

THE

Freeman

MAY 4, 1953

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Nullification by Treaty
The Threat to Your Constitutional Rights

Garet Garrett

Was Bohlen a Blunder?

James Burnham

Agony of the Welfare State

Ludwig von Mises

Peronism at Bay

Eudocio Ravines



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THE Freeman

A Fortnightly
For
Individualists

Editor HENRY HAZLITT
Managing Editor FLORENCE NORTON

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Our Contributors

GARET GARRETT, who has written for various New York newspapers, including the *New York Sun*, the *New York Times*, and the *Wall Street Journal*, was chief editorial writer for the *Saturday Evening Post*, and more recently editor of *American Affairs*. He is the author of numerous books, essays, and articles on finance, economics, and politics.

JAMES BURNHAM is well known to our readers both for his frequent articles in the *FREEMAN*, and his much quoted books on Communism and the strategy we should adopt in opposing it, of which the most recent is *Containment or Liberation*, published in February of this year.

LUDWIG VON MISES is a well-known contributor to the *FREEMAN* on economic and political questions.

EUDOCIO RAVINES knows well the innermost workings of the Communist movement in Latin America, for he was long its most successful leader. He broke with the party in 1941, and is now living in exile in Mexico City. His autobiographical volume, *The Yenan Way*, was published by Scribner's in 1951.

F. A. HAYEK completes in this issue his discussion of the rise of the Rule of Law and its subsequent and recent decline.

EUGENE TILLINGER, foreign correspondent for the North American Newspaper Alliance, has just returned from four months in France and Western Europe.

R. A. PARKER, biographer, critic, and columnist, has conducted extensive research into contemporary cults and myths.

E. MERRILL ROOT, the distinguished poet, has published six volumes of verse and several prose works. He is Professor of English at Earlham College, Richmond, Indiana.

FREDA UTLEY returned in January from an extended stay in Germany, where she collected material for a number of articles and a book in progress. A regular contributor to the *FREEMAN*, her most recent article was "Germany's Dilemma," in our issue of March 9.

A Note to Subscribers

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FROM OUR READERS

Timely Protest

You say in your issue of March 9: "What was even more ominous than the provisions of the [Yalta] agreement was the absence, at the time of its publication, of any loud or audible outcry or protest."

You are wrong. The *Chicago Tribune's* protest was as loud as we could make it, which is said to be tolerably loud. What you call "the normal American ability to distinguish between right and wrong, freedom and slavery," was not "badly blurred" in Chicago.

Here, for example, are the concluding paragraphs of an editorial of February 27, 1945:

The scheme concocted at Yalta is, of course, in direct violation of the letter and spirit of the Atlantic Charter. It is said that those who denounced the charter as a confidence game at the time it was issued have no right now to cite it against the Big Three. On the contrary, when we and others scoffed at the charter it was not because of the principles it proclaimed, which are sound enough, but because it was evident that neither Mr. Roosevelt nor Mr. Churchill meant to abide by them.

The decision of the Yalta Conference proves we were right.

Chicago, Ill.

LEON STOLZ

A Few Words of Praise

Congratulations on your March 23 issue. And particularly upon the "No Rich, No Risk-Bearing." Edward Hunter's "Government by the Insane" also was outstanding. And much appreciated your Four Horsemen of the Kremlin.

Washington, D. C.

CLIF STRATTON

I look forward eagerly to each issue of the FREEMAN—a real American magazine.

Rochester, N. Y.

INEZ ROBINSON

The People Pay

In one of your editorials [March 6, 1953] you say: "... The Secretary of Agriculture's decision to continue the support of dairy products at 90 per cent of parity may cost the government about 100 million dollars in the year starting April 1."

Did someone slip in your office? ... The point is that nothing costs the government anything. The cost, whatever it may be, is paid by individual citizens and by no one else. Whether it be the government, a corporation, a trade union, or any other form of cooperative effort, the cost is always borne by individuals. It is by forgetting this for a moment, or ten minutes, or an hour, now and again, that men acting in the name of government or in the name of some other organization toss heavy burdens on the people.

New York, N. Y. MURRAY T. QUIGG

THE Freeman

MONDAY, MAY 4, 1953

The Fortnight

Once more we are learning the consequences for ourselves of acting as if any truce or peace proposal from the Communists were made in good faith. On April 15 American planes sent up to follow the progress of returning prisoners of war had to fight their way through Communist anti-aircraft fire, only to observe an enemy build-up of supplies for the front all along the roads designated for transporting captives. "Hundreds" of trucks were reported boldly rolling in daylight on supply roads that they usually use only under the screen of darkness. But they bore the agreed markings—large red panels—that immunized them from attack. The result? The next day all the sixty member states of the United Nations voted in favor of a resolution expressing the hope that "the further negotiations at Panmunjom will result in achieving an early armistice in Korea."

A mysterious silence has greeted the announcement that, while the UN is handing over 5,800 sick or wounded prisoners to the Communists in Korea, the Communists have only been able to dig up 600 in return, and of these only 120 are Americans. Rear Admiral John C. Daniel, who is handling the exchange, remarked that this seemed an "incredibly small" number, and asked the Communists for "a more liberal interpretation of your definition of sick and wounded." The refusal was adamant, and Admiral Daniel reserved the right to make "further comment" on the enemy figures. That "further comment" has so far not been made.

Can it be possible that no one in the Pentagon, and no one in the United Nations, and no one in the United States Government remembers in this connection the news broken to us on November 15, 1951, by Colonel James M. Hanley, Judge Advocate General of the Eighth Army, that 3,600 United States prisoners of war were slaughtered by the North Koreans, and another 2,513 by the Chinese Communists? "A record of killing and barbarism unique even in the Communist world," was Colonel Hanley's phrase for it.

The State Department declined comment, but the Defense Department, stating that Hanley's report was released without the knowledge of General Ridgway, said that they had cabled the General for clarification. On the following day General Ridgway clarified as follows: "Of the 10,836 persons still carried as missing in action . . . there is considerable evidence to justify a presumption of death by atrocity of a large number which may approximate 6,000."

He remarked by way of mild rebuke that Colonel Hanley's duties did not "involve responsibilities for the reporting of casualties in the Korean operation," but made it clear that the Judge Advocate had the best possible access to the facts. Subsequently, on November 23, the Defense Department, on the basis of a report from General Ridgway, gave the number of captured United States military personnel slain by the Communists as 8,000.

We ask again: Can the memories of our military and political leaders be so short that they have forgotten these facts? Is their meek request that the Communists revise their standards and make a recount due to pathological forgetfulness? Or are they, in the interest of a policy of appeasement, ignoring the ghastly truth implied by the proposal of the Communists to return 120 sick and wounded American prisoners in exchange for 5,800 prisoners of their own?

And what of our leaders of opinion—the newspaper editors, the columnists, the radio debaters, the news commentators? Is this a case of involuntary amnesia, the "oblivescence of the disagreeable"? Or is this a conspiracy of silence imposed by the new administration in a continuance of the Acheson-Truman effort to get out of the war in Asia without winning it?

On April 11 former President Herbert Hoover made the most constructive proposal for de-socializing electric power that has been put forward by any statesman in the last twenty years. "The objective of the whole proceeding," he explained,

"should be to get the Federal Government out of the business of generating and distributing power as soon as possible." Mr. Hoover's explanation of why his proposal is necessary was no less interesting than the proposal itself. He told in hard figures what twenty years of creeping socialism has meant in the field of Federal electric power. By the middle of this year, the Federal Government will have acquired a generating capacity of about 15,000,000 horsepower, which is about 12 per cent of the utility generating capacity for sale to the public. The burdens and losses which this change, and further programs still afoot, will impose on the American taxpayer, as Mr. Hoover demonstrated, will run into the billions unless the trend is reversed.

Bureaucrats remain bureaucrats. They miss no opportunity to vent their pro-socialist bias even if they serve a Republican State Government. A fine example was provided by the New York State Income Tax Bureau. Its form 201 used to call "Earnings" only the compensation received by employees. By implication, all other income, including that resulting from the exercise of a profession became "unearned" income. In his essay "Profit and Loss" (reprinted in *Planning for Freedom*) Professor Ludwig von Mises referred to this semantic monstrosity as characteristic of the mentality of the bureaus. His critique has apparently had a surprisingly quick success. The new Income Tax Return form 201 has dropped the offending terminology, and no longer reserves the term "Earnings" exclusively for wages and salaries.

Elsewhere in this issue we publish an article by Eudocio Ravines on the sinister collaboration now apparent between Peronism and Communism. This is in part the result of the complete collapse of Perón's totalitarian economic policy. One fact symbolizes that collapse more vividly than any other. In the modern world the Argentine has been one of the great sources of the world's beef. Today there is a shortage of beef in the Argentine itself. Meat shipments into the cities have declined to a trickle; hundreds of butcher shops are closed. Perón's economic policy can be described as consisting mainly in monetary inflation "suppressed" by price-fixing. The economic dislocations and shortages brought about by this have been the chief reason behind the mounting internal opposition to Perón's regime. This culminated in the fatal explosion of bombs when the dictator was speaking to a crowd of 100,000 persons in Buenos Aires. The internal opposition has been followed by the arrest of hundreds of merchants for price-ceiling violations and the arrest of scores of others for the crime of circulating "false and tendentious rumors of alarming nature." Perón is now fighting for his political life. He can hope to stay in power only by increasing the violence of his repressions.

The Korea-Formosa Leak

The government of the United States considers the Republic of Korea and the Republic of China as independent and sovereign nations. It should, we feel, neither think nor act in a manner that puts this position in doubt. But it did think and act as if these two governments were ours to hold or discard, when the Department of State early this month engineered its remarkable leak on possible future policy on Korea and Formosa.

What happened was this: a number of experienced newspapermen, within a few hours of each other, published Washington dispatches suggesting that the United States was considering a division between North and South Korea at the peninsula's waist. The dispatches also said that the future status of Formosa, seat of the Chinese government, might be solved by a United Nations trusteeship.

The reporters whose dispatches relayed this supposed State Department thinking included Anthony Leviero of the *New York Times*, Ray Cromley of the *Wall Street Journal*, Garnett D. Horner of the *Washington Star*, and United Features columnist, Marquis Childs.

These and other dispatches were identical in basic content. Their tenor suggested that they were based on a calculated State Department leak, a trial balloon designed to sound out reaction at home and abroad. Bill Costello, White House correspondent of the Columbia Broadcasting System, alleged that the dispatches were based on a talk which Secretary of State John Foster Dulles had with the correspondents. Costello said Mr. Dulles gave the reporters permission to use his remarks, without attributing them to him and spaced out in a series of dispatches.

When a furor set in, both in Congress and elsewhere, the White House and State Department denied that the dispatches reflected official thinking. The *New York Times'* Washington bureau chief, Arthur Krock, called the incident "another instance of the administration getting its wires crossed and blaming the consequences on the press."

Whoever leaked the State Department's mullings-over to the press, there is one thing we just plainly don't understand. It is this: What was this leak supposed to accomplish? We see only that it has shown our hand to the Moscow and Peiping regimes, that it has weakened our bargaining power vis-à-vis our Red antagonists.

We should, if any leaking was to be done, have suggested the very opposite. We should have said that we stood by our guns, and that all of Korea should be freed from Communist control. We should have strengthened our bargaining power at the negotiations, by restating what we have said right along: that the government of Chiang Kai-shek is the legitimate and recognized government of China.

The Kremlin Itself Confesses

One of the strangest, most bizarre, and most important events in the Soviet Union since the death of Stalin was the abrupt cancelation of the show trial prepared for "the poisoning doctors." It was officially announced last January that nine prominent Soviet physicians, of whom six and probably seven were Jews, had confessed to having murdered two well-known Soviet leaders, Andrei Stcherbakov and Andrei Zhdanov, by prescribing incorrect treatment for their ailments.

As has been the case in previous Soviet treason, murder, and sabotage trials, the reach of these supposed enemies of the proletariat had exceeded their grasp. They had unsuccessfully tried to kill, it was said, leading figures in the Soviet armed forces. They had not acted on their own initiative. They had been taking orders from the Jewish Joint Distribution Committee, a well-known American philanthropic organization, which had acted as an instrument of the American Intelligence Service and had instructed the physicians to "destroy the leading cadres of the Soviet Union." No circumstantial detail was omitted. The go-between in the supposedly sinister doings of the doctors was "the well-known Jewish bourgeois nationalist, Solomon Mikhoels," a famous Soviet actor, murdered under mysterious circumstances several years ago.

The stage setting for a trial designed to point an anti-American and anti-Semitic moral seemed complete. The accused had confessed, thereby fully satisfying the Owen Lattimores, the Corliss Lamonts in America and their opposite numbers in Great Britain and France. More than that, a medical expert commission had confirmed the findings of the investigation. All that remained, it seemed, was to have the physicians produced in court, confess their guilt again, and plead for the death penalty, which would be quickly meted out to them.

But something slipped in the smooth functioning of totalitarian "justice." The harassed physicians themselves probably were in danger of death from heart failure when they were set free and pronounced innocent. An Order of Lenin to a woman physician who had denounced them was canceled.

And the whole method of extorting the "confessions," which for the last two decades have edified foreign Communist sympathizers and puzzled foreigners unfamiliar with totalitarian methods, was laid bare with breathtaking frankness in the Communist Party official newspaper, *Pravda*. When a Soviet citizen, brought to public trial, confesses, it is not news. When a totalitarian state confesses, it is big news, like the man who bites a dog.

"It has been established," writes *Pravda*, "that the testimony of the arrested, allegedly confirming

the charges proffered against them, was obtained by workers of the investigation section of the former Ministry of State Security through the use of methods of investigation which are inadmissible and most strictly forbidden by Soviet law."

This is about as clear an admission of the use of torture as could be imagined. At long last the power of darkness and of evil, enthroned in Russia since 1917, so diabolically expert in extracting degrading confessions from its victims, has itself confessed. Who can now take seriously the admissions in any political trial ever held in the Soviet Union or in any satellite state?

Suspicious skepticism about these trials was aroused from the beginning by the strange discrepancies in the very small amount of the evidence which could be examined and verified outside the Soviet frontiers. For example, in one of the first of these treason and sabotage trials, held in 1930, a group of accused engineers, headed by Professor Ramzin, testified that they proposed to set up a counter-revolutionary government, headed by a prewar Moscow industrialist, P. P. Ryabushinsky, with a tsarist Finance Minister, Vishnegradsky, as Minister of Finance. But both Ryabushinsky and Vishnegradsky had died in exile years before the supposed plot took place.

There were similar curious slips, which the "defense" made no effort to expose or emphasize in the later trials, in which Leon Trotsky, then in exile, was supposedly implicated. One of the defendants declared that he had met Trotsky's son, Sedov, in the Hotel Bristol in Copenhagen. But there was no Hotel Bristol; the only hotel of that name in the Danish capital had been closed in 1917. All the supposed details of the trip of another defendant, Pyatakov, to visit Trotsky in Norway, the arrival by airplane, the length of time required to reach Trotsky's place of residence, etc., were exposed as apocryphal.

Still more significant was the failure of the Soviet Government, after the Red Army had captured Berlin, to produce a single piece of corroborative evidence from Nazi archives to bear out the thesis of the purge trials of the thirties: that there had been extensive Nazi plotting with the followers of Trotsky and high officers in the Red Army.

How confessions are manufactured in Communist political trials is no secret. There are many independent witnesses, the former Swiss Communist, Elinor Lipper, the former Spanish Communist military leader, Valentin Gonzales ("El Campesino"), the former Communist physicist, Alexander Weissberg, the Polish lawyer, Z. Stypolkowski, who have described their experiences under the notorious

“conveyor” method of interrogation. The principle of this torture is night after night of sleeplessness, aggravated by blinding lights playing on the eyeballs of the victims, and compulsion to sit in a fixed position, while relays of investigators shout abuse and badger with repeated questions. The strongest physical and nervous organism is certain to break under this system ultimately.

But it is just as well to have *Pravda's* belated confession on file, for reference in the next big Moscow purge trial. That there will be such a trial is highly probable. Only a very powerful figure could have ordered such an important political step as a public trial of the kind prepared for the doctors. Only an equally powerful figure could have called it off, and with such reckless exposure of the true methods employed in political trials.

