

of the New West
FRONTIER

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MARKET NO. 50-205

1935 4/2/63

Dear Dr. Seaborg:

We would appreciate your comments and opinions about the article by Robert V. Latour on the SL-1 reactor accident.

There is, as you know, great concern in northern California for the safety devices of the proposed nuclear reactor at Bodega Bay -- a reactor to be sited just 1000 yards from the most active fault line in the United States.

Sincerely,

Ed Cray
Ed Cray
for Frontier



2480

FRONTIER

THE VOICE OF THE NEW WEST

APRIL 1963

35 CENTS

BERTRAND RUSSELL **The Myth** **of American Freedom**

Do You Want Somebody Killed? / The Boom in Land Frauds / Hang Your Clothes on a Hickory Limb / From the New Inn to the Bear's Lair: Oxford and Berkeley

Plus Reviews of Upton Sinclair's Autobiography and an angry James Baldwin's The Fire Next Time

THIS MONTH

Reason Is Treason

THE headline over a Gallup poll report said, "Fewer Fear H-Bomb Attack on U.S. in War." Five years ago, 75 percent of the American people thought war would mean a hydrogen-bomb assault. Now, only 60 percent think so. That's nice. The poll also reported that nine out of ten Americans believe their chances of survival in a nuclear war would be only fifty-fifty or worse. That's not so nice, but more realistic. Along with such intelligence, we haven't seen any evidence of an increase in civilian fallout shelters. People evidently are convinced that if nuclear war comes, the jig is up. Marshal Malinovsky of the Soviet Union says he commands enough nuclear power to burn the United States off the face of the earth, and our generals say we can return the favor. Our experts disclose that at the present time we can deliver enough nuclear explosive to destroy every major city in the world several times over. Yet, both the Soviet Union and the U.S. are pushing ahead in the arms race. Despite the "overkill capacity" (a phrase borrowed from Rand Corp.'s romantic vocabulary) of both nations, Goldwater fears we may be duped into making some concession or other at the Geneva conference on nuclear testing. No doubt the Russian Goldwaters fear the same thing in reverse. Which is the greater risk: trusting the Russians a half inch at Geneva or our putting our entire faith in the escalating arms race and relying on fallible human beings in power never to press the buttons?

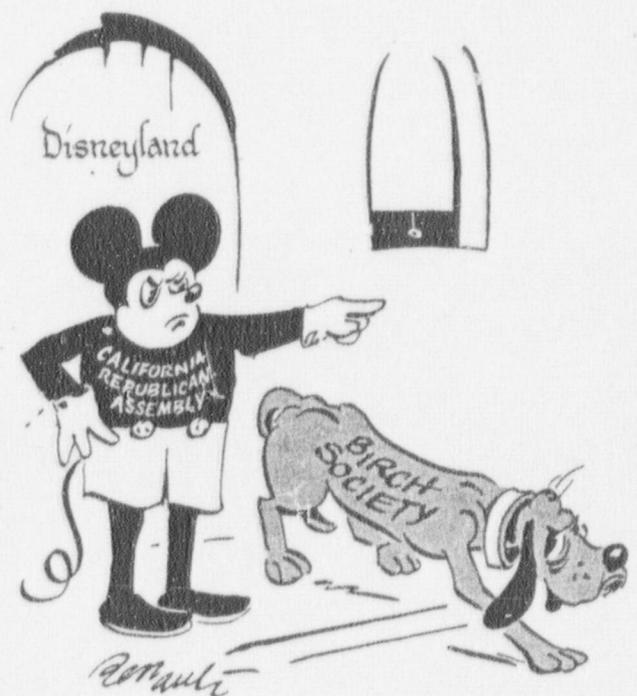
But the hard line is the safe line for politicians. No politician advocating war or belligerent acts that would lead to war need ever fear that he will be suspected of anything but the highest form of patriotism and courage. The leader who seeks ways of preventing another war—which would indeed be the war to end war and everything else—must be prepared to withstand unlimited abuse. Adlai Stevenson had to brave the New York winter without a coat. He couldn't get the thing on over that damn knife in his back.

Stevenson counseled caution in the Cuban crisis last fall, while the "hawks" advocated invasion or bombing of the mis-

sile sites. One "hawk," former Secretary of State Acheson, has admitted, according to reports from Washington, that he was wrong, and has granted, at least by inference, that Stevenson was right, but it was Stevenson who became the target of criticism. We give the far right, without charge, a slogan that should inspire them to greater effort: Reason is treason.

DR. PAUL TILLICH spooked the far-out far right recently. "Communism is not a danger here at all," Tillich said, "but conservatism is. What is called conservatism here seems to be a nice name for fascism. I don't see any communism in the United States, and I don't see any tendency in the young people to become Communists. I'm quite able to judge because I saw the real communism and fascism develop in Germany." Tillich, who came to the U.S. in 1933 from Germany, said one of Hitler's main weapons was "to attack the Communists when he was really attacking the liberals. This is a terrible thing and once having been through it," he added, "one must consider the danger."

The theologian said the Birch Society manifests "tendencies to fascism." That's what Fred Hall, recent president of the California Republican Assembly, has been saying about the Birchers, and enough CRA members agreed to block



The Expulsion of Pluto

the election of a Birch-supported candidate as president of the organization. The sensible element in the California Young Republicans was not so lucky, and, as a result, the CYR is saddled with a president who thinks Goldwater has a chance to get the 1964 Republican nomination and can beat JFK. Back to McKinley may be an inspiring battle cry for these juvenile reactionaries but it has all the clammy appeal to the public of a croaking frog in a bog.

