

**FILE DESCRIPTION**

**NEW YORK FILE**

**SUBJECT** **JOHN ROGGE**

**FILE NO.** **100-95459**

**VOLUME NO.** **1**

**SERIALS** **1-125**

---

---

## NOTICE

**THE BEST COPIES OBTAINABLE ARE INCLUDED IN THE REPRODUCTION OF THE FILE. PAGES INCLUDED THAT ARE BLURRED, LIGHT OR OTHERWISE DIFFICULT TO READ ARE THE RESULT OF THE CONDITION AND OR COLOR OF THE ORIGINALS PROVIDED. THESE ARE THE BEST COPIES AVAILABLE.**

File No: 100-95459 Re: John RoggeDate: 1/78  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1A	6-14-54	Exhibit enclosure	25	25	
1	5-16-49	SAC MEMO TO FILE	1	1	
2	6-17-49	SA TO SAC MEMO	1	1	
3	8-10-49	NEWS PAPER CLIPPING "ROGGE DENOUNCES CLARK SELECTION"	1	1	
4	8-10-49	NEWSPAPER CLIPPING "ROGGE URGES SENATE BAR CLARK FROM COURT"	1	1	
5	9-8-49	SA MEMO TO FILE	1	1	
5	9-8-49	SA MEMO TO FILE	1	1	
6	9-8-49	NY TELETYPE to HQ & WFO (typed copy)	2	2	
6	9-8-49	<sup>copy</sup> NY TELETYPE to HQ & WFO (transmitted copy)	2	2	(2 typ pages)
7	9-15-49	SA MEMO TO FILE	5	5	
8	9-26-49	LETTER FROM SAC CINCINNATI TO SAC N.Y.	1	0	referred
9	9-27-49	LETTER FROM SAC CINCINNATI TO SAC N.Y.	1	0	referred

File No: 100-95459Re: John RoggeDate: 1/78  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
10	10-10-49	S.F. MEMO TO FILE	1	1	
11	11-3-49	SA LETTER TO FILE	1	1	
12A	11-9-49	SA MEMO TO FILE COPY	1	1	(1 dup page)
12	11-9-49	SA MEMO TO FILE	1	1	
13	11-10-49	(typed copy) N.Y. TELETYPE TO H.Q.	3	3	
13	11-10-49	N.Y. TELETYPE TO H.Q. (transmittal copy)	3	3	(3 dup. pages)
14	11-13-49	NEWSPAPER CLIPPING "OUR VANISHING CIVIL LIBERTIES"	2	2	
15	11-14-49	NEWSPAPER CLIPPING "THE TRUTH IS 'TOP SECRET' "	1	1	
16	11-17-49	SA MEMO TO FILE	1	1	
17	11-29-49	NEWSPAPER CLIPPING "HIS CRIME: HE WENT TO A MUSEE"	2	2	
18	12-1-49	NEWSPAPER CLIPPING "YOUR WORD AGAINST WHAT WE HAVE"	2	2	
19	12-4-49	NEWSPAPER CLIPPING "HOW THE POST OFFICE LOOKS AT LOYALTY"	2	2	



Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
20	12-6-49	NEWSPAPER CLIPPING "THE TRIAL OF HAROLD CHRISTOFFEL"	2	2	
21	12-6-49	NEWSPAPER CLIPPING "ROGGE MEETS PROGRESSIVES SPLIT WITH REDS"	1	1	
22	12-7-49	NEWSPAPER CLIPPING "BEHIND THE LOYALTY DRIVE: PROFITS, MONOPOLY, WAR"	2	2	
23	12-5-49	THIRD PARTY LETTER TO N.Y.	3	3	
24	12-7-49	SAC LETTER TO THIRD PARTY	1	1	
25	12-11-49	NEWSPAPER CLIPPING "NEARLY HALF OF THE NATION NOW IN- HOUSED, IN-CMD, AND IN-FOC"	1	1	
26	12-9-49	NEWSPAPER CLIPPING "HOW THE BIG TRUSTS HIT YOUR WALLET"	2	2	
27	12-12-49	NEWSPAPER CLIPPING "KANGAROO GRAND JURY INDICTED REDS"	2	2	
28	12-13-49	NEWSPAPER CLIPPING "LYNCH SPIRIT BUILT UP FOR RED TRIAL"	2	2	
29	12-14-49	NEWSPAPER CLIPPING "EVEN THE LAWYERS ARE NOW IN DANGER"	2	2	
30	12-15-49	NEWSPAPER CLIPPING "ANTI-RED SLOGANS PROTECT THE THUGS"	2	2	
31	12-16-49	SA LETTER TO FILE	3	3	

File No: 100-95459

Re: John Rogge

Date: 1/78  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
32	12-18-49	NEWSPAPER CLIPPING "LAWYERS MUST NOT BE COMPROMISERS"	1	1	
33	12-19-49	NEWSPAPER CLIPPING "OFFICIAL SUPPRESSED TRENTON EVIDENCE"	1	1	
34	12-19-49	NEWSPAPER CLIPPING "A HANGIN' JUDGE"	1	1	
35	12-19-49	NEWSPAPER CLIPPING "TRENTON 6 JUDGE FACES NEW FIGHT"	1	1	
36	12-20-49	NEWSPAPER CLIPPING "IS A BOMB SCARE A REICHstag FIRE?"	1	1	
37	12-21-49	NEWSPAPER CLIPPING "A PLEA FOR RETURN TO THE CONSTITUTION"	3	3	
38	12-16-49	NEWSPAPER CLIPPING "SCOTTSBORO CASE IN N.J.: THE TRENTON 6"	1	1	
39	12-27-49	SAC LETTER TO HQ	1	1	
40	1-3-50	SA MEMO TO FILE	5	5	
41	1-14-50	NEWSPAPER CLIPPING "ROGGE IS BARRED AGAIN FROM "TRENTON SIX" TRIAL"	1	1	
42	1-20-50	NEWSPAPER CLIPPING "NO: HISTORY AND PRESENT EVENTS PROVE AGREEMENT IS POSSIBLE"	1	1	
43	1-27-50	SA MEMO TO FILE	22	21	

File No: 100-95459Re: John RoggeDate: 1/78  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
44	2-2-50	NEWSPAPER CLIPPING "ROGGE SEEKS LIBERAL OK OF PROGRESSIVES REFUTES Red Control" RE: PROGRESSIVE PARTY	2	2	
45	2-20-50	SAC LETTER TO HQ	6	6	
46	2-21-50	NEWSPAPER CLIPPING "UNITE AGAINST FASCISM"	1	1	
47	2-28-50	SA MEMO TO FILE RE: NATIONAL COUNCIL OF AMERICAN SOVIET FRIENDSHIP	1	1	
48	2-8-50	NEWSPAPER CLIPPING "UNITE AGAINST FASCISM"	1	1	
49	2-9-50	INFORMANT REPORT RE: PROGRESSIVE PARTY DEBATE	1	1	
50	3-1-50	NEWSPAPER CLIPPING "NOTABLES ASK VISAS FOR PEACE Delegates"	1	1	
51	3-3-50	NEWSPAPER CLIPPING "ACLU URGES GOVT. GIVE VISA TO PICASSO"	1	1	
52	3-5-50	NEWSPAPER CLIPPING "ROGGE LEAVES FOR MOSCOW TO PRESENT PEACE PLEA"	1	1	
53	3-5-50	NEWSPAPER CLIPPING "Rogge. Flies to Moscow TO TALK PEACE — MAYBE"	1	1	
54	3-6-50	NEWSPAPER CLIPPING "Rogge Flies to RUSSIA ON PEACE MISSION"	1	1	
55	3-9-50	NEWSPAPER CLIPPING "Rogge in KREMLIN. Address Appeals for FREE Speech"	2	2	

File No: 100-95459Re: John RoggeDate: 1/78  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
56	3-17-50	NEWSPAPER CLIPPING "Rogge SAYS TITO WAS Badly Treated"	1	1	
57	3-17-50	NEWSPAPER CLIPPING "Rogge is a Bit WORRYD OF EUROPEAN Risks"	1	1	
58	3-19-50	NEWSPAPER CLIPPING "Rogge TELLS Red Rally U.S. Does NOT WANT WAR"	1	1	
59	3-21-50	NEWSPAPER CLIPPING "Rogge SEEKS TITO-MORELIN RECONCILIATION"	1	1	
60	3-21-50	NY TELETYPE to HQ RE: NATIONAL COUNCIL OF AMERICAN SOVIET FRIENDSHIP	1	1	
61	3-22-50	SA MEMO TO FILE RE: NATIONAL COUNCIL OF the ARTS	2	2	
62	3-12-50	NEWSPAPER CLIPPING "WELCOME VISIT"	2	2	
63	3-8-50	REGISTRATION STATEMENT ABSTRACT	1	1	
64	3-23-50	NEWSPAPER CLIPPING "CALL World Peace Congress IN ITALY"	1	1	
65	4-3-50	SA MEMO TO FILE RE: WORLD PEACE CONGRESS	1	1	
66	4-5-50	SA MEMO TO FILE RE: NATIONAL COUNCIL OF AMERICAN SOVIET FRIENDSHIP	1	1	
67	4-5-50	SA MEMO TO FILE RE: NATIONAL COUNCIL OF AMERICAN SOVIET FRIENDSHIP	1	1	

File No: 100-95454Re: John RoggeDate: 1/78

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
68	4-9-50	NEWSPAPER CLIPPING "Feathers From the Left Wing"	1	1	
69	5-5-50	NEWSPAPER CLIPPING "Rogge Reports Yugoslav Industrialization Gains"	1	1	
70	5-5-50	NEWSPAPER CLIPPING "Rogge Says Liberty Is Cold War Victim"	1	1	
71	5-10-50	NEWSPAPER CLIPPING "BROADWAY"	2	2	
72	5-17-50	SA MEMO TO FILE (2 copies, 1 page)	1	1	
73	5-31-50	NEWSPAPER CLIPPING "Robeson, Rogge Leave for Pearl Harbor"	2	2	
74	6-2-50	NEWSPAPER CLIPPING "Rogge Calls Self Lobbyist For Tito"	1	1	
72	5-17-50	SA MEMO TO FILE COPY	1	1	(1 dup. page)
75	6-2-50	NEWSPAPER CLIPPING "AROUND the GLOBE"	1	1	
76	6-5-50	NEWSPAPER CLIPPING "Rogge BACK From London"	1	1	
77	7-24-50	SA MEMO TO FILE Re: Young Progressives of America"	4	4	
78	7-24-50	SA MEMO TO FILE	1	1	

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
78	7-24-50	SA MEMO TO FILE COPY	1	1	(1 dup page)
79	7-20-50	INFORMANT REPORT RE: WALLACE BREAKS WITH CP LINE	1	1	
80	8-17-50	NEWSPAPER CLIPPING "Rogge For Appeal Change"	1	1	
81	8-27-50	NEWSPAPER CLIPPING "Rogge Urges New Party"	1	1	
82	11-7-50	SA MEMO TO FILE RE: INDEPENDENT Socialist League	4	4	
83	11-9-50	NEWSPAPER CLIPPING "Rogge Quits Trenton Six"	1	1	
84	11-17-50	NEWSPAPER CLIPPING "Delegates From 43 Nations Open Warsaw Peace Meet"	2	2	
85	11-20-50	NEWSPAPER CLIPPING "PENK MARTING DOOS Rogge Bid TO LISTEN TO U.S."	1	1	
86	11-20-50	NEWSPAPER CLIPPING "OFFER WORLD PARLEY 10-YEAR PEACE PLAN"	2	2	
87	11-21-50	NEWSPAPER CLIPPING "WHO FEARS FREE DEBATE?"	1	1	
88	11-21-50	NEWSPAPER CLIPPING "HOWARD, IN WARSAW TALK, ATTACKS ROGGE'S PRO-SAVAKY STAND"	2	2	
89	11-21-50	NEWSPAPER CLIPPING "Rogge's Rebellion"	1	1	



File No: 100-95459Re: John RoggeDate: 1/78  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
90	11-22-50	NEWSPAPER CLIPPING "Rogge Disowns Abe Lincoln"	1	1	
91	11-24-50	NEWSPAPER CLIPPING "WARSAW PARLEY MAKES WORLD PLEA for Peace"	2	2	
92	11-24-50	SAC LETTER TO HQ	1	1	
93	12-1-50	NEWSPAPER CLIPPING "LETTERS FROM READERS"	2	2	
94	11-26-50	NEWSPAPER CLIPPING "SOVIETS SCORN PEACE: Rogge"	1	1	
95	12-3-50	NEWSPAPER CLIPPING "O. JOHN Rogge SEES 'SAMB LIGHT'"	1	1	
96	12-11-50	NEWSPAPER CLIPPING "SOME QUESTIONS ABOUT MR. O. JOHN ROGGE"	1	1	
97	12-15-50	NY TELETYPE TO HQ RE: PEACE INFORMATION CENTER	2	2	
98	12-16-50	NY TELETYPE TO HQ RE: PEACE INFORMATION CENTER	3	3	
99	12-16-50	NY LETTER TO HQ RE: PEACE INFORMATION CENTER	12	12	
100	1-1-51	NEWSPAPER CLIPPING "Rogge Urges 'PEACE PARTY'"	1	1	
101	1-22-51	PH MEMO TO HQ	1	1	

File No: 100-95459Re: John RoggeDate: 1/78  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
102	1-29-51	CLIPPING FROM THE NEW LEADER	3	3	
103	3-2-51	SA MEMO TO SAC	1	1	
103	3-2-51	SA MEMO TO SAC COPY	1	1	(1 dup. page)
104	5-12-51	NEWSPAPER CLIPPING "COURT SAYS ROGGE NEGLECTED CLIENT"	1	1	
105	5-12-51	NEWSPAPER CLIPPING "U.S. COURT CRITIC O. JOHN ROGGE AS NEGLECTING CHRISTOFFEL CASE"	1	1	
106	6-6-51	NY LETTER TO HQ RE: NATIONAL LAWYERS GUILD	5	5	
107	9-5-51	SA MEMO TO FILE RE: COMMUNIST INFILTRATION	1	1	
108	9-7-51	NEWSPAPER CLIPPING "ROGGE TO OFFER A LIE TODAY IN THE ADAMIC DEATH MYSTERY"	1	1	
109	1-18-52	SA MEMO TO FILE RE: AUBREY GROSSMAN	1	1	
110	1-22-52	SA MEMO TO FILE RE: CIVIL RIGHTS CONGRESS	1	1	
111	2-15-52	NEWSPAPER CLIPPING "ROGGE FILES A LIEN ON RED BAIL FUNDS"	1	1	
112	2-15-52	NEWSPAPER CLIPPING "Rogge moves to collect for of \$15,000 for Red Defense"	1	1	



File No: 100-95459Re: John RoggeDate: 1/78  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
113	8-19-52	NY MEMO TO FILE	4	4	
114	1-26-53	SA MEMO TO SAC RE: GEORGE MARSHALL	12	12	
115	2-16-53	SA LETTER TO SAC RE: NATIONAL COUNCIL OF THE Arts, SCIENCES AND PROFESSIONS	4	4	
116	7-23-52	NY MEMO TO FILE	3	3	
117	11-1-53	SA MEMO TO SAC	1	1	
118	11-18-53	SA LETTER TO SAC RE: EMANUEL H. BLOCH	2	0	SEE NY FILE 100-15348 SEE NY FILE 65-15386 SEE NY FILE 100-37158
119	3-24-54	SA MEMO TO SAC	1	1	
120	3-21-54	NEWSPAPER CLIPPING "WHO IS O. JOHN Rogge?"	2	2	
121	7-13-54	NEWSPAPER CLIPPING "MRS. BROWDER'S TRIAL BEING TAKEN OFF CALENDAR"	1	1	
122	12-4-54	SA LETTER TO SAC RE: YUGOSLAVIAN UN DELEGATION	2	0	
123	2-24-55	NEWSPAPER CLIPPING "ROGGE TELLS OF LEFTIST FUNDS"	1	1	
124	2-24-55	NEWSPAPER CLIPPING N.Y. Post	2	2	
125	2-27-55	newspaper clipping (photostat) N.Y. Times	1	1	

Department of Justice

MATERIAL MUST NOT BE REMOVED FROM THIS FILE

**FEDERAL BUREAU**

*of*

**INVESTIGATION**

Bureau File Number





5-25-49

O John Rogge

100-95459-1a2

100-95459-1A



Voices: Mr. Chairman, I wish to say that as far as I am concerned, I am ready to be heard now. I recognize the position of the House is representative of organizations who were sent down here in opposition to a particular bill and then find the bill withdrawn - but that is not my situation. My name is U. John Rogge.

Metzenbaum: You would like to be heard. Is that right?

Rogge: I am ready to be heard at this time.

Metzenbaum: I move that Mr. Rogge be heard.

Metzenbaum: We will be glad to hear from you, Mr. Rogge. While you are being heard, I wonder if we couldn't let those who would like to see the new bill - see a copy of it. Of course, I would imagine that you would all like to see it but --

Senator Bartunek: Since this is my bill - or was - I would like for the people who are here to have a chance to read it over - to read this new bill over - and I would like to have a hearing next week.

Mr. Katzenbach: If there is no objection from members of the committee at this time we will hear from Mr. Rogge.

Mr. Rogge: Mr. Chairman and members of the committee. My name is O. John Rogge. I live in New York and I practice law there and in Washington D. C.

I wish at the outset to express my pleasure at the privilege of being heard here. I hope that in view of the fact that I was born and raised in Illinois - the fact that I practiced law in New York will not make me a damn Yankee here. And I say that in view of the fact that when I argued a case in Trenton not long ago, the Trenton newspapers - although Trenton is but slightly south of my office - did so regard me.

Now this is the third different attempt to draft this kind of a measure - you had your original bill No. 345 - then you had an amendment to it which was based on what in my opinion was the unconstitutional and un-American blacklist of the Attorney General and you now have a third bill - which again is not based on your judgment but is based upon an indictment which is pending in federal district court in New York - an indictment that is based on the Smith act. The case hasn't even gone to the jury yet. Suppose you pass an act like this and the jury should come out with a verdict of not guilty - where is your legislation then going to be? Or - let us suppose the verdict of the jury is guilty. There will then be an appeal. I submit to you, as I submitted in 1940 when the Smith act was originally passed, the sections upon which this indictment is made - which allows if you please a trial of doctrine - which allows, if the government is correct, a prosecution based without any overt act simply for the teaching of communism - in my opinion these sections are unconstitutional under the first amendment. Suppose you reach that result - then where is your legislation?

The reason I wanted to be heard tonight is that since the committee courteously extended the privilege - I wanted to make some comments on freedom in this country. I had always regarded that the freedom here - the right to be unorthodox - the way the founding fathers had laid it out - was our best, our strongest characteristic, and provided the best circumstances for human beings to grow up in a society in which they could exercise their own critical judgment - come to their own conclusions and stand on their own two feet. I thought that that kind of a society would be the strongest.

I would like to contrast our country in its infancy with our country today.

Today we are the mightiest nation on earth and yet we act like a group of frightened pygmies.

There are many such bills - there are such bills in 21 different states.

I would like to contrast our fear today with the way we were when we began.

