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Report of American Bar Association

(continued)

SPECIAL COMMITTEE ON COMMUNIST TACTICS, STRATEGY, AND OBJECTIVES

THE AMERICAN BAR ASSOCIATION TOOK NO ACTION ON THIS REPORT, BUT SENATOR STYLES BRIDGES INSERTED THE REPORT IN FULL IN THE CONGRESSIONAL RECORD.

It was reprinted in *American Opinion*, December, 1958.

COURT DECISIONS ON COMMUNISM (continued)

(Six of twenty cases decided by the U.S. Supreme Court were re-published in our last issue. The other fourteen follow. Editor T.S.C.)

7. *Sweezy v. New Hampshire*. The court reversed the New Hampshire Supreme Court and held that the attorney general of New Hampshire was without authority to question Professor Sweezy, a lecturer at the State University, concerning a lecture and other suspected subversive activities. Questions which the Court said that Sweezy properly refused to answer included: "Do you believe in communism?" and "Did you advocate Marxism at that time?"

8. *United States v. Witkovich*. The Court decided that, under the Immigration and Nationality Act of 1952, which provides that any alien against whom there is a final order of deportation shall "give information under oath as to his nationality, circumstances, habits, associations, and activities, and such other information, whether or not related to the foregoing, as the Attorney General may deem fit and proper," the Attorney General did not have the right to ask Witkovich: "Since the order of deportation was entered in your case on June 25, 1953, have you attended any meetings of the Communist Party of the U.S.A.?"

9. *Schwartz v. Board of Examiners of New Mexico*. The Court reversed the decisions of the New Mexico Board of Bar Examiners and of the New Mexico Supreme Court which had said: "We believe one who has knowingly given his loyalties to the Communist Party for six or seven years during a period of responsible adulthood is a person of questionable character." The Supreme Court ruled that "membership in the Communist Party during the 1930's cannot be said to raise substantial doubts about his present good moral character."

10. *Konigsberg v. State Bar of California*. The Court reversed the decisions of the California Committee of Bar Examiners and of the California Supreme Court and held that it was unconstitutional to deny a license to practise law to an applicant who refused to answer this question put by the bar committee: "Mr. Konisberg, are you a Communist?" and a series of similar questions.

11. *Jencks v. United States*. The Court reversed two Federal courts and held that Jencks, who was convicted of filing a false non-Communist affidavit, must be given

the contents of all confidential F.B.I. reports which were made by any Government witness in the case even though Jencks "restricted his motions to a request for production of the reports to the trial judge for the judge's inspection and determination whether and to what extent the reports should be made available."

12. *Watkins v. United States*. The Court reversed the Federal District Court and six judges of the Court of Appeals of the District of Columbia, and held that the House Un-American Activities Committee could not require a witness who admitted "I freely co-operated with the Communist Party" to name his Communist associates, even though the witness did not invoke the Fifth Amendment. The Court said: "We remain unenlightened as to the subject to which the questions asked petitioner were pertinent." The court did not question "the power of the Congress to inquire into and publicise corruption, maladministration or inefficiency in agencies of the Government." The Court did question the right of Congress to inquire into and publicise communism and subversion, and suggested that this "involved a broad scale intrusion into the lives and affairs of private citizens."

13. *Raley, Stern, and Brown v. Ohio*. The Court reversed the Ohio Supreme Court and lower courts and set aside the conviction of three men who had refused to answer questions about Communist activities put to them by the Ohio Un-American Activities Commission.

14. *Flaxer v. United States*. The Court reversed two Federal Courts and set aside the conviction of Flaxer of contempt for refusing to produce records of alleged Communist activities subpoenaed by the Senate Internal Security Subcommittee.

15. *Sacher v. United States*. The Court reversed two Federal courts and set aside the conviction of Sacher of contempt for refusing to tell the Senate Internal Security Subcommittee whether he was "a member of the lawyers' section of the Communist Party." In the second Sacher appeal, the Court again reversed the court of appeals and said that this question was not pertinent to the subcommittee's investigation of Communist witness Matusow's recantation. The Court refused to hear any argument from the Government lawyers representing this Senate subcommittee.

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Idolisation of Learning

“ . . . the newer universities have tended to teach their students too much and not well enough; and the result, especially in the first year of study, has been the wastage of much potentially good material.

“ This seems to me to be the solid truth behind much recent talk about a public inquiry into university education. The world has seen too much in recent years of *la trahison des clercs* to be complacent about such education. But the talk may easily make things worse. . . .