When Fred Hall pinned the fascist tag on the Birchers, they and their sympathizers cried foul. Murray Chotiner, a handy man with a hatchet himself, said, "This tossing of labels around ought to be stopped." He added plaintively, "This word conservative has come to be recognized as a dirty word." Bruce V. Reagan of Pasadena said CRA leadership "attempted to pin unpleasant labels on anyone who opposed their dominant leadership." Reagan pleasantly labeled Hall a "dictator."

THE BIRCHERS are so restrained in their political activities and so careful in their charges [Eisenhower was a "conscious agent of the Communist conspiracy"] that it is surprising to see them attacked by extremists. One modest Birch effort is now under way in California. Billboards are being plastered with signs proclaiming: "SAVE OUR REPUBLIC . . . IMPEACH EARL WARREN." Who could object to that kind of mild political advocacy? And a defeated congressman who now heads the western regional organization of this society of mystics, said the other day that government, education, films and the press are saturated with Communists and sympathizers. We resent this implicit criticism of the greatest living American, J. Edgar Hoover. In addition to Warren, the Birchers have all sorts of targets. One, at the moment, is Tom Braden, president of the California State Board of Education, whose re-appointment they are fighting. Braden, a newspaper publisher, opposed Max Rafferty for State Superintendent of Public Instruction, and, furthermore, Braden was against Jack Schrade, the reactionary state senator elected last fall in San Diego. Governor Brown noted that the mail flowing into Sacramento on Braden's reappointment has all the earmarks of a planned operation. Many of the letters con-

(Continued on Page 26)

EDITORIALS

The Democratic Party and Paid Workers

By GIFFORD PHILLIPS

QUITE a bit of controversy is being generated within California Democratic Party ranks over the use of paid precinct workers in elections. Obviously, this controversy is being fanned by the press, which has been happy to discover that party division is not limited to the Birch-infested GOP. Certainly there are other issues which should be of greater concern to Democratic leaders, such as the urgent need for a Fair Housing Act to insure adequate dwellings for California's burgeoning minority population. This does not mean, however, that the issue of paid precinct workers is a false one and not deserving of public discussion.

By now almost every Democratic leader in California has had his say on the subject. Lined up in favor of using paid workers are Gov. Pat Brown, State Central Committee Chairman Eugene Wyman, and Assembly Speaker Jesse Unruh; opposed to their use are Tom Carvey, president of the California Democratic Council; former National Committeeman Paul Ziffren, the CDC Board of Directors, and the Young Democrats. The lines of this confrontation are edifying in themselves: it is evident that volunteer groups feel threatened by the introduction of paid workers, and for this reason, if for no other, the issue becomes an important one. The resurgence of the Democratic Party in California in the last five to ten years has been sparked by the activity of volunteer groups. If these groups should defect or become quiescent, the loss to the party would be great. For this reason, Governor Brown should give this question further attention and as the leader of the party attempt to find a solution which would be reasonably satisfactory to all concerned.

Critics of using paid workers contend that 1) paid and volunteer workers cannot co-exist and that use of the former will inevitably drive out the latter (somewhat in the manner of Gresham's law); and 2) paid workers almost invariably become part of a political machine operated by an organization "boss." Proponents of paid workers argue that volunteer workers are not plentiful enough in working-class districts where Democratic registration is greatest. They insist that fear of bossism is unwarranted and they believe that paid and volunteer workers can co-exist if the operation is intelligently handled. They quote the White House as supporting this view.

So far the issue has proven to be a difficult one to resolve. No one appears to have given any ground. It appears at this writing in mid-March that sparks will fly over the controversy at the March 29-31 CDC convention at Bakersfield. It is time to find a solution, if one is possible.

Such a solution might take the following form:

1. Agreement that volunteer workers are preferable to paid workers where the former are available in sufficient numbers;

2. Agreement that the use of paid workers be limited to those areas where reliable surveys indicate there is a shortage of volunteers;

3. Agreement that the decision to use paid workers in any given area be made *only* by a committee on which volunteer groups like CDC are adequately represented. This should obviate the problem of boss control.

Governor Brown should give his backing to a proposal of this sort; otherwise, there is a very real danger that an irreparable split in the party will develop.

All the News that's Fit . . .

FREE access to the news is basic in a democracy. In an emergency, the Government, on occasion, may have to withhold or limit information affecting military security, but at no other time should the Government censor, manage or otherwise manipulate the news. Official lying is never justified. It rarely deceives other nations, but hoodwinks the American people and lessens their faith in the credibility of the Government.

These views, unexceptionable in theory but violated often in practice, were the main burden of testimony presented late last month by representatives of the news media at a hearing of the House Subcommittee on Information.

Publishers and broadcasters have an unclouded vision of the responsibility of the Government in this area but do they subject their own performance to the same searching scrutiny? The evidence suggests not:

Item: When the U.S. Commission on Civil Rights released its report in 1959, 28 million readers of the southern press found no coverage in their newspapers.

Item: In 1960 when the executives of nineteen electrical manufacturing companies entered guilty pleas to price fixing, the press brushed this news aside with little mention. One news magazine gave it only four inches of space.

Item: The overblown treatment given any accident relating to communism or subversion. As A. J. L. has commented, "Most newspapers accepted and spread a doctrine of universal treason (in the U.S.) during the first postwar decade."

Item: The reporting on Cuba before Castro and since never underscored the facts about the Batista tyranny that enabled Castro to come to power. Castro once asked a question that, regardless of its source, deserves an

answer. Where was the American press when Batista was murdering people? Yet, a United Press International Editor, wrote two years after the revolution that before Castro Cuba was "a prosperous and generally happy island in the sun."

Item: After one of Castro's marathon talks (Dec. 1, 1961) in which he reviewed the development of his political theories, the news media reported that he had confessed being a Communist since his college days. This statement attributed to Castro was refuted by a transcript of his speech released by the State Department.