The apparent target of the original frame-up was Lavrenti Beria, who would have been logically considered negligent in taking care of state security if it were established that two successful poisoning efforts and several unsuccessful ones were made during his regime. Beria has proved strong enough, for the present, to vindicate his reputation vigorously by discrediting the frame-up. But will the matter stop there?

A state of acute tension behind the forbidding walls of the ancient Kremlin, which witnessed so many revolts, massacres, and palace conspiracies in the time of the old Muscovite tsars, is indicated. It is unlikely that Moscow has seen its last, or its bloodiest, purge.

Wonders of World Wheat

If the International Wheat Agreement expires without renewal on July 31, it will be, ironically enough, because the chief gainer from the old agreement, importing Great Britain, has formally announced its withdrawal, though the chief loser from the old agreement, exporting United States, was willing to sign a new agreement for another three years.

When the International Wheat Council was set up in 1949, it was not another global plan set up in the allied afterglow of the Second World War. It was not created in the image of the United Nations, or any other hopefully contrived international body. Instead, it was the product of a world-wide marriage of convenience.

The Council was supposed to be made up of forty-six nations, four of which were to be major wheat exporters. That would have meant: the United States, Canada, Australia, Argentina, and the Soviet Union.

But the two dictator-governed countries, Perón's Argentina and Stalin's Russia, decided not to join the club. If any selling of wheat was being done, Moscow and Buenos Aires decided, they were going

to sell to the highest bidder, and never mind global wheat bureaucracies.

To stay within the theoretical framework of the Council, however, two substitute wheat exporters had to be found. And they were found, never fear, although their wheat exporting did not really amount to much. The choice fell on France and Uruguay. However, for all practical purposes, it was the United States, Canada, and Australia who wound up on the exporting side.

Looking back, from our non-global American point of view, it turns out that this deal has cost the United States taxpayer something like \$600,000,000. Because the difference between our domestic market price and the wheat agreement maximum had to be paid out of the U. S. Treasury.

Let us not get high and mighty at this point, and blame it all on the wheat-hungry importing countries. Let us look at the wheat grain in our own eye, and observe that Washington desired the political allegiance of the nation's wheat growers as it made this whole deal, back in 1949.

When the global wheat agreement was signed four years ago, it fixed the maximum price sellers could charge at \$1.80 per bushel. But the world price for wheat has, since then, always been very much higher. In the United States, this difference has been around sixty-three cents per bushel—which the Truman administration paid out as a subsidy.

Truman burdened the Eisenhower administration with a heavy political debt to the wheat farmers. The Eisenhower cabinet found itself smack between two most unattractive alternatives: to get itself in bad with the wheat growers; or keep on paying subsidies, so that wheat importers could buy at the fixed price.

The Eisenhower administration did, as it looks now, the politically unavoidable thing. It tried to get a compromise. From next July on, the agreement maximum will be \$2.05 per bushel—which would save the taxpayer a quarter on each bushel, compared to what was paid out during the past four years.

Still, let us keep the record straight. The International Wheat Agreement represents the kind of political realism that undermines economic morality in the long run. Once subsidies start, overproduction becomes chronic, and pressure for more subsidies is unavoidable. The wheat subsidies should be reduced out of existence. Countries as rich as the oil nations of Saudi Arabia and Venezuela can surely pay the going price of wheat. And Germany, where we've been sending most of our wheat, is also able to pay its own way.

While it is well to understand that the Truman Administration left the Washington Republicans with a tricky political dilemma, the final goal should not be in doubt: no pay-offs to pressure groups, at home or abroad.

Nullification by Treaty

By GARET GARRETT

The Constitutional amendment proposed by Senator Bricker is essential if we are to preserve our national sovereignty and our rights as Americans.

Now you may see what happens when, after a prodigious rise in the executive authority of government, the people put forth their hands to limit it. The State Department echoes with cries of distress, and the reigning bureaucracy, sinking all minor differences, unites to throw a fighting defense around it. The people are told they know not what they do. They would weaken American leadership in the world and perhaps destroy mankind's hope of peace.

What seems now to be the issue?

It is this: Shall the Constitution be amended to say that international treaties may not impair the fundamental rights of American citizens, nor strike down the internal laws of the country, without the consent of Congress?

With that one end in view two main proposals are under debate. One is called the Bricker amendment, sponsored by Mr. Bricker and sixty-three other senators, and one is from the American Bar Association. Since the United States has been making treaties with foreign nations for more than one hundred and fifty years, why should anybody think it necessary now to amend the Constitution in that manner? Because now for the first time in our history there is rising among us a fanatic mentality that holds national sovereignty to be an evil, and would use the treaty-making power to overthrow it for the sake of the world.

One of the eminent voices expressing this state of mind is that of Justice Owen J. Roberts, who formerly sat on the Supreme Court bench and now is chairman of the Atlantic Union Committee. At a conference in Ottawa last year he said: "We must decide whether we are to stand on the silly shibboleth, national sovereignty." We must, he said, yield our national sovereignty to some "higher authority—call it what you will." This call-it-what-you-will would be a super-government of the world, invested with power to make "such economic adjustments as are necessary to put the people of all the member countries on an equal level."

There is no way to make all the members of a world government equal but to level down America. Mr. Roberts, and all who think as he thinks, that the superior economic position of this country should be sacrificed to the ideal of a common level, know that what they want, or a good deal of it, could be brought to pass by the treaty-making power of the President.

Regard, first, the fact that this treaty-making power has never been explicitly defined; secondly, that in the interpretation of the Constitution at this point the courts have been equivocal. The Constitution says (Article VI) that: "This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties . . . shall be the supreme law of the land . . . anything in the Constitution or laws of any state to the contrary notwithstanding."

That was all right when it was written. International treaties at that time were not political; they touched only such matters as boundaries, navigation, fishing rights, and maybe migratory birds. The Founding Fathers could not imagine a treaty that involved a sacrifice of the national sovereignty, a treaty that infringed the Constitutional rights of American citizens, nor a treaty that struck down our internal laws. Nor could they have imagined an Owen J. Roberts.

Clarification Needed

So treaties shall be the supreme law of the land. What are the implications of that phrase? During the years the courts have tried again and again to fix the meaning of it, and they have never agreed, so that it still means anything the Supreme Court may say it means in a specific case. In the most celebrated case (*Missouri vs. Holland*) Mr. Justice Holmes held that an act of Congress, to be the supreme law of the land, must be consistent with the Constitution, whereas a treaty is the supreme law of the land if made only under the authority of the United States, which means merely the will of the President, two-thirds of the Senate concurring.

Thus the crucial question is presented. To be the supreme law of the land, must a treaty be Constitutional? Some say yes and some say no, and so have the courts said, sometimes yes and sometimes no. If you are trusting the Supreme Court at last to say yes, you had better look again at the recent steel seizure case. There was a steel strike. On the ground that it put national defense in jeopardy, President Truman seized the steel properties, which he had no Constitutional right to do. The steel people appealed to the Supreme Court and the Supreme Court decided that the President was wrong, but it was a split vote. And it was the Chief Justice himself who argued that under the United

Nations Charter, which is an international treaty, the President had power to do that which under the Constitution he was forbidden to do. His seizure of the steel properties, therefore, was legal—not under the Constitution of the United States but under the Charter of the United Nations. The Chief Justice, happily, was in the minority, supported by only two other members of a court of nine.

On this startling record, Frank E. Holman, past president of the American Bar Association, made the following comment (in a pamphlet entitled “Dangers of Treaty Law”):

The Chief Justice succeeded in getting two other members of the Supreme Court to join him in this extraordinary doctrine whereby the United Nations Charter would be superior to the Constitution of the United States. If he could have succeeded in getting two additional members of the Supreme Court to side with him, the United States would in effect then and there have ceased to be an independent Republic, and we would have been committed and bound by whatever the United Nations does or directs us to do. We would have had a full-fledged world government overnight, and this is exactly what may happen under so-called Treaty Law unless a Constitutional amendment is passed protecting American rights and American law and American independence against the effect of United Nations treaties.

When in the course of change the precise meaning of a law comes to be obscured by many interpretations and gets involved in endless legalistic disputations, the obvious remedy is to clarify it. If the people want the treaty-making power to be confined by the Constitution, beyond any doubt, let them exercise their sovereign right to say so and amend the Constitution accordingly. Why should there be any difficulty about it?

State Department Contradicts Itself

The difficulty is, first, that clarification would limit the freedom of the President to make treaties and agreements with foreign countries (agreements sometimes without the consent of the Senate even though they may be as binding as treaties), and, secondly, that a condition of dimness is very favorable to the extension of the executive authority of government. It becomes, therefore, the business of the State Department not only to defend dimness but to enlarge its area. To that end it issued, among other pieces, a propaganda paper entitled: “Questions and Answers on the United Nations Charter, the Genocide Convention and the Proposed Covenant on Human Rights.”

Question No. 22: “Are the Constitution and American liberties in jeopardy from the conventions and treaties flowing from United Nations organs?”

The answer was: “No. . . . The treaty-making power does not extend so far as to authorize what the Constitution forbids.”

What flatly contradicts the State Department on this point? Well, among others, the Chief Justice of the Supreme Court and two of his colleagues on

the Supreme Court bench—in the steel seizure case.

While the State Department was giving wide circulation to that piece of propaganda, John Foster Dulles, addressing the members of a bar association in Louisville, Kentucky, April, 1952, said:

The treaty-making power is an extraordinary power liable to abuse. Treaties are more supreme than ordinary law, for Congressional laws are invalid if they do not conform to the Constitution, whereas treaty laws can over-ride the Constitution. Treaties can take powers away from the Congress and give them to the President. They can take powers away from the states and give them to the Federal government or to some international body. They can cut across the rights given to the people by the Constitutional Bill of Rights.

Constitutional Amendment Opposed

Now John Foster Dulles is Secretary of State and responsible for State Department policy. In that capacity he appears before the Judiciary Committee of the Senate. He does not retract the words he uttered at Louisville, nor does he disavow the State Department’s propaganda piece, which, according to those words, was false. Nevertheless, he stands with the embattled bureaucracy of the State Department. He defends the dimness in which it likes to work. He is against any amendment of the Constitution that would limit the freedom of the President to make treaties and agreements with foreign countries—against it at least for the present.

On what does he rest this illogical position?

On the grounds, namely, that President Eisenhower can be trusted not to abuse the treaty-making power, that more than some other Presidents he will share it with the Senate, that he is sympathetic to the idea of clarification.

For marginal illumination read in the *New York Times*, April 8, 1953, an editorial entitled “Pathway to Chaos.” It says:

The Bricker resolution to hobble the treaty-making powers of the United States is unnecessary, unwise, and dangerous. . . . The resolution is dangerous because it forbids any treaty that would allow any foreign power or any international organization (meaning the U.N. or one of its agencies) to control the Constitutional rights of American citizens within the United States or any other matter essentially within the domestic jurisdiction of the United States. Such a fantastic proposition could hamstring our participation in all sorts of international agencies that are of world-wide benefit.

Fantastic to propose to limit the executive power of government only so far as to say that it shall not surrender to any foreign or international power the Constitutional rights of the American citizen! The editorial adds: “It is impossible to avoid the conclusion that what Mr. Bricker is really doing is striking a blow for the isolationists against full American participation in the United Nations.”

National sovereignty, *avaunt!*

Was Bohlen a Blunder?

By JAMES BURNHAM

This step-by-step account of the events culminating in the confirmation of our new envoy to Moscow raises startling questions that are in themselves an answer.

1. Shortly after the election, Secretary of State-to-be Dulles asked three retired and respected diplomats—Joseph Grew, Norman Armour, and Hugh Gibson—to serve as a committee to sift State Department appointments. On January 26, Dulles told this committee that he had decided to name Charles E. Bohlen Ambassador to the Soviet Union. Subsequently, Messrs. Grew and Armour stated their endorsement of this choice. Mr. Gibson, who was not acquainted with Mr. Bohlen, felt thereby disqualified from expressing a positive opinion, but he was willing to go along with the judgment of his colleagues.

2. News of the planned appointment soon spread. On February 23, notice was taken of it during the House debate over the abortive “Yalta resolution.” Representative Thaddeus M. Machrowicz, an anti-Acheson Democrat, while criticizing the failure of the White House text to include a repudiation of Yalta, mentioned the “slated” appointment, and remarked: “It will confuse the people behind the Iron Curtain.”

On February 27, the executive’s nomination of Charles E. Bohlen, “Foreign Service officer of the class of career minister,” was submitted to the Senate for confirmation. Although there was no indication at this point that the nomination would be openly opposed, two things were already clear: first, that most Democratic senators, including all who had consistently supported the Acheson foreign policy, were pleased; second, that all Republican senators (except Senator Morse, who on that date still sat on the Republican side) were unhappy. Senator Taft summed up what was apparently the initial attitude of most of the Republicans when he said that he was not enthusiastic about the nomination but that it was a relatively minor question, not worth fighting over. It was assumed that the pill, though bitter, would be quickly and quietly swallowed.

3. On March 2, the Committee on Foreign Relations, under the chairmanship of Senator Wiley, met in executive session to question the nominee. The proceedings failed to bring joy to the hearts of the Committee’s Republican majority. The next morning’s *Baltimore Sun* headlined its story on the session: “Bohlen Backs Yalta Pacts and Truman Foreign Policy. Choice as Soviet Envoy also

Defends Acheson at Senate Group Hearing.” This *précis*, though a little too blunt to cover the syntax of a diplomat, was on the whole confirmed by the text when it was made public three weeks later.

The committee put many questions to the nominee concerning the Teheran, Yalta, and Potsdam conferences, at all three of which Bohlen was officially present. He did not attend, he said, as a “policy-maker.” Bohlen’s definition of this phrase is strict. On March 18 he explained to the Committee that “nobody is in a policy-making position in the Department of State except the Secretary of State or the Acting Secretary.” When, however, the friendly Senator Green tried to help him out of a difficult spot during the March 2 questioning by urging that “he acted simply as interpreter” at Yalta, Bohlen was quick with his rejection: “Senator, might I say this, that I was also an assistant to the Secretary of State at Yalta, and I had a certain advisory capacity. . . .”

With respect to the Yalta agreements, the ambassador-designate found nothing wrong from a 1945 perspective. In 1953, by “hindsight” and “in retrospect,” he suggested two possible “valid criticisms” of the Far Eastern agreement: “First, it was unnecessary; . . . secondly, it was done without the participation of the Chinese Government.” These two points are, in Mr. Bohlen’s opinion, minor, impossible to have noticed at the time, and without “influence on what has happened in China.”

As for the European agreements made at Yalta (and Teheran and Potsdam), Mr. Bohlen had no criticism of any kind, even by hindsight. In spite of Senator Ferguson’s almost begging him to put some qualifying phrase into the record, or at least something neutral *à la* professional technician, Bohlen declined to say a word against the treatment of Poland, for example, in the Yalta agreements, or the provisions for forcible repatriation of Soviet citizens.

“SENATOR FERGUSON. As you say now, hindsight makes Yalta and these other agreements look like a great mistake.

“MR. BOHLEN. I would not say that, sir, for the ones that were relating to Europe. . . .

“SENATOR FERGUSON. You claim now . . . that these agreements were correct governmental agreements so far as America was concerned, but that the interpretation put on them by Russia is what has caused the . . .

"MR. BOHLEN. I would say, sir, I would go further than that; saying . . . it is not so much interpretation as violation. . . .

"SENATOR FERGUSON. Why did we have to surrender the rights of these people and be a party to the surrender?"

"MR. BOHLEN. I don't consider that the agreement at Yalta involved a surrender. It involved the opposite."

It was left for Senator Hubert Humphrey to give the only warm welcome: "I think the President's choice of you as Ambassador to the Soviet Union is excellent. . . . Thank God we have got people in the Government who will take the attitude of forbearance, of honor, particularly in dealing with these great conferences, such as you have."

4. Shortly after the March 2 hearing, a closed meeting of the Republican Policy Committee was held. Senator Styles Bridges declared, as he was later to do on the Senate floor, that he alone had voted against confirmation of Dean Acheson as Secretary of State, and that he would vote, again alone if necessary, against confirmation of Acheson's disciple, Charles E. Bohlen, as Ambassador to Moscow. With this declaration, the quiet swallowing of the pill was over. Now each man would have to be counted, and an open dispute became inevitable.