We just finished a revolutionary war - we had the English to the north - we had the Indians to the west - we had the French to the west - we had the Spaniards to the south. The situation is well described by Mr. Justice Jackson in a Supreme Court case - *Cramer vs. The United States* - 325 U. S. page 1. This is what he had to say to that Supreme Court case: "The betrayal of Washington by Arnold was fresh in mind. They were far more awake to powerful enemies with designs on this continent than some of the intervening generations have been. England was entrenched in Canada to the north and Spain had repossessed Florida to the south; and each had been the scene of invasion of the colonies. The King of France has but lately been dispossessed in the Ohio valley - Spain claimed the Mississippi valley and except for the seaboard the settlements were surrounded by Indians, not negligible as enemies themselves, and especially threatening when allied to European foes. The proposed national government could not for some years become firmly seated in the tradition or in the habits of the people. The Forefathers also had suffered from disloyalty. Success of the revolution had been threatened by the adherence of a considerable part of the population to the King. Nevertheless, what did our forefathers do - did they become scared and have

thought control bills, such as we are proposing in the country now? No. They gave us the constitution of the United States which contained, shortly thereafter, the bill of rights - the first amendment guaranteeing human freedom. They outlawed bills of attainder - they put strict requirements on proving treason. They acted like giants in comparison with which we really have become very little people. By way of contrast today we are the greatest, most powerful nation on earth and we are scared. People have become scared the country over. I have seen it in one case after another. I won't go into them except to refer to one case which arose out of Cleveland. One of these types of cases are the loyalty cases, in which you know you compound two thirds - first you have a blacklist of organizations and then you have guilt by association. I think they are both unconstitutional. And you come along, if the person has insurance with the I. W. O. - if they belong to the Book Find Club - if they have gone to the Stanley Theatre in the city of New York - if they read the works of Theodore Dreiser or Howard Fast or Leon - their government jobs are in danger. And you have such a case arising out of Cleveland involving in Cleveland 29 employees of the post-office department. 23 of them are negro, 4 are jews and 2 are gentiles.

They had courage enough to come forward and with them we brought a suit in the District of Columbia challenging the constitutionality of the loyalty order. But to show you what is involved - they have a record of 130 people who are involved in this. Of the 130 all but 12 are jews and negroes. Now that is going in the direction of fascism really and that is what troubles me about this country. You know it is a curious thing - but those people who denounce authoritarianism abroad are the very ones who want to impose some form of it - some form of thought control over in this country. Now if I have criticized the Russians - criticized them to their face and I said to them one of the things I do not like about your country is that there is not enough freedom for political dissent. And I come back to the United States and I find that we have a case on trial in Foley Square in which we are trying to copy what we criticize. We are trying to make it a crime in that case in Foley Square to advocate Communism. Your bill here - the third one - is based on that very indictment.

Again, I would like to cite a couple of Supreme Court cases of what the Supreme



Court thinks about this attempt to tell the American people what is safe for them to believe or not to believe.

This quotation comes from Thomas vs Collins - 323 U.S. 516. "But it cannot be the duty because it is not the right of the state to protect the public against false doctrines. The very purpose of the first amendment is to foreclose public authority from assuming a guardianship of the public mind through regulating the press, speech and religion." Then note this sentence: "In this field every person must be his own watchman for truth, because the forefathers did not trust any government to separate the true from the false for us." Why are we afraid of the American people? We have grown strong - why at the period of our greatest strength do we now shake in our boots and figure - we've got to tell the American people what it is safe for them to think. Let them make up their own minds about those things. Let us be free - it is only in that atmosphere that we can continue to be strong.

Here is another citation from the Supreme Court of the United States - West Va. State Board of Education vs. Barnett - 319 U.S. 624. "If there is any fixed star in our constitutional constellation - it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion - or force citizens to confess by word or act their faith therein. If there are any circumstances which permit of an exception they do not now occur to us." Why can't we be a people where every citizen makes up his own mind? Is free to think in his own heart what his own heart tells him and feels free to express that. That is the country that I grew up in and that freedom is what we have been in the process of kicking away the last three years. We are doing it more viciously now than ever before and this bill is still part of the pattern. You can't draft a bill in this field. You can't start out with the premise - we are afraid of the people and therefore we have to tell them what they ought to believe or what they ought to stay away from.

Briefly - one more quotation and this one from Mr. Justice Rutledge in the same field. "The case confronts us again with the duty our system places on this court to say where the individual's freedom ends and the state's power begins. Choice on that border now as always delicate is perhaps more so where the usual presumption supporting legislation is balanced by the preferred place given in our scheme to the great, the indispensable freedom secured by the first amendment. That priority gives these liberties a sanctity and a sanction not permitting dubious intrusion." And I ask us to be of the same stature as the founding fathers. I plead really for the political life of two documents - the declaration of independence and the constitution of the United States.

If you have bills, such as the one proposed here, they have teeth that are sharp enough and a bite that is large enough to chew up the constitution. I would like really for this committee to approach all such legislation - and it is all in the realm of being afraid of what people will think. You are not in my opinion - and I think it is borne out by the whole history of this country - you are not going to be able to fight an idea with force or with suppression. You can fight that only by a better idea - you can fight it only by removing all tyranny from the minds of people. This bill does just the opposite - it attempts to impose tyranny.

I have one further great opinion - that is really my starting point but I am closing with it tonight. It is an opinion of a great Justice - Justice Brandeis. It expresses the approach we should make when we are in this all important - this delicate - these sacred freedoms protected by the first amendment.

This is what Mr. Justice Brandeis said in *Whitney vs California*, 274, U. S. 357. "Those who won our independence believed that the final end of the state was to make man free to develop their faculties; and that in its government the deliberative Forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth. That without free speech and assembly discussion would be futile - that with some discussion affords ordinarily adequate protection against the dissemination of obnoxious doctrine. That the greatest menace to freedom is an inert people - that public discussion is a political beauty - that this should be the fundamental principle of the American government. They recognized the risk to which all human institutions are subject, but they knew that order can not be secured merely through fear of punishment for its infraction - that it is hazardous to discourage thought, hope and imagination - that fear breeds repression - that repression breeds hate - that hate menaces stable government - that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies and that the fitting remedy for evil counsels is good ones. Believing in the power of reason as a guide through public discussion - they eschewed silence coerced by law. The argument of force in its worst form, recognized the occasional tyrannies of governing majorities, they amended the constitution so that free speech and assembly should be guaranteed. Fear of serious injury can not alone justify suppression of free speech and assembly. Men feared witches and burned women. It is the function of speech to free men from the bondage of irrational fears. To justify suppression of free speech there must be a reasonable ground to fear that serious evil result if speech is practiced. There must be reasonable grounds to believe that the danger apprehended is imminent. There must be reasonable grounds to believe that the evil to be prevented is a serious one. Every denunciation of existing law tends in some measure to increase the probability that there will be violation of it. Condonation of a breach enhances the probability - expressions of approval add to the probability - propagation of the criminal state of mind by teaching syndicalism increases it. Advocacy of law breaking heightens it still further. But even advocacy of violation, however reprehensible morally, is not a justification for denying free speech where the advocacy falls short of incitement and there is nothing to indicate that the advocacy would be immediately acted on. The wide difference between advocacy and incitement - between preparation and attempt - between assembling and conspiracy must be borne in mind. In order to support a finding of clear and present danger it must be shown either that immediate serious violence was to be expected or was advocated, or that the past conduct furnished reason to believe that such advocacy was then contemplated. Those who won our independence by revolution were not cowards. They did not fear political change - they did not exalt order at the cost of liberty. To courageous self-reliant men - they should have added women - with confidence in the power of free and fearless reasoning applied through the processes of popular government - no danger flowing from speech can be deemed clear and present unless the incidents of the evil apprehended is so imminent that it may befall before there is opportunity for full discussion. If there be time to expose through discussion the falsehood and fallacy - to avert the evil by the processes of education - the remedy to be applied is more speech not enforced silence. Only an emergency can justify a repression. Such must be the rule if authority is to be reconciled with freedom. Such in my opinion is the command of the constitution."

That I submit to this committee is the starting point from which I submit you should look at all of these thought control measures - and if you do, I am sure



7.  
you will continue to follow the path - the blueprint of the Constitution and will not report such measures.

I deeply appreciate the opportunity to express my views and I notice in expressing them as an advocate, I have used vehemence. I hope I haven't used too much. If the committee has any questions, I shall be very happy to answer them.

Mr. Rogge, whom do you represent?

Mr. Rogge: I am out here on a speaking trip - I am making a speaking trip around the country, as a matter of fact. Most of the speeches are under the auspices of the Progressive Party. Some of them have been under the auspices of other groups and organizations, but most of my speeches are for the Progressive Party and although I have not asked the Progressive Party whether I am their representative here - I am very happy to be so if that is their wish. In addition to that I always represent myself - I am always under my own steam whether I am representing an organization or not and one of the things they have to take from me is that they take me with my own opinions and not the opinions of any group or organizations - but I am here for the Progressive Party.

Mr. Ragan: For the purpose of the record then - you are here as a representative of the Progressive Party. Is that correct?

Mr. Rogge: That is right. I say I have not discussed that with them - but if that is their view of it - it is mine.

Mr. Ragan: Thank you.

Mr. Meisenbaum: Do any other members of the committee have any questions of Mr. Rogge?

Mr. Nicholas: Mr. Rogge, not being the astute student of the history of the American government as you are - for which I offer my apologies - I do have a humble idea of what our American system is - I think, maybe, I am quite a few years younger than you - but I believe going back to the history of our government when you speak of the early years when we had the Indians on the one side - the English on the other side - you remember at that time most of the people came to this country to get away from the tyranny of Europe and there certainly weren't any at that time trying to preach how to get back there. Now in that line - I mean what is your opposition - not to our restricting anybody believing in the American system and democracy, in which you at one time was a public official having served under the Democratic Party (that is correct). Now you are a Progressive and I have no quarrel with the Progressives - but what is your argument against trying to prevent people from preaching what is the very thing from which we, Americans, ran away from.

Mr. Rogge: Well - what I am getting at is this. I think that our forefathers set up a government in which everybody could say, could express their own ideas. But I am opposed to and Jefferson expressed it better than I did - I am opposed to tyranny over the human minds. Why are you afraid of ideas? You will not meet them by repression. You will not meet them by force, which is what you are attempting here. I say that we are going to stay strong if you approach it from the ideas that our founding fathers had - let people speak. Let's hear their ideas.

Mr. Nicholas: If we permit, Mr. Rogge, millions of dollars to infiltrate into our very government from Europe - I am using the term Europe because I don't

want to refer to one government -

Mr. Rogge: I'll refer to one government for you - and I'd like to ask what evidence this committee has that there is a single dollar of Moscow gold come into this country. What do you base that on?

Applause.

Mr. Rogge: I am not being facetious. I am simply saying - what fact does this committee have that there is any money from Moscow coming over here. Now I'll concede this to you - they've got an idea and they think that their idea of communism is going to sweep the world. But I say to you when you use measures like this - you play right into their hands. You meet an idea only with a better idea - you don't meet it with repression. The Nazis tried that. There is no future in it.

Mr. Metzenbaum: Do any other members of the committee have any questions.  
If not, thank you very much, Mr. Rogge.

Mr. Rogge: I wish to thank the committee again.

N.B. - This white  
envelope is  
empty.

Date Received 9/29/49

From Sec. Center, New  
(Name of contributor)

(Address of contributor)

By McDon  
(Name of Special Agent)

To Be Returned Yes ( )  
No (x)

Description:

File No. 100-95459-1A3

RE: O. John Rogge  
Security Matter - C

1. Two photos of Rogge addressing the Ohio State  
Senate Judiciary Committee at Columbus, O.  
on 5/25/49

2. Photostat copy of Rogge's testimony given 5/25/49  
at above hearing.







Date Received 11/3/50

From ND 426  
(Name of contributor)

(Address of contributor)

By W. Herbert P. Turner and J.E. Fuller  
(Name of Special Agent)

To Be Returned Yes ( )  
No ( )

Description:

File No. 100-95458-1A4

*Search of O.S. copy returns  
nothing in papers of contributor.*

①-1-1

*W. John Rogers  
SM-C*



**SLOW BUT SURE**

**O. JOHN ROGGE**

**Formerly Assistant United  
States Attorney General**

**Partisans of Peace  
Prague, Czechoslovakia  
August 16, 1950**

For over two years now I have been engaged in looking for ways in which people with different habits of life may live at peace with one another in the world. I attended my first peace meeting at Wroclaw, Poland in August, 1948. By that time the cold war was already well under way. The world had witnessed guerilla fighting in Greece, the Truman Doctrine, the Marshall Plan, the communist accession to power in Czechoslovakia, and the Cominform break with Yugoslavia.

I have been happy to deliberate with any groups who were interested in finding ways in which the world could stay at peace. In addition to the meeting at Wroclaw, Poland, I attended meetings at the Waldorf-Astoria Hotel in New York City, peace conferences in Paris and Mexico City, and meetings in Moscow, Stockholm, London, and now here in Prague. I have served as a vice president of this organization, the Defenders of Peace.

In spite of all our efforts we seem to be farther from peace than ever. I have made suggestions from time to time, but they have not been heeded and do not seem to have helped.

At the Congress of Intellectuals at Wroclaw, Poland in August, 1948, shortly after the Cominform break with Yugoslavia, I suggested that each nation would work out its own solutions for its own problems; that these solutions would be along the lines of its own history and in accordance with its own habits of life; and that in this way Yugoslavia would find its own solutions for its own problems.

At the Cultural and Scientific Conference for World Peace held at the Waldorf, I suggested that the capitalist and communist parts of the world could live at peace together on the same globe and learn and profit from each other. In support of my suggestion I pointed out that the world in the past had been victimized by similar cleavages and then had found out that the warring factions could live with each other. The Mohammedans were once accused of seeking to extirpate all other forms of government by force and violence. All Europe was called to the Holy War against the disciples of the Prophet, and the Mullahs, in turn, called on all the Moslem lands to rise against the hated unbelievers. Today, both share the same globe.

In the 16th Century, Protestants and Catholics proclaimed that one or the other faith must prevail and conquer, that neither could dwell side by side in the same world. Today, three centuries later, we know that this is not so.

1

At the first congress of the Defenders of Peace at Paris, I asked us to engage in less damnation and counter-damnation and that we stop placing all the blame on one group in one particular country or party, the capitalists in the United States. I also stated at Paris, and for this I was booed and hissed, that the leaders in the United States did not want war. I think the events in Korea abundantly prove that the leaders in my country had no intention of going to war. They have been spending large amounts on armaments not in order to go to war but because this seemed to many leaders in industry and finance to be one way of solving our own economic problems.

This constitutes at least a three-fold tragedy. To begin with, we have not really prepared to meet aggression. In the second place, the American people have been deceived into thinking that we are more ready than we really are. And in the third place, we have not been solving our domestic economic problems.

P44 Panch

At the Continental American Congress for Peace at Mexico City I suggested a plan for the establishment of an agency into which American business could put its surplus and through this agency use this surplus to help industrialize the New China. By industrialization I meant the development of power plants, the establishment of factories and the installation of modern machinery in order to add to the productivity of labor.

The speech which I made in Moscow before the Presidium of the Supreme Soviet I entitled "Moving the Mountains of Fear."

In it I suggested a watchdog committee within the framework of the United Nations similar to the United Nations' Colonial Watchdog Committee which would have the right of unlimited inspection of atomic energy installations everywhere in the world and of all armed forces, armaments and military installations. It was part of my proposal that such a committee would regularly publish reports containing the results of its inspections.

In this speech, as on various prior occasions, I asked that we engage in less denunciation and counter-denunciation of each other -- less name-calling on both sides. I suggested instead that we look for areas of agreement between us. Exploiting differences might make bigger newspaper headlines but seeking areas of agreement would be more conducive to peace.

At Stockholm I disagreed with one of the points which Messrs. Joliot-Curie and Laffitte made; and then not only agreed with but also emphasized another point which they made. The point I disagreed with was the one which suggested that the leaders in the United States wanted war. I took the contrary position. I dissented from the use of such expressions as "war thirsty imperialists", "war mongers", and "imperialist war". I pointed out that we were spending large amounts on armaments because leaders in industry and finance thought this was one way of disposing of our surplus in the United States and did not have any intention of waging war. The events in Korea prove that I was right.

The point on which I agreed with them and emphasized was that capitalism and communism could exist together in the world in peaceful competition with each other. Mr. Joliet-Curie in ~~his speech pointed out that we must convince the American people~~ that such peaceful co-existence was possible. I stated that I wanted to add that the communists had to convince their adherents of the same thing.

At London I urged that a peace movement or group must not become identified with the foreign policy of any particular country, saying that I had in mind specifically the United States and the Soviet Union, and that we had to work for a strengthened United Nations. While it should not be so strong that it resulted in a concentration of power at any particular place, either Washington or Moscow or any other place, yet it had to be strong enough to insure the complete observance of that provision of the First Article of the United Nations' Charter which stated that the United Nations proposes "to develop peaceful relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace."

I asked us to work for a United Nations which would require the larger nations to treat the smaller ones as equal partners; which would insure to all nations, large or small, the right to meet their internal difficulties in their own ways, without interference by any other country or combination of COUNTRIES.

3 I asked us to broaden our base and to bring to our discussions and deliberations all those who worked for peace even though they might disagree with us fundamentally on other points. Specifically I asked us to invite to the forthcoming Second World Congress of the Defenders of Peace representatives from the Yugoslav National Committee for the Defense of Peace and various people in the United States especially interested in peace such as Senator Brian McMahon, Mrs. Franklin D. Roosevelt, Henry A. Wallace, Robert Hutchins, Francis Biddle, David Lilienthal and various others.

On the present occasion I am going to embark upon another suggestion. The suggestion I am going to make this time relates to the way in which changes for the better can best be accomplished. I want to suggest that changes in human societies, as well as in human beings, be accomplished in orderly, lawful, peaceful and progressive ways. I am in favor of evolutionary changes and opposed to revolutionary ones. I am of course not a revolutionary. I do not think I am even a radical. My primary objects are to try to help keep the world at peace and to accomplish changes in lawful and peaceful ways.

I want to suggest that the means by which desirable ends are to be attained are just as important as the ends themselves. I doubt the value of changes attributed to wars and revolutions; the alleged good that comes from them may be more apparent than real.

## *doubts value of US Culture*

We had a destructive civil war in our country. It was brought on by the fanatics of the south. As a result of the war there was of course an end to slavery. But we still have not enough maturity in my country, either in the north or in the south, to end the discrimination and segregation we impose upon the Negro people and upon other minority groups. So the civil war accomplished only a small part of what one could have hoped for.

I keep looking for ways of accomplishing changes, reforms in human social structures and in human beings, without the necessity of violence and destruction, of war and carnage.

Changes do occur in this way. They occur all the time. Indeed, they are sometimes brought about by those who are regarded as conservative and even reactionary. Let me give a recent example.

On June 3 of this year the Supreme Court of the United States in two cases ended not only the exclusion of Negroes from state universities, including professional and graduate schools, but also their segregation; and in a third case stopped segregation in railway dining cars. The decisions in all three cases were unanimous. In the first two cases Chief Justice Vinson delivered the opinion, and in the third, Justice Burton.

The changes wrought by these decisions are substantial. We have reached the point in scientific and human development where we either accomplish all our changes in similar peaceful fashion or face unbelievable destruction.



Fanatics have brought on other wars. They brought on the strife between the Moslems and the Christians. They brought on the strife between the Protestants and the Catholics. Now we know that the fanatics on both sides were wrong both times.

I want to suggest that many of the absolutes of the extremes may very well be wrong. Many such absolutes have been proven wrong in the past. Many more may be proven wrong in the future.

*Capitalism & War*

(5) I challenge the dogma that capitalism causes wars. I say on the contrary, that the motivations for human behavior are extremely complex and cannot be so easily explained. I challenge the dogma that socialism will sweep the world. I say on the contrary, that each country will work out its problems in its own way and that no two countries will have precisely the same solutions.

