be simple to prove that the American Federation of Labor is an agent of Moscow, for there are many boards on which officials of the A.F. of L. sit with persons who in turn sit on boards with Communists or Communist sympathizers."

Mr. Green in reply said:

"I stated to you that I did not classify the American Civil Liberties Union as a Communist organization. It is difficult to understand why you should say in the letter you sent me that 'It is amazing to see that you should attempt to describe as tools of the Communists those who protest against their suppression.'

".... I am of the opinion that no good purpose will be served by reviewing the facts as requested by your Board of Directors or by submitting any further statement regarding the declarations contained in the pamphlet prepared by the American Federation of Labor to which you take exception."

The American Civil Liberties Union answered:

"We will not quarrel with your conclusions if you will examine the facts fairly and base your conclusions upon them, not upon certain speculations which appear in your report—namely, the untenable theory of interlocking directorates and the notion that those who defend the rights of Communists are themselves Communist sympathizers. To any fair-minded person, the only interpretation which can be put upon your report is that the organizations and individuals mentioned are either consciously or unconsciously the tools of Communists."
It should be said that the American Federation of Labor does not share the views of the commercial and patriotic organizations in regard to the suppression of “un-American” propaganda by law. Mr. Green, testifying before the Committee investigating Nazi activities, stated:

"I have never been very much in favor of giving the government power to conduct undercover investigations into the activities of organizations in the United States. Such a course of procedure has always impressed me as leading toward an opening of the door for the imposition of wrongs and the creation of abuses. After all, there is no power in a republic so potent as the power of public opinion. We must rely upon public opinion to preserve our democracy.

"If at any time public opinion in America veers towards Communism you cannot stop it by legislation. . . . The advocacy of Communism and the Communist philosophy is purely a political measure, and I am of the opinion that we must depend upon public opinion to counteract its influence, and its effect and its spread. I would hesitate to recommend that we attempt to do it through the enactment of legislation."

The American Federation of Labor is in the contradictory position of opposing legislation against radicals, but of condemning those who defend their rights.

5. The Chamber of Commerce of the United States.

This body appointed a committee, the membership of which was anonymous, which brought in a report to the annual meeting of the Chamber in Washington in May, 1935, entitled “Subversive Activities in the United States.” The report, widely distributed, proposed measures similar to those of the Committee on un-American Activities,—namely, a sedition bill, exclusion from the mails of all propaganda advocating the prohibited doctrines, making criminal any attempt to create disaffection in the army and navy, making more stringent the alien exclusion and naturalization laws, and providing for a federal secret political police to keep track of subversive activities.

The Chamber of Commerce adopted a resolution based upon the report only on the sedition bill as follows:

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"The spread of propaganda and activity by numerous subversive groups is increasing, their common goal being violent overthrow of the existing economic and social order in the United States.

"So serious has the situation become that it is imperative that the public opinion be used in an effort to find effective ways of combating and counteracting this movement whose purpose is to bring about revolution by force.

"We accordingly urge that Congress enact laws making it a criminal offense to advocate violent overthrow of the Federal Government, or of any form of law, or to advocate injury to Federal officers on account of their official character. All writings which advocate overthrow of our government by force, or which are published or disseminated by an organization promoting such teachings, should be denied the use of the mails.

"Aliens should be admitted to the United States only under the explicit condition that their respective countries of origin will take back their nationals whenever deported by the U. S. Laws governing naturalization of aliens should specifically deny naturalization to persons advocating or associating with groups advocating violent overthrow of the government.

"Attempts to promote insubordination or dissatisfaction among the armed forces of the U. S. should be prohibited. A special agency of the Department of Justice should be established for investigation of violations of such legislation and apprehension of those who are responsible therefor."

It should be unnecessary to characterize the purposes of this employers' organization, opposed, as it is, to organized labor and to any economic reforms.