5. With the chance for routine approval thus gone, a pro-Bohlen publicity campaign had to be mounted. Leadership was assumed by the press and commentators that belong to what is often called the "liberal" or "internationalist" wing of "early" Eisenhower supporters: that is to say, those who in general supported the Acheson foreign policy, but who, reaching the conclusion that Acheson and Truman had become discredited, have hoped that Eisenhower would continue the old policy under new labels and auspices. The *New York Times*, the *Washington Post*, and columnists like Walter Lippmann and the Alsop brothers were vigorous in the Bohlen campaign. Behind them was probably the bulk of the press, at least in the East.

Guerrilla action, in which the salvoes of the *Washington Times-Herald* were the most conspicuous and telling, countered irregularly from the other side.

6. On March 13, exactly midway between Bohlen's nomination and confirmation, there took place an unreported incident which, although it has no direct relation to the Bohlen affair, is a clue in tracing the political pattern of which that affair is a part.

O. K. Armstrong was formerly a Representative from Missouri. He did not run for re-election last November, though he campaigned actively for his party. Politically, he was associated in Congress

with Charles Kersten, author of the "Kersten Amendment" to the Mutual Security Act. Along with Kersten, Walter Judd, and a few others, O. K. Armstrong was conspicuous in the House as a firm or "hard" anti-Communist, one who was consistently ready to initiate or support anti-Communist and anti-Soviet actions.

Armstrong had been, or thought he had been, promised an important job in the Department of State. Even before the inauguration, in fact, this prospect had been publicized, and Armstrong had taken part in public functions as an official-to-be. His expectation was favored by a group of congressmen and senators, most of whom are also known to one or another degree for conscious and long-term anti-Communism. These congressmen had also submitted in the appropriate quarters a list of fifteen or twenty additional names of informed anti-Communists who they thought would be useful recruits for a revived State Department and related agencies.

Somehow, week after week, the Armstrong appointment never came definitely through, and none of the other names got anywhere at all. On March 13 a luncheon was held to put the cards on the table. A dozen or so congressmen and senators (not all Republicans), including Karl Mundt, Joe Martin, Walter Judd, Charles Kersten, and Dewey Short met with Secretary Dulles and Assistant Secretary McCordle.

The result was unambiguous. The members of Congress were informed that Armstrong was not going to get the job (unless he wanted to accept an insignificant post), and that none of those on the list and no one like them was going to get jobs "at this time."

7. On March 18, a new actor in our little drama made his public entrance. His opening lines were funneled through the mask of James Reston's column in the *New York Times*:

"John Foster Dulles," spoke the megaphone, "now has reached the point where he must choose between defying the McCarthy-McCarran-Bridges axis in the Senate or losing the confidence of the men who work for him in the Foreign Service and the State Department. . . .

". . . If he takes anything except a strong position for Mr. Bohlen—even if he quibbles about it—his prestige among the men who must administer his policy here and overseas will suffer. . . . Without their respect and support, he cannot operate effectively."

In a word: blackmail. The controlling upper stratum of the "career Foreign Service," formed under the New Deal-Fair Deal dispensation and still adhering to its international principles, the defenders of John Stewart Service and Edmund Clubb and John Carter Vincent and John Davies as of Alger Hiss in his day—these nonpolitical technicians threaten, through Reston's voice, to

sabotage the foreign policy of their government if their boy doesn't get the blue ribbon.

8. Meanwhile increasing talk was heard about a possible "security problem." A security problem, with its mysterious "file" which no mortal man seems ever actually to see—or perhaps rather to admit seeing—is always difficult and always unpleasant. Yet it is not altogether surprising that some senators became during the course of the Bohlen affair concerned over security.

Senator Wiley reported on March 18 to the Foreign Relations Committee that two days before he had requested a summary of the State Department security file on Bohlen. "My office, however, was called by the State Department and advised that for all intents and purposes there was no security file on Mr. Bohlen because there had never been an investigation made of him. It seemed to me very strange indeed that a man who had occupied confidential positions in the department of the highest magnitude for over two decades should not even have had an elementary loyalty and security check." It seems strange to the rest of us, too, I think, particularly when we recall some of Mr. Bohlen's former colleagues who were also long uninvestigated during those two decades.

It further developed that no FBI "field investigation" had ever been made of Mr. Bohlen until a hurry-up call for one came in connection with this nomination.

The usual legal precision of the Secretary of State's language seemed to break down somewhat on this rough point of security. "I received a day ago a summary of the report of the FBI," he told the Committee. "There is no derogatory material whatsoever which questions the loyalty of Mr. Bohlen to the United States, or which suggests that he is not a good security risk." But a little further on, indirectly confirming Senator McCarran's statement to the Senate—so hotly denounced in the press—that Scott McLeod, the Department's new chief security officer, had not "cleared" Bohlen, the testimony reads:

"SENATOR HICKENLOOPER. Has your security office cleared this file for loyalty and security?"

"SECRETARY DULLES. No. I told you that he [McLeod] said that in view of the fact that this file contained some derogatory information, he did not wish to take the responsibility of clearance."

Was there or was there not "derogatory material"? Senator McCarthy was given the customary treatment for saying there were sixteen pages of it. But Senator Morse, ardently pro-Bohlen, referred first to "two or three," then to "six or seven," and finally to "fifteen derogatory reports" as being in "the file."

As for the favorable material in the file, the only official word we have about it is also from Secretary Dulles: "The approving evidence has not been summarized except by a long list of distinguished

people who gave a complete clearance, and expressed high approval of Mr. Bohlen." To some minds, after the disillusionments of recent years, there is something not fully convincing any more about these lists of distinguished approving people.

Well, it is hard for the ordinary citizen to know what to make of all this. In any case, the security issue here was resolved and dismissed. Senators Taft and Sparkman were appointed to examine the file. On the twenty-fifth, they reported back. It turned out that they had not been able to carry through their exact mission. Taft observed that he "thought we should see the raw file." They did not do so. They, along with Mr. Herman Phleger, the department's legal adviser, looked over the summary. But they declared that they were satisfied, and the matter was then dropped.

All in all this was no doubt a good thing. In the Bohlen affair, the security issue was partly a diversion. With it put aside, the basic meaning of the affair—the political meaning, that is—had to be faced unadorned.

9. The small chance that the White House might withdraw the nomination evaporated on the twenty-sixth. "The President," said the *New York Times*' summary of his remarks, "had listened to Mr. Bohlen's philosophy and so far as the President could see the nominee was the best qualified man for the Moscow post who could be found, and that was the reason his name was sent to the Senate and that was the reason it was staying there."

10. So, on the twenty-fifth and the twenty-seventh, the Senate went to the heart of the matter.

Senator Taft himself, with his usual parliamentary tact, said little. It was for Senator Wiley as Chairman of the Foreign Relations Committee to motivate the decision which was, of course, also Taft's and which was sure to prevail. For both men, as for many others, the "constitutional question" was prominent. "The President," Senator Wiley affirmed, "is entitled to have the men of his choice as his representatives" if there are no "overriding" reasons to the contrary. Testimony indicated that the nominee was technically "qualified," "secure," and loyal. Therefore the Senate should confirm. Both Taft and Wiley were thinking also, we may be sure, of the unity and future of their party, and of the nation's as well as the party's interest that there should not arise a bridgeless gap between the new Congress and the new White House.

These considerations are very weighty. Who has discovered a balance delicate enough to test mechanically a complex political decision?

No Republican senator praised, or even defended, the political substance of the nomination. Senator Knowland honestly recorded his doubts. "If I had had," he said, "the power of appointment, which I did not have, very likely I would have selected

someone else. But that is not the question before the Senate." Senator Hendricksen admitted that he would be voting Aye "with some reluctance." Senator Watkin's Aye would be "in nowise approving all of [Bohlen's] views on foreign policy and his arguments made before the Foreign Relations Committee." Senator Ferguson's speech was a long critique of Yalta, but his pained vote was also Aye.

Eleven Republican senators and two Democrats, a number unprecedented on such an issue so early in a new Administration, judged that political substance had to be put above protocol and party regularity.

Senator McCarthy had declared earlier that however the security question was settled, "I would still oppose his nomination, because I think we should not promote those in this Administration who were part and parcel and heart of the Acheson disastrous, suicidal foreign-policy group." On the twenty-fifth, Senator Bridges spoke at length. "It was my belief," he summed up, "that in November, 1952, the American people repudiated the Truman-Acheson foreign policy. . . . By confirming Bohlen, we put the seal of approval on the sellout of Poland. . . . Like Acheson, he stood by his friend Alger Hiss. . . . He is a partisan, an active partisan of the foreign policy of the Truman-Acheson wing of the Democratic Party. . . ."

On the twenty-seventh, Senator Dirksen spoke against confirmation with good humor and firmness. Herman Welker, Freshman Senator from Idaho, unashamedly troubled that he was compelled to vote in opposition to the President whom he so much admired and for whom he had campaigned so hard, said quite simply: "I have a duty to perform . . . I came to the U. S. Senate well-nigh solely because I had campaigned against the foreign policy of the prior Administration. I campaigned against Dean Acheson, against the Yalta agreement. . . . I could not return to my home state and say that I voted to confirm the nomination of a man who still justifies and defends Yalta."

And then, in his direct Idaho way, he burst the argument by which the nomination had been chiefly defended—that Bohlen is "uniquely qualified" for the Moscow post: "The only person that we could think of who was qualified to play that role," Secretary Dulles had on the eighteenth gone so far as to say. "I am no authority," Senator Welker admitted, "on career diplomats. I have met only one, a man by the name of Loy Henderson, whom I admire very much. I wonder why he was not chosen from the career service to be sent to Moscow, because he impressed me, and many others, as a man who would be feared by Communists and who would fight them down to the last ditch."

Well wondered, Senator! And you might have added that Loy Henderson, too, "speaks Russian"—if that is really a necessary qualification—and has seen his apprentice years of service in the Soviet Union. Your impression that he would be feared by

Communists and would fight them was shared by those who surely ought to know, by the Communists themselves. Igor Bogolepov, an official of the Soviet Foreign Office when Henderson—and also Charles Bohlen—were in Moscow, has testified that his Soviet superiors rated Loy Henderson alone on the American Embassy staff of those days as "hostile."

Then, as a member of a party which in its electoral campaign had called for a dynamic policy of liberation, Senator Welker asked: "What is the thinking of millions upon millions of captive people behind the Iron Curtain today, when they see a representative of the State Department who sat in at all those meetings go into one of the most crucial positions in the world? Does it give them hope? Does it give them faith for the future? I think not, Mr. President."

The Democratic senators quite naturally sat back. It was not their headache. But as in the Foreign Relations Committee hearing, so in the final Senate debate, it did not seem decorous that a vote should be taken without a word of genuine praise for the candidate. As Humphrey had felt it necessary to speak in the Committee, so did Senator Herbert Lehman on the Senate floor. The last words before the business of the tally were his.

"I shall vote for the confirmation of the nomination of Charles E. Bohlen," he said without reservation, "because I think nothing has been shown save that he has been a loyal, honest, devoted, and good public servant of his country."

With this, the Senate voted 74-13 to confirm.

11. So from this modest summary of the file, the question almost unavoidably arises: Why did a Republican President, with a fresh mandate from his people, name Charles E. Bohlen to such a post at such a time? What is the portent? What purpose calls for Bohlen and none other?

To My Father

Be not abashed before the glittering train
Of angels walking slowly calmly by,
But pluck the angel's skirt most seeming shy
And lead her down some friendly glareless lane;
Describe your vineyards whitening in the rain,
Your wheat-blown gold in June when winds are high.
No sweets for you are hid in heavenly sky;
For you the cricket's song must trill again.

An angel's heart will waken at your way
Of smiling. Calling others she will say:
"Eternal wonder stirs this simple soul;
For him our knowledge is an empty scroll;
For him the daily joys of earth suffice;
Return him to his dearer paradise."

RUTH PICKERING

Agony of the Welfare State

By LUDWIG VON MISES

It can pay for its handouts and its deficits only by seizing the funds of the wealthy—but it has already exhausted them, and must now tax the supposed beneficiaries themselves.

For about a hundred years the Communists and interventionists of all shades have been indefatigable in predicting the impending final collapse of capitalism. While their prophecies have not come true, the world today has to face the agony of the much glorified policies of the Welfare State.

The guiding principles of the Welfare State were best laid down by Ferdinand Lassalle, both the friend and rival of Marx. Lassalle ridiculed the liberal doctrines. They assigned to the state, he remarked sneeringly, only the functions of a night watchman. In his eyes the state (with a capital S) was God and Santa Claus at the same time. The state had inexhaustible funds at its disposal, which could freely be used to make all citizens prosperous and happy. The state should nationalize big business, underwrite projects for the realization of which private capital was not available, redistribute national income, and provide for everyone security from the cradle to the grave.

For Bismarck and his professorial henchmen, deadly foes of "Anglo-Saxon" freedom as they were, this program was the consummation of the historical mission of the Hohenzollern dynasty as well as of the social gospel of a new Christianity. *Sozialpolitik* provided a common ground for the co-operation of churchmen and atheists, of royalists and republicans, of nationalists and internationalists. They were all united in the fight against the alleged inhumanities of capitalism, which had multiplied population figures and raised the average standard of living to an unprecedented height.

The new German policy was soon enthusiastically praised by British Fabianism, and later adopted by all European nations and by the United States.

The Welfare school communicated to mankind the tidings that the philosophers' stone had finally been found. Self-styled "new economics" dismissed as palpable nonsense what "orthodox" economics had said about the alleged nature-given limitation of useful goods and resources and the consequent necessity of saving and progressive capital accumulation. There is, they shouted, abundance; poverty is merely the outcome of bad policies favoring the selfish interests of the few at the expense of the many.

If the interventionist says the state should do (and pay for) this or that, he is fully aware of the

fact that the state does not own any funds but those which it collects as taxes from citizens. His idea is to let the government tax away the greater part of the income and of the capital of the wealthy citizens and to spend this revenue for the benefit of the majority of the people. The riches of the nabobs are considered inexhaustible, and so, consequently, are the funds of the government. There is no need to be stingy in matters of public expenditure. What may appear as waste in the affairs of individual citizens, is, when we consider the nation's budget, a means of creating jobs and promoting welfare.

Let the Rich Pay

Under the impact of such doctrines the system of progressive tax rates was carried to extremes. But then finally the myth of the inexhaustibility of the wealth of the rich had to evaporate. The politicians were perplexed when they discovered that they had reached the limit. Several years ago, Mr. Hugh Gaitskell, head of the British Treasury in the socialist cabinet of Mr. Attlee, had to admit "that there is not enough money to take away from England's rich to raise the standard of living any further." The same is true for all other nations. In this country even if all taxable income of those earning more than \$25,000 were confiscated, the additional income to the government would amount to much less than \$1,000,000,000, a trifle when compared with a budget of \$78,000,000,000 and a threatened deficit of \$10,000,000,000. The house of cards built by the "new economics" is crashing.

Politics seemed to be a very simple thing in these last decades. The main task of a politician was to induce the government to spend more and more. Subsidies, public works, new offices with hosts of employees, and many other costly things secured popularity and votes. Let *them*, i.e., the rich, pay. But now *their* funds are spent. Henceforth the funds of the beneficiaries themselves will have to be tapped if more handouts are to be made to them.

The statist philosophy considers the entrepreneur a useless idler who skims the cream from industry without performing any corresponding economic service. The nationalization of business merely abolishes the unjustified privileges of parasitic drones. A salaried public servant does the jobs pre-

viously assigned to the businessman much more efficiently and much more cheaply. The expropriation of private ownership is especially urgent in the field of public utilities.

Guided by these principles, the governments of the various European countries long ago nationalized the railroads, the telephone and the telegraph, and many other branches of business. The result was catastrophic: scandalously poor service, high rates, yearly increasing deficits that have to be covered out of budgetary allowances.

Derailment of State Railroads

The financial embarrassment of the main European countries is predominantly caused by the bankruptcy of the nationalized public utilities. The deficit of these enterprises is incurable. A further rise in their rates would bring about a drop in total net proceeds. The traffic could not bear it. Daily experience proves clearly to everybody but the most bigoted fanatics of socialism that governmental management is inefficient and wasteful. But it is impossible to sell these enterprises back to private capital because the threat of a new expropriation by a later government would deter potential buyers.

In a capitalist country the railroads and the telegraph and telephone companies pay considerable taxes. In the countries of the mixed-economy their yearly losses are a heavy drain upon the nation's purse. They are not taxpayers, but taxeaters.