Item: The arbitrary support by the press of conservative causes with little regard for the merits of issues. For example, the automatic press opposition to medicare and the one-sided reporting here of social medicine in Britain.

Item: The capitulation of TV and radio to pressure of special interests. (One network cancelled a program—at the insistence of the AMA and the sponsor—that portrayed a doctor in a critical light.)

Item: The blandness of television and radio which no longer give listeners access to a full range of political commentators as radio did in the '40s. One TV commentator observes, "I feel we have fallen into a period

of conformism and sterility."

Eric Sevareid suggests that "the bigger our information media become, the less courage and freedom of expression they allow"—and the news media are concentrated in fewer and fewer hands.

The British journalist, Francis Williams, underscores the responsibility of the news media to society and their great influence, but he warns that "journalism is a profession inside an industry and the industry is in danger of swamping the profession."

Censorship and management of the news by government are not a new problem, and, as government grows bigger, the problem grows with it and should be watched more carefully. But in regard to the free flow of news in this country, is the stifling of the news at the source—in Washington, in the state capitals or in local government—the major problem of the moment? Or does the real difficulty lie with the news media?

At the hearing of the subcommittee on information, the chief complaints centered about the availability of the facts in crises like the Bay of Pigs invasion and the eyeball-to-eyeball confrontation with the Soviet Union over the missiles in Cuba. Information in an emergency is dramatic but not nearly so important as a steady flow of day-to-day news about the ordinary course of events, news that places these events in their proper perspective. In a crisis, the Government, of necessity, must reach decisions without recourse to a national referendum. But it is during periods leading up to a crisis, that the people, if fully informed, may have some influence on their fate.

Overlooking the Overflights

In confronting a hostile, totalitarian nation, an open society is handicapped by the lack of information that flows freely in a democratic country. By reading the press and listening to radio and TV, enemy agents within our borders can gather significant data, which, though not considered secret, is a valuable aid to a foreign power. Thus, a democracy is forced to use methods which it detests to obtain essential information about the plans and intentions of a potential enemy.

All this is true, and it is difficult to argue against the need of this country to operate its Central Intelligence Agency, but the sorry business of spying should be kept in proper perspective. The recent penetration of Alaskan air space for a half an hour by two Soviet reconnaissance aircraft was worth headlines in the press for its news value but scarcely merited the cries of indignation that followed on many editorial pages.

We flew U-2 planes over the Soviet Union for several years and stopped only because one was shot down and further flights would have been considered provocative acts which could have led to serious trouble. We are conducting intensive aerial reconnaissance daily over Cuba and have no intention of stopping them in view of the Soviet attempt to install missiles in Cuba and the presence of Soviet troops there. Furthermore, Cuba does not have the power to resist, and the Soviets do not want to risk another clash. Nevertheless, these overflights of Cuba have no sanction in international law. It is well to keep this in mind, although the editorialists overlook our overflights.

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BERTRAND RUSSELL

The Myth of American Freedom

THE ACTIVE presence of freedom in American life is vanishingly small. Words and slogans are used for long periods after they have been emptied of content by events. Those who know within themselves that to challenge their society fundamentally is a dangerous thing to do deceive themselves by clinging to such hollow slogans until they have been sufficiently corrupted to have lost interest in them. The next step is for the absence of vital life for these conceptions to be acknowledged as something desirable anyway. "National interest" is the replacement term most preferred.

I consider that there are three large developments in American society which have made talk of "freedom" and "individual liberty" empty talk which satisfies the diminished consciences of those who want to believe that they are motivated by these values at the same time that they embrace a society which despises "freedom" and "individual liberty."

These three developments are: 1) Overt and unabashed police-state techniques; 2) The evolution of institutional life incompatible with "freedom" and "liberty"; 3) The

At ninety years of age, Bertrand Russell continues to be, as he has been for many decades, one of the world's most influential figures. Since the development of the hydrogen bomb, Lord Russell has insistently opposed all nuclear arms, and he has been jailed for his leadership of non-violent but militant demonstrations in this cause. He holds the distinguished Order of Merit for service to his country and received the Nobel Prize for Literature in recognition of his pioneering research in mathematical philosophy and symbolic logic.

power struggle between the two authoritarian giants, America and Russia, which has introduced the concomitant threat of annihilation for mankind. These three developments act upon and reinforce one another.

Since the end of World War II, the way to political power in the United States has been characterized by the crudest persecution of dissident opinion. The object of this persecution has been to impose upon the United States an acceptance of capitalism and of the power of large industry. To further this end, any potential critics of such a power arrangement have been hunted down and declared subversive. One of the tragic aspects of this development has been the willingness on the part of "liberals" to swallow the dishonest assumptions, seek to dissociate themselves from those under attack, and allow the perpetrators to establish their power and their values as beyond question. Questions have been decided to be incompatible with patriotism.

"Subversives" are those who pose such questions. They are called Communists because it was also a purpose of men who hold American power to discredit alternatives to capitalism by equating support of a foreign power with domestic dissidence.

Communists were a convenience and all who retained an independent mind were obliged to denounce communism if they were to remain free and employed. Communism, however, was an issue created as a conscious hoax. The power of the Soviet Union was real and the power-conflict with the Soviet Union was real. Espionage, as old as nation-states, was also real. None of these facts had any bearing on the use to which they were put by cynical addicts of power. Communists had no political significance within

American life. It is not clear why it is illicit for Communists to play a role in the political life of a free country.

It was soon clear, however, that Communists would be hunted, for that enabled the hunters to accuse all with whom they had political differences of being this new form of devil, carefully cultivated as a domestic "menace."

The Federal Bureau of Investigation is a secret political police. Non-conformists have been beset by a posse of terrified perjurers who, upon losing their terror, found official lying a lucrative way to live. American political life centered in the late 40s and 50s upon the intimidation of all men of integrity prepared to criticize their country.