6. The American Legion.

In a recent questionnaire to correspondents of the Civil Liberties Union throughout the country, the American Legion is named by 85% of them as the most active agent of repression.
The activities reported varied from published attacks on individuals and organizations to violent interference with meetings. The Legion is on record as opposed to radicalism in all forms and loses no opportunity to attack both radicals and others who defend their rights to free speech. The Legion's Americanism Commission under the direction of H. L. Chailleaux, conducts a nation-wide campaign against liberals, radicals and pacifists. The personnel of the Commission is kept secret.

The Commission claims to be as "bitterly opposed to Fascism as to Communism", but while it distributes thousands of copies of the William Green, the Hamilton Fish and the McCormack Committee reports against Communism to each of the 11,000 Legion posts "to be used as a guide against radical activities and to better acquaint them with all radical groups", not a single publication against Fascism is distributed by the Commission.

It is perfectly obvious that the Legion sets up its professed opposition to Fascism only as a screen to cover its real role as an opponent of reforms in capitalism. American Legion acts of mob violence, interference with free speech and assemblage and their attacks on men and women whose interpretation of "patriotism" differs from the Legion's are numerous. While the national headquarters disclaim responsibility for these acts, in not a single instance has a Legion post or a Legionnaire been reprimanded by the national officials for repressive and unlawful acts.

7. Professional Patriots.

It would be impossible to describe in brief compass the host of patriotic forces committed to an Americanism which tolerates no change whatever in the present economic system and which demands even greater and greater national defense. These are the chauvinists and embryo Fascists whose whole philosophy of dealing with discontent, unrest and radicalism, is to suppress them. These are the champions of censorship, gag laws,—and the open shop.

Their chief organ is the National Republic, a monthly journal specializing in patriotism and exposing the radicals, liberals, and pacifists in a department entitled "The Enemy Within Our Gates". Formerly a publication of the National Republican
Committee, it is now privately owned. It specializes in using material prepared by Frederick R. Marvin, an old journalist long associated with the professional patrioteers as a hired researcher and publicity man. It also uses material collected by Harry A. Jung, of the American Vigilante Intelligence Federation of Chicago, of whom even the Congressional Committee Investigating Un-American Activities, said:

"Another of these organizations is 'The American Vigilante Intelligence Federation,' of which Harry A. Jung, Chicago, is the founder, promoter, and honorary general manager.

"Testimony of Jung's secretary, Miss Rose Peterson, taken at Chicago, stated 'we have never gotten around to getting up by-laws or electing officers.' Her testimony and corroborating records showed that a solicitor had been paid 40 percent of all money he collected as his fee and that many nationally-known organizations and individuals had contributed. The committee finds the contributors had no knowledge of the purposes for which the money was used.

"Miss Peterson's testimony showed that Harry A. Jung and the A. V. I. F. had published and circulated great masses of literature tending to incite racial and religious intolerance.

"Because this committee has seen the true purpose behind these various groups, it will lump them together and characterize them as un-American, as unworthy of support and created and operated for the financial welfare of those who guide them and who do not hesitate to stoop to racial and religious intolerance in order to achieve their selfish purposes.

"This activity your committee believes to be distinctly and dangerously un-American and we denounce, without qualification, any attempt, from any source, to stir up hatreds and prejudices against any one or more groups of our people because of either race, color or creed. The guaranty of freedom of religion and the equality of all persons under the law is not only expressly written in our Constitution, but is of the very
essence of American freedom, and any assault upon these guaranties is dangerous and un-American."

Harry Jung, formerly a private detective and the director of a big anti-labor association in the clay products industry, is also one of the inspirers of the work of a Mrs. Elizabeth Dilling of Kenilworth, Illinois, a Chicago suburb, who has immortalized herself among the professional patriots by the "Red Network, a Who's Who and Handbook of Radicalism for Patriots," published by the author, first in 1934. Despite its manifest absurdity, the book has had a wide circulation and sale, (five editions up to early 1935) evidently being sent by interested persons to chiefs of police and sheriffs throughout the country.