Under the conditions of today, the nationalized public utilities of Europe are not merely feasting on taxes paid by the citizens of their own country; they are also living at the expense of the American taxpayer. A considerable part of the foreign-aid billions is swallowed by the deficits of Europe's nationalization experiments. If the United States had nationalized the American railroads, and had not only to forego the taxes that the companies pay, but, in addition, to cover every year a deficit of several billions, it would not have been in a position to indemnify the European countries for the foolishness of their own socialization policies. So what is postponing the obvious collapse of the Welfare State in Europe is merely the fact that the United States has been slow and "backward" in adopting the principles of the new economics: it has not nationalized railroads, telephone, and telegraph.

Yet Americans who want to study the effects of public ownership of transit systems are not forced to visit Europe. Some of the nation's largest cities—among them Detroit, Baltimore, Boston, San Francisco—provide them with ample material. The most instructive case, however, is that of the New York City subways.

New York City subways are only a local transit system. In many technological and financial respects, however, they by far surpass the national railroad systems of many countries. As everybody

knows, their operation results every year in a tremendous deficit. The financial management accumulates operating deficits which it is planned to fund by the issuance of serial bonds. Only a municipality of the bigness, wealth, and prestige of New York could venture on such a policy. With a private corporation financial analysts would apply a rather ugly word to its procedures. No sane investor would buy bonds of a private corporation run on such a basis.

Incorrigible socialists are, of course, not at all alarmed. "Why should a subway pay?" they are asking. "The schools, the hospitals, the police do not pay; there is no reason why it should be different with a transit system."

This "why" is really remarkable. As if the problem were to find an answer to a *why* and not to a *wherefrom*.

There is always this socialist prepossession with the idea that the "rich" can be endlessly soaked. The sad fact, however, is that there is not enough left to fill the bottomless barrels of the public treasury. Precisely because the schools, the hospitals, and the police are very expensive, the city cannot bear the subway deficit. If it wants to levy a special tax to subsidize the subway, it will have to tax the same people who are supposed to profit from the preservation of the low fare.

The other alternative is to raise the fare from the present level of ten cents to fifteen cents. It will certainly be done. And it will certainly prove insufficient. After a while a rise to twenty cents will follow—with the same unfavorable result. There is no remedy against the inefficiency of public management. There is a limit to the height at which raised rates increase revenue. Beyond this point further rises are self-defeating. This is the dilemma facing every public enterprise.

Subways at a Dead End

How little the management of the New York City subways is touched by the spirit of business was proved a short time ago when it triumphantly announced economies made by cutting down services. While all private enterprises in the country compete with one another in improving and expanding services, the municipality of New York is proud of cutting them down!

When economists clearly demonstrated the reasons why socialism cannot work, the statist and interventionists arrogantly proclaimed their contempt for mere theory. "Let the facts speak for themselves; not books, only experience counts." Now the facts have spoken.

It is just a historical accident that transportation systems were nationalized while bakeries and automobile factories remained in the hands of private capital. If it had been the other way round, the socialists would perorate: "It is obvious that bakeries and automobile plants cannot pay like

railroads. They are public utilities supplying the masses with vital necessities. They must show deficits, and the taxes paid by the extremely profitable railroads must provide the government with the funds required for making good these deficits."

It is paradoxical indeed that Washington is eager to spend the taxpayers' money for the benefit of European deficit railroads and does not bother about the transit deficits of large American cities. Marshall aid seems to differ from charity at least in this—that it does not begin at home.

History has been rather kind to the American voter. It has provided him with object lessons in socialism. If he looks behind the Iron Curtain, he can learn useful things about the one-party system of the classless and profitless "peoples' democracies." If he studies European budgets, he will be informed about the blessings of nationalization. If he stays at home, he can extend his views by carefully reading what the newspapers report about the financial breakdown of the world's largest and richest urban agglomeration, the intellectual capital of Western civilization, the home of the United Nations. There is plenty of experience that can induce a man to analyze scrupulously what the progressive propaganda has taught him, and to think twice before again casting his vote for the apostles of socialization and advocates of public spending.

WORTH HEARING AGAIN

Academic Freedom and the Senate Committee

I think one of the reasons why there is such a flurry in some circles about the operation of this committee is that there is so little understanding of the nature of the job done. Senator Jenner made a statement on February 24, a statement on the purpose of this committee. I had really to go to work to get the text of that, because the newspapers didn't carry very much of that. It was not flamboyant. It did not have anything to do with witnesses. It was a statement of purpose.

I have watched your hearings, and I have read this statement of purpose. I find them completely in accord with one another, and I think if there were some varied reiteration of this statement of purpose so that it would be understood that your committee there said that you are not interested in anything that is negative to academic freedom—that, as a matter of fact, you are interested in protecting academic freedom; you are not interested in taking away the responsibility for the local policing of the institutions throughout the country—in fact, you are interested only in putting on the books here testimony, and I am using my language

now, restating it, testimony about conspiratorial conduct, and you are then leaving it to the local institution—which the Senator even described as the first line of defense—both in its faculty and in its board, to judge, to evaluate that testimony and to act on it. You went out of your way to say that you have no interest in doing anything about the content or the method of teaching in the local institutions. You are not interfering with that. You are concerned with this conspiratorial evidence and putting it on the books, and leaving it to the local authorities to judge.

I know from my experience with our witnesses that you have made it a practice in every case to sift this evidence in private hearings before it comes to the public. You even warned me about the naming of people that might not have had that benefit before this public session started. I know from my own experience, too, that you have always allowed everyone who wanted it to have a lawyer in the private session as well as in the public one, if he wanted to have it.

I think if all of that were clearly understood throughout the country, the overwhelming majority of people interested in the schools and colleges would say there is absolutely no objection to that whatsoever. It is only because it is misunderstood.

You have this lunatic fringe on the left, to use the Roosevelt term, and you have another one on the right. They are both thoroughly propagandized, and they don't see what is going on in the middle. This is something going down the main line right in the middle. It is just a matter of putting evidence of unprofessional conduct on the books for evaluation by the local authorities.

DR. HARRY D. GIDEONSE, President of Brooklyn College, in testimony before the United States Senate Subcommittee to Investigate the Administration of the Internal Security Act, March 11, 1953

The Two Basic Freedoms

In the Atlantic Charter freedom of worship and freedom of speech were equated with freedom from want and freedom from fear. These freedoms are in entirely different categories. Freedom of worship and freedom of speech are natural rights springing from the nature of man. Freedom from want and freedom from fear pertain to the accidental conditions of our economic order and psychological milieu.

Our frontier fathers never looked for freedom from want and freedom from fear. They endured want and they overcame fear for the more basic freedoms to use their God-given talents to subdue hostile forces and establish peaceful living conditions.

THE VERY REVEREND EDWARD B. BUNN, S. J., President of Georgetown University, Washington, D. C., in an address at Loyola College, February 17, 1953

Peronism at Bay

By EUDOCIO RAVINES

Trapped by the results of his economic policy the Argentine dictator seeks a way out by territorial expansion and by playing the game of the Kremlin.

Since the dictatorship of General Juan Domingo Perón reached the height of its power, Buenos Aires has become the focal point of an involved South American intrigue. The Argentine dictator's visit to Chile in February of this year ushered in the active, undisguised stage of this intrigue. It showed that the virulent demagoguery, the cunning, bitter, and exasperating nationalism, the enraged anti-Yankee propaganda—which have been and are the blood and breath of the Peronist policy—have stretched out far beyond the frontiers of Argentina.

Peronism, like the totalitarian despotisms of Hitler and Stalin, is nurtured by dreams of hegemony; the *justicialismo* (extreme justice) regime feels its wings are broader than its nest and aspires to extend itself as though it were a product for export, like meat, fat, cereals, or leather. Peronism is proselytizing; its fundamental doctrine is hatred of everything originating in Washington. It is no longer satisfied to stay within its own borders, but is seeking allies abroad, playing up old enmities, fostering misunderstandings, ill will, and discontent, swaying people by arousing feelings of hate. By such methods Peronism has revealed how closely it is allied as a political concept to Soviet Communism. The demagogic propaganda and the hidden claws of Peronist expansionism have been at work in South America for over six years. There has been no election, rebellion, or coup d'état during that time without the intervention of Peronism. Peronism has made complex and extensive efforts to exert pressure on Uruguay, to scheme in Peru and Chile, to cover Paraguay and Bolivia with blood, and to intrigue in Rio de Janeiro and Quito. And now, as the most daring of all these attempts, we have had the visit of the Argentine dictator to Chile.

The Peronist dictatorship has always been ostentatiously extravagant and splendid. Public treasury funds have financed Syndicalist congresses, internal revolts, and cultural contests, as well as coups d'état and propaganda in neighboring countries. Perón has invited to the Argentine thousands of Syndicalist heads, South American politicians, professors, journalists, writers, and artists, paying their transportation and supplying them with comfortable accommodations in the cities of the Plata. All this was aimed at gaining support for his policy of expansion. Such determined work, expensive and prolonged, has borne fruit in the spectacular

reception given by the President of Chile, Carlos Ibañez, to the dictator of the Argentine.

Owing to the manner in which it has operated, Peronism has been accused of being fascist rather than Communist. Objectively, it practices the methods common to both these forms of totalitarianism; it is akin to them in its contempt for freedom and human rights, its lack of scruples, its shameful abasement and degradation of parliament, and its inexorable aggressiveness.

Native Origin a Danger

To estimate, however, the full magnitude of the menace which has developed in the Argentine, it is necessary to remember that Peronism originated, developed, and imposed itself not as open fascism or Communism, but as a sort of simple and indigenous Latin American military dictatorship. An obscure and resentful military man rose up, unsheathed his sword, climbed to power, made himself general by decree. By decree also, he was transformed into the man of destiny, the providential genius chosen by his grateful country to rescue it from mortal danger. So, from the shadows of anonymity, Colonel Juan Domingo Perón emerged, declaring (at Nazi suggestion) that Argentina was in mortal danger from Washington.

If Peronism has been born as overt fascism, as unmasked Communism, the Western mind would have called, without a doubt, for organized and determined resistance. The real danger of Peronism lies in its peculiarly Latin American origin. The Peronist dictatorship has consequently been looked upon merely as the somewhat strident manifestation of a harsh nationalism, of an exacerbated resistance to anything that might be interpreted as foreign interference. For this reason the corrosive action of Peronism developed in Latin America not only with impunity, but with passive complicity. The history of democracy in Latin America is a record of dictators who have enslaved it; in the shadow of this dark history there is grave danger that Peronism will spread stealthily across the hemisphere.

And, in spite of its native origin, there is unmistakable evidence that Peronists and Communists are today taking part in a common strategy.

Communism, as expounded by Marx and Engels and applied in Russia by Lenin, has suffered severe

practical reverses. The theory of the inevitable clash between the proletariat and the bourgeoisie is bankrupt. Communism has failed to capture the proletariat of the West. On the contrary, this proletariat has shown itself more and more ready to unite with the bourgeoisie in halting Communist aggression. Communism as a doctrine has failed both theoretically and practically, if the volume and political potential of the Communist parties on this side of the Iron Curtain are considered.

Nationalism Exploited

Communism, however, achieved spectacular success when it followed the route mapped out by Soviet Stalinism. Contrary to those who championed the class struggle as the driving force, Stalin gave first importance to the nationalist prejudices of the people. For this he developed a vast maneuver, in four stages. As a first step he constantly played up Russian nationalism, the love of the mother country, the fanatical devotion for Great Russia; at the same time, he inexorably crushed any beginnings of nationalism in the satellite countries. Meanwhile, Communists worked systematically to weaken and undermine all national sentiment in the leading countries of the West; at the same time, they were doing their utmost to incite and saturate with hate the nationalism of the economically underdeveloped countries, which, because of their wretched poverty, were ready to vent their anger against those nations that enjoy a high standard of living.

Such have been, so far, the tactics used in the most conspicuous Communist successes. In China, for example, Communism took hold when the followers of Mao Tse-tung were able to mobilize the Chinese people against their Japanese invaders. The most resounding successes achieved by Communism in France, Yugoslavia, and Italy were in the wartime resistance movements in those countries; the Communists exploited the fight against foreign occupation and the struggle for liberation. These are the tactics by means of which Communism now incites and inflames the peoples of Indo-China, Iran, Egypt, Tunisia, Malaya, and Morocco, with the object of weakening the West and undermining its defenses. Likewise, Soviet Russia is conducting such a campaign in Latin America.

Through a strange and suspicious coincidence, the Peronist Argentine dictatorship has persistently undertaken an identical campaign.

Obviously, some of the hate and ill will of the Hitler movement found shelter in Argentina. Nazism influenced the growth of the rabid anti-Yankee demagogy that was such a useful tool in the hands of the Peróns.

It was perhaps ambition and lust for power, the compulsion to court the masses in order to cement personal dictatorship, that made Perón the loudspeaker for that demagogy of which he is today

the irredeemable captive. In the midst of this strident nationalism Perón's voice is undoubtedly to be distinguished. But the practical device used is the same which Moscow in the past entrusted, with meager success, to the anti-imperialistic leagues of Latin America. Perón's anti-Americanism is made from cloth woven on the looms of Moscow and with the same thread.

The so-called "third position" of Peronism is a frankly negative attitude toward the defense of the West. It is an artifice to divide the American blockade, making of it a weaker target for Soviet aggression. Yet this "third position," which claims to be neutralist, has never voiced the slightest criticism against the Soviet position; instead it has made its primary and daily task the accumulation of diatribes laden with hate and acrimony against the country which is the leader of Western defense.

It is thus that Peronism and Communism are in practice converging more and more each day, in spite of their recently stated opposition. By their deeds a true brotherhood has been cemented; and through this brotherhood they have established a system of co-operation which seems to function on intimate terms, though not in the open. It was not by mere chance that the liberal and democratic newspaper *La Prensa*, the greatest medium of the press in the Latin world, was persecuted, gagged, closed, and finally expropriated, while, at the same time, Communist organs in the Argentine were receiving punctually and generously from the dictatorship all the newsprint they needed. And in the Communist newspapers—a most suspicious coincidence—statements were being repeated similar to those made by the Peronist press; identical epithets, similar attacks, always directed against the United States and its policy of Western defense.

Birds of a Feather

Further evidence is provided by the presence of prominent Communists in the Secretariat of the Pink House and in the private offices of the late Eva Perón. These Communists were led by Vittorio Codovila—high Argentine Communist leader, guide and strategist of the Spanish Civil War, agent of the Soviet's secret police—and headed by Isaac Levinson, Hector P. Agosti, and others.

One can also find evidence of Communist collaboration in the style, language, tone, and accent of the inflamed manifestoes and harangues of the Peronists, which are unparalleled in the long and corrupt history of Latin American demagogy. The brotherhood of Peronism and Communism is not only established and operating in Argentina; that co-operation is now taking shape as a general South American movement. The recent trip of Perón to Chile constitutes but one of the steps in the development of that undertaking.

On February 6 of this year, for the first time in Soviet annals, a Latin American diplomat pene-

trated the three-and-a-half-yard thick walls of the Kremlin to be greeted personally with military honors by the late Soviet despot. In a conference which lasted forty-five minutes, the Soviet dictator and the ambassador of the Peronist dictatorship, Leopoldo Bravo, offered the world testimony of political solidarity. By opening the Kremlin's door to Ambassador Bravo, Stalin let it be known that he was willing to make better and further use of the Argentine dictatorship—not the Argentine people—as a battering-ram which would clear the roads and open a beach-head in the New World to facilitate the Soviet assault.

Tool of the Kremlin?

The Soviet gesture is even more significant if one remembers that Perón, Peronism, and its *descamisados* (the shirtless) were once the objects of impassioned attacks by Molotov, at the time when he opposed the admission of Argentina to the United Nations. It is suggestive, ironic, and impudent that those enraged attacks have today been transformed into flattery. It is as if the ceremony of August, 1939, when Hitler and Stalin became allies, were being repeated on a somewhat smaller scale. It seems as though a new Moscow-Buenos Aires axis is under way and the "third position" is revealing its role as a satellite of the Soviet. In the guise of incandescent nationalism, authentic Soviet policy is being hypocritically implemented through the inter-American activities of the Argentine government.