6 Since I believe that change must be made in an orderly, lawful and peaceful way, and since I believe that the means are just as important as the ends, I want to suggest that the Stockholm peace appeal, asking for the outlawry of the atomic bomb and other weapons of mass destruction, be revised. ~~I was at Stockholm~~ I was one of the original signers of the peace appeal. I know the spirit in which I became one of the signers and the hope I had that the appeal was at least a step, even though only a small one, in the direction of peace.



6  
11!  
In view of the course of aggressive war upon which North Korea has embarked, I now want to suggest that the Stockholm peace appeal should be amended. Its first paragraph should call, not for the outlawry of the atomic bomb and other weapons of mass destruction, but for the outlawry of aggression from whatever source and by whatever country. The original first paragraph can then become the second one.

Not only is aggression a sorry way in which to accomplish change, but it also alienates those who would otherwise be allies for reform. Henry Wallace and I, and others like us, have spoken out against reaction wherever we have seen it. But when we are met by aggression, that aggression becomes an overriding consideration.

Henry Wallace and I, and others like us, have advocated a better regime in South Korea than the one of Syngman Rhee. But the aggression of North Korea makes us give our first consideration to the rooting of that aggression. The means are just as important as the ends. A desirable end must <sup>not</sup> be accomplished by violent means.

Henry Wallace and I, and others like us, have been in favor of the recognition of the New China and the seating of its representative in the Security Council of the United Nations. However, we cannot consent to having this accomplished by violence, nor to having that recognition a prerequisite to a settlement of the Korean problem.

Changes must be accomplished in orderly, lawful and peaceful ways. Let me give another illustration of what I mean. I have long felt that the New China should be recognized and be a member of the Security Council. Nevertheless, I have also felt that the Soviet Union took the wrong course in boycotting the United Nations in order to try to accomplish that result. Changes are not to be accomplished in this manner.

I should like to see the great powers recognize their strength rather than rely on their weakness, and renounce the use of force. I should like to see the Soviet Union, for instance, renounce the use of force by North Korea. I should like to see the Soviet Union, for instance, work for the admission of the New China to the United Nations by orderly procedure rather than by boycott.

I have hope that if such courses were adopted the New China would ultimately be recognized and admitted to the Security Council and that the Korean dispute would ultimately be settled after hearing both sides.

The Soviet Union has complained that representatives of North Korea have not been invited before the Security Council to state their side. I think they should have been. I think both sides to a dispute should be heard. I think all sides should be heard. In the same spirit, however, I think that when the Executive Committee of the Yugoslav National Committee for the Defense of Peace sends an invitation to the Soviet Public Workers Sergei Vauvilov, Mikhail Sholohov, Leonid Leonov and Ilva Martynova to come to the

see for themselves whether there was any truth in the accusations about the alleged aggressive preparations in Yugoslavia against her neighbors, this invitation should have been accepted. This, again, would have been orderly procedure.

I could go on with other illustrations but I think I have given enough to indicate what I mean by lawful, orderly, progressive and peaceful changes; what I mean when I say that the means are just as important as the ends to be obtained. Progress made in the way I suggest will be slower, but it will be a surer kind and there will be less danger that we shall set the whole world aflame.

Federal Bureau of Investigation  
United States Department of Justice

MAY 16 1949  
New York, N. Y.

MEMO:

RE: O. JOHN ROGGE  
SECURITY MATTER - C

Confidential Informant [REDACTED] b7D by report dated

APRIL 9, 1949 advised that the subject attended a meeting of the  
Communist Party on XXXXX at XXXXXX.

Informant's report in New York file # 100-3642.

REMARKS:

b7D  
[REDACTED] ADVISED THAT THE SUBJECT ATTENDED A "CAUCUS FOR  
PEACE" RALLY, WHICH WAS SPONSORED BY THE JOINT ANTI FASCIST REFUGEE COMMITTEE AND  
HELD AT THE MANHATTAN CENTER. THE ABOVE MENTIONED SUBJECT WAS INTRODUCED BUT HE  
DID NOT SPEAK.

EDWARD SCHMIDT, SAC

100-95439-1

MAY 4 1949

RECEIVED



MEMORANDUM TO: SAC

Date: 6-17-49

FROM: SA JOHN J. SAVAGE

SUBJECT: COMMUNIST PARTY, USA  
ACTIVITIES, COLUMBUS AREA  
INTERNAL SECURITY - C

b7D

The following is a typewritten report of [redacted] dated May 25, 1949, received by SA SAVAGE on May 27, 1949. The original of the report is being retained in informant's file and copies are being placed in the files of individuals mentioned in the report.

#6

Columbus, Ohio  
Wed. May 25, 1949

Franklin County Communist Party

The Progressive Party held a meeting in the Virginia Hotel at 7:45 this evening. O. JOHN ROGGE was the main speaker, IRVIN BERKAN chaired the meeting, REV. JOHN D. WALKER, sat at the speakers table. ROGGE'S subject was mainly on civil liberties. On adjournment of this meeting most of the audience went over to the large Senate hearing room at the State Capital.

66-14104-481

1cl

cc: 100-8553 Progressive Party

5-Cleveland

[redacted] b7D  
100-8529 Legislative Authority

2-New York

1-O. John Rogge

b7D

indexed

b7D

et  
#7806  
Dead

b7D

100-95459-2  
FBI - NEW YORK  
JUN 20 1949  
[signature]



## ROGGE DENOUNCES CLARK SELECTION

Washington, Aug. 10 (A. P.).—  
O. John Rogge, a former Assistant Attorney General under Tom Clark, said today that his former boss "has neither the stature, integrity nor ability" demanded of a Supreme Court Justice. Rogge, whose legal activities since he left the Government led to sharp questioning, appeared before the Senate Judiciary Committee in behalf of Henry A. Wallace's party.

The committee is considering President Truman's nomination of Clark to the high tribunal. Rogge remained on the stand more than an hour after a bitter attack on Clark's part in carrying out the administration's loyalty program.

99  
SAC  
ASAC1  
ASAC2  
SEC. 1  
SEC. 2  
SEC. 3  
SEC. 4  
SEC. 5  
SEC. 6

WTM  
SEC. 7  
SEC. 8  
SEC. 11  
OM  
NIGHT SUPERVIS  
PROPERTY CLERK  
TRAINING UNIT

100-95459-3

7 F.B.I.	Am
AUG 11 1948	
N. Y. C.	
OTO	FL
St.	

100-95459-3

Sum  
AUG 10 1948

Hand of info #7 5.

## Rogge Urges Senate Bar Clark From Court

Washington, Aug. 10 (UP)—Two former New Deal Administration officials today asked the Senate to reject the nomination of Atty. Gen. Clark to the Supreme Court.

They were O. John Rogge, who was fired by Clark in 1947, and Fowler V. Harper, once solicitor for the Interior Dept. when Harold L. Ickes was secretary.

Rogge told the Senate Judiciary Committee Clark lacks "stature, integrity, and ability" and has "little or no understanding of the basic freedoms . . . of the Constitution."

Rogge said he spoke both for himself and the Progressive Party. Rogge was a special assistant to Clark when he was fired for divulging contents of a report Clark wanted to suppress. "Too often," Rogge said "he (Clark) says one thing publicly

and does another privately."

Harper, now a law professor at Yale, spoke in behalf of the National Lawyers Guild. He said the people demand that their Supreme Court Justices be men of "scholarship and learning . . . that their character and integrity be without blemish . . . that they be men of impartial and balanced judgment, free from prejudice and with proven respect for the law and our constitutional principles."

"How does Mr. Clark measure up to these tests?" demanded Harper. "It is our considered judgment that he is sadly deficient in all of these."

- WJ
- ASAC
  - SEC. 1
  - SEC. 2
  - SEC. 3
  - SEC. 4
  - SEC. 5
  - SEC. 6
  - SEC. 7
  - SEC. 8
  - SEC. 9
  - SEC. 10
  - SEC. 11
  - OMIT
  - NIGHT SUPERVISOR
  - PROPERTY CLERK
  - TRAINING UNIT

WJ

100-95459-4

F.B.I.  
AUG 12 1949  
N.Y.C.  
ED TO  
FIL

100-95459-4

CLIP FROM THE  
N.Y. *Post-Herald Tribune*  
DATED AUG. 10 1949  
PUBLISHED BY N.Y. DIVISION

**Federal Bureau of Investigation  
United States Department of Justice  
NEW YORK, NY**

September 8, 1949

MEMO

**RE: PASSPORT IRREGULARITIES,  
NEW YORK CITY,  
INFORMATION CONCERNING.**

At 1 P. M., September 8, 1949, [REDACTED] telephonically contacted this office to advise that he had received a phone call from [REDACTED] who advised him that he had received the following information concerning possible fraud in securing of passports in the New York area.

[REDACTED] stated that an individual of Polish extraction, who is believed to be a naturalized U. S. Citizen, contacted [REDACTED] in Washington, and advised that he had been employed by DREW PEARSON to secure information concerning passport irregularities and the fraudulent obtaining of passports in the New York area. The unknown man advised [REDACTED] that his investigation indicated that the law firm of O. JOHN ROGGE in New York City was engaged in the obtaining of illegal passports and that they were alleged to have obtained one for an individual who entered the United States from Mexico as well as securing several passports for individuals leaving the U. S. and traveling to Russia. According to [REDACTED] his informant claimed to have been formerly in the employ of army intelligence. b7D

[REDACTED] purpose in calling [REDACTED] was to ascertain if he had any additional information concerning securing of illegal passports in the New York area. [REDACTED] advised [REDACTED] that the Daily News of Washington, D. C. was considering contacting the Bureau in Washington to advise them of the allegations received concerning ROGGE'S law firm. [REDACTED] stated that if the Washington Field or the Bureau wished additional information concerning this matter they might contact [REDACTED] directly [REDACTED] and in all probability he might be able to identify his source of b7D information further.

The above information was relayed by telephone to Special Agent Joseph T. Genco who requested that a memo be directed to Section 1 where a letter would be prepared for the Bureau and Washington Field.

JOHN J. MANNING,  
SA.

100-95459-5

SEP 8 1949
N. Y. C.
ROUTED TO

JJM:DJG

*Admiral Bureau  
by teletype  
R*

*John Rogge - 100-95459*

September 8, 1949

MEMO

RE: PASSPORT IRREGULARITIES,  
NEW YORK CITY,  
INFORMATION CONCERNING.

At 1 P. M., September 8, 1949, [REDACTED]

telephonically contacted this office to advise

[REDACTED] had received a phone call from a [REDACTED]

who advised him that he had received the

following information concerning possible fraud in securing of passports in the New York area.

[REDACTED] stated that an individual of Polish extraction, who is believed to be a naturalized U. S. Citizen, contacted [REDACTED] at the Daily News Office in Washington, and advised that he had been employed by DREW PEARSON to secure information concerning passport irregularities and the fraudulent obtaining of passports in the New York area. The unknown man advised [REDACTED] that his investigation indicated that the law firm of O. JOHN ROGGE in New York City was engaged in the obtaining of illegal passports and that they were alleged to have obtained one for an individual who entered the United States from Mexico as well as securing several passports for individuals leaving the U. S. and traveling to Russia. According to [REDACTED] his informant claimed to have been formerly in the employ of army intelligence. b7D

[REDACTED] purpose in calling [REDACTED] was to ascertain if he had any additional information concerning securing of illegal passports in the New York area. [REDACTED] advised [REDACTED] that the Daily News of Washington, D. C. was considering contacting the Bureau in Washington to advise them of the allegations received concerning ROGGE'S law firm. [REDACTED] stated that if the Washington Field or the Bureau wished additional information concerning this matter they might contact [REDACTED] directly. [REDACTED] and in all probability he might be able to identify his source of information further. b7D

The above information was relayed by telephone to Special Agent Joseph T. Deuce who requested that a memo be directed to Section 1 where a letter would be prepared for the Bureau and Washington Field.

JOHN J. MANNING,  
SA.

100-95459-5  
SEP 8 1949

N. Y. C.

ROUTED TO

FILE

FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

MR. SCHMIDT
MR. BELMONT
MR. TOLSON
MR. LADD
MR. CLEGG
MR. GLAVIN
MR. HARBO
MR. HENRICH
MR. KENNEDY
MR. LEVY
MR. MCGRATH
MR. ROSEN
MR. TRACY
MR. WOOD
CHIEF CLERK
PROPERTY CLERK
TRAINING UNIT
OLD

100-95459\*  
8 refs.

Transmit the following Teletype message to: BUREAU, WASHINGTON

O. JOHN ROGGE, PASSPORTS AND VISAS.

TELEPHONICALLY ADVISED THIS OFFICE HE HAD RECEIVED TELEPHONIC INFORMATION FROM [REDACTED] CONCERNING FRAUD IN SECURING OF PASSPORTS IN THE NEW YORK AREA. THAT AN INDIVIDUAL OF POLISH EXTRACTION, BELIEVED TO BE A NATURALIZED U.S. CITIZEN, CONTACTED [REDACTED] AT WASHINGTON AND STATED HE HAD BEEN EMPLOYED BY DREW PEARSON TO SECURE INFORMATION CONCERNING PASSPORT IRREGULARITIES AND THE FRAUDULENT OBTAINING OF PASSPORTS IN THE NEW YORK AREA. THE UNKNOWN MAN ADVISED [REDACTED] THAT HIS INVESTIGATION INDICATED THAT THE LAW FIRM OF O. JOHN ROGGE IN NYC WAS ENGAGED IN THE OBTAINING OF ILLEGAL PASSPORTS AND THAT THEY WERE ALLEGED TO HAVE OBTAINED ONE FOR AN INDIVIDUAL WHO ENTERED THE U.S. FROM MEXICO AS WELL AS SECURING SEVERAL PASSPORTS FOR INDIVIDUALS LEAVING THE U.S. AND TRAVELLING TO RUSSIA. ACCORDING TO [REDACTED] HIS INFORMANT CLAIMED TO HAVE BEEN FORMERLY IN THE EMPLOY OF ARMY INTELLIGENCE. [REDACTED] SAID THAT [REDACTED] PURPOSE IN CALLING HIM WAS TO ASCERTAIN IF HE HAD ANY ADDITIONAL INFORMATION CONCERNING SECURING OF ILLEGAL PASSPORTS IN THE NEW YORK AREA. [REDACTED] ADVISED [REDACTED] THAT THE DAILY NEWS OF WASHINGTON, D.C. WAS CONSIDERING CONTACTING THE BUREAU IN WASHINGTON TO ADVISE THEM OF THE ALLEGATIONS RECEIVED CONCERNING ROGGE'S LAW FIRM. [REDACTED] STATED THAT IF THE BUREAU OR WASHINGTON FIELD WISHED ADDITIONAL INFORMATION CONCERNING THIS MATTER THEY MIGHT CONTACT [REDACTED] DIRECTLY [REDACTED] AND IN ALL

JTO:MFH  
40-

b7D

Approved: E. J. [REDACTED]  
Special Agent in Charge

Sent

Per

100-95459-6



FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

New York, N.Y.  
Sept. 8, 1949

JTG:MFE

40-

- 2 -

Transmit the following Teletype message to: BUREAU, WASHINGTON FIELD....URGENT

PROBABILITY HE MIGHT BE ABLE TO IDENTIFY HIS SOURCE OF INFORMATION. ABOVE INFORMATION  
BEING FURNISHED FOR THE ATTENTION OF THE BUREAU AND WASHINGTON FIELD. NO ACTION BEING  
TAKEN BY NYO.

SCHEIDT

Approved: \_\_\_\_\_  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

SEP 8 1949

WASHINGTON AND WFO FROM NEW YORK 46 8 11-58P  
DIRECTOR AND SAC URGENT

O. JOHN ROGGE, PASSPORTS AND VISAS. [REDACTED]

[REDACTED] TELEPHONICALLY ADVISED THIS OFFICE HE  
HAD RECEIVED TELEPHONIC INFORMATION FROM [REDACTED]  
[REDACTED] CONCERNING POSSIBLE FRAUD IN SECURING OF PASSPORTS  
IN THE NEW YORK AREA. [REDACTED] TOLD [REDACTED] THAT AN INDIVIDUAL  
OF POLISH EXTRACTION, BELIEVED TO BE A NATURALIZED US CITIZEN, CON-  
TACTED [REDACTED] AT THE DAILY NEWS OFFICE AT WASHINGTON AND STATED  
HE HAD BEEN EMPLOYED BY DREW PEARSON TO SECURE INFO CONCERNING  
PASSPORT IRREGULARITIES AND THE FRAUDULENT OBTAINING OF PASSPORTS  
IN THE NEW YORK AREA. THE UNKNOWN MAN ADVISED [REDACTED] THAT HIS  
INVESTIGATION INDICATED THAT THE LAW FIRM OF O. JOHN ROGGE IN NYC  
WAS ENGAGED IN THE OBTAINING OF ILLEGAL PASSPORTS AND THAT THEY WERE  
ALLEGED TO HAVE OBTAINED ONE FOR AN INDIVIDUAL WHO ENTERED THE US  
FROM MEXICO AS WELL AS SECURING SEVERAL PASSPORTS FOR INDIVIDUALS  
LEAVING THE US AND TRAVELING TO RUSSIA. ACCORDING TO [REDACTED] HIS  
INFORMANT CLAIMED TO HAVE BEEN FORMERLY IN THE EMPLOY OF ARMY  
INTELLIGENCE. [REDACTED] SAID THAT [REDACTED] PURPOSE IN CALLING HIM  
END OF PAGE ONE

b7D

100-95459-6

PAGE TWO

WAS TO ASCERTAIN IF HE HAD ANY ADDL INFO CONCERNING SECURING OF  
ILLEGAL PASSPORTS IN THE NEW YORK AREA. [REDACTED] ADVISED [REDACTED]  
THAT THE DAILY NEWS OF WASHINGTON, D.C. WAS CONSIDERING CONTACTING  
THE BUREAU IN WASHINGTON TO ADVISE THEM OF THE ALLEGATIONS RECEIVED  
CONCERNING ROGGE-S LAW FIRM. [REDACTED] STATED THAT IF THE BUREAU OR  
WFO WISHED ADDL INFO CONCERNING THIS MATTER THEY MIGHT CONTACT  
[REDACTED] DIRECTLY [REDACTED] AND IN ALL PROBABILITY HE MIGHT  
BE ABLE TO IDENTIFY HIS SOURCE OF INFO. ABOVE INFO BEING FURNISHED  
FOR THE ATTENTION OF THE BUREAU AND WFO. NO ACTION BEING TAKEN BY  
NYO.

b7d

SCHEIDT

HOLD PLS

**Federal Bureau of Investigation  
United States Department of Justice  
New York, New York**

*Handwritten:* **file 4751**

**MEMO:**

**September 15, 1949**

**RE: CIVIL RIGHTS CONGRESS  
INTERNAL SECURITY - C**

**37** By attached report dated July 16, 1949, Confidential Informant [redacted] advised of a Bill of Rights Conference, which was held on July 16, and 17, 1949 at the Henry Hudson Hotel, New York City. The trial of the CP leaders was the main topic of the speeches. Some of the speakers were O. JOHN ROGGE, BEN DAVIS and JOHN GATES.

The informant also made available to this office on July 19, 1949, a receipt dated July 12, 1949 for the \$2.50 admission ticket, a credential card for the conference and a card advertising a special dinner at the Hotel Henry Hudson after the conference. They have been submitted as an exhibit in file 62-9059.

The Bureau has been advised by letter of this report.