“ There is still more danger in the more ambitious demand that universities should take charge of the future spiritual welfare of civilisation. Much of the modern betrayal of humanity by its intellectual leaders may have sprung precisely from this modern tendency to idolise university learning. There was wisdom in John Knox's dying exhortation to the Kirk of Scotland to preserve itself from the bondage of the universities. A civilisation which has lost its philosophy of life must sweep other chambers than university lecture rooms to find it. Hence the ineffectiveness of much recent discussion about curriculum reform, even of the imposing report on the requirements of a general education published by the university of Harvard.

“ . . . Students pay for a university education in order that they may be trained for a socially useful profession. . . . A university is, of course, bound in honour to offer its students more than this. It must offer them, if it can, the salt without which professional training has no savour: a love of truth, a respectful understanding of their fellowmen, and a motive for their life's work. But, if it must offer them more, it must not offer them less . . . ”

—LORD EUSTACE PERCY.

Mrs. Maud Morris.

We record with regret the passing of Mrs. Maud Morris of Parkstone, Dorset, on February 11th after a long illness. Accepting the philosophy of Social Credit almost from the first moment of its impact upon her, she was its staunch supporter for nearly thirty years.

She gave time, money and the use of her house and studio for meetings.

Mrs. Morris left no family, but will be greatly missed by friends and those in the movement whom she helped.

REPORT OF AMERICAN BAR ASSOCIATION—

(Continued from page 1.)

16. *Yates v. United States*. In the second Yates appeal, the Court reversed two Federal courts and held that the refusal of Communist Party member Yates “ to answer eleven questions about Communist membership of other persons ” did not constitute eleven contempts. In the third Yates appeal, the Court reversed two Federal courts and held that Yates' contempt sentence of one year should be reduced to the fifteen days already served for this contempt.

17. *Bonetti v. Rogers*. The Court reversed two Federal courts and held that, although the Internal Security Act of 1950 provides that any alien, who “ at any time ” after entering the United States shall have been a member of the Communist Party, is deportable, Bonetti, an alien who became a Communist after entering the United States, was not deportable because he had entered after quitting the party. The dissenting judges charged that this construction reads “ at any time ” out of the act and the word “ last ” into the statute, and “ cripples the effectiveness of the act.”

18. *Consul General for Yugoslavia v. Andrew Artukovic*. The Court reversed two Federal courts and held that Artukovic, an anti-Communist refugee from Yugoslavia who is living with his wife and children in California, could not claim political asylum in America, but had to submit to an extradition hearing which would be based on Yugoslavia's political charges.

19. *Rockwell Kent v. Dulles*. The Court reversed two Federal courts and held that the State Department could not require every applicant for a passport to file a non-Communist affidavit.

20. *Dayton v. Dulles*. The Court reversed two Federal courts and held that the State Department had to give a passport to a research physicist whose passport application to accept a job in India had been denied for security reasons. The Secretary of State had found that Dayton had lived for eight months with a Communist who “ was involved in the espionage apparatus of Julius Rosenberg ” and that Dayton was going to work in India with another Communist “ who recently renounced his American citizenship.”

In accordance with the resolution of the House of Delegates and authorization of the Board of Governors, our committee—on the request of the State attorney for its co-operation—applied for and obtained permission to appear as *amicus curiae* in the appeal pending the Supreme

Court of Florida from the order of dismissal of the disciplinary proceedings against Leo Sheiner. Leo Sheiner had twice previously been ordered disbarred by the circuit court of Florida.

Our committee prepared and submitted a brief to the Supreme Court of Florida stating its views on the duty of the bar and of the courts to cleanse its ranks of an unfit member. The committee further stated its concept of an acceptable standard of fitness for attorneys and of the unfitness of any member of the bar who, in appropriate proceedings, persists in refusal to answer pertinent questions concerning his activities in the Communist Party or Communist-dominated fronts on the ground that his answers to such questions concerning his activities might tend to incriminate him. It is conceivable to us that an attorney and officer of the court may continue in good standing while he pleads self-incrimination in refusing to answer questions relating to subversive activities.

The brief pointed out that, in other walks of life, labour-union officials, teachers, Government employees, and employees of private industry, there had been set a standard under which the individual might be safeguarded in invoking the Fifth Amendment to inquiries which might tend to incriminate him, but by so doing he forfeits his position of trust and responsibility. The Sheiner case is very important to the bar as other states having such problem attorneys on their rolls have been awaiting the final decision in this matter.