And now Americans have been notified explicitly that this Moscow-Buenos Aires axis is trying to extend itself to Chile. This is a menace of unpredictable magnitude. Perón's visit to Chile took place at a time when the economic situation in the Argentine had revealed the failure of *justicialismo*, the misery of its conception, and the ineptitude of its structure. Extensive plans to manufacture atomic energy from homemade formulae on the island of Heumul had failed; the dictatorship was beginning to feel the slow deterioration brought about by the use and abuse of power; a prosperous and hardworking country was being undermined by the prodigal spending, the handouts to the masses, the corruption and waste. All of which has crystallized and expressed itself in a cruel and hard phenomenon: inflation.

Inflation, the price which the Argentine is paying for Peronist demagogy, is gnawing away the foundations of the national economy. Some seven years ago, the dollar was worth three-and-a-half to four Argentine pesos. Today, after a long and complicated process of juggling with the exchange, the dollar is officially quoted at fifteen pesos. But no one can buy a single dollar at that price. Only on the black market is it possible to buy dollars, at the rate of twenty-three to twenty-four Argentine pesos for each dollar. Likewise, gasoline, automom-

biles, spare parts, machinery, and household appliances of all kinds can be obtained only on the black market. A Chevrolet, which according to the official price list should cost 45,000 pesos, can be obtained only at a cost of 120,000 pesos—approximately \$5,000. The same is true of thousands of manufactured articles. In the meantime the Peronist Five Year Plan, like the Soviet, continues to absorb enormous sums from the national treasury, while industrialization, so necessary to the life of the country and even more so for raising the standard of living among the Argentines, is not being accomplished. The Peronist dictatorship is trapped by the implacable results of its economic policy, strangled by the accumulation of its errors.

Perón is seeking a way out by arming and by territorial expansion, with the object of establishing an Argentine hegemony in a part, at least, of South America. In attempting to accomplish these aims, the Argentine dictator has started down the path which leads to disaster; it will make of him, perhaps to his eventual grief, nothing but a tool for the sinister work of the Kremlin.

On Borrowed Wings

What almost amounted to an international incident recently occurred between this country and our neighbor Canada. Telegrams flew back and forth; newspapers were up in arms; the Canadian Consul General in New York was summoned to action; and people on both sides of the border declared with heat that they wouldn't stand by and see their country's rights abused. Were the Canadians trying to grab off a slice of Vermont? Had Americans been secretly infiltrating into Ontario? No: the cause of all the caffuffle was a goose.

For years, flocks of Canada geese have settled on Byram Cove in Connecticut before flying north to nest. This year, at the annual migration, a game warden saw one lone gander unable to get off the water. In a touching gesture of friendship, a couple of his fellows skittered beside him, trying to get him airborne. Foiled in their attempts they finally honked mournfully away.

Then the furor broke. The Canadians claimed him; after all, he *was* a Canada goose. Subscriptions poured in, and Trans Canada Airlines offered a special plane. But Connecticut wouldn't give him up; according to their lights he was an American gander, in spite of his name.

We are pleased to report that the matter was settled without recourse to the United Nations. In the end, Connecticut nobly ceded the gander, who was pictured in a ceremony at the Bronx Zoo, nestling in the arms of his consul, Mr. Ray Lawson, before taking off by plane to join his friends at Kingsville, Ontario.

JOHN VERNON TABERNER

Decline of the Rule of Law 2.

By F. A. HAYEK

Concluding his discussion, the author shows how disregard of the fundamental purpose of the law produced dictatorships and the socialist state.

As the establishment of the Rule of Law in England was the outcome of the slow growth of public opinion, the result was neither systematic nor consistent. The theorizing about it was mainly left to foreigners who, in explaining English institutions to their compatriots, had to try to make explicit and to give the appearance of order to a set of seemingly irrational traditions which yet mysteriously secured to the Englishman a degree of liberty scarcely known on the Continent.

These efforts to embody into a definite program for reform what had been the result of historical growth at the same time could not but show that the English development had remained curiously incomplete. That English law should never have drawn such obvious conclusions from the general principle as formally to recognize the principle *nulla poena sine lege*, or to give to the citizen an effective remedy against wrongs done him by the state (as distinguished from its individual agents), or that English constitutional development should not have led to the provision of any built-in safeguards against the infringement of the Rule of Law by routine legislation, seemed curious anomalies to the Continental lawyers who wished to imitate the British model.

The demand for the establishment of the Rule of Law in the Continental countries also became to some extent the conscious aim of a political movement, which had never been the case in England. Indeed, for a time in France and for a somewhat longer period in Germany, this demand was the very heart of the liberal program. In France it reached its height during the July monarchy when Louis Philippe himself proclaimed it as a basic principle of his reign: "Liberty consists only in the rule of laws." But neither the reign of Napoleon III nor the Third Republic provided a favorable atmosphere for the further growth of this tradition. And although France made some important contributions in adapting the English principle to a very different governmental structure, it was in Germany that the theoretical development was carried furthest. In the end it was the German conception of the *Rechtsstaat* which not only guided the liberal movements on the Continent but became characteristic of the European governmental systems as they existed until 1914.

This Continental development is very instructive because there the efforts to establish the Rule of

Law met from the very beginning conditions which arose in England only much later—the existence of a highly developed central administrative apparatus. This had grown up unfettered by the restrictions which the Rule of Law places on the discretionary use of coercion. Since these countries were not willing to dispense with its machinery, it was clear that the main problem was how to subject the administrative power to judicial control. It is a matter of comparative detail that in fact separate administrative courts were created to enforce the elaborate system evolved to restrain the administrative agencies. The main point is that the relations between these agencies and the citizen were systematically subjected to legal rules ultimately to be applied by a court of law. The German lawyers indeed, and with justice, regarded the creation of administrative courts as the crowning achievement of their efforts toward the *Rechtsstaat*. There could hardly have been a more grotesque and more harmful misjudgment of the Continental position by an eminent lawyer than A. V. Dicey's well-known contention that the existence of a distinct administrative law was in conflict with the Rule of Law.

Limits to Coercion

The real flaw of the Continental system, which English observers sensed but did not understand, lay elsewhere. The great misfortune was that the completion of the Continental development turned on a point which to the general public inevitably appeared merely a minor legal technicality. To guide all administrative coercion by rigid rules of law was a task which could have been solved only after long experience. If the existing administrative agencies were to continue their functions, it was evidently necessary to allow them for a time certain limited spheres within which they could employ their coercive powers according to their discretion. With respect to this field the administrative courts were therefore given power to decide, not whether the action taken by an administrative agency was such as was prescribed by the law, but merely whether it had acted within the limits of its discretion. This provision proved to be the loophole through which, in Germany and France, the modern administrative state could grow up and progressively undermine the principle of the *Rechtsstaat*.

It cannot be maintained that this was an inevitable development. If the Rule of Law had been strictly observed, this might well have caused what David Hume had called "some inconveniences," and might even substantially have delayed some desirable developments. Although the authorities must undoubtedly be given some discretion for such decisions as to destroy an owner's cattle in order to stop the spreading of a contagious disease, to tear down houses to prevent the spreading of fire, or to enforce safety regulations for buildings, this need not be a discretion exempt from judicial review. The judge may want expert opinion to decide whether the particular measures were necessary or reasonable. There ought to be the further safeguard that the owners affected by such decision are entitled to full compensation for the sacrifice they are required to make in the interest of the community.

The important point is that the decision is derived from a general rule and not from particular preferences which the policy of the government follows at the moment. The machinery of government, so far as it uses coercion, still serves general and timeless purposes, not particular ends. It makes no distinction between particular people. The discretion conferred is a limited discretion in the sense that the agent is to carry out the sense of a general rule. That this rule cannot be made wholly explicit or precise is the result of human imperfection. That it is in principle, however, still a matter of applying a general rule is shown by the fact that an independent and impartial judge, who in no way represents the policy of the government of the day, will be able to decide whether the action was or was not in accordance with the law.

No Permanent Achievement

The suspicion with which Dicey and other English and American lawyers viewed the Continental position was thus not unjustified, even though they had misunderstood the causes of the state of affairs which existed there. It was not the existence of an administrative law and of administrative courts which was in conflict with the Rule of Law, but the fact that the principle underlying these institutions had not been carried through to its conclusion. Even at the time when, in the later part of the last century, the ideal of the *Rechtsstaat* had gained its greatest influence, the more deliberate efforts made on the Continent had not really succeeded in putting it into actual practice as fully as had been the case in England. There still remained there, as an American observer (A. B. Lowell) then described it, much of the kind of power which "most Anglo-Saxons feel . . . is in its nature arbitrary and ought not to be extended further than is absolutely necessary." And before the principle of the *Rechtsstaat* was completely realized and the remnants of the police state finally driven out, that

old form of government began to reassert itself under the new name of Welfare State.

At the beginning of our century, the establishment of the Rule of Law appeared to most people one of the permanent achievements of Western civilization. Yet the process by which this tradition has been slowly undermined and eventually destroyed had even then been under way for nearly a generation. And today it is doubtful whether there is anywhere in Europe a man who can still boast that he need merely keep within the law to be wholly independent, in earning his livelihood, from the discretionary powers of arbitrary authority.

Socialist Inroads

The attack on the principles of the Rule of Law was part of the general movement away from liberalism which began about 1870. It came almost entirely from the intellectual leaders of the socialist movement. They directed their criticism against practically every one of the principles which together make up the Rule of Law. But initially it was aimed mainly against the ideal of equality before the law. The socialists understood that if the state was to correct the unequal results which in a free society different gifts and different luck would bring to different people, these had to be treated unequally. As one of the most eminent legal theorists of Continental socialism, Anton Menger, explained in his *Civil Law and the Propertyless Classes* (1890):

By treating perfectly equally all citizens, without regard to their personal qualities and economic positions, and admitting unlimited competition between them, it was brought about that the production of goods was increased without limit, but also the poor and weak had only a small share in that increased output. The new economic and social legislation attempts therefore to protect the weak against the strong and to secure for them a moderate share in the good things of life. We know today that there is no greater injustice than to treat as equal what is in fact unequal.

A few years later, Anatole France was to give wide circulation to the similar ideas of his French socialist friends in the much quoted gibe about "the majestic equality of the laws, which forbids the rich as well as the poor to sleep under bridges, to beg in the streets, to steal bread." Little did the countless well-meaning persons who have since repeated this phrase realize that they were giving currency to one of the cleverest attacks on the fundamental principles of liberal society.

The systematic campaign which during the last sixty years has been conducted against all the constituent parts of the tradition of the Rule of Law mostly took the form of alleging that the particular principle in question had never really been in force, that it was impossible or impracticable to achieve it, that it had no definite meaning, and, in

the end, that it was not even desirable. It may well be true, of course, that none of these ideals can ever be completely realized. But, if it is generally held that the law ought to be certain, that legislation and jurisdiction ought to be separate functions, that the exercise of discretion in the use of coercive powers should be strictly limited and always subject to judicial control, etc., these ideals will be achieved to a high degree. Once they are represented as illusions and people cease to strive for their realization, their practical influence is bound to vanish rapidly. And this is precisely what has happened.

The attacks against those features of the Rule of Law were directly determined by the recognition that to observe them would prevent an effective control of economic life by the state. The economic planning which was to be the socialist means to economic justice would be impossible unless the state was able to direct people and their possessions to whatever task the exigencies of the moment seemed to require. This, of course, is the very opposite of the Rule of Law.

Concept of Justice Abandoned

At the same time, another and perhaps even more fundamental process helped to speed up that development. Jurisprudence abandoned all concern with those metalegal criteria by which the justice of a given law can alone be determined. For legal positivism the concrete will of the majority on a particular issue became the only criterion of justice applicable in a democracy. On this basis it became impossible even to argue about—or to persuade anybody of—the justice or injustice of a law. To the lawyer who regards himself as a mere technician intent upon implementing the popular will, there can be no problem beyond what is in fact the law. To him the question whether a law conforms to general principles of justice is simply meaningless. The concept of the *Rechtsstaat*, which originally had implied certain requirements about the character of the laws, thus came to mean no more than that everything the government did must be authorized by a law—even if only in the sense that the law said that the government could do as it pleased.

Years before Hitler came to power German legal scholars had pointed out that this complete emptying of the concept of the *Rechtsstaat* had reached a point where what remained no longer formed an obstacle to the creation of a totalitarian regime. Today it is widely recognized in Germany that this is exactly where that development led.

But if there is now a healthy reaction under way in German legal thinking, the state of British discussion on this crucial problem seems to be very much where it was in pre-Hitler Germany. The Rule of Law is generally represented as either meaningless or requiring no more than legality of

all government action. According to Sir Ivor Jennings, the Rule of Law in its original sense, “is a rule of action for Whigs and may be ignored by others.” In its modern sense, he believes, it “is either common to all nations or does not exist.” In Professor W. A. Robson’s opinion it is possible to “distinguish ‘policy’ from ‘law’ only in theory” and “it is a misuse of language to say that an issue is ‘nonjusticiable’ merely because the adjudicating authority is free to determine the matter by the light of an unfettered discretion; and equally incorrect to say that an issue is ‘justiciable’ when there happens to be a clear rule of law available to be applied to it.” Professor W. Friedmann informs us that in Britain “the Rule of Law is whatever Parliament, as the supreme lawgiver, makes it” and that therefore, “the incompatibility of planning with the Rule of Law is a myth sustainable only by prejudice or ignorance.” Yet another member of the same group even went so far as to assert that the Rule of Law would still be in operation if the majority voted a dictator, say Hitler, into power: “the majority might be unwise, and it might be wicked, but the Rule of Law would prevail. For in a democracy right is what the majority make it to be.”

In one of the most recent treatises on English jurisprudence it is contended that in the sense in which the Rule of Law has been represented in the present discussion, it “would strictly require the reversal of legislative measures which all democratic legislatures have found essential in the last half century.” That may well be. But would those legislatures have regarded it as essential to pass those measures in this particular form if they had understood that it meant the destruction of what for centuries, at home and abroad, had been regarded as the essence of British liberty? Was it really essential for social improvement that law after law should have given ministers powers for “prescribing what under this Act has to be prescribed”? About one thing there can be no doubt: this is essential to the progress of socialism.

Agenda

Now is the time to foster that green shoot
Pushing its way through newly broken ground,
To know what strength is latent in the root
Which has so long been cramped and winter-bound.

Now is the time to harrow up the heart
Chilled into stubborn clods by years of war;
After that bleak and barren season, start
Putting the plow to willing earth once more.

Now is the time to strip the withered stalk,
To prune old wood that no more sap runs through,
Protect the rabbit from the hovering hawk,
Whose lengthening shadow falls upon us, too.

CANDACE T. STEVENSON

Thorez Comes Home

By EUGENE TILLINGER

After over two years in Moscow the ailing "Maurice" has suddenly been returned to Paris by the new Kremlin masters. What lies behind this long-awaited move?

It happened on November 11, 1950—Armistice Day in the United States. A few days earlier the French Communist leader Maurice Thorez had been stricken by a cerebral hemorrhage. Dismissing the French specialists who had been called in to attend him, the Kremlin ordered Thorez flown to Moscow to be treated in a "specialized clinic by Russian doctors."

The ailing Thorez was accompanied in the special Soviet ambulance plane that took off from Orly Airfield that gray November day by his common-law wife, Jeanette Vermeersch, and by Auguste Lecoeur, one of the top French Communists. Thirteen days later, Lecoeur, back from Moscow, told the comrades: "Maurice will return early next year completely recovered, thanks to the indisputable superiority of Soviet [medical] science."

For the past two and a half years, practically every other month, the Communists have announced Thorez' "imminent" return. One Red leader after another has told the worried party members that "our Maurice" will return "soon." As time passed and Thorez remained in Russia, the French party's lieutenants became increasingly apprehensive. Needled by the propaganda of such anti-Communist outfits as *Paix et Liberté*, the French Reds had a hard time quieting the troubled comrades.

When Thorez left for Moscow, *Paix et Liberté* plastered the billboards of France with posters cleverly appealing to French nationalism, protesting: "A snub to the doctors of France! Are French doctors unworthy or unfit to treat a patient?" And when the Reds announced last year that Thorez would direct the party from Moscow, *Paix et Liberté* was quick to exploit this "news release" with posters: "Scandalous snub to the members of the French CP! . . . Here is a new snub, this time directed at the members of the party's Politbureau. The Kremlin seems to be of the opinion that none of them is able to execute its orders. This scandalous decision must be revoked in the name of national independence and liberty, which have always figured so prominently in the program of the political party."