**EDWARD W. BUCKLEY, SA**

**cc 62-9059 (P&C)**

**cc (Paul J. Kern)  
(Mrs. Robinson)  
(O. John Rogge) *ref.*  
(Mrs. Millie Randolph)  
(Harold Christoffel)  
(Ben Davis)  
(John Gates)**

**- 100-75314  
- 100-85162  
- 100-23825  
- 100-17923**

**cc (David Livingston) 100-54670  
(Mrs. Mirand Smith)  
(Dr. F. Palmer Weber)  
(Russel Chase) 100-17888  
(William Patterson) 100-84275  
(Scott Nearing)  
(John Kellanus) 100-7661  
(Thomas Rabbitt)**

**EWB:TLG  
100-80675**



**100-95459-7**

<b>F. B. I.</b>	
<b>SEP 16 1949</b>	
<b>N. Y. C.</b>	
<b>ROUTED TO</b>	<b>FILED</b>

July 16, 1949

BILL OF RIGHTS CONFERENCE

July 16-17, 1949

Henry Hudson Hotel  
361 West 57th Street

Saturday morning 10:30 A.M. to 1:00 P.M.

Speaker: Paul J. Kern - Acting Chairman. Subject: "Welcome to Delegates"

He welcomed the delegates from different states. He expressed that in this Conference there were delegates from the Republican, Democratic and Socialist Parties as well as other liberal organizations. He thanked the people who helped to organize the Conference and said that the purpose was the unification of the different groups, like the Civil Rights Congress, etc. which have carried a similar program of civil liberties, freedom of speech and religion. They have done a very good job but this Conference is that if all groups are united under a single organization, a much better results can be obtained.

(Later on at the end of the meeting, he expressed after an incident that will be related later, that he was not a member of the Communist Party.)

2nd Speaker: Mrs. Robinson, replaced Dr. J. Finley Wilson, unable to attend due to an operation he had to perform the night before.

Mrs. Robinson read Dr. Wilson's speech which was in a general view a criticism to present conditions related to a true democracy. She emphasized the purpose of the meeting which is to fight for civil liberties and the Bill of Rights.

3rd speaker: a lawyer member of the National Lawyer Guild whose name was something like More or Fore. Replaced Clifford J. Durr. He reported extensively on the technique of the F.B.I. and the way it operates. He said that as an agency for the detection of crime is one of the best agencies in the world, but he completely disapproves its activities when it comes to the investigation of private individuals, their associations and political. He gave specific cases of investigation by the F.B.I. on private citizens, specially the case of a lady that was investigated because she was an employee of an Russian agency in Washington. He openly charged that the F.B.I. opened the mail addressed to that agency and consequently opens the mail of any other individual under investigation.

4th Speaker: O. John Rogge. Subject: 65 million subversives. When introduced by the chairman, Mr. Kern, he announced that Mr. Rogge had just published a book: "The vanishing civil liberties", that Mr. Kern edited and was on the stand in the lobby. The book is priced at \$3.00 and those interested could obtain the author's autograph. He criticized the legal procedure in the "Loyalty" cases and gave specific examples of Government employees dismissed for their political beliefs. He also read resolutions of Judges in violation of the Bill of Rights. He referred to the case of Sir Trenton New Jersey negroes sentenced to death but granted retrials, in which Mr. Rogge has been working lately. He said he was going to Trenton again this coming Friday to obtain more evidence of injustice and prevent that a crime be committed because of race, creed or color.

5th Speaker: Mrs. Millie Randolph. Subject: "Greetings from the Trenton". She made a very short speech about the situation of the Trenton Six, etc.



they did not have evidences to sentence these men and giving a brief outline of the case, since it started and how the men were picked up because they were poor and because they were negroes.

6th. Speaker: Harold Christoffel. Subject: "The F.B.I. - Super Labor Spy". He gave a report of the union activities and charged the F.B.I. as spy to prevent strikes, and investigating those whom are union leaders, associated to progressive organizations. He gave specific cases of workers investigated because of liberal ideas, or acquaintances with progressive people. He repeated that the F.B.I. is a very good agency for the detection of crime, but should not interfere with the private life of American citizens, because it will lead us to a police-state of the Nazi shape.

7th. Speaker: Ben Davis, replacing Eugene Dennis. He spoke as a member of the Communist Party and brought the greetings of its comrades, of whom 3 are in jail. He criticized the way the trial is going on and said this is the first sign of reaction. He added that the charge made against them, as leaders of the Communist Party, that they intended to overthrow the Government by violence and force, is not true, since all activities of the Communist Party have been carried out openly and without any secret.

When he finished, a delegate of a Socialist group stood up and wanted to rebuke some of the concepts given by Mr. Davis, proposing a resolution to that end, but he was immediately wooed by the audience, leaving no other alternative than going back very quietly to this table. This will prove to any impartial observer, that in spite that Mr. Kern said in his inaugural address that there were delegates from the Republican, Democratic and other liberal groups, at least 90% of the public was either communist or pro-communist.

My estimate of the attendance was about 700 persons in the general morning session.



## Panel 1. THE BILL OF RIGHTS IN COURT.

The first speaker introduced by the chairman, Mrs. Modjeska W. Simkins was, John Gates on the subject: "Ideas on trial".

He started by saying that the case in Foley Square is false from the beginning to the end. Also charged that the Judge Medina is so ignorant that he does not know the principle of the marxist philosophy. During his speech he admitted he made a false statement in 1937 to travel to Spain. He was going to Spain but said he was going to Germany, because the Government of the U.S. would not have granted him the passport, he would have said the truth. In other words, he said, the Government would rather prefer an American citizen to go to the nazi Germany than to Republican Spain. He said he was very proud of having served the Spanish people and considered it one of the best acts of his life. About the trial charged that the judge is so impatient that he does not wait until the end of the trial to put the people in jail. Mr. Medina always has an mind that proverb: "Shoot first and then ask questions." He said: "We are not running away. We shall face the fight." And then asked the audience to fight together and the outcome of the trial will be different.

2nd. Speaker: David Livingston: Subject: "Report from Foley Square". He first criticized the attitude of Mr. Green and Mr. Murray as leaders of the working unions for their "criminal desinterest" in what is happening in Foley Square.

He referred that he presided a delegation to see Judge Medina and after having some troubles with a bunch of clerks around him, they finally interviewed him for about half an hour. Mr. Medina told them he could not attend delegations since he was a Judge and not a politician, and refuse to answer any of the topics put in front of him.

Mr. Livingston said there cannot be justice in this trial. The men accused of conspiracy will never get a square deal. - Justice must be by the people and not by a Judge who wants to smash the people. He finally said that when the Communist Party be declared guilty of piracy there will be bigger attacks and stronger movements against the ridiculous proceedings.

3rd. speaker: Mrs. Mirand Smith. She spoke about discrimination and disgregation in the South. She charged that the F.B.I and the Un-American Activities Committee are not interested in democracy, and their procedures are similar to those in Italy and Germany, very well known to American people. She also gave a related account of the "Daniels case", sentenced to death by a Greenville, N.C. court. (See pamphlet attached).

4th. speaker: Dr. F. Palmer Weber. He said we are closer to fascism in the South than any other part in United States. Charged that certain Companies in the South forbid white and negroes to work together in the Unions. He gave an account of the procedure for voting in the South. Said that the Registrar has the right to disqualify any person for voting. He said the following: "If I am any politician and you are a negro holding a Bachelor Degree from Columbia University, I ask you how many baths there are in the White House. If you don't know the answer you are disqualified". He finally criticized Truman because he failed to expell the dixiecrats from the Democratic Party.



Also referred to the CIO leaders in the South and criticized their anti-democratic activities. He referred that in one occasion prior to a meeting he was told by these CIO leaders: "Don't you dare to call those negroes brothers". He did not follow the advise. He confessed that he was as same for the white community in the South.

5th. Speaker: Russel Chase.

Besides referring to discrimination (which seemed to be the major theme) he also gave an account of some cases of loyalty, when asked to answer whether a member of the Communist Party or not. Upon refusal you are charged by contempt of court, fined 500 dollars and sentenced to 10 days in jail. He had figured out all fines imposed which amounted to approximately 2 million dollars.

6th. Speaker: Mr. William Patterson. He spoke about the Civil Rights in court and arrived to the conclusion that Civil Rights is not today in court. To supplement this he gave several examples, without mentioning names.

He also charged that the ruling class of American has brought again the white supremacy. He also said that what concerns to the communists concerns to all people of the United States. He said: "We have to consider our weakness. If we don't do it, we shall be lynched".

7th. Speaker: Scott Nearing. He said that in all cases of perjury and conspiracy the Department of Justice brings a gang of spies and paid agents. He referred to the case of Bridges, deported by Judge Sears and later cleared up by the Immigration Department and later on by the Department of Justice. He criticized Attorney General Clark. Mr. Nearing charged although Mr. Clark said he was not against trade unions, he spoke in a meeting last week of the American Relief for Germany, against the trade unions. Nearing said he wanted to obtain a copy of Clark's speech but none of them were available.

8th. Speaker: Mr. John McManus. Spoke on civil liberties under an economic point of view, since he said he is very much interested in Economic. He said that the Constitution of the United States, still has that part of civil liberties. He asked the people to cooperate because until we regain our liberties we shall be in the same position as now.

9th. Speaker. James Price, but he did not show up. When called by the chairman to speak he did not appear.

10th. Mr. Thomas Rabbitt. He said he was a stranger to the audience and introduced himself. He came from Washington where we have, he said. Secretary of Bill of Rights. About the loyalty cases he mentioned that Dr. Phill of the University of Washington, was dismissed because of his political belief. He said he was Secretary of the Civil Right Congress of Washington.

Estimated attendance in the afternoon session: 300 persons.

October 10, 1949

Re: JEWISH PEOPLES FRATERNAL ORDER  
Internal Security - C

The "Morning Freiheit" of September 27, 1949, page 3, columns 3-4-5, contains a report on a meeting of the Brooklyn chapters of the Emma Lazarus Division. The meeting, held for the purpose of hearing a report on the Peace Conference held in Mexico City, took place September 19, 1949.

ADA B. JACKSON, a delegate to the Peace Conference, spoke of the Rockskill riot. She stated the purpose of the riot was to halt the unification of white, and black, and to stop the march of progress. She called for the unity of Jews and Negroes to fight against Fascism and for peace.

O. JOHN ROGGE, a delegate to the Peace Conference, spoke on civil rights and liberty. "He proved the Fascist acts of the Department of Justice behind the cry 'communist danger'". He stated the events at Rockskill, Trenton, Gary and Los Angeles were maneuvers to do away with civil rights to make it easier to establish an American brand of Fascism. He asked everyone to help defeat the Fascist forces in our country.

LEAH NELSON, president of the Brooklyn Division E.L.D. and delegate to the Peace Conference, reported on the Conference. She told of the fighting spirit and determination of the delegates.

JUNE GORDON, national president E.L.D., spoke of the importance of the "Rehabilitation and Culture Fund." The Brooklyn Division contributed \$2,500. The aim of the Division is to raise 50% of their quota by October 22, the 60th birthday of JOSEPH MAIN, president of the Brooklyn County of the J.P.F.O.

HESSIE POLANSKY was chairlady of the meeting.

Translated by HYMAN W. RABINOWITZ

cc: 100-17050 (ADA B. JACKSON)  
100-95459 (O. JOHN ROGGE) ✓  
100-228 (JUNE GORDON)

100-95459-10

F. E. I.	
OCT 10 1949	
N. Y. C.	
ROUTED TO	FILE
	ST

HRH:MB  
100-95459

Memo

November 3, 1949

Re: O. John Rogge  
IS-C

b7D

On 11/1/49 Confidential Informant  
[redacted] advised of a conference between  
[redacted]  
[redacted]

b7D

[redacted] advised [redacted] b7D that  
ROGGE was speaking at NYU that  
afternoon at 3 PM. He suggested that  
someone be sent down to cover the  
story and see if they could get  
ROGGE to come out publicly for  
VITO MARCANTONIO, ALP candidate  
for Mayor of New York City

Joseph A. Ballan

SA

100-95459

100-95459-11	
F. B. I.	
NOV 4 1949	
N. Y. C.	
ROUTED TO	FILE



## Office Memorandum • UNITED STATES GOVERNMENT

TO : MEMO

FROM : SA A. J. TUOHY

SUBJECT: O. JOHN ROGGE

DATE: November 9, 1949

At 10:00 am today, Mr. Leo Laughlin of the Bureau advised that the columnist VICTOR RIESEL tonight is to debate against O. JOHN ROGGE 9:20 pm at an open meeting at the East Midwood Jewish Center, 1625 Ocean Avenue, Brooklyn. In the past, ROGGE has attacked the Bureau on two occasions, saying that the Bureau is concerned only with negroes and Jews and that if you are anti-semitic it is "good insurance for a government job". If it can be done safely, the Bureau would like to have the debate tonight covered discreetly to see the line of attack that ROGGE makes against the Bureau, he previously having attacked the government's Loyalty Program.

AJT:CTC

100-95459-124

F. B. I.	
NOV 9 - 1949	
N. Y. C.	
ROUTED TO	FILE
Castro	RA

MEMO

November 9, 1949

SA A. J. TUOHY

O. JOHN ROGGE

At 10:00 am today, Mr. Leo Laughlin of the Bureau advised that the columnist VICTOR RIESEL tonight is to debate against O. JOHN ROGGE at 9:20 pm at an open meeting at the East Midwood Jewish Center, 625 Ocean Avenue, Brooklyn. In the past, ROGGE has attacked the Bureau on two occasions, saying that the Bureau is concerned only with negroes and Jews and that if you are anti-semitic it is "good insurance for a government job". If it can be done safely, the Bureau would like to have the debate tonight covered discreetly to see the line of attack that ROGGE makes against the Bureau, he previously having attacked the government's Loyalty Program.

AJT:CTC

100-95459-12

F. B. I.	
NOV 9 - 1949	
N. Y. C.	
ROUTED TO	FILE

*[Signature]*

FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

MR. SCHMIDT  
MR. TOLSON  
MR. WHELAN  
MR. COLLIER  
MR. GRANVILLE  
MR. HILSON  
MR. HUGHES  
MR. NEASE  
MR. MARCHESANO  
MR. McGRATH  
NIGHT SUPERVISOR  
MR. RING  
MR. TUOHY  
MR. WATSON  
MR. WOHL  
CHIEF CLERK  
PROPERTY CLERK  
TRAINING UNIT  
NEW YORK  
NEW YORK  
NOVEMBER 10, 1949

Transmit the following Teletype message to: BUREAU

75459 421  
O. JOHN ROGGE, INFORMATION CONCERNING. REBU PHONE CALL OF STANT FROM LEO LAUGHLIN. DEBATE BETWEEN O. JOHN ROGGE AND COLUMNIST VICTOR RIESEL HELD ON NINTH INSTANT AT EAST MIDWOOD JEWISH CENTER SIXTEEN TWENTY FIVE OCEAN AVENUE BKLYN., N.Y. MEETING STARTED AT NINE THIRTY PM WITH ABOUT ONE HUNDRED FIFTY PERSONS PRESENT. IT WAS NOT DEEMED ADVISABLE TO TAKE NOTES DURING THE DEBATE IN VIEW OF SIZE OF HALL AND AUDIENCE. ROGGE REPEATEDLY CRITICIZED THE LOYALTY INVESTIGATIONS, SMITH ACT, FEINBERG LAW, THE TRIAL OF THE ELEVEN COMMUNISTS, HISS TRIAL, COPLON TRIAL, ATT. GEN. SUBVERSIVE LIST, AND RESTRICTIONS ON QUOTE FREEDOM OF THOUGHT AND ASSOCIATION UNQUOTE. HE EMPHASIZED THAT FASCISM NOT COMMUNISM IS THE THREAT TO AMERICA. STATED THAT LOYALTY INVESTIGATIONS WERE DIRECTED AGAINST PEOPLE WHO THINK FOR THEMSELVES. ROGGE REPEATED STATEMENTS MADE IN PREVIOUS SPEECHES THAT LOYALTY INVESTIGATIONS WERE DIRECTED AT NEGROES AND JEWS AND THAT ANTI-SEMITISM IS GOOD INSURANCE FOR A GOVERNMENT JOB. SAID THAT FBI FILES CONTAINED DATA ON THOUGHT CONTROL AND GUILT BY ASSOCIATION. CITED EXAMPLES OF LOYALTY CASES HE HAS HANDLED INCLUDING AN EMPLOYEE WHO WAS DISMISSED BECAUSE HIS MOTHER SIGNED A PETITION SEVENTEEN YEARS AGO OF ANOTHER WHOSE WIFE WAS A MEMBER OF QUOTE SOME ORGANIZATION FIVE YEARS PREVIOUSLY UNQUOTE, AND A THIRD WHO HAD AN INSURANCE POLICY WITH THE TWO. ALSO STATED THAT OTHER EMPLOYEES WERE DISMISSED BECAUSE SOME

Approved: ES 578  
Special Agent in Charge

Sent 3 25 AM Per OK  
100-95439-13

FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

Transmit the following Teletype message to:

CONFIDENTIAL INFORMANT TOLD THE FBI THAT THEY WERE COMMUNISTS. ROGGE SAID HE KNEW OF ONE GOVERNMENT DEPARTMENT WHOSE EFFICIENCY WAS IMPAIRED BY THE LOYALTY INVESTIGATIONS BUT DID NOT NAME THE DEPARTMENT. HE STATED THAT THE FACT THAT ONLY NINETY NINE EMPLOYEES OUT OF TWO MILLION FIVEHUNDRED THOUSAND INVESTIGATED FOR LOYALTY PROVED THAT THE LOYALTY INVESTIGATIONS WERE UNWARRANTED. STATED THAT HE HAD A LIST OF ONE HUNDRED AND THIRTY EMPLOYEES WHOSE LOYALTY WAS QUESTIONED AND ALL BUT TWELVE WERE EITHER JEWS OR NEGROES. ROGGE ATTACKED THE APPOINTMENT OF JUSTICE TOM CLARK TO THE SUPREME COURT. CRITICIZED AS THOUGHT CONTROL THE ISSUANCE OF THE ATTORNEY GENERAL-S SUBVERSIVE LIST. ROGGE SAID THAT THE TRIAL OF THE ELEVEN COMMUNISTS WAS A TRIAL OF DOCTRINE, A TRIAL OF THE WRITINGS OF MARX AND LENIN, MEN WHO ARE NOW DEAD. SAID THAT NEITHER HISS, COPLON, NOR THE ELEVEN COMMUNISTS RECEIVED A FAIR TRIAL. HE CRITICIZED THE DEPARTMENT OF JUSTICE FOR INITIATING THE TRIAL OF THE ELEVEN COMMUNISTS ON THE GROUND THAT IN THE SCHNEIDERMAN CASE THE SUPREME COURT HAD ALREADY DECIDED THAT THE CPUSA WAS A LEGAL PARTY. HE STATED THAT QUOTE THEY UNQUOTE HAD SEEN TO IT THAT HISS WOULD BE CONVICTED THE NEXT TIME BY THE CAMPAIGN OF VILIFICATION INSTITUTED IN THE PRESS AGAINST JUDGE KAUFMAN AND THE FOUR JURORS WHO VOTED FOR ACQUITTAL. ROGGE SAID THAT PEEKSKILL WAS AN EXAMPLE OF FASCISM IN AMERICA AND THAT PHOTOS SHOWED THAT POLICE OFFICERS

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_

Per \_\_\_\_\_

FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

Transmit the following Teletype message to:

COLLABORATED WITH THE HOODLUMS IN THE ATTACK ON NEGROES AND JEWS.  
THROUGHOUT THE DEBATE RIESEL TOOK THE OPPOSITE VIEWPOINT AND PRAISED  
THE EXCELLENT WORK OF THE DEPARTMENT OF JUSTICE AND ESPECIALLY THE FBI.  
INFORMATION.