Investigating committees have also used the paid informer and instructed liar. Scores of individuals have been jailed and many hundreds more deprived of livelihood. The

effect of this systematic and pervasive program of intimidation has been to eliminate political alternatives from public discourse in the United States.

Opportunist politicians, such as Joseph McCarthy and Richard Nixon, patterned their careers on the national pastime of inquisiting men with independent minds. The press has entirely cooperated in this. The press, like all media of communication, is controlled by large economic interests. These very economic interests have nurtured the attack upon civil liberty and the "concentration camp for the mind" which characterizes the United States of America.

The Justice Department assisted with loyalty boards, subversive lists, and prosecutions of individuals for their

WHAT DOES AMERICA OFFER HUMANITY?

Human liberty is an abstraction which men of power have profaned. They have profaned this idea, not alone because they had violated it, but because they have invoked it. Men of power today invoke the noblest concepts of our species in the name of their cruel and insensate brutality. It is in the name of human liberty that policies of mass destruction, of genocide, of extermination, are being perpetrated. It is in the name of human liberty that the American government is prepared to incinerate human beings in the hundreds of millions. It is, therefore, clear that to preserve a policy of this kind, again in the name of human liberty, the most primitive and savage legislation of repression must be enacted.

When such men of power have at their disposal the means of conditioning an entire population, it is a source of extraordinary pain and desperation for those individuals who see the perversity both of the practice and of the language in which the practice is couched. When we consider the McCarran Act and the entire legislation of repression which has been enacted in the United States, we must consider it in the context of a whole range of activity. Paid informers, investigating committees operating in conjunction with a slanderous press, subversive lists, a secret political police, loyalty oaths—all of these—have been part of an attempt to reduce the American people to a condition of servility and of hysterical fanaticism with respect to independence of thought.

Professor H. H. Wilson has referred to this climate and this pattern of behaviour and has called it the development of "a concentration camp for the mind." I wish to consider the way in which this concentration camp for the mind has been used by men of power. It has been used by them to keep themselves in control of a society and to remove from the people the right to question that control without the very loyalty of these people to their country being called in question. This power has been utilized to sustain a struggle for international power which is likely to lead to the extermination of human life on our planet. The Cold War, the struggle for power between the Soviet Union and the United States, is a reflection of the mentality of those who have prepared the McCarran Act and who would utilize it to create conditions of tyranny in the United States. I believe that

it is very important that this relationship be understood. It was understood by Dr. Royal France, whose life's work was testimony to the fact that there remain individuals who will not acquiesce in evil, no matter the odds against them.

It is not any particular piece of legislation which is significant, although the McCarran Act might be considered to serve as a symbol of neanderthalism in our time. It is, rather, that the fear of ideas, the compulsion to suppress those who will not bow to the dictates of authority, the desire to invade the privacy of individual human beings and their right to cultivate their own beliefs—these qualities are inevitably those which will be developed by a society engaged in preparing for mass murder. The cause of human survival and the cause of individual freedom are one. The likelihood of human survival is remote for just so long as men are deprived of the ability to challenge authority and talk to their fellow men with effect.

Professor Smith (Louise Pettibone) deserves our earnest support, because she is playing a leading part in the struggle for individual freedom in the United States. I believe that this dinner in her honor is an expression of an undying hope amongst Americans, however few, that their country has something significant to offer humanity. I suggest that this contribution does not lie in missiles or Polaris submarines, in neon light or in mass production. The American contribution derives from a concern for intellectual independence and creative intelligence. The spokesmen are not generals or pedlars of unwanted goods, nor are they the opponents of liberty. The former concern does honour to America and the latter disgraces her. Professor Smith reminds us that the struggle goes on. I wish to add my own tribute to those presented this evening, and to convey to all of you my gratitude to her for her personal reminder that there are Americans who feel they have as much right to their country as those who debase it.

—BERTRAND RUSSELL

Lord Russell wrote the above in tribute to Prof. Louise Pettibone Smith, national co-chairman of the American Committee for the Protection of Foreign Born, and the late Royal W. France.—Ed.

political views. The F.B.I. persisted in fabricating evidence—and even the existence of Communists to be hunted—in order to continue to drain public funds.

The case of Alger Hiss illustrated the proposed fate for all foolish enough to defy government charges. The government has never convincingly refuted Hiss's claim that the F.B.I. constructed a typewriter to secure a false conviction.

The atmosphere of hysteria so sedulously cultivated by the press and the government of the United States was sufficient to murder the Rosenbergs who were accused of espionage on the evidence of a perjurer. Even the law under which they were tried was substituted for the one under which they were accused because the former carried the death penalty. The Rosenbergs were incapable of having copied the documents they were said to have copied because, as Einstein pointed out, they lacked the essential training necessary to have done that of which they were accused. The peace-time death penalty showed the extent to which the persecutors would go in the United States and helped to diminish the danger of intellectual independence.

Espionage, however, was only the guise, for political views of a radical kind would hardly be cultivated by an intended spy. The continued object was the man who disagreed. After a time, however, the persecution of dissidents (called ferreting out Communists) became a career in itself and more and more victims were necessary to feed the inquisition and its victim-hungry administrators.

The case of Morton Sobell, illegally kidnapped, convicted on non-existent evidence, sentenced to thirty years, is one of the more obvious examples of "freedom" in the United States.

The attorney general's list includes today many hundreds of organizations which are declared subversive. The Feinberg law of New York requires teachers to report on the political beliefs of their colleagues. Those who are friends or associates of political dissidents are themselves subject and in danger of overt persecution.