The appeal was argued before the Supreme Court of Florida on February 8, 1958. Julius Applebaum, a member of our committee, argued as *amicus curiae* for this association. On July 24, 1958, the court issued an order on its own motion requesting further argument on September 5, 1959, and permitting supplemental briefs as to application of three decisions, *Max Lerner v. Hugh J. Casey, et al.*; *Herman A. Beilan v. Board of Public Education, School District of Philadelphia*; and *Milton Knapp v. Mitchell D. Schweitzer, et al.*, rendered by the United States Supreme Court on June 30, 1958. Our Committee is preparing such supplemental brief on behalf of the association and will participate in the re-argument. Our committee is willing to appear in similar cases upon direction of the House of Delegates or Board of Governors.

II

COMMUNIST TACTICS

Communist Russia has been called "a riddle wrapped in a mystery inside an enigma." This is true only for those who are ignorant of Communist writings. The Communists have set forth their plan for world conquest even more forthrightly than did Hitler in *Mein Kampf*. The Communist Manifesto said: "The Communists disdain to conceal their views and aims." Communists have never deviated from the theory enunciated by Marx and the strategy devised by Lenin.

For those who want to understand communism, we prescribe, not a fifteen-day trip to Russia, but fifteen days in a library studying the Communist conspiracy. The following quotations from Communist authorities are an accurate summary of Communist tactics, strategy, and objectives.

The Communist master plan for world conquest was stated by Lenin in these words:

"First, we will take Eastern Europe, then the masses of Asia, then we will encircle the United States, which will be the last bastion of capitalism. We will not have to attack. It will fall like an overripe fruit into our hands."

During the last twenty-five years, the United States has had 3,400 meetings with the Communists, including Teheran, Yalta, Potsdam, Panmunjom, and Geneva. The negotiators spoke 106 million words (700 volumes). All this talk led to fifty-two major agreements, and Soviet Russia has broken fifty of them. The Communists have followed Lenin's dictum about treaties and agreements:

"Promises are like pie crusts—made to be broken."

During the last three years, the United States has met seventy-three times at Geneva with the Chinese Reds to negotiate the release of 450 American prisoners. Not one American serviceman has been accounted for or released. The Communists have followed Stalin's principle of diplomatic intercourse:

"Words must have no relation to action—otherwise what kind of diplomacy is it? Words are one thing, actions another. Good words are a mask for concealment of bad deeds. Sincere diplomacy is no more possible than dry water or iron wood."

Marx and Engels stated this objective in the Communist Manifesto:

"The theory of the Communists may be summed up in the single sentence: Abolition of private property."

Lenin gave this command to Communists:

"We have to use any ruse, dodges, tricks, cunning, unlawful method, concealment, and veiling of the truth."

On another occasion Lenin added:

"As long as capitalism remains we cannot live in peace. In the end one or the other will triumph—a funeral requiem will be sung over the Soviet Republic or over world capitalism."

On September 17, 1955, Nikita Khrushchev warned us:

"If anyone thinks that our smiles mean the abandonment of the teachings of Marx, Engels, and Lenin, he is deceiving himself cruelly. Those who expect this to happen might just as well wait for a shrimp to learn how to whistle."

Khrushchev made this statement to Western diplomats at a Moscow reception on November 18, 1956:

"If you don't like us, don't accept our invitations and don't invite us to come to see you. Whether you like it or not, history is on our side. We will bury you."

Khrushchev appeared on our American television screens on June 2, 1957, and confidently told us:

"Your grandchildren will live under socialism."

William Z. Foster dedicated his book, *The Twilight of World Capitalism*, to his great-grandson, "who will live in a Communist United States."

The Communist philosophy of negotiation was stated in 1931 to the Lenin School of Political Warfare in Moscow by Dmitri Manuilski, a Soviet official and at one time the presiding officer of the U.N. Security Council:

"War to the hilt between communism and capitalism is inevitable. Today, of course, we are not strong enough to attack. Our time will come in twenty or thirty years. To win we shall need the element of surprise. The bourgeoisie will have to be put to sleep. So we shall begin by launching the most spectacular peace movement on record. There will be electrifying overtures and unheard-of concessions. The capitalistic countries, stupid and decadent, will rejoice to co-operate in their own destruction. They will leap at another chance to be friends. As soon as their guard is down, we shall smash them with our clenched fist."