SCHEIDT

100-95459

J. J. MC-EK

Approved: \_\_\_\_\_  
Special Agent in Charge

Sent \_\_\_\_\_

Per \_\_\_\_\_



NOV 10 1953

WASH FROM NEW YORK 1 10 3-25 AM  
DIRECTOR URGENT

RE: JOHN ROGGE, INFORMATION CONCERNING. REBU PHONE CALL OF NINTH IN-  
STANT FROM LEO LAUGHLIN. DEBATE BETWEEN O. JOHN ROGGE AND NY MIRROR  
COLUMNIST VICTOR RIESEL HELD ON NINTH INSTANT AT EAST MIDWOOD JEWISH  
CENTER SIXTEEN TWENTY FIVE OCEAN AVENUE BKLYN., N.Y. MEETING STARTED  
AT NINE THIRTY PM WITH ABOUT ONE HUNDRED FIFTY PERSONS PRESENT. IT  
WAS NOT DEEMED ADVISABLE TO TAKE NOTES DURING THE DEBATE IN VIEW OF  
SIZE OF HALL AND AUDIENCE. ROGGE REPEATEDLY CRITICIZED THE LOYALTY  
INVESTIGATIONS, SMITH ACT, FEINBERG LAW, THE TRIAL OF THE ELEVEN COM-  
MUNISTS, HISS TRIAL, COPLON TRIAL, ATT. GEN. SUBVERSIVE LIST, AND  
RESTRICTIONS ON QUOTE FREEDOM OF THOUGHT AND ASSOCIATION UNQUOTE. HE  
EMPHASIZED THAT FASCISM NOT COMMUNISM IS THE THREAT TO AMERICA. STATED  
THAT LOYALTY INVESTIGATIONS WERE DIRECTED AGAINST PEOPLE WHO THINK FOR  
THEMSELVES. ROGGE REPEATED STATEMENTS MADE IN PREVIOUS SPEECHES THAT  
LOYALTY INVESTIGATIONS WERE DIRECTED AT NEGROES AND JEWS AND THAT ANTI-  
SEMITISM IS GOOD INSURANCE FOR A GOVERNMENT JOB. SAID THAT FBI FILES  
CONTAINED DATA ON THOUGHT CONTROL AND GUILT BY ASSOCIATION. CITED EX-  
AMPLES OF LOYALTY CASES HE HAS HANDLED INCLUDING AN EMPLOYEE WHO WAS  
END PAGE ONE

100-95459-13

PAGE TWO

DISMISSED BECAUSE HIS MOTHER SIGNED A PETITION SEVENTEEN YEARS AGO  
OF ANOTHER WHOSE WIFE WAS A MEMBER OF QUOTE SOME ORGANIZATION FIVE  
YEARS PREVIOUSLY UNQUOTE, AND A THIRD WHO HAD AN INSURANCE POLICY WITH  
THE TWO. ALSO STATED THAT OTHER EMPLOYEES WERE DISMISSED BECAUSE SOME  
CONFIDENTIAL INFORMANT TOLD THE FBI THAT THEY WERE COMMUNISTS. ROGGE  
SAID HE KNEW OF ONE GOVERNMENT DEPARTMENT WHOSE EFFICIENCY WAS IM-  
PAIRED BY THE LOYALTY INVESTIGATIONS BUT DID NOT NAME THE DEPARTMENT.  
HE STATED THAT THE FACT THAT ONLY NINETY NINE EMPLOYEES OUT OF TWO MILLION  
FIVE HUNDRED THOUSAND INVESTIGATED FOR LOYALTY PROVED THAT THE LOYALTY  
INVESTIGATIONS WERE UNWARRANTED. STATED THAT HE HAD A LIST OF ONE  
HUNDRED AND THIRTY EMPLOYEES WHOSE LOYALTY WAS QUESTIONED AND ALL BUT  
TWELVE WERE EITHER JEWS OR NEGROES. ROGGE ATTACKED THE APPOINTMENT  
OF JUSTICE TOM CLARK TO THE SUPREME COURT. CRITICIZED AS THOUGHT  
CONTROL THE ISSUANCE OF THE ATTORNEY GENERAL'S SUBVERSIVE LIST. ROGGE  
SAID THAT THE TRIAL OF THE ELEVEN COMMUNISTS WAS A TRIAL OF DOCTRINE,  
A TRIAL OF THE WRITINGS OF MARX AND LENIN, MEN WHO ARE NOW DEAD.  
SAID THAT NEITHER HISS, COPLON, NOR THE ELEVEN COMMUNISTS RECEIVED  
A FAIR TRIAL. HE CRITICIZED THE DEPARTMENT OF JUSTICE FOR INITIATING  
THE TRIAL OF THE ELEVEN COMMUNISTS ON THE GROUND THAT IN THE  
SCHNEIDERMAN CASE THE SUPREME COURT HAD ALREADY DECIDED THAT THE CHUSA  
WAS A LEGAL PARTY. HE STATED THAT QUOTE THEY UNQUOTE HAD SEEN TO IT  
THAT HISS WOULD BE CONVICTED THE NEXT TIME BY THE CAMPAIGN OF WILIFICATION  
INSTITUTED IN THE PRESS AGAINST JUDGE KAUFMAN AND THE FOUR JURORS WHO  
VOTED FOR ACQUITTAL. ROGGE SAID THAT PEEKSKILL WAS AN EXAMPLE OF  
FASCISM IN AMERICA AND THAT PHOTOS SHOWED THAT POLICE OFFICERS

END PAGE TWO

PAGE THREE

COLLABORATED WITH THE HOODLUMS IN THE ATTACK ON NEGROES AND JEWS. THROUGHOUT THE DEBATE RIESEL TOOK THE OPPOSITE VIEWPOINT AND PRAISED THE EXCELLENT WORK OF THE DEPARTMENT OF JUSTICE AND ESPECIALLY THE FBI INFORMATION.

SCHEIDT

END

ASK PLS

NYC R-1 WASH

# OUR VANISHING CIVIL LIBERTIES

## By O. JOHN ROGGE

O. John Rogge's book, "Our Vanishing Civil Liberties," tells two important stories. The first describes the growth of a celebrated corporate lawyer and government official who became one of America's outstanding defenders of civil liberties. The second tells of the inch-by-inch destruction of civil liberties which, Rogge warns, is taking place daily. This is the first chapter of the book—published by Gac Associates. Subsequent chapters will follow in THE COMPASS daily and Sunday. The book will be run unabridged.

### 1—ABOUT MYSELF

Perhaps I am an alarmist when I say our civil liberties are vanishing. In a sense, I hope that I am an alarmist, for I would like to see our fears are groundless. But I am afraid I am right, or rather, I am afraid because I am right.

I come to you as an attorney presenting evidence. I want you to consider this evidence and tell me whether it makes the same impact upon you as upon me.

I come from Illinois. My parents were born in Germany. My father, who is a farmer, came to this country from Germany at the age of 17. My mother was born in Illinois, but her parents were German-Americans.

When I began to attend a little school near Springfield, I was a German. In my early youth I wanted to be a preacher, but John Lewis who was my high-school principal and my father, persuaded me to substitute law for the pulpit. My father greatly admired Abraham Lincoln. If law was good enough for him, it was good enough for me. According to my father, a preacher had to love his people from his personality and I wanted to do that.

I attended high school in Tazewell, Ill. A little time later I was taken from the country farm and I was brought to the city of Chicago. I attended the University of Chicago Law School.

I went to school to equip myself to make money. My concept of education was narrow, but prevalent in my generation. Only after years of inner conflict have I come to ask whether one finds his essential security in money, or in his basic relationships with his fellow man.

In law school I began to do some independent thinking. Not much, but a little. Until then the educational process had made of me little more than a container. The teachers and I put facts into the container. At examination time, I withdrew the requisite number of facts and put them on paper.

The book which made the greatest impact on me in law school was an extra-curricular one, Zachariah Chafee's "Freedom of Speech." This book described the bitter fight after the first World War in which we came in touch with the opinions of John Stuart Mill, Jefferson, Tom Paine and the great opinions of Holmes and Brandeis.



O. John Rogge

the practice of law in Chicago, Ill., specializing in corporate, tax and trial work. In 1928 the year for which I worked made so much money that toward the end of the year it stopped billing.

Then came the crash in 1929

One of the partners lost all his money in the market. As I watched this in 1930 I decided to take a year and study.

Harvard Law School offered me a fellowship. I spent a year there, returning in September of 1930

during the course of which I obtained a doctorate and wrote a thesis entitled "Law as a Social Science." I read extensively in the social sciences; anthropology, psychology, social psychology, sociology, economics, and history. The study of anthropology and psychology proved most useful to me.

I then decided that I wanted to teach, preferably a law school course in which I would take up current problems and translate them and bring to bear on them such help as all the various social sciences including law, could give. When I could find no law school which wanted such a teacher, I returned to the practice of law in Chicago.

In 1937 I went to Washington first as Special Counsel and later as Assistant General Counsel to the Securities and Exchange Commission. I worked with the legal staffs of the SEC, RFC, and the Treasury Department. The atmosphere in New Deal Washington was alive and intellectual. We worked with brilliant men for we felt that we represented the people.

Two years later I became Assistant United States Attorney General in charge of the Criminal Division. Frank Murphy, who has been Governor of Michigan and later became a Justice of the Supreme Court of the United States, was then Attorney General. In my new post I began successful prosecutions against many Louisiana officials and I helped the people of that State to break the back of the corrupt Huey Long machine.

After leaving the Department of Justice I returned to Chicago. On Saturday Evening, March 1, 1941, my record in Louisiana, which included a sentence of which

(Continued on this page)

100-95459-14



# Liberties 8



William Rhodes Davis,  
with Nazism Rogge

name. I did better  
out all the material  
healer, not only  
to the Davis-Lewis  
other material that  
leaving out), in a  
in the next to the  
of the body of the

remained of reach-  
ment with the De-  
Assistant to the At-  
one Douglas Mc-  
it by a remark he  
section relating to  
ch contained the  
embels of Congress  
commented that the  
of Justice could not  
report which named  
men. I did not argue  
him. Of what use  
report be with such  
omissions.

most of the names  
bers of Congress had  
made public in Vie-

gone an amazing  
country. He was a top  
out after the first  
and a top Nazi agent  
could be. The files  
of Foreign Office de-  
of the confidential  
agencies and the  
information (Wert-  
management) of the  
in the

work on  
with the

collabo-  
reck and those  
falls far  
constitu-

ing a quorum and yet it is far  
too long to be dismissed lightly.  
Here it is:

## Those Who Collaborated With Viereck

Stephen A. Day  
Hamilton Fish, Jr.  
Rush D. Holt  
Ernest Lundeen

## Those Whom Viereck Used

John G. Alexander  
Philip A. Bennett  
Usher L. Burdick  
D. Worth Clark  
Cliff Clevenger  
Henry C. Dworshak  
Clare E. Hoffman  
Edwin C. Johnson  
Bartell J. Jonkman  
Harold Knutson  
Robert M. LaFollette  
Gerald P. Nye  
Robert M. Reynolds  
Paul W. Shafer  
Henrik Shipstead  
William G. Stratton  
Martin L. Sweeney  
Jacob Thorkelson  
George H. Tinkham  
Burton K. Wheeler

There is no evidence that any  
of those whom Viereck used had  
knowledge of the fact. In most  
instances they were undoubtedly  
not aware of it.

Despite all these attempts to  
discourage me, I finished my re-  
port on Sept 17, 1946, gave it that  
date, and filed it. In the report I  
quoted my memorandum of Feb.  
28, 1946, to the Attorney General  
in which I had expressed the opin-  
ion that international fascism,  
though defeated in battle, was not  
dead. I added: "I am more con-  
vinced than ever that the fascist  
threat to democracy is far from  
over."

The last section of my report  
contained my recommendations  
and conclusions. Here is the final  
paragraph:

## 4. Collaboration Between Ger- man and American Industrial- ists: Cartels

This report has indicated that  
the collaboration between Ger-  
man and American industrial-  
ists and the economic field gen-  
erally was beyond the scope of  
this report. For the future se-  
curity of this country, however,  
we should know the full story of  
cartels and the collaboration be-  
tween German and American  
industrialists. We should obtain  
this story from an investigation  
conducted not only in this coun-  
try, but also in Germany. Such  
an investigation should be con-  
ducted by the Antitrust Divi-  
sion of the Department of Justice  
and the F.B.I.

The American people still await  
such an investigation.

**TOMORROW: Truth Is "Top  
Secret."**



On Feb. 11, Francis Biddle, then Attorney General, asked me to come to Washington to be in charge of the sedition case. The sedition case involved George Sylvester Viereck, the Nazi agent, various leaders of the German-American Bund, together with William



Hamilton Fish, Jr., then a U. S. Congressman, addresses an America First rally in 1941. Rogge names him as one of the Representatives who collaborated with George Sylvester Viereck.

was terrorism, a recalculation uncomplicated by strict price ceilings, or shortages. The old familiar fascist faces are once again spouting the old familiar fascist lies.

Early in April 1946, I went to Germany, where I remained until the end of June. My primary job was to gather additional evidence for the sedition case, but I also intended to find out all that I could about Nazi penetration in the United States in the time available to me.

When I went to Germany I felt that the biggest threat to democracy lay in the hate literature which the defendants in the sedition case peddled. My stay in Germany, short though it was, convinced me that a far more dangerous threat lay in the inter-connections between German and American industrialists—the monopoly-cartel system.

Before I left Germany I started work on my report. There was never any misunderstanding between Attorney General Tom Clark and myself as to whether what I found was to be made public. We both knew that it was. Indeed, one of the inducements he held out to me for making the trip was the publication of any evidence I might find. When I returned to Washington I resumed work on my report. I suggested to Clark that the Government file it in court in the sedition case. He gave me the impression that he agreed.

Early in July a story trickled

mark that what he had read was a draft. I did not know on his observation that the report had suddenly become a secret document.

I also had a discussion with Cadison. I told him that I was willing to leave Wheeler's name out. I said that after I had completed a draft of the report he and I would sit down, go over it, and come to an agreement before it was filed in court. He approved of this arrangement.

I did redraft this section, deleting the name of Wheeler. This was the only part of the report in which I did any redrafting.

After my discussion with Clark and Cadison I went to Rehoboth, Del., for a few days' vacation. Cadison telephoned me there. I thought this unusual. He wanted me to be sure to understand that according to the Attorney General my report was secret and not for publication. He mentioned Wheeler's name again. He suggested that I call the report not a report but a memorandum. I was both annoyed and disturbed.

I found myself working on the report even in Rehoboth but I stayed my allotted time.

By the time I was getting to the end of my report I had concluded that the Department and I would never reach an agreement. Accordingly, I decided that I might as well make the report in a form that completely suited me. I did not go back and again revise the part about Davis and Lewis to put

short, it is true

# Our Vanishing Civil Liberties

(Continued from Magazine 1)

I have always been particularly proud. He wrote: "Rogge seems to be almost unique among public servants in that his mind is a complete blank as far as political considerations are concerned."

While I was head of the Criminal Division, I had its Civil Liberties section prepare as complete a memorandum as possible on all situations in which the Federal Government could conceivably bring prosecutions for violations of civil liberties. In the memorandum we developed some theories which were revolutionary at the time but later became law. I sent copies of this memorandum to all U. S. Attorneys in the hope that it would stimulate them to action in every possible case.

In December, 1941, I accepted an appointment from Judge Vincent L. Leibel, Federal District Judge for the Southern District of New York, to become special counsel to the trustees of the Associated Gas and Electric Corporation (we called it Agecorp). Agecorp was one of the old Howard C. Hopson companies. While I was head of the criminal division, we had sent Hopson to jail for five years for mail fraud.

My job was to try for the trustees of Agecorp and its security holders a large dispute between it and the trustees of Associated Gas and Electric Company (Ageco, as distinguished from Agecorp), and Ageco's security holders. We spent nine months in preparation and a year in trial. Then the parties worked out a compromise.

I also helped out in a dispute involving the Utilities Employees Securities Company (Uesco), another company which Hopson had set up. Uesco was supposed to be an agency through which employees of the various Hopson companies could invest their savings, but actually Hopson used it for the purpose of manipulating the securities of his various companies. This dispute was settled, too.

There now remained only the mechanics of putting the two compromises into a plan of reorganization. The strenuous work was done, and time began to grow heavy on my hands. I had no more night work. I looked about for something to occupy my thoughts and took up a subject on which I had collected material from time to time since 1937: The history of corporate reorganizations. At first I had intended to write an article on it for the Harvard Law Review. Then I decided I had material for a series of articles. I finally concluded I had material for a book.

By February, 1943, I was in the process of organizing this material. On Feb. 11, Francis Biddle, then Attorney General, asked me to come to Washington to take charge of the sedition case. The sedition case involved George Syl-



George Sylvester Viereck, Nazi agent, at his arraignment on sedition charges in 1943.

Dudley Pelley, George E. Deatherage, Joseph E. McWilliams, Lawrence Dennis, Elizabeth Dilling, and other members of the anti-democratic movement in this country. I had tried to do something about William Dudley Pelley and the German-American Bund in 1939. I thought of going after Pelley under the criminal libel law but a consideration of this course made me conclude that this was not feasible. I also tried to see if I could proceed against the German-American Bund under a statute against wearing military uniforms and drilling. But again I had not been able to follow through.

Two days after Attorney General Biddle telephoned me I was on my way to Washington.

While I was studying the members of the anti-democratic movement in this country, I started thinking again, timidly at first, but with growing confidence as I went along.

In a memorandum I sent to Attorney General Clark on Feb. 28, 1946, I said:

In my opinion, international fascism, though defeated in battle, is not dead. The enemies of democracy did not all lay down their weapons on VE or VJ Day; and the deaths of Hitler and Mussolini, the execution of Quislings in collaborationist or vassal states and the arrest and conviction of Japanese militarists have not brought an end to the fascist threat to democracy.

No, fascism is not dead in the United States. On the contrary, it is now in the process of post-war reconversion, a reconversion uncomplicated by strikes, price ceilings, or shortages. The old familiar fascist faces are once again scouting the old familiar

out of Germany. Someone had "leaked" to an AP reporter about evidence in my possession concerning a fantastic Nazi scheme to get John L. Lewis, the labor leader, to come out against the election of President Roosevelt in 1939-1940. The scheme involved an American oil promoter named William R. Davis. The "leak" was all mixed up. Newspaper men came after me for the story.

I told Clark I thought it best to write up this part of the report first and give it out in order to correct the wild rumors. I would rather have written it in regular order as I came to it as part of the report but we were faced with a demand for information and for accuracy. Clark told me to go ahead.

When I finished this section I took it to him. He read it carefully. In this section I related conversations between Davis and Goering in Germany on Oct. 1, 2 and 4, 1939, a month after the war started. Davis had gone to Germany in violation of a passport restriction. He told Goering that he knew a group which could be organized against the war, and named a number of prominent individuals whom he claimed he could interest in such a project. Included among the prominent individuals were John L. Lewis and Senator Burton K. Wheeler.

The Attorney General specifically commented on Wheeler's name (Wheeler was a friend of his). He then told me for the first time that the report was a secret one.