The system of terror which I am describing and which, I am certain, is familiar to Americans, has worked in an informal way as devastating as its more exhibitionist aspect. Private industry does not employ the political suspect. The right to travel is a consequence of holding dependable views. A great blackmailing industry emerged with journals such as *Red Channels* destroying careers by smearing men as Communists. The important fact is that a free society would not be one in which a political view could constitute a danger to the holder. Nor could someone be "smeared." Smears betray the absence of freedom.

Labels as a Substitute for Thought

The result of this pervasive and systematic terror has been that Americans first respond to political discussion by seeking to attach labels to ideas, the better to dismiss them without having to consider them.

It is not possible to have such an environment for fifteen years without profound effect. Americans prefer to say that the "witch-hunt" was a passing phase of hysteria created by nasty men such as McCarthy. On the contrary, the persecution which America has witnessed and largely em-



Renault, Frontier

BERTRAND RUSSELL

braced was created by men of power to destroy political opposition. McCarthy was an excrescence upon this fact.

The second development to which I have referred earlier is an institutional one. The nature of a large industrial society is bureaucratic and impersonal. The individual is submerged in vast collective units. Individuals who are created for such institutions are without features marking independence of mind. Adlai Stevenson said, "Technology, while adding daily to our physical ease, throws daily another loop of fine wire around our souls."

This statement is full of insight. It reveals that the United States is as collectivized as the Soviet Union in the sense that both societies are characteristically large and are dominated by bureaucracies. The private or public character of these institutions does not determine the extent to which people are cogs. It is technology and size which do that. Ideology is largely irrelevant.

For this important reason, the persecution of men of independent mind is not the only source of tyranny in America. The daily lives of people are incompatible with freedom. They no longer have real control over decisions which affect them and this is a fundamental fact.

Part of this second development is the nature of power itself within American political life. The corporate community constitutes a private government. Industries are interlocked and the economic and political life of the United States cannot seriously be separated. So it is with economic and political power. The corporate community finances both political parties, provides the millions necessary for both candidates in senatorial elections, owns and controls the media of communication and, in effect, exercises the power of decision making. For this reason formal political democracy in the United States is largely a sham, and "freedom" is a convenient myth at the disposal of faceless bureaucrats. The overwhelming political power of the corporate community is private in character only insofar as there is no public awareness of its role, let alone knowledge of its decisions or control over them. The two political parties operate within this system and the formal political institutions—the Congress and the Executive—merely serve to administer for the corporate community. After fifteen years of persecution, systematic conditioning and the eradication of political opposition, the American public accepts national interest as defined by corporate capitalism. For these elementary reasons, the political democracy of which America is speak is, for me, largely without serious meaning.

Intimately related to these two developments which I have sought to describe has been the power struggle between the Soviet Union and the United States—the Cold War. The elimination of dissent was achieved by indentifying dissent in the popular mind with support of the "enemy," the "devil," the inconceivably wicked "Russians." The nice thing about this was that it also became impossible to question the power-struggle itself. Russia was the means of ending American radicalism and the means itself was sacred. I am utterly convinced that if the conflict with the Soviet Union had never existed a different menace would have been adopted for the purposes of political persecution.

Nonetheless, the struggle for power with Soviet Russia has enabled American politicians to sanctify every oppressive act in the name of national security and to label every appeal for freedom as sympathy for the Russians.

The Two Systems: "Remarkably Alike"

In the course of the struggle it has become apparent that neither side is concerned about anything except dominating the other. The Russians may proclaim hostility to capitalism and the Americans to communism. Yet the two systems, under the very pressure of their own conflict, have become remarkably alike. The bureaucratic and impersonal character of these two countries has taken them in very similar directions. Stalin, it was true, was exceptionally cruel. Since Stalin the cruelty has diminished apacé with the growth of intolerance in America.

The United States has created and supported tyrannical regimes around the world. The sole criterion for support has been subservience to American military needs and willingness to allow the resources and peoples of the respective countries to be exploited by American industry.

This pattern in America has made the question of freedom directly relevant to the unlikely hope of human survival. Unless it becomes possible not only to question in

isolation the holders of American power, but to mobilize effective political opposition to their power and their policy, survival is in doubt.

If friendship with the Soviet Union is treasonable, if the power of the military-industrial complex is unchallengeable, if the insane struggle between the Soviet Union and the United States is not halted, then the absence of freedom will lead to the end of life on our planet.

I believe that until a radical analysis of this kind is made by Americans and acted upon, regardless of the consequences, we must all live through sufferance of semi-literate paranoids with their fingers on buttons.

Hang Your Clothes on a Hickory Limb . . .

THE American government in all of its monolithic strength now finds itself in combat with a group of 150 students and young people in New York City. Working under the assumption that the best protection against the views and actions of these young people is to outlaw them, the Department of Justice has recently instigated action against the youth group known as Advance. As far as youth groups go, Advance is known neither for its numbers nor its militancy and throughout its brief history Advance has suffered from a mentality that seems older than its members.

In January the Attorney General of the United States, Robert Kennedy, spoke before the Annual Convocation of the Center for Democratic Institutions and said: "If freedom is to thrive in any corner of the world, there must be communication and a sense of law." He later noted that "all great questions must be raised by great voices, and the greatest voice is the voice of the people—speaking out—in prose, or painting or poetry and music, speaking out in homes and halls, streets and farms, courts and cafes—let that voice speak and the stillness you hear will be the gratitude of mankind. . . ." At the same time the Attorney General was speaking of the need to speak out on issues, his department was instituting action against Advance. The Department of Justice has called Advance to appear before the legal arm of the McCarran Act—the Subversive Activities Control Board, and to prove themselves innocent of being a "Communist-front." Under the provisions of the McCarran Act the SACB is to base a determination that any organization is a "Communist-front" on any of the following criteria: 1) the extent to which its managers are active in the management of communist-action organizations, *i.e.* the Communist Party; 2) the extent to which support is from communist-action organizations; 3) the extent to which its money is used to support communist-action organizations or their programs; 4) the extent to which their policies do not deviate from those of any communist-action organization.