As the name of Ramsay MacDonald indicates, "The Red Network" is not confined to the United States. In it appear also as "reds" among other foreigners, Chiang Kai-Shek, President of the Chinese Republic; President Eamon de Valera of the Irish Free State; Dr. Sigmund Freud and the Nicaraguan rebel General, Augusto Sandino. These names, along with a multitude of known radicals, revolutionists, liberals, pacifists and social reformers,—both living and dead—make up a "red conspiracy" based on the theory that anyone who has ever been associated with a movement against the status quo is red. Everyone connected officially with the American Civil Liberties Union at any time in the past fifteen years appears to have gained ready recognition. The book should condemn itself, but it has a surprising acclaim among the professional patriots to whom it is dedicated.

Mrs. Dilling, the wife of a Chicago engineer who attempted unsuccessfully to do some work in the Soviet Union, expressed
her indebtedness for material to Senator Clayton R. Lusk, the authority for her information up to 1920, to Lieut. Nelson E. Hewitt, a "super-expert patriot" who gave the "greatest personal aid of all", Miss Margaret Kerr of the Better America Federation of Los Angeles; Walter Steele of the National Republican, and, of course, Harry Jung of Chicago.

The book is a perfect jumble of facts, notions and inferences. Its purpose is to urge the suppression of all "reds" in order to save the country from Fascism—a good Fascist doctrine!

National patriotic organizations engaged in the un-American business of opposing any changes or reforms and in promoting gag laws are,—to cite only a few of the more enduring among the many,—

The American Coalition of Allied Patriotic Societies at Washington, a loose federation largely under the personal control of one John B. Trevor, a wealthy New York lawyer and former trustee of the Astor estate; a captain of military intelligence during the war, and an associate of Russian Czarist aristocrats,—otherwise violently anti-alien;

The National Civic Federation, an organization professedly to bring capital and labor together, whose secretary Ralph M. Easley, was responsible for the forged anti-Soviet documents, whose publication created the furore in which the "Fish Committee" of 1930 was launched. He has long been associated with Russian Czarist emigres and German Nazis;

The Benevolent and Protective Order of Elks which during the last two years has conducted a national campaign against radicals, presenting a monster petition to Congress for the passage of gag laws; and

The Daughters of the American Revolution, specialists in the campaign for the passage of teachers' loyalty oath bills, whose concept of Americanism is that one revolution settled all issues for all time and who therefore attack the champions of any change whatever, particularly pacifists, liberals and social reformers.

Local organizations, some with considerable influence, undertake to tell the public what is and what is not American,—
all for the purpose of serving the interests of privilege and wealth. Conspicuous among them are the Better America Federation of Los Angeles, the Associated Farmers, Inc. of California, and the Industrial Defense Association of Boston.

Practically all these organizations are not only against radicalism, but against the New Deal and all its works, subscribing to the absurd conception that the President and his "brain trusters" are somehow agents of Moscow attempting to "Sovietize America". The American Civil Liberties Union is often portrayed as the connecting link between Moscow and the "brain trust", some of whose members belong to the Union.

The general political conceptions underlying the activities of these societies, to mention only a few among many, are the maintenance of business supremacy without governmental interference; the building up of an army and navy to the limits demanded by the military men; the suppression by force of all militant opposition to capitalism; a distrust of democracy, and particularly the tradition of civil liberty. This political philosophy obviously has much in common with Fascism.
Additional copies of this pamphlet are free to members of the American Civil Liberties Union. Use it for reference and to answer any attack by these un-American forces on freedom of speech and press.

Those not members of the Civil Liberties Union are invited to join. Use the coupon below.

American Civil Liberties Union,
31 Union Square West,
New York City

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Enroll me as a member of the American Civil Liberties Union at annual dues of ($1.00, associate; $2.00, regular; $5.00 and up, contributing member) $..................

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