I was surprised. This was brand new—really shockingly new. The Attorney General was suddenly suggesting that my report was on the way to becoming top secret. What Clark had read was merely one section of the report. I pointed out that this was merely a draft, and expressed the hope that after it was finished, I could sit down with Leo Cadison one of his public relations men in the Department of Justice and put it into shape for presentation in court.

What I did not say (but thought) was that I was willing to make certain compromises in the report. If the Attorney General reacted to Burton Wheeler's name by a statement that the report was secret, I was willing to eliminate Wheeler's name. Wheeler's name to my way of thinking was not essential. The point of the section was that the Nazis tried to influence American elections and that they used Americans to achieve their aims. That was the story which had to be told. Wheeler's name didn't make or break it.

The discussion with the Attorney General ended up in the air. He did not comment on my remark that what he had read was a draft, nor did he make the observation that the report had suddenly become a secret document.



The late William Rhodes Davis whose links with Nazism were investigated.

back Wheeler's name. I did better than that. I put all the material concerning Wheeler, (not with reference to the Davis story, but also other material I had intended leaving out), in place by itself in the next to last subdivision of the body of report.

If any hope remained of making an agreement with the department, the Assistant Attorney General one Douglas McGregor, ended it by a remark made on the section relating to Viereck, which contained names of 24 members of the McGregors commented that the Department of Justice could make public a report which these Congressmen. I did not the point with him. Of what would the report be with fundamental omissions?

Incidentally, most of the names of these members of Congress already been made public in Viereck's trial.

Viereck had done an enormous job in this country. He was German agent during the World War and a top Nazi during the second one. The German Foreign Office described him as the confidential agent (Vertrauensmann) and most valuable liaison man (vollste Verbindungsmann) of the German Foreign Office in the United States.

My report concluded a discussion of Viereck's work in the Capitol Hill with this:

The list of those who cooperated with Viereck and whom Viereck used full and short, it is true from com-



# The Truth Is 'Top'

Beginning in February, 1944, I made occasional speeches about fascism and Nazi penetration in the United States. In September I made arrangements for a nation-wide speaking trip on the same subjects. The trip was to begin late in October. I thought that I would then be ready to resign from the Government, but before I left the Department I wanted to get action on one of the recommendations in my report. The Department had not yet done so when I was ready to go on tour.

asked Drew Pearson to get me a good opening date before a. important business. Drew arranged an engagement at Swarthmore College, just outside of Philadelphia for Tuesday, October 22nd. Swarthmore was Drew's alma mater.

Prior to all this, James Wachler, a newspaper reporter and columnist, had run a story in the New York Post on October 2, under the heading "Justice Department: Racist Report on Pro-Palestine." Wachler wrote of the "Unrestrained suppression of a 250-page report."

On October 21st, Drew Pearson wrote a column which spoke of the "suppressed Rogge report." More than that, he quoted from it. He told part of the Davis-Lewis-Cloeting story. He told of the Nazi plan to cook up a Roosevelt-Stalin secret agreement. And he wrote a few choice words about the "imperialism."

In the afternoon, the Ambassador general asked me to see him. I had seen Pearson's column. He inquired about the speech I was to make at Dickinson College the following day. We had a pleasant, cordial conversation. Charge with courtesy.

"What are you going to tell about John?"

22- wanted to find.  
"Would it be possible, John," he asked, "for you to say that the Department has given you a free hand—that the Department hasn't restrained you in any way?"  
"Certainly. Yes," I answered. "I shall be happy to say that."  
We did not ask me for a copy.

The next day I made the speech I spoke of. War: attempts to influence the Presidential elections of 1932 '36 and '44 I told the full story of the O'Garry-Davis-Lewis scheme to effect President Roosevelt in 1940 I went back to my original draft and put in the name of Wheeler.

My prepared text did not include the statement that the attorney General had requested the effect that the Department of Justice had given me a free hand; I found it written in during the

advised me that I would have to go to the office for my flight through to Seattle. This surprised me. Spokane was at an uncheduled stop. I could see no valid reason for this procedure.

The man at the hotel counter also told me that a Mr. SAVAN was coming from Spokane to see me.

Mr. Savage

The manner in which the Attorney General advised me of my dismissal was equally fantastic. For this purpose he alerted the FBI at the whole northwestern United States to serve as his mail carriers. Friday morning I left

[illegible]

On reflection I thought it was probably accurate when my friends in Milwaukee had sent to contact me. But Mr Savage had not been sent by my friends in Milwaukee. He introduced himself by showing me his FBI credentials. He said he had a copy of a letter from the Attorney General to me. He gave me the letter and then requested me to turn over to him all my official papers. I told him that the only official paper I carried was an expired Department of Justice parking permit. I gave it to him.

I found out later that FBI agents had also been at my train at Minneapolis and at Billings. Others were probably waiting at Seattle, too. Tom Clark had alerted half the northwest to make sure I did not slip through his district. I wonder if he instructed FBI agents in Spokane, Missoula, Billings, and possibly Seattle to watch for a half-

Wells, the FBI got their man. They proved to him that he is the only man in the world, I mean that few ever, to get some of his history have been dismissed in such grand style since the nation's release.

1

FEC REPORT NO. \_\_\_\_\_

October 26th  
started from  
in the South  
"having been  
of Justice W.  
I arrived at  
with the boys  
make such  
and L.  
to arrive

One paragraph  
On the 6  
at B.R.I.U.  
and Burke  
reference to  
appearing in  
called your  
you stated to  
be insertion  
substance of  
speech and tr

This part substantiated to justify an act quite appropriate:

"It therefore, utterly violates rules and regulations of the department of industry in connection with and your act interfered with business and

Did I break a  
law? No. I  
was just trying to  
help people like me.  
I was just trying to  
help people like me.

100

hand, nor was dated  
him. In fact that I had  
on my Christmas Report  
rather than speech; that  
I was in the Department  
for the last five years  
and that I had been  
as a statistician, which  
I never considered  
I that said "rules have  
lost it, many years."  
I said: read.  
I said: your speech  
"about the anniversary  
of the American  
in the paper; stories  
that according to which  
relations of your report  
to me that you had  
him of using the text as  
you report to him  
that he would be much  
to do so."  
In his letter was a  
note which Clark used  
his action. But I was  
prepared for the last  
time of writing had you  
been standing  
in the Department at the  
of Justice it becomes  
for me to cover your  
to write the Department  
service, thereby are  
the Department  
which is October 20

sent my film and photographs. I was distressed to do tell the American friends of an investigation which they had paid me. I was definitely aware in the press I wrote reports given I returned

As I then took up my discussion of the (rather thin) book on the subject of the Negro and race, as he had a number of books, the effect was somewhat of a surprise. He seemed to be somewhat of a student of the subject, and I was able to give him a number of books that had been written on the subject of the Negro and race. He seemed to be a student of the subject, and I was able to give him a number of books that had been written on the subject of the Negro and race.

1. COMPLETION: A Difficult Detail

New York, New York

November 17, 1949

MEMO

Re: WORLD CONGRESS FOR PEACE - PARIS

[redacted] attended the "WORLD OF GREAT BACKSTAGE" held in Paris, France, from April 20th to April 25th, 1949 and [redacted] return to the United States brought a number of photographs taken at the Congress.

The photographs were taken by JULIUS LAZARUS, a professional photographer of 23-02 29th Avenue, Long Island City, New York, [redacted]

In those instances where the subject of the photograph is known to be the subject of a case file in this office, an additional print has been submitted for the pertinent file.

The identity of [redacted] should be concealed by the use of a temporary informant symbol in any future report.

JOSEPH A. GULLER, SA

- cc: 100-20707 (W. B. B. DUBOIS)
- cc: 100-25957 (PAUL ROBISON)
- cc: 100-51206 (HOWARD FAST)
- cc: 100-95459 (O. SWAN ROOGE)

100-95459

100-95459-161

F. B. I.

NOV 18 1949

*Julius*

*Info*



## OUR VANISHING CIVIL LIBERTIES

# His Crime: He Went to a

By O. JOHN ROGGE

In 1948 my associates, Mr. Gordon and Mr. Goldman, and I represented Charles Oscar Matson in a case before a Loyalty Board, held in the New York Naval Shipyard, Brooklyn, New York, Building Number 14, Room 5, on February 16 and 17.

The hearing began with the usual questions of identification. Charles Oscar Matson, who was a fire control mechanic, was born in Sweden and came to this country as a child of 3. He had been employed in the shipyard for 30 years.

The Board soon got down to business.

Board: Are you now or have you ever been a member of the Communist Party?

Matson: No. I have never been a member.

Board: Has you wife or any relative been a member?

Matson: No. My wife is a church member. All she does is vote. Outside of that she doesn't belong to anything.

Board: Have you ever paid any dues to the Communist Party?

Matson: No.

Board: Have you ever belonged to or participated in the activities of organizations, clubs, or associations which were or are sympathetic to Communist doctrines?

Matson: I don't know if this is sympathetic. I have belonged to the CIO.

(Gives Mr. Matson a cigar. He hits the bell. Surely the CIO is not beyond the province of organizations which Loyalty Boards consider "sympathetic to Communist doctrines." We already know the Boards consider organizations which oppose racial discrimination "sympathetic" to Communistism.)

How, as in the case of Mr. X, the Board holds a man responsible for the politics of his relatives? The questioning proceeded—

ed, Matson said that he was once interested in the American Youth Congress. "Personally," he stated, "I am a Roosevelt Democrat. Anything Mrs. Roosevelt was interested in, I was interested in. I have been interested in some of her activities, some youth activities." Matson's failure to exhibit blood-flecked froth at the corners of his mouth when he mentioned F.D.R. counted heavily against him.

Matson informed the Board what newspapers he read and even "confessed" to having bought the Daily Worker about ten times in his life. He denied any knowledge of the function or structure of what the Board fondly referred to as a "Communist cell." Although weak in this type of political biology, Matson was explicit enough concerning his own social beliefs:

"I can't remember belonging to any group with anything to do with the Communists. I dislike those people as much as anybody here. I don't hate anybody here but I dislike them too, because I don't like their methods at all."

Matson, who referred to himself as a liberal, drew a sharp line between liberalism and Communism.

Board: Have you ever registered for an election as a Communist?

Matson: No. I registered Democratic—is it all right to tell what I am? Democratic or American Labor Party, one of the two.

The Board then launched the hunt for "sympathetic" organizations which would damn Matson.

Board: Do you ever recall attending a meeting of the American League for Democracy?

Matson: I may have been. I don't know for sure. The name don't even sound familiar.

Board: Did you ever attend meetings sponsored by the Saints and Sinners?

Matson: What are they? Religious?

Board: No. Were you associated with the United Public Workers of America?

Matson: Who?

Board: U.P.W.A., C.I.O.

three monkeys who hear, see, and speak no evil, be enshrined as the new gods of the national administration? Think of the millions of people who have heard of the Communist Party. Don't these poor fools realize how impolitic it is to hear of such things?!

Board: Do you have any idea where Communist Party headquarters are in New York here?

(Lucky Mr. Matson! He didn't happen to know. But he did agree that he had, upon a few occasions, visited the Workers' Bookshop in Thirteenth Street, New York City, where "he went in with a party to look at some books." [The Workers' Bookshop specializes in left-wing and labor literature.]

Board: How many books did you buy?

(The mathematical approach to loyalty.)

Matson: I didn't buy any.

Board: Did your friend buy any?

Matson: No. I was a member of the Literary Guild.

Board: What is the association between the two?

Matson: Between who?

Board: The Literary Guild and the bookstore.

Matson: It was one of the first.

Board: You mean the Book Find Club?

Matson: No, the Literary Guild. I mean the best book of the month.

Board: I think it is the Book Find Club.

Matson: When I belonged it was the Literary Guild.

(The bullying of the Board members was directly responsible for Matson's excusable assumption that the Literary Guild may have been the predecessor of the Book Find Club. For the record, the two organizations are separate.

(Now observe the mentality of Goebbels, risen like a phoenix from the ashes of Nazism!)

Board: What kind of books did they (the Literary Guild) put out?

Matson: They were supposed to be the best for the month.

Board: Did they put out books by Theodore Dreiser?

Matson: Yes, I think—

(Hot on a clue, the impatient Board members interrupt:)

Board: Feuchtwanger?

—why, this sort of things let thinking.)

Matson spoke freely of his part of the New Deal and Deal ideas. He also stated his belief in nationalized medicine, belief which many personal and bills reinforced. Then Board turned to deeper issues:

Board: Have you ever discussed the Truman doctrine?

Matson: Yes, a little bit.

Board: What do you think?

Matson: Well, I went fifty on that.

Board: You aren't settled that?

Matson: No.

Board: Neither for nor against?

Matson: No. I feel sorry for a lot of people over there and sorry for people here. For instance I will give you a case. These packages. My daughter and I self gathered up old clothes instead of sending them to the other side we sent them to Indians. The Navajos or something. I have talked about Truman Doctrine. By the Truman Doctrine I am referring to Marshall Plan.

(Mr. Matson, being a realist made no nice distinctions between the Truman Doctrine and Marshall Plan.)

Board: Well, they are close. (Here we will pause a requiescat over the myth of the Marshall Plan difference between the Truman Doctrine.) Don't you like about the Truman Doctrine?

Matson: Well, I think those people are suffering over there. I think they ought to get plenty help.

Board: What did you like about it?

Matson: Well, it seems some of those politicians

100-95459-17

F. B. I.

7 DEC 1948

N. Y. C.

ED TO

100-95459-17

THE FROM

Comp

NOV 29 1948

# o a Movie

sort of things leads to

ke freely of his sup-  
New Deal and New  
He also stated his be-  
sonalized medicine, a  
many personal medi-  
enforced. Then the  
d to deeper political

This is an instalment of O.  
John Rogge's book "Our Van-  
ishing Civil Liberties," which  
is being serialized unabridged  
in THE COMPASS. Mr.  
Rogge has brought his book  
up to date, where necessary,  
with postscripts.

ve you ever discussed  
doctrine?

es a little bit.  
-I do you think of it?  
ell, I want fifty-fifty

aren't settled on

ner for nor against?

o. I feel sorry for a  
over there and I feel  
ole here. For instance,  
ou a case. They want  
y daughters and my-  
up old clothes and  
ending them over to  
e we sent them to the  
e Navajo or some-  
o talked about the  
ine. By the Truman  
am referring to the  
in.

on, being a realist,  
distinctions between  
Doctrine and the  
n.

ell, they are fairly  
ve will pause to say  
over the myth that  
Plan differs from  
Doctrine.) What  
e about the Truman

ell, I think those peo-  
ple are over there. I  
ought to get plenty of

ut did you like about

Well, it seems that  
ve politicians aren't

distributing it. One article said  
already they found so many mil-  
lion dollars worth of stuff in  
warehouses.

Board: What country was that?  
Matson: In Greece. I don't like  
that. If we are going to feed those  
people I would like to see those  
people get fed and not put away  
in warehouses.

Board: Do you think the politi-  
cal structure in Greece has im-  
proved since that time?

(Could anyone but a congenital  
idiot answer yes to that question?  
Matson did not give a direct an-  
swer, for which I don't blame him.  
Why should he tell those wild kids  
on the Loyalty Board that there  
ain't no Santa Claus?)

Matson: I think it has been  
pretty tough over there all the  
time. It has always been bad com-  
pared to us. Everything is bad in  
Europe and always has been as  
far as I could figure out.

Board: What do you think of the  
Italian situation?

(No one can complain that Loy-  
alty Boards do not ask broad ques-  
tions. I am surprised that they did  
not instruct him to answer yes or  
no.)

Matson: The whole outfit over  
there. It don't make no difference  
to me.

Board: What do you think of  
Togliatti?

Matson: I don't know much  
about him.

Board: To what do you attribute

(Continued on Page 24)



Blatson: They were supposed to be the best for the month.

Board: Did they put books  
Theodore Dreiser

Molson: Yes, I think—

(Hot on a clue, the impatient Board members interrupt:)

**Board: Feuchtwanger?**

Matson: I think there was one there by Dreiser. If I had known that, I could have brought them in.

Beard: What I am trying to do is pin it down. There is a lot of difference between the Literary Guild and the Book Find Club. Have you read any of Foucht-wanger?

Maison: No

Board: Howard Fast?

Matson: I don't know him. Never heard of him

(This is more than ugly humor. It is the attempt to brand the reading of established authors of international repute, as a subversive pastime.)

Unable to establish Matson's membership in the Book Find Club, the Board fell back on the dubious tricks of the unprincipled trial lawyer. A few minutes later a Board member said:

"Let us put it this way. You subscribed to this club, I believe it was the Book Find Club."

(This was conscious distortion of Matson's testimony, and my colleague, Mr. Gordon, his patience at an end, reminded the Board that Matson had claimed membership in the Literary Guild.

(Let this Watson hearing stand as a warning to readers of Feuchtwanger, Dreiser, or Fast, to subscribers to the Book Find Club, and especially to book-loving union members. It is a warning to be a union member in order to be a reader.)

(Glory be to God! Did he ever hear of it? Will the statue of the

## Continued from Page 5)      Mission: You I go there      Transm. for the M...

Witness: Well, I don't know  
as hard to tell what it is I  
understand the conditions  
there, as I wouldn't know  
it.

Board: Have you ever elected  
 the Truman Doctrine?  
 Loyalism: Yes

Board: Do you think the political structure in Greece has changed since that time?

and the selfless efforts to ex-  
and they are particularly g-  
of the presence of American  
officers who are there to

Revelations The Communists are attempting to create their own Board. What do you think?

Verwaltungs-T. Moskau

After next testimony, the  
witness immediately upgrade to  
the next level, unfortunately he was  
not in the room when the witness

Do you feel that Jacques D. McCauley would offer France

Do not say assurance that the  
to be considered "DeCaulle" &  
all "et. and "Dario" & subv.

The order was

He used a law in the state  
and delivered the goods at  
9:11 AM. He was then charged with

feature of a big church, with  
services of 11,000 men, women

"I don't think I can remember  
"Black Bird Club."

On the telephone reach to  
Alameda. Will the book.

Witness: She is very intelligent  
— something I was something  
was a technician

which, it was an extraordinary award. But Americans are not to be deterred with exposure to any other danger, including from the

Will the new board, who in the  
Loyalty Board have also  
have no confidence in our coun-  
try's people?

agents do not stand by the book  
office but I have said that the  
Loyalty Order encourages every

When Master Barker came to the island work.

loyal Mr. and Mrs. Wilson had an inspiring word for him. These witnesses displayed courage which was a testimony in behalf of a just

...the Board mem-  
bers came forth in a new role as  
Defenders of the Faith and Pro-

Board: You also accuse Sir  
Ruggerts that as a Roman Cath-  
olic the thought of Communism is

Haggerty: Yes, I do  
 Board: Was it it?  
 Haggerty: It is strictly no-charge.

what I have been taught—I didn't  
go to a Catholic school exactly—  
but to study discourses as if they

Board Want More For Catholic Church work?  
The City of New York is now

MASTERY: DO YOU WANT THE W  
DO AND OTHERS  
BARD: YES 411) I WOULD BE

Gordon: Is all this necessary?  
 Board: You attached a certain  
 amount of significance to it

Board: Do you know what an  
survivor is?

Dr. T. A. Adams before the Board  
conferred with the President

Magari: The Post - Top  
Plus

Barber: That's right.  
Said: Yes, when he was a

Heard: You didn't attend  
Catholic school?  
Haggerty: No I was the son

Sluggish: There are two  
 Board. There are seven.  
 (Now, boys don't fight!)  
 (Murmured: Silence! Silence!)

The Board later asked Mr. ...

Mason, from the charge of shooting and being too long. Unable to prove that he was a doctor.