Advance is the first student group to be cited under the provisions of the McCarran Act since its legality was upheld in June of 1961. Last August the United States National Students Association passed a resolution on the

McCarran Act that said in part: "USNSA expresses grave reservations about the effects of the McCarran Act on the freedom of speech and the freedom of association and therefore urges Congress to reconsider the McCarran Act. . . ." Nobody at that USNSA Congress envisioned that the McCarran Act could or would be used against a student group.

The picture of the federal government wielding the sword of Damocles over the heads of 150 students is absurd, but the application of the McCarran Act to a student group can only further the plight of those students in this country who are trying to investigate new areas of political and social action. No matter what the politics of Advance, many students believe they have not only a right but an obligation to provide a forum for divergent views. Whether these views support peace and civil rights or Marxism and communism, students still have the right, they believe, to advance their ideas.

The action by the Attorney General not only flouts his speech before the recent Fund for the Republic Convocation in New York, but also the provisions of the First Amendment to the Constitution. How are we to expect American college students to grow to respect the Constitution when the Department of Justice violates its provisions?

If Advance is found guilty of being a communist-front it will be called upon to register with the Attorney General, none of its members can use a passport, none of its members can apply for a government loan under the provisions of the National Defense Education Act, none of its members can apply for a job in a "defense facility." Other equally repressive requirements are involved in "registering."

The ECLC Supplied Counsel for the Group

In January, Advance was immediately faced with the problem of appearing before the SACB in a lengthy hearing. If the organization could not afford a lawyer (the Advance bank account boasted \$10.00) then it would be found "guilty" on the evidence presented by the government alone. The Emergency Civil Liberties Committee agreed to take the Advance case, thereby assuring the group of legal counsel before the SACB. Consider, however, the problems any youth organization might confront if called to appear before the SACB. Besides the cost of defending yourself before the SACB, it is necessary to raise money to carry your case to the people; it is necessary to fight off an immediate drop in membership and bad publicity from the news media; members are forced to attend school or a job and yet appear before the board; the group is forced to spend its time in defense rather than in positive political activity; it risks losing campus-affiliated organizations.

Advance has made it clear that its membership is open to anyone interested in the battle for peace and civil rights. It has also admitted that Communists may be members, but asks "so what?" The statement of principles of Advance says that, "We stand for peace, a world without war, total disarmament, and a free exchange of ideas and visits among the young people of all nations. By explaining youth's stake in a peaceful world, we will help unite young people in the struggle for the future." Advance

"They kidnapped our fishermen near their submarine nest"



"We caught their spies near our fishing port"

admits to being a discussion center for Marxist thought and also admits that Communists and non-Communists alike have spoken from their platforms. The membership of Advance has participated in picket lines in favor of peace, has opposed the speaker ban in New York City colleges, has been on freedom rides and has also been guilty of such obviously subversive activities as holding a party for the members of the Bolshoi Ballet when they appeared in New York.

The Attorney General in his statement to the members of Advance and the SACB noted that the organization had Communists as members, had received favorable publicity in *The Worker*, and had held views that were parallel with those of the American Communist Party. These parallel views are as follows:

- 1) Opposition to the Japanese Security Pact.
- 2) Negotiations on Berlin.
- 3) End to nuclear testing—East and West.
- 4) Opposition to the Selective Security Act.
- 5) Recognition of the government of Cuba and the restoration of the right to travel to that island.
- 6) Opposition to the McCarran and Smith Acts.

It is because of these parallel views that many student groups throughout the country are beginning to take a stand against the persecution of Advance by the Attorney General. While few of the groups that oppose the Attorney General's action have anything to do with Advance or its Marxist outlook, they are genuinely worried about the application of parallelism in this case. Almost every liberal student political group has taken a stand similar to that of Advance.

— PHILLIP ABBOTT LUCE

THE BOOM IN LAND FRAUDS

When you buy a dream, you may find a dream is all you get

By TOM McDONALD

ANYONE with an ounce of greed . . . honest people who think that maybe once they can gyp their neighbors . . . senior citizens who want the chance that passed them by in the 1920's and 1930's . . . dreamers for the wide open spaces: such are the victims of the largest swindle in the nation today.

Colorful direct-mail brochures, dazzling newspaper ads, and the siren call of radio and television commercials daily urge Californians to invest in distant lands. According to Attorney General Stanley Mosk, over \$100,000,000 in annual sales of raw speculative land occur in California.

California is not just one of the prime consumer markets for speculative land sales; it is also one of the greatest producers of such property and schemes.

The attention of the current session of the California Legislature has been sharply focussed on this problem by a bill (AB 336) which would apply the stringent "fair, just and equitable" rule to such real estate promotions. The bill was introduced by Assemblymen John Knox (D-Richmond) and Lester McMillan (D-Los Angeles) with the full backing of Attorney General Mosk.*

Opponents of many current raw land promotions point to the Florida land bubble of the 1920's and other famous "bubbles". Proponents reply with examples of once worthless California deserts and Florida swamps which are now enormously valuable.

The debate continues with opponents describing the widow of meager means who sinks her last few dollars into a land fraud. Unfortunately the opponents are hard-pressed to find an investor who meets this description.

Most of the investors are unsophisticated, but not poor. They are really buying dreams: of quick profits, of long-term fortunes, or of a longed-for place in the country. And for this reason, many are never disappointed, even when they discover that their "rancho" is a waterless, soilless wasteland. Their dreams are strong enough to invest the land with a beauty or an eventual worth which it shall never possess. For some, simply the ownership of an acre of land which they may never see is worth \$500.