No other Red leader outside Soviet Russia has had built around him the sort of legend Thorez has. True enough, it is a legend created by Agit-Prop—the story of a struggling miner, who became the devoted chief of the largest Red party on this side of the Iron Curtain. The fact that the

"fifty-three-year-old miner" worked but a few weeks in a mine when he was twenty-two is of less importance to the comrades than the emphasis on his being a "professional revolutionary" since the age of twenty-three.

The Thorez myth is best symbolized by the use of his first name. They call him "our Maurice" or "comrade Maurice" or simply "Maurice." For the party faithful he is much more than the secretary general; he is their best friend, personal adviser, beloved brother. Slow-witted and nonintellectual, the burly man with the rough voice makes them always feel that he is "one of us."

Son of the People

The Thorez legend tells of "Maurice" rising, step by step from the rank and file in 1919 to become the party's secretary general in 1933, a post he still holds. His autobiography, *Fils du peuple*, first published in 1937, is an interesting case history in itself. To give just one sample. In the 1949 edition (page 67) Thorez tells how in 1925 he "studied with passion Stalin's authoritative book, *Problems of Leninism*." (Boris Souvarine, the eminent French biographer of Stalin, has pointed out that this is an anachronism as at that time Stalin's book had then not even been translated into French!) On page 50 of the 1949 edition Thorez wrote: "During my first trip to Moscow, I had the rare chance to see and to hear Comrade Stalin. His remarks, simple and profound at the same time, made a strong impression upon me." Strange as it may seem, Thorez did not mention this important fact in the first edition of his autobiography. The truth is that all these passages glorifying Stalin were subsequently added. It should surprise no one if the next edition of *Fils du peuple* omits these eulogies.

The veil of secrecy surrounding Thorez' desertion from the French Army at the outbreak of World War Two has never been clarified. In September, 1939, instead of joining his regiment, he disappeared, later showing up in Moscow. Condemned to six years' imprisonment by a French Military Tribunal, he was granted an amnesty in 1944. In the 1949 edition of his autobiography, he ignores this episode. French Intelligence is said to have proof that Thorez, after leaving France secretly, went to Switzerland, and from there, with

the permission of Hitler was transported by the NKVD through Nazi Germany. Legally, Thorez' amnesty covers only desertion *in France*, and he could still be tried by the army for "intelligence with the enemy in time of war."

Despite Thorez' relentless devotion to "the cause" for the past thirty years, there are, nevertheless, in the Kremlin files certain dark chapters. Tito's recently published memoirs contain interesting hints. According to Tito, Thorez, in 1947 before Tito's excommunication by Stalin, had planned to come to Yugoslavia to bring about a closer *rapprochement* between the French and the Yugoslav Reds. Stalin arranged instead for Thorez to visit Moscow in November, 1947. Again, according to Tito, Thorez was slapped down by the Kremlin on three occasions during that same period for nationalist tendencies. Each time Thorez repented, welcomed the criticism, and agreed that he had been wrong. In addition, certain rather unorthodox statements of Thorez were never forgotten, as for instance: "One thing happened in Russia, another will happen in France; we'll have our French revolution in our own French fashion."

Return of the Hero

Why then, in April, 1953, did the new Kremlin masters see fit at last to return the French party leader back to his native country? And how is it that Thorez, who only a few weeks ago was obviously so sick that he could not even attend Stalin's funeral, suddenly was well enough to undertake the long and strenuous trip *by railway* from Moscow to Paris?

One fact has been little publicized in this country, namely that the decision to send Thorez back was made *after* Stalin's death. A special meeting was held in the Kremlin subsequent to the funeral, at which French leaders Jacques Duclos and Laurent Casanova were present. Duclos strongly urged that Thorez be sent back to France in order to "stimulate the masses." Despite his shaky position with the Kremlin since his arrest by the French police last summer, he won out. Immediately after this meeting, the party apparatus set to work in France. A secret circular was sent to cell and section leaders, giving instructions about the new line to follow. *Le Figaro*, the outstanding conservative daily in Paris, got hold of a copy.

"Comrade, our brother Maurice Thorez comes back," the circular announced. "In a few days, he will again take his place as the head of the party. . . . [the bourgeois press] tries to give reasons for the return of our comrade. . . . We need not point out these lies. Nevertheless, we have learned that these lies, particularly those that specify our alleged diversions regarding the unity of the party, have found a sort of echo not only among the non-organized masses of the workers, but also among certain of our militants.

"This is regrettable and underlines the lack of vigilance on the part of the comrades responsible for the lower echelon. It has been insufficiently stressed that the intense self-criticism to which we submit the party is a manifestation of strength . . . it has prevented us from falling into a regrettable opportunism. . . . The return of Maurice Thorez, his presence among us . . . must become the image of the unity of the party. Now the task of each responsible member is to proclaim this unity . . . [Thorez'] presence . . . marks the renewal of the party. It is up to us to show how worthy we are of this proof of attachment he gives us."

In my opinion, the return of Thorez at this time is little but a last-minute face-saving device of the Kremlin. Despite all the hullabaloo about the miraculous achievements of Soviet medical science, Thorez' condition has not much improved. The reason for hurriedly sending him back to France seems to indicate that the Kremlin does not want him to die in Russia. Maurice Thorez' death on Soviet soil would be extremely embarrassing to the Reds. After all, it would duplicate the strange death of another Communist leader, Georgi Dimitrov, who also died in Soviet Russia after a cure in a Soviet clinic. And coming after the death of Stalin and Klement Gottwald, it might cause too much eyebrow-lifting even among the most devoted comrades.

The return of Thorez fits perfectly into the new Soviet peace offensive. Certain Red propaganda has always portrayed Thorez as an exponent of the "moderate" wing of the party, opposed by "tough guys" like André Marty, recently purged and expelled from the ranks. There is no doubt that the Kremlin, along the new "co-existence line," hopes to save the unity of the French party. "Maurice" could be the ideal man to bring about a revival of the ill-famed Popular Front.

Popular Front Revival?

For some time, certain neutralist and Leftist circles in France have sought to re-establish the Popular Front formula, a scheme that would be precisely what the Kremlin needs at this strategic moment to torpedo NATO and German rearmament. There are indications that the groundwork is being laid, courteously and discreetly, for such a revival of the Popular Front by certain French politicians of the neutralist fringe. The subtlety of this approach was quite overlooked by the American press, which failed to notice the strange eulogy ex-Premier Edouard Herriot, now President of the French Senate, paid to the U.S.S.R.'s late dictator. In a speech in the Chamber of Deputies, Herriot praised Stalin as a "military genius" and, alluding to the French-Soviet "fraternity in arms," went so far as to exclaim: "This memory imposes upon us a duty to address today, when he passes away [our] salute and respect to the man who . . .

has contributed to our liberation and reinforced the ties between both our peoples, [ties] that were created by commonly shed blood."

Thorez' return at this time might also be motivated by the well-known Communist desire to create martyrs. In a few weeks, the French National Assembly must face its long-delayed task of revoking the parliamentary immunity of some top Red deputies. Consequently, they could be arrested and tried for treason. What the government has in mind is to prove legally that the Communist Party is not a regular French party, but takes orders from Moscow. It could be the first step toward crushing the whole party.

Kremlin's Trump Card

If the four deputies in question (Jacques Duclos, Etienne Fajon, François Billoux, and Auguste Le-coeur) are deprived of their immunity, and consequently tried, the party would lose its higher echelon leadership. The Kremlin, foreseeing such a situation, might be trying with the return of Thorez to force the government to revoke *his* immunity, too, and to arrest him. The arrest of a man so ill and paralyzed as Thorez would make him a martyr, not only among his Communist comrades but even more, among the befuddled liberals. A martyred Thorez would be a heaven-sent opportunity to France's Communists. His prestige is today the Kremlin's great trump card in its effort to save the unity of the French party and to check the intra-party struggle that has been going on since the failure of the anti-Ridgway demonstrations of last summer, which culminated in the purge of old-timer André Marty.

In this connection it is interesting to note that, contrary to all the other Red leaders, Marty has not yet repented and confessed his "errors." There is some talk in well-informed circles that Marty might soon come out with a bombshell of his own and found a new "independent" party. But the eventuality cannot be excluded that Thorez might bring about a reconciliation with Marty. After the sensational turn of the doctors' affair in Moscow, such a development is not impossible. Whatever the ultimate result, from the point of view of French, and therefore Western, public opinion, the return of Maurice Thorez to Paris is well timed with the "new Kremlin line" of temporary "peace" and "co-existence."

Amen

Where winds of doctrine blow,
Avoid the draught:
The best that man can know
Is to have laughed.

WITTER BYNNER

THIS IS WHAT THEY SAID

Look Who Was Talking!

American efficiency is that indomitable force which neither knows nor recognizes obstacles; which with its businesslike perseverance brushes aside all obstacles; which continues at a task once started until it is finished, even if it is a minor task; and without which serious constructive work is inconceivable.

JOSEPH STALIN, lecture at Sverdlov University, April 1924, as quoted in *Problems of Leninism*, Foreign Languages Publishing House, Moscow, 1947

The Perfect Hostess

The perfect hostess will see to it that the works of male and female authors be properly separated on her bookshelves. Their proximity, unless they happen to be married, should not be tolerated.

Lady Gough's Etiquette, 1863

Into the Sunlight

I believe with deep conviction that the warrior statesman at the head of Russia will lead the Russian peoples, all the peoples of Russia . . . into the sunlight of a broader and happier age for all, and with him in this task will march the British Commonwealth of Nations and the mighty U. S. A.

WINSTON CHURCHILL, Speech before the House of Commons, November 1944

Moth-eaten Refrain

The Soviet Union and the People's Republic of China and a number of other states have repeatedly submitted proposals for the peaceful settlement of the Korean dispute, and the only reason the war still continues in Korea is that the United States has prevented the adoption of these peace proposals.

JACOB A. MALIK, Chief Soviet Delegate to the United Nations, June 23, 1951

Higher Level at Yalta?

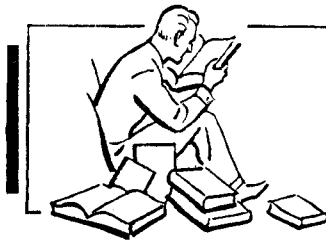
I am inclined to think that at the meeting with Marshal Stalin and the Prime Minister I can put things on a somewhat higher level than they have been.

FRANKLIN D. ROOSEVELT in a letter to Harold Laski, January 16, 1945, reproduced in *Harold Laski*, by Kingsley Martin

Classic "Dishwater"

The cheek of every American must tingle with shame as he reads the silly, flat, and dishwatery utterances of the man who has to be pointed out to intelligent foreigners as the President of the United States.

Chicago Times, on the occasion of the Gettysburg Address



Man as a Promise

By MAX EASTMAN

Richard Wright seems in his momentous new novel, *The Outsider* (Harper & Bros., 405 pp., \$3.95), to be wrestling more earnestly with problems torturing his own mind in passing from the Communist conspiracy to the Existentialist racket than with those confronting his hero in a sufficiently perplexing life. That is all right with me—I like thesis novels—but it does detract somewhat from the verisimilitude of the story. The hero is a rather incredible character to begin with, a prodigious highbrow, a man possessing both intellect and intelligence (in itself a hard combination, these days, to believe in), and yet not possessed of enough sense to refrain from murdering people just because they get in his way, or because he doesn't like what they stand for. From the standpoint of the thesis this is correct, for the hero represents individualism as against Communism. He represents individualism going to the same extremes of criminal immoralism that the Marxist party does—setting up the same claim, that is, to be or to replace God. But from the standpoint of effective storytelling it is not so good. It lowers the intensity of the reader's participation in what were otherwise a breathlessly exciting, and is anyway a magnificently contrived and constructed, plot.

Mr. Wright knows how to wind a man up in a combination of matrimonial and extra-matrimonial, parental and nonparental and trying-not-to-be-parental love, law, and money predicaments, in comparison to which a barbed-wire entanglement is a pleasant invitation to come through and have some fun. He knows how to get him out of it too, the only way—but I am not going to expose that secret. Suffice it to say that Richard Wright can concoct a story with the best of his colleagues in the murder mystery business, and season it with a rich, if somewhat confused, comment on many of the vital problems of life.

The main problem he wrestles with seems a little unreal, or at least unnecessary, to me. It must be real enough for those whom he describes as feeling "insulted at being alive, humiliated at the terms of existence." This affliction, elsewhere described as a feeling that something has been promised and the promise not kept, gave his hero, Cross Damon (named by his mother after the cross of Christ), "a sense of loss that made life intolerable." It led him into a life that was indeed

intolerable. But it does not seem to me a sane feeling, or a good starting point for the journey toward a philosophy of life. "Existence was not perpetrated in malice or benevolence, but simply is, and the end of our thinking is that here we are and what can we make of it." This remark, with which I concluded a book when I was about Cross Damon's age, kept coming into my mind as I traveled with him through his fear-and-gloom-ridden career. It would have undercut a lot of his agonized lucubrations, and might have saved him a few murders, and quite a number of false starts and involved blunderings. It would certainly have spoiled this story!

Also I think it would have immunized Cross Damon, or his creator, against the blandishments of the Existentialists, for it contains about all there is that is valid, and valuable, in their philosophizings. When I called Existentialism a racket, that was too extreme. I meant only that it is a product of the purely literary mind, a mind interested in having ideational experiences and making art works or commodities out of them, rather than in ascertaining facts and using ideas for guidance among them. A solemn toy that Existentialists have unctuous fun with is the question: *What is man?* It obviously has no answer except either in the experience of any one man, which cannot be generalized, or in the generalizations of anthropological science. But it can yield some wonderful intellectual playcastles, if you pose it in a realm called "philosophical anthropology," suspending for the purpose your sense of fact and of humor.

Cross Damon asks this question and seems to be spending his short life hunting for the answer. This is what makes him an "outsider"—not his being a Negro. Race troubled him very little. His trouble was that "he knew he was alone and that his problem was one of the relation of himself to himself." That I take to be the beginning of the main thread of Existentialist philosophy that runs through this book. If the reader is puzzled as to just how a self can relate to itself, he will find the matter clarified, I am sure, in these more explanatory lines which I quote from Kirkegaard, the father of Existentialism:

Man is spirit. But what is spirit? Spirit is the self. But what is the self? The self is a relation

which relates itself to its own self or it is that (which accounts for it) that the relation relates itself to its own self; the self is not the relation but (consists in the fact) that the relation relates itself to its own self.

Notwithstanding that he is bogged down, for the time being, in this literary swamp, Richard Wright has wise and profound things to say about many challenging problems in this book. He gives you, along with some tense and terrible excitement, an experience of the nature and behavior of the factotums of the central committee of a Communist Party in feeling out the qualifications of a proposed new member—and disposing of him when they find he knows too much—that is unforgettable. The fifteen-page speech with which Cross Damon stalls and baffles them when they get him in a corner, and seem on the point of exterminating him, is a masterpiece of learned reflection. As an essay in the *Freeman* it would provoke arguments to fill the magazine for a year. And what an ingenious way to compel a lazy-minded nation to read an essay!

I must add, too—I hope without taking back everything I've said—that the answer Wright finally arrives at to that question, *What is man?*, when Cross murmurs it with a faint last summons of breath on his deathbed, is as great and memorable an aphorism as modern literature contains: "Man is a promise that he must never break."

A Problem in Psychology

Holmes-Laski Letters, edited by Mark De Wolfe Howe. 2 Vols., 1650 pp. Cambridge: Harvard University Press. \$12.50

Harold Laski: A Biographical Memoir, by Kingsley Martin. London: Gollancz. 21s.

Harold Laski was a wonder boy. Born in Manchester, in 1893, little Harold at a tender age gave signs of restless and insatiable precocity. At fourteen he busied himself writing a biography of Abraham Lincoln, embodying all the violent contrasts of a black-and-white woodcut. This manuscript, Harold later confided, was destroyed by fire. At seventeen he wrote and published an essay on eugenics, which evoked unqualified praise from the founder of that controversial science, Sir Francis Galton, then in his late eighties. At eighteen Laski married Frida Kerry. Graduated from Oxford, he was whisked off to McGill University to tutor and teach political wisdom to students only slightly younger than himself. There he was discovered by Felix Frankfurter (or did Laski discover Frankfurter?); and at twenty-three he was imported to teach at the Harvard Law School.