Georgi Dimitrov advised the Lenin School of Political Warfare how to make use of innocents and dupes in these words:

"As Soviet power grows, there will be a greater aversion to Communist parties everywhere. So we must practise the techniques of withdrawal. Never appear in the foreground; let our friends do the work. We must always remember that one sympathizer is generally worth a dozen militant Communists. A university professor, who without being a party member lends himself to the interests of the Soviet Union, is worth more than a hundred men with party cards. A writer of reputation, or a retired general, are worth more than five hundred poor devils who don't know any better than to get themselves beaten up by the police. Every man has his value, his merit. The writer who, without being a party member, defends the Soviet Union, the union leader who is outside our ranks but defends Soviet international policy, is worth more than a thousand party members."

The key to Communist tactics is the dialectic. Just as the movements of the planets are predictable by astronomers, so are Communist movements predictable by those who have studied the dialectic. The dialectic is an instrument which gives the Communists complete freedom from normal and logical restraints. According to the dialectic, the Communist objective is never approached in a direct, persistent line. It is not even approached in a circuitous, winding pathway. The dialectic mode of progress consists of a series of advances and retreats. Communists do not wait for an opening; they create it.

Lenin described the dialectic as "one step forward, two steps backward." The Communists go backward and forward to inevitable victory. The operation of the dialectic is like hammering a nail. It is a foolish man who brings down the hammer with a crashing blow and then continues to push. When that blow has spent itself, the entire direction of progress is reversed and the goal is achieved through a series of backward forward motions. According to the dialectic, even though heading away from the goal, you are still fulfilling the scientific method of approach; and therefore the reverse movement must be carried out with the same fervor and determination.

The closing of the *Daily Worker* was a dialectical maneuver. The Communist Party made a dialectical retreat in stopping publication of the leading party organ on January 13, 1958, under the subterfuge that it was in dire financial condition. In so doing, the Communist Party made a two-step advance. First it strengthened the discipline of the party because, as J. Edgar Hoover has pointed out, the internal struggle for power resulted in a decisive victory for the pro-Soviet faction. Secondly, the ousted editor of the *Daily Worker*, John Gates, now performs the function of a Tito

within the United States. Gates is infinitely more valuable to communism lecturing at American colleges and universities than he ever was while with the *Daily Worker*. Gatesism promotes the apathy of the intellectuals under the theme: "Communism is dying out." The Communists aim to keep us complacent until the choice is annihilation or surrender, at which time they confidently expect us to submit to a negotiated surrender.

Also during this year, the Communists went forward with the rocks and garbage thrown at Vice-President Nixon in South America; backward with the smiles of Menshikov; forward with the executions of Nagy and Maleter; backward by allowing Tito to make a few anti-Soviet statements; forward with the defeats of anti-Communists in Syria and Indonesia—all with the same unity of purpose that makes everything contribute to their plan of world conquest.

The major Communist tactics at the present time include the following:

1. Nullification of the Smith Act and other anti-Communist legislation. F.B.I. Director J. Edgar Hoover testified January 16, 1958, at a House hearing made public in May, that forty-nine of the top one hundred and eight Communists convicted by Federal juries under the Smith Act have been set free by Supreme Court decisions. Judge Richard H. Chambers of the United States Court of Appeals, in a decision releasing eleven of these top Communists, said Supreme Court decisions have left the Smith Act, as to any further prosecution under it, a virtual shambles.

J. Edgar Hoover also testified that a top Communist functionary described the decision of the Smith Act case of June 17, 1957, as the greatest victory the Communist Party in America has ever received. The *Daily Worker* summed up the Yates, Watkins and other cases of that same day in these words: "The curtain is closing on one of our worst periods." The *Sunday Worker* of May 11, 1958, contains strong opposition to any legislation to overcome the Supreme Court's rulings on internal security.

Other anti-Communist laws which have been targets of the Communist Party and which are now nullified or weakened by the foregoing twenty cases are the Subversive Activities Control Act of 1950, the antiseditious laws of forty-two States, Alaska, and Hawaii, key security provisions of the Immigration and Nationality Act of 1952, and the Summary Suspension Act of 1950.

2. Muzzling the F.B.I. and congressional investigations. For years the Communist Party has poured out its most hysterical language against what the Reds call "the Gestapo-like F.B.I.," and the congressional inquisitions and witch hunts. This tactic has been so successful that it is now said that the Communists don't have to tell congressional committees anything.

Judge Robert Morris, chief counsel for the Senate Internal Subcommittee for six years, said: "The power of the Congress to learn the underlying facts of the Communist conspiracy has been hamstrung" since the decision in the Watkins case.

(to be continued).