Board: I: is rather heavy sound  
the way it?

The board contains the same  
division line of questioning with  
14: Joseph, Wichak who took the

Slowly, but inexorably, the black driver toward his goal: the Thunderbolts! Mar. 1968. Photo by [illegible]

Q. Now, didn't a teacher tell you to go to a teacher of that name? asked my friend told.

The hearings were held over to a second day when the Board considered lawyer techniques again.

You Applied Being a member of the  
C10.  
This is a simple question that

I have the transcripts of the stenographic hearing before me now. In comparison it single-spaced type

was not even a complete failure. The  
 town of Justice, Charles Oscar Jones  
 was not found.

**Tomorrow: How to Talk to a  
Loyalty Board.**

## OUR VANISHING CIVIL LIBERTIES

# 'Your Word Against What We Have'

By O. JOHN ROGGE

This is the continuation of a chapter in O. John Rogge's book, "Our Vanishing Civil Liberties," which is being serialized unabridged in THE COMPASS. Yesterday's instalment introduced George Gorchoff, an inspector in the New York Naval Shipyard, and began the story of his questioning by a loyalty board. Mr. Rogge's title for the chapter is "How To Talk To A Loyalty Board."

Throughout the hearing Gorchoff hammered at the indecent character of proceedings which admit as secret evidence the un-

challenged statements of informers.

Board: Did you ever act as an organizer for the Communist Party

or attempt to recruit others?

Gorchoff: No. Just when am I supposed to have attempted to recruit? You have information according to my statement which is wrong. You are supposed to determine whether my statements or the evidence are wrong. I am supposed to present evidence or affidavits to help decide whether I am guilty or not. I might just as well stay home and you decide whether these papers are correct. If I am here only to give additional fuel for the fire, that is not helping me. I am supposed to get a hearing to convince you that I am not disloyal to the Government of the United States. I didn't recruit people into the Communist Party, but how can I attempt to prove it, unless you bring somebody here that says, "You tried to bring me into the Party." Then you might decide, whether I am right or he is right. I don't know where you got this information. I don't know who the person is. I asked the very same question on the union floor. I asked first on Wednesday night before the Executive Board. I said, "Is there anybody I ever attempted to recruit into the Communist Party?"

They said "No."

I went to the union meeting, which was a larger meeting, and said, "Is there anybody in this meeting I attempted to recruit? Is there anybody they know I attempted to recruit into the Party?"

They all answered "No."

This is an instalment of O. John Rogge's book "Our Vanishing Civil Liberties," which is being serialized unabridged in THE COMPASS. Mr. Rogge has brought his book up to date, where necessary, with postscripts.

Does that convince you?

The Board attempted to defend its procedure:

Board: . . . We have a certain amount of information. The only way in which the Commander can make a determination is to get this information and weigh it against your answers. If he believes that the information is accurate to a certain point and you submit a separate explanation, he figures that the statements we have in our possession have been confirmed or disproved.

Gorchoff: Suppose I categorically deny it?

Board: Then he uses your word against what we have here.

Gorchoff: This is a hearing where I am attempting to prove my innocence. In order to do that I have to have something.

Board: If you have never attempted to recruit anybody into the Communist Party then the answer is "No."

Gorchoff: I would like to disprove it. If you just say we have somebody or something—

Board: You have satisfactorily explained that last question.

(Suppose Gorchoff had taken the Board's advice and simply answered "No"? Would that answer have stood up against the Board's alleged evidence? I say "alleged" advisedly. Nobody this side of paradise knows whether a Loyalty Board actually has any evidence in its possession.)

Gorchoff: Has it been satisfactorily explained?

Board: At least as to mine.

My colleague, Mr. Goldman, entered the discussion.

Goldman: Are you declining to give such information?

formation. We don't know the name of the person.

At this point, I spoke up.

Rogge: You merely have a statement without any proof?

Board: It has been corroborated, checked, and verified.

(This last statement is truly astounding. By claiming that the evanescent "evidence" has been "corroborated, checked, and verified," the Board practically says that Gorchoff is guilty, and the hearing is so much icing on the cake.)

Rogge: By whom?

Board: I can't tell you.

Rogge: By unknown parties?

Board: Put it any way you like.

I accept the invitation. I will put it any way I like. I like to put it this way: the conduct of the Gorchoff hearing expressed official contempt for the Bill of Rights. The Board exhibited a philosophy distasteful to the majority of Americans, and a servile willingness to destroy the freedoms upon which the United States was founded. That is the way I like to put it. If Board members protest that they were forced into such actions by orders, I will remind them that this was standard excuse of every collaborationist in Europe during the war.

In the next few minutes Gorchoff, in response to questions, denied that he had ever been a member of the Communist Party, paid dues to that Party, or attempted to recruit people into it. I then felt obliged to enter the discussion again.

Rogge: There is another thing I wanted to inquire about. We seem to have reached a satisfactory explanation about freedom of speech literature in 1930. (This was in reference to Gorchoff's arrest, at the age of sixteen, for littering the streets.)

On this business of recruiting for the Communist Party, you said that was corroborated and verified.

100-95459-18



... not know who the accused is?  
Board: That is correct.

I have stated that any man who has an enemy employed by the government or in an industry with government contracts can get him fired by writing an anonymous postcard to the F.B.I. and attacking his loyalty. Do you still doubt that such a procedure will work?

The Board granted Gorchoff permission to make a statement. This statement revealed a peculiar circumstance, so peculiar, in fact, that I do not hesitate in referring to this case as the Gorchoff Frameup. Remember that this Loyalty Board hearing took place in 1948.

Gorchoff: . . . It is very peculiar that the exact questions Mr. Barton (of the Loyalty Board) presented were the questions presented by the Naval Intelligence Officer in 1941. He also asked me about Smorodin and Velsen. He also asked me about this radical speech I was supposed to have made, and other questions like that. The same as you asked today. I answered them to the best of my knowledge. A couple of months later I was suspended—exactly similar to this. I have a record of that suspension. I took the case up at that time similar to the way I am taking it up today. This officer at that time they questioned me even asked to go to my house at the same moment

questioned Gay with considerable acuity.

Gorchoff (To Gay): I read these charges at the hearing. To the best of your knowledge, do you know of my being engaged in Communist or Communistic activities?

Gay: Not to my knowledge.

Gorchoff: By the way (referring to the charges), it is completely inaccurate by referring to activities in the Navy Yard in the

hearing adjourned.

The three men whose cases I have presented, Gorchoff fought back most consistently, and was boldest in challenging the procedures of the Loyalty Board.

Gorchoff won his case on appeal. Even though he won, he has been unable to collect back pay for the time he was suspended.

Tomorrow: Footnotes to "Loyalty."

# Our Vanishing Civil Liberties

(Continued from Page 6)

fied. I am simply asking for information. Wouldn't it be possible to find out?

Board: We have absolutely no way of getting this information.

(With this statement the Board filed its petition of bankruptcy.)

Rogge: I accepted your statement about not having the information but then you said it had been checked and verified. I don't understand that.

Board: As to the names of the individuals and certain other facts which cannot even be disclosed to the Loyalty Board we get a broad statement of fact.

Rogge: When you say that it has been verified and corroborated, it is by some source other than the material that the Loyalty Board has available even to it?

Board: That is right.

Rogge: The Loyalty Board is supposed to pass on this man's loyalty on the basis of evidence that it does not even have before it?

Board: We have a definite statement from the results of an investigation that such and such is the case. If we can find out why they would have these facts and still the employee can show that it was a misinterpretation or misunderstanding, then we have accomplished something. You are in a position where you do have difficulty in explaining the facts without meeting the accuser. We don't even know who the accuser is.

(Ignorance, in this case, is hardly bliss. For a long-winded way of saying "No" to a simple question, I offer the Board's statement as quoted above.)

Rogge: That is the thing that troubles me, Captain. I want the record to be clear. You have been advised by another agency that they have made an investigation—

Board: We have not referred to another agency, party, or organization—either inside or outside. We are not indicating the source of this information.

Rogge: Some source not available to the Loyalty Board, and this source says that an investigation has been made and checked and as a result of that check they came to the conclusion that Mr. Gorchoff has recruited members for the Communist Party?

Board: No, he has attempted to.

Rogge: But the source of that information, and who made the statement the Loyalty Board itself does not know.

Board: We know the source but not the individual.

Rogge: The Loyalty Board does not know who the accuser is?

Board: That is correct.

I have stated that any man who has an enemy employed by the

I was sitting there without any previous knowledge. I was in my working clothes as I used to work in overalls. They wouldn't even let me get a key to the apartment. They had a car and asked whether they could go to the house and search it. I asked whether it would make any difference in the guilt or the innocence. They said it would. They searched the house. I believe the record should show that they didn't find anything to do with Communists. . . . On August 7th I received a letter from the Commandant, S. S. Kennedy, by direction, at the time, that I was being restored to duty by direction of the Navy Department. "You are hereby reinstated with back pay and other rights and privileges which would have accrued had there been no suspension."

The Board, then, was trying Gorchoff on the very charge of which he was acquitted in the year 1941! Who inspired this seven-year conspiracy against a union leader, and against the Constitution? The Board's only defense against Gorchoff's charge was the weak statement, "We have some information of a later date. It is in there."

First witness to appear in Gorchoff's defense was Edward L. Gay, Machinist. Gorchoff himself questioned Gay with considerable acuity.

Gorchoff (To Gay): I read these charges at the hearing. To the best of your knowledge, do

latter part of 1931 or the early part of 1932. I wasn't a Shipyard employee until October 1932, which is certainly not the early part of 1932 or the latter part of 1931.

So much for the ectoplasmic "evidence" of the Loyalty Board!

Witness after witness, including the entire Executive Board of his union, except for one member who was out of town and unable to appear, supported Gorchoff. As the hearing neared its end, Gorchoff remarked:

"I have a commendation that was given at the time of the hurricane when I stayed here in connection with security measures. I have testimonials that I could probably present, but I haven't tried to get them because I only had Friday. I went down to Washington to see the past president. It is not only a question of a job, it is my life—15 years of my life. While I was here I got married and had two kids. I am not a young kid flirting around looking for a job."

The hearing ended on the Board's usual low note.

Board: Just one more question before we adjourn. Mr. Gorchoff, are you a member of the Progressive Citizens of America?

Gorchoff: No.

The hearing adjourned.

Of the three men whose cases I have presented, Gorchoff fought

# How the Post Office Looks at Loyalty

The following report on the loyalty suit of Post Office employees was written by O. John Rogge exclusively for THE COMPASS, to bring up to date his book "Our Vanishing Civil Liberties," which is being serialized unabridged in this paper. The book was published by Gear Associates.

By O. JOHN ROGGE

Some of the Cleveland post office employees singled out for loyalty investigations, together with postal employees from Philadelphia, Detroit, New York and Plainfield, New Jersey—26 all told—brought suit in the District of Columbia against the Attorney General, the members

of the top Loyalty Board, the Postmaster General and others to have the Loyalty Order declared unconstitutional. In the suit we alleged that under the Loyalty Order the Post Office Dept. not only discriminated against Jews and Negroes, but also singled out for attack those who had been most active and militant in combatting racial discrimination. The

suit is the first full scale legal test by government workers of the Loyalty Order.

These postal employees compiled a list of 130 persons in the Post Office Department who had been similarly treated. Of the 130, all but 12 were Jews and Negroes.

The 26 plaintiffs average almost 20 years of faithful service per person. Twelve are Negroes; they average in excess of 22 years of honorable service.

Among the 26 are a former rabbinical student who is a veteran of two wars and whose family was executed by the Nazis in Poland; a veteran of the Normandy invasion who spent a year in German prison camps as a prisoner of war; a man whose divorced wife and brother are suspected of sympathy with Communist doctrines; an AFL official who boasts that he is violently anti-Communist; and the chairman of a church forum at which Sen. Taft was once a speaker.

One of the plaintiffs was accused of being an active member of the National Negro Congress as well as introducing at an International Workers Order meeting the principal of a Philadelphia public school who spoke on Negro History Week.

Another apparently incurred the displeasure of his superiors by writing two playlets for Negro History Week which were produced by the IWO. One of them concerned the life of Frederick Douglass and was entitled "Watchman For Freedom". The other depicted the life of Denmark Vercy and was called "He That Stands It Now".

In another instance the chairman of the local Loyalty Board told the accused he was under suspicion because, although he was a mechanic, he preferred books to beers, and liked to discuss politics and current events instead of going to ball games with the boys.

Another plaintiff was asked to compare the merits of American versus Soviet technicolor movies.

Still another was asked if he would have married his wife had he known she was sympathetic to Communist doctrines. Yet another was asked if he had slept with his wife before he married her. I never was quite able to figure out

employees and this motion came on for argument last June. The Government did not deny any of the facts we alleged, but nevertheless made a broad assertion that of course there was no discrimination in the Post Office Department. I argued that the case could not be disposed of on motion and that we were entitled to a hearing on the facts.

I am going to give you part of the colloquy between the court and me.

THE COURT: Mr. Rogge, I certainly do not think you are justified in drawing the inference from these statistics that there is racial discrimination. I have a right to assume, and I shall assume, that these statistics happened more or less accidentally.

ROGGE: Then, I think it is up to the Government to explain that, and I don't think we can get rid of it on a motion for summary judgment. None of these figures are denied, if the Court please.

THE COURT: I am going to  
(Continued on Page 12)

100-75459-

100-95459-19

cc: [signature]



100-95459-19

F. B. I.

DEC 7 1949

N. Y. C.

FILED TO

Jul 7 1949

a mechanic, he preferred books to beers, and liked to discuss politics and current events instead of going to ball games with the boys.

Another plaintiff was asked to compare the merits of American versus Soviet technicolor movies.

Still another was asked if he would have married his wife had he known she was sympathetic to Communist doctrines. Yet another was asked if he had slept with his wife before he married her. I never was quite able to figure out the theory behind this question. Maybe in the minds of his questioners such happenings implied a belief in free love. He should have asked his questioners whether they slept with their wives after they married them.

One other plaintiff, who had worked in Detroit for eight years, was subjected to the charge that his mother had signed a petition to help put a Socialist candidate on the ballot in New Haven, Conn. And, if you please, this took place over 17 years prior to the time of the charges. A second charge in this man's case was that in 1942 his wife had been a member of a civil rights delegation which had gone to Washington to demand FEPC legislation.

You may wonder how the government knew that this man's mother, over 17 years prior to the charges, had signed this petition. How did the government know in Rutter's case that over 10 years prior to the charges he had belonged to a union which had, as the questioner put it, some radical members in it? How did the government know in Matson's case that he had been to the Stanley Theater? I don't think the FBI had agents stationed there.

But I do think this. I think we have been encouraged to become a nation of spies and informers with various friends and neighbors going to the FBI with all kinds of items, including plenty of gossip, and that is just not the America I grew up in. About half of us, it seems, have been encouraged to become spies and informers and the other half have been labeled as subversive.

The Government moved to dismiss the case of the postal em-

Compass

DEC 4 1949

# How the Post Office Looks at Loyalty

(Continued from Page 4)

assume they are correct. But from the mere fact that a certain percentage of persons who have been discharged under the loyalty order are of a particular color or a particular extraction it does not necessarily follow that there has been discrimination. It may well be, and very likely or very probably is the case, that more people of these particular groups happened to have been misled by some propaganda—by some radical propaganda."

(Notice especially the last sentence. The argument in this case was one of the occurrences which made me feel that we were going in the direction of fascism, American style, often without noticing it.)

I put this case to the Court:

ROGGE: Suppose out of 130 all but two had been Jews and Negroes, and they still came in with the same allegation, as you have my assurance they would, that it has not been on any basis of discrimination, does your Honor say we are not entitled to a hearing?

THE COURT: I am not interested in the race, nationality, religion, or color of the plaintiffs or other employees who have lost their jobs under the loyalty program. I am not going to draw an inference that because certain groups

predominate, therefore there has been discrimination against that group. I think that is a very dangerous assertion to make."

(When facts become too ugly for us to stomach we have to find some way of brushing them aside. Here the judge does it by telling me that the charge of discrimination is a very dangerous one for me to make. What the judge did here is comparable to what many people did with reference to Peekskill. What really happened at Peekskill is too ugly for them to face. So they blame the victims, and then they can more easily dismiss from their minds this instance of American fascism.)

A little later he brushed me off with this: "I do not think the courts have a right to supervise the administration of executive departments."

In his written opinion he declared:

"The expediency, the desirability, and the policy of the President's Loyalty Order may not be reviewed by the Court."

Two paragraphs later he plausibly observed that no one would want to see the First Amendment right of freedom of speech "whittled away in any manner, least of all by the Court."

I said to myself more positively than usual that I would take the case to the Court of Appeals, where it is now, and get the judge reversed. And if the Court of Appeals did not reverse him, then I

would go to the Supreme Court and get him reversed there. That was before Justice Murphy died!

I could tell you about other cases, but one further instance must suffice—that of a woman in Chicago. When none of the material which the FBI had so assiduously collected panned out, the questioner said to her: "Don't you think that subconsciously you are in favor of communism?"

Outrageous as the conduct of the Government has been, the Government has found a way of making it even worse. Under Public Law 808 the Government has set up "security hearings". In these cases the "loyalty" of the victim is no longer in question. He is deemed to be a loyal American. However, he is held a "bad security risk". This is generally on the ground that while he is loyal, certain of his associates, or more often associates of his associates, are "suspicious" as far as "security" is concerned. Here then is the logical result of the Loyalty Order.

One of my clients, we shall refer to him as Mr. Z, had one of these security hearings. My associate, Mr. Goldman, represented him. Here are some excerpts from the record, which will speak for themselves.

MR. GOLDMAN: The Government further contends that it is conceivable that a person in your position can seriously jeopardize

the security program of any construction. Do you think it is conceivable you could jeopardize the security aspect of any program of construction? You think it is conceivable that you could jeopardize it?

MR. Z: I don't see any way, sir.

MR. GOLDMAN: You don't see any way?

MR. Z: I don't see.

MR. GOLDMAN: In other words, it is inconceivable?

MR. Z: Yes, it is inconceivable.

MR. GOLDMAN: I would like to ask the Chairman this question: Is the phrase "It is conceivable," in interpreting Section 808 and regulations thereunder, the standard when removal is justified? Take an extreme case: Out of a thousand possibilities there would be one remote chance that a person might jeopardize the security aspect of a program. Is that what "conceivable" is meant to be?

THE CHAIRMAN: That is what it is.

MR. GOLDMAN: In other words, the burden upon us here is infinitely greater than under the Loyalty Act, because under the Loyalty Order there must be a reasonable doubt. Here the question is whether it is conceivable or not?

THE CHAIRMAN: Yes.

MR. GOLDMAN: So, in other words, Mr. Chairman, though a man may be—for the sake of argument we could assume Mr. Z is thoroughly loyal as far as his own mind is concerned, nevertheless because of an association which the Government does not necessarily believe, or have reason to believe, may be detrimental, but

LAKESIDE

mere, I can conceive that association would result in possible detriment to the Government, that person may be removed in accordance with these regulations?

MR. CHAIRMAN: (Nods head.)

MR. GOLDMAN: I may say this is the most extreme language to which I have found the security regulations carried. May I ask how the employee can possibly meet this burden? How can the employee possibly remove it from the realm of conception and make it inconceivable? Is there any procedure he can follow to make that allegation inconceivable? How can he possibly take it out of the realm of conception? I can conceive even the most reliable and trusted person may walk in a bar and meet "subversive characters" and not know they are subversive and it would be conceivable that the characters would pick papers out of his pocket. I don't see how the employee could meet the burden of proof in this proceeding. Is there anything or any way in which he can satisfy the Government it was inconceivable?