Often the investors are honest people seeking to make a quick turn-over and stick someone else with the property. The sales pitch may emphasize the "quick-in,

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* At press time, the "fair, just and equitable" phrase had been amended out of Knox's bill. The Attorney General will seek the introduction of another bill with the key passage.

quick-out" aspects, as well as the long-term investment angle.

No matter how barren or inaccessible the land may be, none has been found with which all investors were unhappy.

Considering these factors, it is in raw land sales particularly that government is confronted with the problem of how far it can go in protecting the consumer. How many legal safeguards can be erected rightfully to protect people from being misled? Who will decide when people are spending their money foolishly? Where will the line be drawn between fraudulent sales and foolish purchases? These are a few of the questions confronting the California Legislature, the Attorney General and the Real Estate Commissioner in attempting to regulate promotional sales of raw land.

What Protection Is There for the Consumer?

On one side is the beleaguered consumer besieged by advertising and believing that somewhere there is a nice man in government who is protecting him from any advertising that is misleading.

On the other side are the modern homes, lush meadows, beautiful girls, fat cattle and multi-million dollar master plans—in the fertile minds of a smiling developer and a harried ad man designing brochures for a barren land development.

The pitch is being made to the consumer who can afford \$10 down and \$10 a month—a person unable to visit his land or bring a law suit when he discovers he has been defrauded.

Nathaniel Kossack, chief of the Fraud Division of the U. S. Department of Justice, considers land frauds a major part of the estimated annual \$750 million fraud "business" in the United States.

Out-of-state real estate ventures filing required reports with the California Real Estate Commissioner rose from six covering 1700 acres in 1959-60 fiscal year to ninety-four covering 148,000 acres in 1961-62. During the past six years, 313,692 acres of out-of-state property have been offered in California. A study by the commission revealed that less than eight percent of these lands had fire protection, sewage, road maintenance, water service, electricity, gas or telephone service. The majority were more than twelve miles from any store.

Another commission survey found that thirteen subdivisions in five states originally cost the developers \$35 to \$380 per acre. They were sold from \$150 to \$6750 per acre. The improvement costs to the developer ranged up to 60 percent of land costs, while promotion costs rose to 204 percent of the land costs.

Still the question arises: "Isn't the land worth it? Look at the rising land values in the West."

Many of the properties are now being peddled as long-term investments. Buyers are encouraged to hold the property pending the growth of yet unborn cities in Arizona, Nevada, and even Brazil.

At the National Conference on Interstate Land Sales, which he convened in San Francisco last October, Attorney General Mosk noted that one remote desert county in Arizona "now has 300 active subdivisions." It is doubtful to most observers that the population explosion or exploding metropolises will affect these developments for a long time.

How They Hornswoggle the Investor

C. Edward Elias, Jr., of the Real Estate Research Program at UCLA's Business Administration graduate school, outlines in a special report the techniques often used by raw land promoters to convince investors of the rise in land values—the simple system of periodically increasing prices. In his report, Mr. Elias refers to one developer who arbitrarily raised his prices from \$595 for five acres in 1958 to \$595 for one acre in 1961. Mr. Elias points out that such price rises encourage buyers to maintain the payments on their property. He also notes that no individual in such a development could normally sell his own land at these higher prices unless he is willing to give the same long-term payments and indulge in similar costly advertising as the developer.

Because of this particular aspect of the problem: unseen land purchased as an investment and effectively dependent on a promoter for its growth, the Attorney General and the Real Estate Commissioner are backing the bill to apply the "fair, just and equitable" rule to such lands. They feel that the unsophisticated investor in such lands should be afforded the same protection that is given to investors in stocks and bonds.

Under the "fair, just and equitable" rule, all offerings of such land would have to meet the approval of the Real Estate Commissioner and his studied decision that the offering was "fair, just and equitable" to the investor.

Opposition to the bill will be strong from the California Real Estate Association, other real estate organizations, and lobbyists for various developers. It will be the task of the proponents to convince the Legislature and the majority of realtors that this legislation will only affect the fringe and fraudulent operator. Attorney General Mosk has stressed his belief that this legislation will aid the real estate market in California by preventing millions of dollars from being siphoned away by promoters of worthless land.

Professor William Warren, Jr., of UCLA Law School, has noted that a correlative of the "fair, just and equitable" rule must be prompt and efficient administration by the Real Estate Commissioner. The fact that the wheels of government often grind more slowly than the mills of the gods has concerned many developers. They envision months of waiting while anonymous government officials consider the "fair, just and equitable" facets of a promo-

tion which may bring the developers millions of dollars.

The alternatives to the "fair, just and equitable" rule which have been offered by both industry and government observers are wide-ranging. The most lenient has much support within the industry. It is simply not to change the law, based on the belief that the Commissioner now has enough power to deal with frauds and further regulation would only harm legitimate operators.

A major alternative has centered on full disclosure of all facts concerning developments. This proposal would require developers to disclose their land cost, development cost and promotion cost. It would also provide for the presentation of these and other facts in a more striking and enlightening manner in the Real Estate Commissioner's report on the development.

According to the law, the buyer must see the Commissioner's report before he buys land. Often, however, the salesmen sandwich the mimeographed report between alluring promotional brochures. At best, its drab governmental approach is not designed to attract attention. As presented, it is easily overlooked. Frequent use of legal verbiage only worsens the problem.