Early in July, 1916, Frankfurter took Harold to Beverly Farms to present his genius to Justice

Oliver Wendell Holmes, then seventy-five years old. This meeting, Harold later confided to Holmes, was one of the three great events of his life—the others, evidently, being his marriage to Frida Kerry and the birth of their only child, his daughter Diana.

Following that meeting, Harold wrote a bread-and-butter letter to Justice Holmes, a letter which initiated this voluminous correspondence between the sage in his seventies and the highly articulate vest-pocket dialectician in his early twenties. Meticulously and painstakingly edited by Mark De Wolfe Howe, with a foreword by Justice Frankfurter, these letters mount up to something like sixteen hundred closely packed pages, gathered into two weighty volumes. The correspondence was brought to a close only by the death at the age of ninety-four of Justice Holmes, nineteen years later.

Inevitable, therefore, that the second volume should be mostly letters from Laski; and indeed the chief value of this great collection is the documentary evidence it presents of the evolution of the British left-wing "intellectual." Laski paints his own portrait in these outpourings, and the octogenarian Justice is mostly on the receiving end. But the wary reader should be careful to distinguish between the Laski of the Holmes letters and the real Laski, victim of an intense inner conflict and schizophrenia. Even Mr. Howe is compelled to point out that elements of exaggeration, distortion, and falsehood are to be found in Laski's letters.

Behind the soft brown owlish eyes, the sallow face with its trimmed Chaplinesque mustache, the demure manner, the dazzling erudition, and the persuasive eloquence, lurked a less lovable and more dangerous Laski. "He would have been very well liked," Mr. Kingsley Martin admits in his biographical memoir recently published in London (to be published here by Viking Press on May 15), "could his statements have been relied upon." And it is amusing to note how the British reviewers of Mr. Kingsley's book, themselves mostly admirers of H.J.L., avoid naming him a deliberate and even congenital liar. Harold did not so much lie as "embroider," "invent," "romance," and "adjust" facts to fit his radical and extreme theories. An inveterate name-dropper and a consummate sycophant, he liked to tell stories of the great and the celebrated, usually with himself in the scene as a victorious participant. Mr. Martin, his intimate disciple and friendly biographer, offers this sample:

In the distinguished assembly in the Senior Common Room of the London School of Economics . . . Harold Laski looked about seventeen, with large round glasses and the learned mien of Giglamps in the schoolboy stories. He would suddenly break into the conversation in his penetrating voice. "Cannan," he would say to the famous economist, "when I was dining at Haldane's last night Asquith got off a beautiful thing about Curzon which would have pleased you."

Stories of this type abound in his letters to Justice Holmes; but there is also evidence that the

sage of the Supreme Court was not too easily taken in. "You certainly seem to wiggle in wherever you want to," Holmes slyly but disconcertingly wrote, tempering this "dig" with an added remark: "I'm glad to believe that the men in power know a good thing when they see it."

In fairness to Holmes, even those readers wary of the myth that has been cultivated about his name must admit that he saw through the potential extremism of his industrious correspondent. The old man of eighty-eight expressed an almost prophetic insight: "I think that the wisest men," he wrote Laski, July 10, 1930, "from Confucius and Aristotle to Lincoln have believed in the *via media*. . . . But I have not had a very high opinion of the intellectual powers of such extremists as I have known or known about. All of which is painfully near rudimentary twaddle—but I say it because little things once in a while make me wonder if your sympathies are taking a more extreme turn as time goes on. I always am uncertain how far Frankfurter goes. But I notice that you and he are a good deal more stirred by Sacco and Vanzetti, who were turned into a text by the Reds, than by a thousand worse things among the blacks." Earlier he had written of Laski's "socialism": "I read your article . . . with a touch of regret at the tone that you hint from time to time that the existing order is wicked. The inevitable is not wicked. If you can improve upon it, all right, but it is not necessary to damn the stem because you are the flower."

With the death of Holmes in 1935, the Laski letters end. It is significant that Laski confessed his revolutionary sympathies to Felix Frankfurter rather than to Holmes: "Clearly socialism cannot be attained constitutionally and the Bolsheviks are right. I stay with the Left of Labor, and if necessary I go to the extreme Left." Could it have been the loss of the gentle restraining influence of Justice Holmes that brought Harold Laski's inner conflict out into the open?

Mr. Martin's biography makes it clear that the final fifteen years of Laski's life were a series of crises, of intensified frustration, embitterment, and defeat. Yet this is the little man of whom A. J. P. Taylor writes: "His was the most important influence in making English Social Democracy and giving it its present form."

As Kingsley Martin's book unintentionally and even unconsciously makes clear, Harold Laski was driven farther and farther left by his Messianic delusions and his inability to dominate the Labor Party and its leaders. Attacked in 1944 and 1945 by Churchill and the Beaverbrook press, he broke out into a rash of libel suits against the London *Daily Express* and the *Evening Standard*, as well as several dailies in the provinces. Laski tried to vindicate himself of the charge that he preached "bloody revolution." Three witnesses took the stand to testify that Laski, in a political campaign, had incited to violence and instigated sedition. This

ignominious defeat was said to have "broken Harold Laski's heart." Subsequently, he lashed out at nearly everything and everybody—not only Jean-Paul Sartre and T. S. Eliot, but even his once-beloved America.

When he died in 1950, at the age of fifty-six, his funeral was honored by the presence of Clement Attlee and the entire Labor Cabinet, and subsequently a memorial meeting was held under the auspices of the entire Fabian hierarchy. The two heavy volumes of the Holmes-Laski letters are sufficient evidence of the importance attached to his name by a certain caste of American intellectuals.

R. A. PARKER

Young Heroes

Back Down the Ridge, by W. L. White. 180 pp. New York: Harcourt, Brace and Co. \$3.00

When W. L. White wrote his book on Russia in 1945, critics got the screaming meemies. How could he be so unpatriotic as to speak against our dear allies? Since then every book of his has met with cool superiority or silence. But what are they going to do about this one? They can't attack it as unpatriotic; they can't even make a face at it. Some of them will greet it with the enthusiasm it deserves; some of the worst will simply pass by on the other side and cut it dead. That will take gall, but of gall our fellow-travelers have a big stock.

When Mr. White began this book he meant it to be the story of doctors, nurses, and techniques with the wounded. "But," he says, "another figure began struggling free of the typewriter keys, rising from the swamp of blood-soaked bandages. He is the average American boy, just under twenty, who was pulled from his malted milks and basketball scores . . . how he faces pain and death." It is told in the words and actions of the boys themselves, a tight, underpainted picture that would make the old Spartans take in their sign.

The new techniques are there, too, the swift salvaging of the boys who in other wars were shell-shocked for years, the device to save helpless men in their cots in case of unexpected attack, the new drugs, even the new words. Not pretty words but tough, like Mash, which stands for that wonderful institution, a Mobile Army Surgical Hospital.

And what the boys who have been taken prisoner and escaped think of the enemy. The mistreatment came from the North Koreans, they said. If there was a Chinese officer around they were safe. That is encouraging and, we hope, true.

And smiles, if not belly laughs. A sweet, silver-haired old gentleman brings the boys fruits and books, and then asks if there is anything else they want. "Sure," says Jake, who may never have a girl of his own. "Girls," he whispers in the old gentleman's ear.

It is a tribute to Bill White's newspaper training and skill that he has crammed so many incidents, so much action, and so much emotion into the one hundred and eighty pages of this book. He doesn't consider it his most important work, but it seems to this reviewer a "must."

HELEN WOODWARD

Deep-Damasked Wings

The Selected Poems of Claude McKay. 112 pp.
New York: Bookman Associates. \$2.75

Out of the ashen wastelands of contemporary verse, this posthumous volume of Claude McKay leaps and glows like a sudden bloom of bougainvillea. Here at last is poetry—great poetry.

Around us today droop the Aesthetic Puritans. They abhor the wise words of Robert Frost: "A poem begins with a lump in the throat, a lovesickness or a homesickness." They choose to be mummies rather than men. They had rather die of anemia than admit that their hearts beat.

But Claude McKay was not like that. He believed in expressing richly what he had experienced deeply. He knew that poetry is like the sun, giving us a universe sharable and shared; he chose reason and the intelligible word. Fortunately for us, fortunately for poetry, his African blood was hot and strong. He brought the passion of the South to dim Northern men, thin and cerebral. He gave us initiation into reality rich as a cleft pomegranate. Of such is the kingdom of poetry!

I have forgot the special, startling season
Of the pimento's flowering and fruiting;
What time of year the ground doves brown the fields
And fill the noonday with their curious fluting.
I have forgotten much, but still remember
The poinsettia's red, blood-red, in warm December.

A lump of homesickness in his throat sent his imagination to seek and see the dear, lost island: thence he fashioned as poignant lyrics of nostalgia as the world has known. Yet even his grief affirms life's glory; even his pain fashions a paean for the world. Thus he creates poetry "innumerable of stains and splendid dyes," that says *yes* to life by its explicit philosophy and even more by its sheer and overwhelming beauty. He is what poetry most needs today: a classical romanticist.

Of these Jamaican poems, perhaps the greatest is "My Mother." Here is a simple-subtle elegy of a boy made a man by grief—so strong and whole that life and death become the twin sides of the arch, held in place by the keystone of truth. It moved me deeply years ago when, a boy myself, I first read it; it moves me as deeply today. It endures unruined by the years, beautiful beyond the corrosion of time—a masterpiece.

But there is much more here than even these rich excursions into the lost land of youth and the

South. Claude McKay was a burning spirit, who strode valiantly into the future; a modern who sought out (as many do), and who found victory over (as few do), the fiery furnace of our years.

Into the furnace let me go alone;
Stay you without in terror of the heat.
I will go naked in—for thus 'tis sweet—
Into the weird depths of the hottest zone.
I will not quiver in the frailest bone,
You will not note a flicker of defeat;
My heart shall tremble not its fate to meet,
My mouth give utterance to any moan.
The yawning oven spits forth fiery spears;
Red aspish tongues shout wordlessly my name.
Desire destroys, consumes my mortal fears,
Transforming me into a shape of flame.
I will come out, back to your world of tears,
A stronger soul within a finer frame.

Also he was a bold spokesman for his race, bidding them die—if they must die—"Pressed to the wall, dying, but fighting back." Yet his unique and greatest words are not of conflict but compassion: his people's victory, he knew, lay not in rebuttal by more savage violence, but in the gift of a more noble love.

But the Almighty from the darkness drew
My soul and said: Even thou shalt be a light
Awhile to burn on the benighted earth,
Thy dusky face I set amid the white
For thee to prove thyself of higher worth;
Before the world is swallowed up in night,
To show thy little lamp: go forth, go forth!

Here are too great riches for the hands of a reviewer to hold and bring. The cities of men, the might of Moscow and the blaze of Barcelona, the chasmed subway winds of Manhattan, the "dusky half-clad girls of tired feet" who drift like shadows through Harlem, even the snows of New Hampshire, speak his unwearying delight in the drama of time.

But I must mention (for they are almost the best of all) Claude McKay's beautiful love poems. He knew the whole of love, from thorn to rose—love that is the knife in the heart, love that is the crown of the soul. He brings to American poetry, as no other save Emily Dickinson has, the intensity and *wholeness* of love's being in both flesh and spirit; and if her intensity is greater, his color is richer.

No wonder arid collectivism and despotic revolution could not long deceive and snare such a poet! Poetry like his is life's great antidote to the death called Communism, for it is life itself—rich, free, passionate, wide, joyous.

Claude McKay is not, in quantity of work or developed philosophic width, a major poet. But in sheer intense quality—in his clear noble spirit and passionate sensuous heart, in his material deeply fused and his technique finely infusing—he is major as Catullus and Villon are major. He is one of the true lyric poets of the world, incarnating a great word in living flesh. Long after the politics

of today are shadows flickering over the screen of history, Claude McKay's poetry will sing and shine, forever timely because forever timeless—an American classic.

E. MERRILL ROOT

Romulo—Voice of Asia?

Romulo: Voice of Freedom, by Cornelia Spencer. 256 pp. New York: John Day Company. \$3.00

When American troops landed at Leyte, press dispatches reported that General MacArthur waded ashore in knee-deep water. "His aide-de-camp, Brigadier-General Carlos P. Romulo," they added, "was right by MacArthur's side."

Walter Winchell queried one of the correspondents: "How come Romulo didn't drown?"

Romulo's physical stature—he stands five feet four in his elevator shoes—has long been a butt for good-natured banter. *Romulo: Voice of Freedom*, by Cornelia Spencer, is apparently an attempt to establish his spiritual stature. By happy coincidence, the publication of this book came at a time when Romulo, a former president of the UN Assembly, and now Philippine delegate to the UN and Ambassador to Washington, was being boosted for the post of Secretary-General of the United Nations.

The cover blurb calls General Romulo "Asia's most articulate spokesman." The book is described as a dramatic recounting of "events that joined East and West irrevocably." East and West are, to our chagrin, not yet joined—irrevocably or otherwise. And, after reading *Romulo: Voice of Freedom*, one wonders whether that affable gentleman should really be described as Asia's spokesman in the effort to join them.

Miss Spencer picks up Romulo's story when, as a schoolboy in Manila, he wins a gold medal for a speech entitled: "My Faith in America." As a reward his wealthy father sends him to Columbia University, whence he returns to become Professor of English at the University of the Philippines. In between, he works as a cub reporter for the *Manila Times*, for a salary of "four streetcar tickets a day" and for the excitement. Success grips the energetic little man, and he becomes in quick succession assistant editor, editor, and then politician. As Miss Spencer puts it so graphically: "The desk he occupied seemed to float from one office to another, each more imposing than the one before. . . ."

This peculiar fate, to be always holding on to a desk that floats from bigger to better places—or, in simpler terms, to be on the right side of the right people at the right time—seems to abide with Romulo throughout the book. During the Quezon-Osmena dispute, Romulo sides with Quezon, striving for a tougher attitude toward American legislators who were drafting the basis of Philippine independence. Shortly thereafter, when Quezon be-

comes President, Romulo becomes his Secretary. But when Osmena takes over at Quezon's death, Romulo is on good enough terms with the new chief to be made Resident Commissioner in Washington. And all through this period "Rommy" is a protégé and admirer of Douglas MacArthur.

It is MacArthur who—right after the Japanese attack on Pearl Harbor and Mindanao—makes Romulo a major and puts him in charge of the "Voice of Freedom," the United States radio station broadcasting from the laterals of Corregidor. During this assignment, which lasts through the dismal and heartbreaking days of American defeat in the Far East, Romulo's stature finally does seem to emerge from beneath Miss Spencer's mediocre prose. Up to that point, he was in danger of drowning, not in the waters of Leyte, but among the platitudinous compliments of his biographer. Now, on Corregidor, Romulo emerges a hero—and a sensitive hero—as he gets out his newspaper, fights with Tokyo Rose over the airwaves, and tries to bring hope to the hopeless defenders of Bataan.

The entire episode, however, including Romulo's escape in a homemade airplane named "The Old Duck," is told more interestingly, and far more brilliantly, by Romulo himself in his book, *I Saw the Fall of the Philippines*. Subsequent events, such as Romulo's lecture tours through the United States and his triumphant return to Leyte with MacArthur, are also told by this very articulate soldier in *My Brother Americans* and *I See the Philippines Rise*.

Romulo's United Nations career, described indirectly in his novel *The United*, began at the San Francisco Conference, where he voiced the hopes for peace that were then filling the air. He attended most sessions of the United Nations and, in 1949, when the Assembly decided it needed an Asian President, he was elected with only the five dissenting votes of the Soviet bloc.

But neither during his tenure as UN Assembly President nor during his other assignments does Miss Spencer quote General Romulo as making any world-shaking statements, either on behalf of Asia or of the irrevocable union of East and West.

Toward the end of the book, to be sure, whole chapters are devoted to quoting General Romulo's poetry and prose. Long excerpts are reproduced from the General's speeches in the UN at a luncheon given by International Business Machines, during the intermission of the Philharmonic broadcast from New York. But these speeches, while filled with the fluent phrases of polite diplomacy, lack any salient idea that might contribute to world wisdom or world statesmanship. Reading them only makes one more painfully aware that the United Nations, so far, has not produced a single statesman of historic stature.

As to General Romulo, if he does not emerge from this book as a valid spokesman for Asia and

a joiner of East and West, he does leave one with the impression of a gentleman of great charm who unites the affability of the East with the energy of the West.

SERGE FLIEGERS

Timely Reappraisal

The Return of Germany, by Norbert Muhlen. 320 pp. Chicago: Henry Regnery Co. \$4.50

In the opening chapter of this valuable book the author points out that "keeping alive the specter" of a resurrected Nazi Germany is "an essential objective in the Soviet plan to subdue America and rule the world." Undoubtedly the many books written from the Morgenthauist, or Nazism-in-reverse, point of view have aided the Kremlin in its grand design. By representing the German nation or "race" as "Nazis by their very nature," the authors of such books, whether they know it or not, have not only diverted our attention from the clear and present danger of Communist aggression. They have also come near to persuading us to continue treating the whole German people as actual or potential criminals, instead of enlisting them on our side in the struggle for the world.

Norbert Muhlen, being himself of German-Jewish origin, as well as a liberal in the original sense of the word, cannot easily be smeared as a fascist or anti-Semite as others have who attempted a picture of postwar Germany uncolored by hate. His book is therefore likely to receive the silent treatment from the anti-anti-Communists who are now the most favored reviewers on the publications which make or break books.

So it is to be hoped that readers of the *Freeman* will not only buy *The Return of Germany* but will talk about it to their friends, thus helping to surmount the barriers set up by surviving wartime prejudice. Just how high those barriers are in the case of Germany today, as in the case of China yesterday, is illustrated by the many examples of biased reporting given in this book. Every faint sign, or unsubstantiated report, of "neo-Nazism" is headlined in most newspapers, while the much more abundant evidence of anti-Nazi, democratic, and pro-Western sentiment is played down or not reported at all. To give only one of the many instances cited by Mr. Muhlen: In last November's local government elections in West Germany, one out of a total of a hundred thousand representatives chosen was a former Nazi storm trooper. Yet "this single Nazi seemed—to judge from the headlines and space devoted to his victory in the American press—to be the actual winner of the elections, while the tens of thousands of anti-Nazis elected to office on the same day were more or less ignored."

Seeking to discover the real Germany of today under "the dust of old clichés," Muhlen's method

was to talk to the German people and study, without prejudice or preconceived theories, the evidence available concerning their real thoughts, sentiments, and attitudes. He approached them not as a nation apart, but as human beings responding in much the same way other peoples do to pressures, temptations, and experience. His conclusion is thus very convincing that the majority of the German people have all along been neither villains nor heroes but simply "passive non-Nazis."

Most Germans, he continues, "learned about the death camps only after the war when . . . nine million Germans arrived as fugitives from the East where two million Germans had been killed after the war, when atrocity stories were a dime a dozen." Thus the "particular case of the murdered Jews merged in their minds with the destruction of millions of other lives in the war and postwar period." Moreover, as he also points out, young Germans asked why their country alone was "singled out to be punished for the atrocities of her dictators, when the democracies did not even protest against the similar mass atrocities committed by Russians, Poles, Czechs, Hungarians, Yugoslavs, etc."

A boy of eighteen, who had joined the Hitler Youth when he was ten, told Muhlen that he could have no faith in anyone or anything now that everything he had been taught to believe was declared to be wrong. If the Western powers had practiced what they preached, the ardor of German youth, abused by Hitler, could have become a source of strength for the free world. Instead we discredited the ideals and values we profess to believe in by equating the term "democratic" with willingness to collaborate with Communists. We not only appointed Communists as editors of newspapers. We even refused licenses to publishers if they could not prove that they were friendly to Communism. And when we finally changed our policy in 1948, we made it all too clear that our growing hostility to Communism was not based on principle, but was merely our response to Moscow's threat to our own security.

Fortunately, our attitude toward the Germans has improved sufficiently to suggest that we may yet rehabilitate the democratic concept in German eyes. Moreover, thanks to their intimate knowledge of Communist realities, the great majority of Germans unquestionably prefer our side. A large and most interesting part of *The Return of Germany* is devoted to a description of conditions in the East zone, and to an account of the German resistance to Communist terror.

Norbert Muhlen ends his book on a note of hope. Germany is, he thinks, still ready to take the road America could open to her. But, "what is not possible (although our diplomats seem to think it is) is to bind a free Germany to the West without binding the West and ourselves to a free Germany."

FREDA UTLEY

Some Months of Sundays

Although it's difficult to believe that anything in television is done on purpose, it's probably no accident that three of the industry's most serious efforts are channeled on the one safely free day in the week. (A long time ago this used to be called the day of rest, remember?) Since the early fall, it has been possible to dial in to the U. S. Navy's history of World War Two, "Victory at Sea," on NBC; switch from there, by long and fancy slow-coach, to the Ford Foundation's "Omnibus" on CBS; and a little later on the same network to arrive at Edward R. Murrow's news feature "See It Now." All this on each, or any, Sunday afternoon.

It may appear slipshod to group three such divergent programs under the single term "serious," although I do not think so. Certainly it's easy enough to designate the Navy's work as seriously good, the Ford Foundation's as seriously silly, and Mr. Murrow's as seriously useful. But in the enormous and dangerous welter which is present-day television, there is one primary critical consideration: to try to assess that work which by experiment, discovery, or plain brain is developing this latest machine art into competent TV reporting, TV dramatic presentation, TV small entertainment. These three Sunday programs are all, I think, intrinsically *television* shows.

Here is what you get when you dial in to "See It Now" on CBS on Sundays at 6:30 P.M. The scene is a TV newsroom, small, and with no trappings. An announcer's voice identifies the program, and then Edward R. Murrow swivels into view and describes his selection of the week's events. Immediately, on a small monitor screen, a filmed record of the events begins; this then enlarges to the size of your own screen, and you are involved in the action. There is no narration, no music, no setting; no placards, maps, or cartoons; and best of all (and I mean this), no Murrow. The editor returns in the middle of the program to introduce the commercial, and again to describe the second half. The total time is half an hour.

Now this is an approach to journalism, or weeklyism, which could only be accomplished on television; no other means would do. The one danger inherent in the scheme is that naïve or intermittent viewers might think they had tuned in to straight reporting (page Orson Wells and his Martians of some fifteen years ago). But the very shortness of the program ought to take care of this contingency, and in every program I have seen, Mr. Murrow has been scrupulous about indicating which features he and his staff have arranged and which have been merely photographed.

To detail somewhat further the "perfect commercial" of this TV feature, it's also fair to say at once that a good deal of luck is involved. The sponsor is Alcoa (the Aluminum Company of America) and there isn't any question that aluminum is *not* toothpaste. Or cereal. I'm uncertain whether this is the first of the documentary commercials, but it's still the best: short, always varied, and the fascinating shine of the metal as it gets pressed, rolled, fired, and sprayed through the different manufacturing processes is extremely good camera stuff.

There are no commercial problems, of course, with "Victory at Sea," the Navy's filmed history of World War Two. Henry Salomon and his staff have had access not only to our own official camera files but also to those of our late allies and to captured enemy ones. They have worked all this material into weekly chapters of the great ocean campaigns in such a way that the program has been winning prizes and polls right round the town. There is an original score by Richard Rodgers, and a narrator. While the Rodgers music seems to me superlative, the accompanying spoken script does not. There is small point, surely, in viewing the facts of modern warfare to the accompaniment of sumptuous dilations from the Book of Joshua, or to rolling, rhapsodic, Whitmanesque periods. Often in watching "Victory at Sea"—and I have not missed a single chapter—it has seemed to me that it is only when we (the spectators) are "at sea" that we get the plain, strategic, intelligent announcement; and, conversely, it is when we are "on land" or "in the air" that we get the fancy, obscuring riprap. But there is no obscuring the excellence of this sustained documentary.

Finally we arrive at the Ford Foundation's "Omnibus," and I wish it were going to be a joyride. Frankly, after some eighteen weeks of watching this largest, longest, richest, most promoted, most elaborate, most pretentious TV effort, I find it almost impossible to sift any serious reason for its existence. Evidently the Ford people wanted to establish an "Omnibus" of the air, a "Something-for-Everyone" vehicle to contain an hour-and-a-half of filmed (and live) art, ideas, and data. On the technical end, all was to be experiment—no nagging time commitments for commercial spots; no blaring, compulsive announcing voices. On the esthetic end, lists of names were published of those who would take part in the programs (notably Alistair Cook's as some species of enlightened MC). And on the "real" end, sponsors were to be invited, although never urged. Well, as everyone now knows, all this took place; five sponsors have bought it; and public and critical reaction has mainly been a smog of indifference. I think perhaps the Foundation's TV workshop ought to take a couple of Sundays off—seriously off—to consider how they might be useful to themselves, as well as to the rest of us, in the future.

KAPPO PHELAN

SAFEGWAY STORES, INCORPORATED

Reports of 1952 activities

The Company did well in the election year. Net income before taxes showed an increase over the preceding year. Net sales were the highest in Safeway's history. Uninterrupted dividends on all outstanding stock have been paid since the Company's incorporation in 1926.

NET SALES HIGHEST IN HISTORY

Again in 1952, total aggregate net sales of Safeway Stores, Incorporated and its subsidiaries set a new record, totaling \$1,639,095,212, an increase of \$184,452,216, or 12.68% over net sales in 1951.

EARNINGS AND DIVIDENDS

After deducting preferred stock dividends of \$1,641,948, earnings amounted to \$2.01 per share of common stock. This compares with earnings in the previous year of \$2.26 per share of common stock. Dividend requirements on the 4% cumulative preferred stock and the 4½% cumulative convertible preferred were earned 3.51 times. Cash dividends were paid on the common stock at the rate of \$2.40 per share.

NET PROFITS INCREASED

(Before Taxes)

The net profit before income taxes for 1952 was \$17,094,348 as compared with \$13,318,809 in 1951. After allowing for a refund of excess profits taxes in the amount of \$1,157,000 in 1951 and payment of increased income taxes in 1952, the net profit after taxes on income for 1952 was \$7,331,943 as compared with \$7,615,851 in 1951.

ASSETS AND LIABILITIES

Total net assets of Safeway and all subsidiaries on December 31, 1952 totaled \$132,273,480. Total current assets of the same date were \$232,344,580, and total current liabilities were \$142,948,472.

The ratio of current assets to current liabilities on a fully consolidated basis was 1.63 to 1 as against 1.39 to 1 in 1951.

15 YEAR COMPARATIVE RECORD OF SAFEGWAY STORES, INCORPORATED AND ALL SUBSIDIARIES CONSOLIDATED

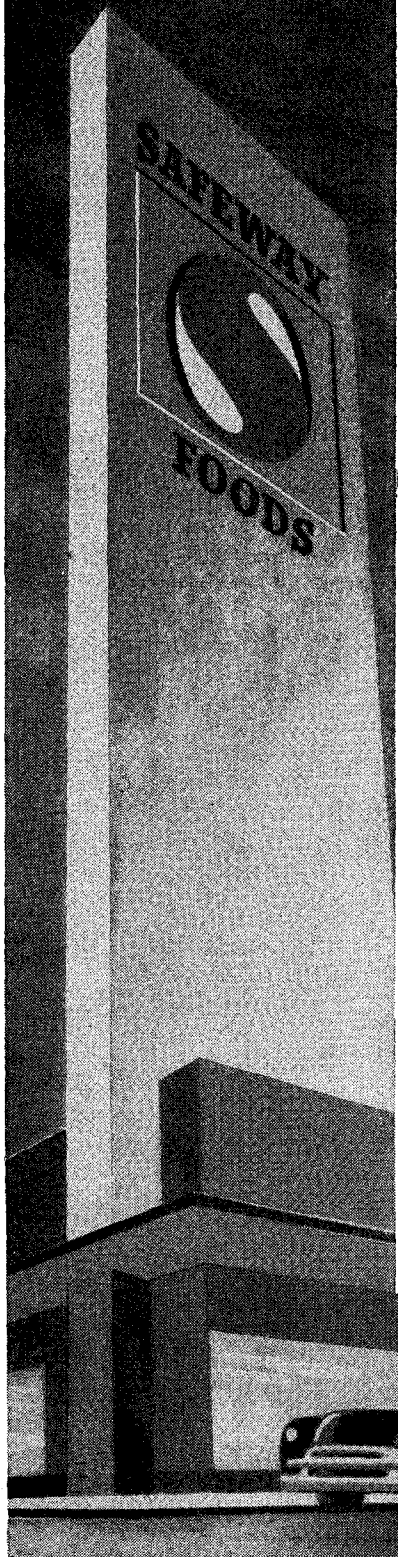
Year	Capital and Surplus	Net Assets Per Share of Preferred Stock	Book Value Per Share of Common Stock*	Dividends Paid Per Share of Common Stock*	Net Earnings Per Share of Common Stock*
1938.....	\$ 48,407,475	\$314	\$13.84	\$.67	\$1.34
1939.....	51,075,334	308	14.26	1.50**	2.20
1940.....	53,286,166	287	14.38	1.17	1.59
1941.....	60,007,566	270	14.87	1.17	1.64
1942.....	60,154,048	280	15.23	1.00	1.35
1943.....	61,453,200	288	15.78	1.00	1.56
1944.....	62,564,498	299	16.40	1.00	1.63
1945.....	63,604,685	311	16.97	1.00	1.59
1946.....	71,901,081	359	20.18	1.00	4.29
1947.....	76,039,946	388	21.96	1.00	2.75
1948.....	81,972,829	428	24.44	1.00	3.50
1949.....	91,236,990	488	28.22	1.25	5.04
1950.....	115,215,274	371	29.76	2.40	5.20
1951.....	113,821,747	377	29.58	2.40	2.26
1952.....	132,273,480	266	29.03	2.40	2.01

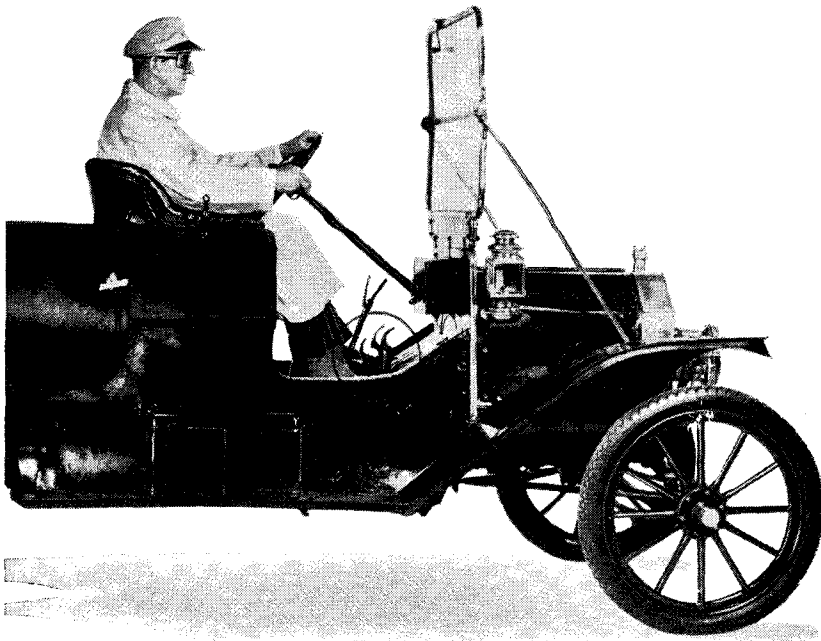
*Number of shares adjusted to reflect April 12, 1945 3-for-1 split.
**Paid in part in five percent preferred stock.

SAFEGWAY STORES, INCORPORATED

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REMEMBER the "Model T" days of the automobile? You adjusted the spark and gas, worked your feet over three pedals and you chugged away.

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It has been a big jump from the "chug-away" of the early cars to the "step-and-go" of today's automatic drive automobiles. You can count on Thompson to continue to make equally important improvements in other fields. Thompson Products, Inc., Cleveland 17.



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future secure...**

• They sleep soundly and unafraid. The adult world to them is a source of strength, offering protection.

But their adult world of thinking, working Americans realizes today that a secure future for these youngsters is in jeopardy. There are forces working to destroy our freedoms, undermine our security, and change our way of life.

Standing as a bulwark for the future security of these youngsters is our free enterprise system. Farmer, businessman, factory employe, professional man work together for the greater strength of our country.

International Harvester, tracing its origins back over a hundred years, pledges its continued support to the system that has made our nation and our people prosper.

We at Harvester, both employes and management, pledge our best efforts in the same direction for the years to come in order to contribute still more to the welfare of all of us . . . to the end that these youngsters may have the secure future we so deeply wish for them.

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