It has been suggested that a solution to the land fraud problem would be "jazzing-up" the report, presenting the following information, for example, in large red letters:

THIS LAND HAS NO WATER, SEWAGE, ELECTRICITY OR ROAD MAINTENANCE. IT IS 15 MILES FROM THE NEAREST STORE. DUST STORMS, FLASH FLOODS AND DROUGHTS ARE COMMON IN THE AREA. LIVESTOCK CANNOT BE SUPPORTED. THERE IS A BLANKET MORTGAGE ON ALL THE PROPERTY. THIS LAND HAS BEEN RE-SOLD 5 TIMES IN THE PAST 30 YEARS—ALWAYS AT A LOSS. THE DEVELOPER PAID \$20 PER ACRE. HIS PROMOTIONAL COSTS WERE \$50 PER ACRE.

A third alternative would be to restrict the "fair, just and equitable" rule to out-of-state lands. The proposed law includes both in-state and out-of-state developments.

At Least, Snake Oil Isn't as Costly

Many state officials in attendance at the Interstate Land Sales Conference felt that the final answer can come only through federal legislation due to the direct-mail interstate and international character of the business. Attorney General Mosk discussed this possibility in March with Attorney General Robert Kennedy.

Regardless of the problems surrounding regulated speculative raw land sales and the attempts by promoters involved in the business to assume respectability, Attorney General Mosk believes that the true nature of the operations is revealed in a recent incident: "On one day," Mosk said, "a single salesman sold 7500 'options' to buy land sight-unseen for \$50 each. He sold them from a booth at the Texas State Fair and I am sure he would have been just as comfortable selling snake oil."

DO YOU WANT SOMEBODY KILLED?

The current California battle over the death penalty

By TED McHUGH

WITH Governor Brown as the motivating force, the question of capital punishment is again agitating the legislature. Since Brown has been bloodied in his earlier anti-capital punishment fights, many observers thought he would allow the issue to remain dormant this session. But the governor has put aside political tranquility and chosen battle once again. To this battle he has committed the considerable resources and prestige of his office. The Governor vigorously stated his commitment to the principle of abolition in his inaugural address:

"You are all aware of my position on capital punishment. I do not believe it deters crime. I do believe it degrades man.

"In almost twenty years in public life — as District Attorney, as Attorney General, as Governor — I have upheld my sworn duty to enforce the death penalty. But, with the passing of time, my own conviction has grown stronger that capital punishment affronts the conscience of man. Most often we execute the felon whose skin is darker than our own — whose position in life is lower than our own. And, to our shame, we let live the felon whose crime we believe less odious because he is more like us.

"I will ask this legislature to enact at least a moratorium on capital punishment, substituting for it the sentence of life imprisonment without possibility of parole and retaining the death penalty only where necessary to protect the staffs and inmates of our penal institutions."

Since his inaugural statement, the Governor has repeatedly supported abolition, and has explained the fact that he is asking for a moratorium rather than outright repeal only because he believes that a moratorium has a better chance of getting through the legislature. The Governor knows that little is to be gained by a vigorous but losing fight. One is tempted, therefore, to conclude that Brown thinks he can win. Perhaps he is right, but a look at recent history could not give him much encouragement.

In the past thirty years, anti-capital punishment bills have been introduced in every General Session of the legislature, except 1943, 1945 and 1947. In addition, Senate Bill 1 (Farr) was introduced in the 1960 Special Session. Of these bills, four reached the Assembly floor and three were passed to the Senate. For reasons lost in the mists of antiquity, one of these bills was reported out of Committee (1933—Assembly Bill 15) to the Senate floor, where it was quashed thirty-three to six. The other Assembly bills, plus four Senate bills on the subject, were all exterminated in the Senate Committee on Judiciary.

The most dramatic episode in the long war against capital punishment took place on March 9, 1960. The

occasion was the Judiciary Committee's hearings on Sen. Fred Farr's bill — carried at the request of Governor Brown in a Special Session called by the Governor — which would abolish capital punishment and substitute life imprisonment. The bill also prohibited the execution of persons then under sentence of death, which would have included Caryl Chessman, whose case had attracted international attention. The same committee had killed a similar bill after extensive hearings the year before, and it was a foregone conclusion that Farr's bill would suffer the same fate. Nonetheless, a major battle was put on in the crowded committee chamber.

Two Standards of Justice Prevail

From 9:30 a.m. to midnight, a stream of witnesses produced every conceivable argument for and against the death penalty. Senator Farr was brilliantly assisted by Sen. Hugo Fisher in eliciting favorable testimony. The opposition was spearheaded by Senators Donald L. Grunsky, J. Eugene McAteer, and Chairman Edwin J. Regan. Tempers were short during the long, tense hearing; Democrats were particularly incensed at Senator McAteer's insistence in establishing that the proponent's witnesses from out of state were being reimbursed by the Governor's office for expenses occasioned by their appearance at the hearing. At the end of the long day, the roll call turned out to be closer than anticipated, eight to seven. Farr had amended his bill to a three-year moratorium instead of outright abolition in a last minute effort to swing the last vote, but the effort failed.

Opponents of capital punishment are carefully re-reading the transcript of that hearing. The arguments will be the same now as they were then — the figures need only to be updated. For example, the assertion that the poor, the ignorant and the Negro are executed while the rich and clever receive lesser sentences, can be more fully documented. The recent life imprisonment sentence of Dr. Geza deKlapany will doubtless be used as a dramatic illustration of how money and talent can combine to save the admitted perpetrator of a particularly gruesome murder from the gas chamber.

Besides revising their arguments, the abolition forces are also sifting the 1960 Judiciary Committee report for clues as to how the committee will vote this year.

This year's effort — Assembly Bill 692 — was introduced on Jan. 31 by Los Angeles Democrat Lester McMillan, co-authored by twenty-seven Assemblymen. The bill is expected to narrowly clear the Assembly. It should receive a "Do Pass" recommendation from Gordon Winton's Committee on Criminal Procedure possibly by only a one-vote margin — and the Governor's office believes it can secure the necessary votes to get it passed on the Assembly

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