THE CHAIRMAN: I don't know of any.

BOARD MEMBER I: That is his responsibility."

Subsequently the Board tried to moderate its position slightly. But it is clear that those who try cases before these new special "Security Boards" will win few, if any, of them. After all, if mere suspicion in the minds of the Board members is enough, how can anyone answer the charges?

Another client of ours received word one day that he had been cleared of loyalty charges brought against him under the Loyalty Order. This clearance came through the Civil Service Commission, which had sent him interrogatories. A few days later he received a different type of letter. This one informed him that he must face a Security Board hearing on the grounds that he was a bad "security risk". What is he to do now?

MONDAY: The Case of Harold Christoffel



THE LIBERTIES

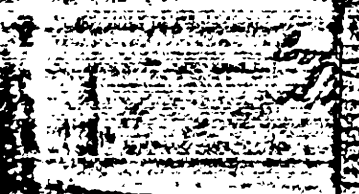
# of Harold Christoffel



Harold Christoffel, a prominent figure in the community, was recently honored with a special award. The ceremony took place at the local hall, where many guests were in attendance. Christoffel, who has dedicated his life to public service, received the award from the mayor. The award was presented in a formal ceremony, with Christoffel expressing his gratitude to the community and the mayor. The award was a recognition of his long and distinguished career in public service. Christoffel has been a member of the community for many years and has been involved in many of the most important projects. His dedication and leadership have been a source of inspiration for many people. The award was a well-deserved recognition of his contributions to the community. Christoffel's work has been a model for others to follow. He has shown that it is possible to make a difference in the world. His award is a testament to his hard work and dedication. The community is proud to have him as a member and is sure that he will continue to make a difference in the years to come.

Christoffel's work has been a model for others to follow. He has shown that it is possible to make a difference in the world. His award is a testament to his hard work and dedication. The community is proud to have him as a member and is sure that he will continue to make a difference in the years to come.

Christoffel's work has been a model for others to follow. He has shown that it is possible to make a difference in the world. His award is a testament to his hard work and dedication. The community is proud to have him as a member and is sure that he will continue to make a difference in the years to come.



Christoffel's work has been a model for others to follow. He has shown that it is possible to make a difference in the world. His award is a testament to his hard work and dedication. The community is proud to have him as a member and is sure that he will continue to make a difference in the years to come.

Christoffel's work has been a model for others to follow. He has shown that it is possible to make a difference in the world. His award is a testament to his hard work and dedication. The community is proud to have him as a member and is sure that he will continue to make a difference in the years to come.

Christoffel's work has been a model for others to follow. He has shown that it is possible to make a difference in the world. His award is a testament to his hard work and dedication. The community is proud to have him as a member and is sure that he will continue to make a difference in the years to come.

## OUR VANISHING CIVIL LIBERTIES

# The Trial of Harold Chi

Harold Chi, a Chinese-born American citizen, was arrested on January 11, 1950, and charged with espionage. He was held in custody for several months before being released on bail. The government has since sought to prosecute him for alleged espionage activities.

The trial of Harold Chi is a significant event in the history of civil liberties in the United States. It raises questions about the balance between national security and individual rights. The government's actions in this case have been widely criticized by civil liberties advocates.

Harold Chi's case is not an isolated incident. It is part of a larger pattern of government surveillance and repression of individuals suspected of being communists or spies. The trial is a test case for the limits of government power in the name of national security.



Harold Chi's case is a significant event in the history of civil liberties in the United States. It raises questions about the balance between national security and individual rights. The government's actions in this case have been widely criticized by civil liberties advocates.

Harold Chi's case is not an isolated incident. It is part of a larger pattern of government surveillance and repression of individuals suspected of being communists or spies. The trial is a test case for the limits of government power in the name of national security.

Harold Chi's case is a significant event in the history of civil liberties in the United States. It raises questions about the balance between national security and individual rights. The government's actions in this case have been widely criticized by civil liberties advocates.

Continued from Page 1  
them the jury had not yet reached a verdict. After the jury had been out two and a half hours, the judge called them in. I had been advised that the judge intended to give the jury a "sandbagging" charge. I protested, but the court forced me to protest in the presence of the jury.

The judge said that I was making a charge, but he practically demanded to know why the jury was taking so long. He asked whether they had reached agreement on any point. The foreman said no, and explained that the difficulty was not with the law, but with the evidence. The judge then declared that the issue was simple, and by his attitude he indicated that the jury should not find so much difficulty in reaching a verdict.

The jury stayed out another two and a half hours, which included dinner. They returned with a verdict. The verdict was guilty. Since many substantial questions of law were involved in the case, the judge should have continued bail. He didn't. He put Chris in jail. We immediately renewed our motion for a judicial and argued a motion for a new trial. The judge denied this two days later. Then we asked for immediate sentence so that we could lose no time in going to the court of appeals. We went to the court of appeals the same day and filed application for bail. The government opposed our application, but the following week the court of appeals did grant bail.

Throughout the trial, the Allis-Chalmers management kept a public relation counsel on hand to pass out slick releases to the press. The press being free to use these releases, and free to ignore the true character of the case, did its level best to convict Chris out of court.

The government brought a case against Chris not because he was guilty, but because he was an honest trade union leader. When Allis-Chalmers wanted out of the way, a rare single-mindedness of purpose guided Chris. He believed that workers must stick together. He knew that the Allis-Chalmers management would try to divide workers on every possible basis: young against old, male against female, white against black, Jew against Gentile, and Communist against Communist. Chris believed that to fall for any of those divisive tactics was to play the Allis-Chalmers game. His indictment should not have been a perjury. It should have read "Devotion to American Labor."

The story of the swatches and punitive persecution of Harold Christoffel is not ended. At first the District Judge would not let us transfer the \$4,000 bail from the District Court to the Court of Appeals, referring to my statement that the money was union funds. The government was blowing hot and cold, because the court had advised us to use the very same money for the transportation of witnesses.

As I write this, Harold Christoffel has lost to the Court of Appeals and is petitioning the Supreme Court to review the case.

will come out a free man and give you the hope of freedom. Of the whole imprisoned by this management of corporate such as Allis-Chalmers, make confetti out of the Bill of Rights and throw it gleefully from the windows of Wall Street.

Remember this: in the coming years no one of you will be any more free than Harold Christoffel.

### Author's Postscript

I've finally won for Chris in the Supreme Court by a vote of 5 to 4. We won on the point that there was no quorum of the House Education and Labor Committee before which Chris was alleged to have committed perjury. The majority opinion was by Justice Murphy. He was emphatic. "A tribunal that is not competent is no tribunal, and it is unthinkable that such a body can be the instrument of criminal conviction."

This opinion was the last one Justice Murphy wrote. I should probably tell you when the quorum point first occurred to me. It was in a perjury case in 1928—about 20 years before Chris himself was indicted.

I was in my third year out of law school. That client was not mine but the firm I was working for. He was not a labor leader but a corporation president. I cannot recall that I ever met him. He was Robert W. Stewart, president of Standard Oil Co. of Indiana. In the office we referred to him as Colonel Stewart.

He was mixed up in the Teapot Dome scandals along with Fall, Doheny, Sinclair, Blackmer and others. He was indicted for perjury for alleged false answers before a Senate committee consisting of 14 members. The alleged false answers related to the disposition of certain government bonds. Relying on the quorum point, my office won the case without difficulty.

Then in 1947 came the Christoffel indictment. I got from my old office in Chicago my old brief brought in to me and tried to use the same point in Chris' case. I said to myself that I hoped I had the ability to get the same amount of justice for a labor leader that my office had once gotten for a corporation president.

However, I was not able to do so in the trial court. I was not able to do so in the Court of Appeals. But finally in the Supreme Court by a 5 to 4 decision I got the same result for Christoffel that my office had gotten in the District Court in 1928 for Stewart. But Chris' victory was not yet complete. Even a decision of the Supreme Court is not sufficient to liberate him. After Justice Murphy's death the government announced its intention to retry the case. It has been set down for January 18. I do not see how the government can possibly win unless it uses perjured testimony, and this against a victim accused of perjury! According to the government, Chris is to be a victim gaily, gaily. And we can no longer depend on the Supreme Court. But this is not yet all. Chris no longer has sufficient funds adequate to defend himself.

TOMORROW The United



# Rogge Hints Progressives Split With Reds

The Progressive Party, according to O. John Rogge, a national committeeman, will in the future be led by real progressives, but not by Communists.

"When Russia is wrong, in our opinion, we shall freely say so," Rogge wrote in a speech released to the press at last night's rally of the National Council of American-Soviet Friendship at Madison Square Garden. At the last moment, Rogge did not attend the rally and did not deliver the speech.

"If we do not like, for example, the self-righteous and smug Cominform resolution—and I did not like it and I do not think it contributes to the cause of peace—we shall say so," Rogge continued. "We shall not bend reason backwards in order to attempt to justify the conduct of the Cominform countries toward Yugoslavia."

He admitted that Communists will continue to support the Progressive Party, "just as the Communists usually supported President Roosevelt and the New Deal and just as the Abolitionists supported the Republican Party, although they were radicals." The Progressives, he insisted, are not radicals.

ASAC 1  
ASAC 2  
SAC 1  
SAC 2  
SAC 3  
SAC 4  
SAC 5  
SAC 6

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

ccsur

DEC 9 1949

ROUTED TO

Post & Home Mags  
DEC 6 1949

100-95400-21

# Behind the Loyalty Drive: Profits, Monopoly, War

By O. JOHN ROGGE

Why did President Truman issue Executive Order 9835?  
Why do Loyalty Boards harass men like Matson, Mr. X, and Gorchoff?  
Why do the Committee members bring forth their sideshow stars, Budenz, Bentley, Chambers, Hawitt, to spin Grade B Mata Hari fantasies? Why did they take action against the Joint Anti-Fascist Refugee Committee? Why did they treat Harry D. White with such callous inhumanity?

Why was Harold Christoffel indicted?

Why did Michigan State College cut even students on "permanent disciplinary probation" for distributing a handbill supporting a State F.E.P.C.?

Our civil liberties are vanishing. Why?

Is it to "stop Communism"? The Un-American Committee has long since unwittingly exposed the hypocrisy of this slogan. They have used the word "Communism" to cover up their opposition to truly democratic, progressive ideas. This is why Loyalty Boards inquire of victims if they have ever had a liberal thought in their lives.

Is it to preserve "the American way of life"?

The American way of life is rooted in the Bill of Rights. Now we are told, with a straight face, that the only way to preserve the American way of life is to destroy it.

Unless the Bill of Rights means the rights to organize, to protest, to strike, not only for reforms, but for a change of form in our government, it is not a Bill of Rights at all. It is a Bill of Restrictions. The right to believe both in reform and in change, is the fundamental right of everyone who calls himself an American.

Let me ask more questions.

When the American people repudiated Dewey at the polls, why did President Truman retain Dewey's country-house philosopher, John Foster Dulles, to represent us in the U.N.?

Why has the State Department thrown millions of dollars of the taxpayers' money down the sewer

or which is Chiang Kai-shek's China?

Why has the Administration spent what would amount to \$50 for every man, woman, and child in Greece, to promote one of the greatest international fiascos of all time?

Why does the Marshall Plan provide for the exportation of Coca Cola, cigarettes, bubble gum, and comic books, to starving Europe? Why does our State Department plan to return the industrial Ruhr to the hands of German monopolists with American connections? Why are Ilsa Koch and Franz von Papen free? Why does the war criminal, Field Marshal Albert Kesselring, leave prison for a vacation in the Swiss Alps with his wife?

The answer to all these questions is that the national administration is now trying to sell us the biggest, fattest, and phoniest goldbrick in our history. It is a bipartisan goldbrick. The talk of humanitarian aid, of feeding the starving and helping the helpless, is the sanctimonious cloak in which American monopolists are hiding their huge profit take. We have moved imperceptibly, but with terrible finality, from the people's government of Franklin D. Roosevelt to the bankers' government of Truman and Dulles.

When I was a corporation lawyer, I learned not to buy goldbricks. I don't intend to start now. No one can tell me that the meat-packers, who are queuing every last penny out of us for the meat on our tables, are Santa Clauses in Europe. The cartels who are reviving German heavy industry

and sitting in private conferences with Schacht, may shout from the rooftops that they are the standard-bearers of democracy. But they forget. I knew them when.

With our military in over 400 outposts and foreign bases surrounding the Soviet Union, the State Department talks of "defense." Have you ever asked yourself how we, as Americans, would feel if the Soviet Union maintained military outposts in the western hemisphere, and then formed an alliance, with standardization of weapons and equipment, involving all the countries of South America? Yet the Soviet Union is in just such a position in respect to American arms. It is not designed to produce peace of mind.

The Administration's foreign and domestic policy is the policy of the monopolists. This is basically true no matter what surface differences of greater or lesser importance exist. Here, for instance, are some of the men who have surrounded President Truman, or who surround him now. The list would have been very similar had Dewey been elected:

James Forrestal, former Secretary of Defense, head of the banking firm of Dillon, Read & Co.

Robert A. Lovett, former Under-Secretary of State, former partner, Brown Brothers, Harriman & Co.

John Snyder, Secretary of the Treasury, former vice-president of the First National Bank of St. Louis.

Major General William H. Draper, Assistant Secretary of War, former vice-president of Dillon,

This is an installment of O. John Rogge's book "Our Vanishing Civil Liberties," published by Gaur Associates, which is being serialized unaltered in THE COMPASS. Mr. Rogge has brought his book up to date, where necessary, with postscripts.

Read & Co.

Arthur H. Barrows, Under-Secretary of the Air Force, former president of Sears, Roebuck & Co. (As the import-export chief in the combined U.S.-British occupation zones in Germany, Barrows tried to liquidate Germany's "small, inefficient industries," and concentrate all production in "large, efficient" plants, that is, plants belonging to the very industrialists who financed Hitler's road to power.)

Lewis W. Douglas, Ambassador to Great Britain, president of Mutual Life Insurance Co.

John J. McCloy, President of the World Bank, former member of Cravath, de Gersdorff, Swaine & Wood, attorneys for the monster Nazi cartel of I. G. Farben.

Eugene Black, Executive Director of the World Bank, former vice-President of Rockefeller's Chase National Bank.

Robert Gardner, vice-president of the World Bank, former vice-president of Morgan's Guaranty Trust Co.

This is a partial but typical list. I cannot think of any exceptions to the rule that Wall Street rules Washington's roost.

We saw the name of one general on this list. We have others, the generals who are above politics, the generals who represent the nation—all the people all the time, the generals who never soil their hands with profit and loss and who have only the selfish interests of us all at heart. We have, for instance, Eric Gott-

O. Saltzman (who happens to be vice-President of the New York Stock Exchange).

We have, in fact, a general for every monster corporation in America, and practically every general active in the field today has financial interests in American monopoly. The Secretary of the Air Force, W. B. Symington, president of the Emerson Electric Manufacturing Corporation.

These men are our government, but not the government we elected. The men who staff this underground government have made fabulous profits out of the last war, are making fabulous profits out of the present uneasy peace, and hope to make fabulous profits out of a coming conflict.

Wall Street is more than a phrase, an orator's term. It is a reality. Wall Street today in Washington, Washington is Wall Street.

When we understand this, we understand the sordid self-interest that lies beneath the Loyalty drive. If the monopoly-cartels are to have full freedom, they must take this freedom from the people. This is inevitable when a government operates for the benefit of—and at the expense of the masses.

America, by and large, is at work. Prices are outrageous, but most of us enjoy a standard of living generally higher than prevails elsewhere. We are passing the last days of the postwar honeymoon. The threat of depression and suffering, no matter how distant it may seem, is real and near. The National "Loyalty Administration" offers us an alternative. The alternative is war and death.

We read in our papers that a "security" which brings us daily closer to war is better than an abundance of peacetime production. Politicians insist that we say "Yes" to a mad profit spree. If we don't say "Yes," they argue,

(Continued on Page 28)



# Behind the Loyalty Profits, Monopoly,

By O. JOHN ROGGE

Why did President Truman issue Executive Order 9835?

Why do Loyalty Boards harass men like Matson, Mr. X, and Gorchoff?

Why do the Committee members bring forth their sideshow stars, Budenz, Bentley, Chambers, Hewitt, to spin Grade B Mata Hari fantasies? Why did they take action against the Joint Anti-Fascist Refugee Committee? Why did they treat Harry D. White with such callous inhumanity?

Why was Harold Christoffel indicted?

Why did Michigan State College put seven students on "permanent disciplinary probation" for distributing a handbill supporting a state I.S.P.C.?

Our civil liberties are vanishing. Why?

Is it to "stop Communism"? The un-American Committee has long since unwittingly exposed the hypocrisy of this slogan. They have used the word "Communism" to cover up their opposition to truly democratic, progressive ideas. This is why Loyalty Boards inquire of victims if they have ever had a liberal thought in their lives.

Is it to preserve "the American way of life"?

The American way of life is rooted in the Bill of Rights. Now we are told, with a straight face, that the only way to preserve the American way of life is to destroy it.

Unless the Bill of Rights means the rights to organize, to propaganda, not only for reforms, but for a change of form in our government, it is not a Bill of Rights at all. It is a Bill of Restrictions. The right to believe both in reforms, and in change, is the fundamental right of everyone who calls himself an American.

Let me ask more questions.

When the American people repudiated Dewey at the polls, why did President Truman retain Dewey's counting-house philosopher, John Foster Dulles, to represent us in the U.N.?

Why has the State Department thrown millions of dollars of the taxpayers' money down the sewer

which is Chiang Kai-shek's China?

Why has the Administration spent what would amount to \$50 for every man, woman, and child in Greece, to promote one of the greatest international fiascos of all time?

Why does the Marshall Plan provide for the exportation of Coca Cola, cigarettes, bubble gum, and comic books, to starving Europe? Why does our State Department plan to return the industrial Ruhr to the hands of German monopolists with American connections? Why are Ilse Koch and Franz von Papen free? Why does the war criminal, Field Marshal Albert Kesselring, leave prison for a vacation in the Swiss Alps with his wife?

The answer to all these questions is that the national administration is now trying to sell us the biggest, fattest, and phoniest goldbrick in our history. It is a bipartisan goldbrick. The talk of humanitarian aid, of feeding the starving and helping the helpless, is the sanctimonious cloak in which American monopolists are hiding their huge profit take. We have moved imperceptibly, but with terrible finality, from the people's government of Franklin D. Roosevelt to the bankers' government of Truman and Dulles.

When I was a corporation lawyer, I learned not to buy goldbricks. I don't intend to start now. No one can tell me that the meat-packers, who are squeezing every last penny out of us for the meat on our tables, are Santa Clauses in Europe. The cartels who are reviving German heavy industry

and sitting in private conferences with Schacht, may shout from the rooftops that they are the standard-bearers of democracy. But they forget, I knew them when.

With our military in over 400 outposts and foreign bases surrounding the Soviet Union, the State Department talks of "defense." Have you ever asked yourself how we, as Americans, would feel if the Soviet Union maintained military outposts in the western hemisphere, and then formed an alliance with standardization of weapons and equipment, involving all the countries of South America? Yet the Soviet Union is in just such a position in respect to American arms. It is not designed to produce peace of mind.

The Administration's foreign and domestic policy is the policy of the monopolists. This is basically true no matter what surface differences of greater or lesser importance exist. Here, for instance, are some of the men who have surrounded President Truman, or who surround him now. The list would have been very similar had Dewey been elected:

James Forrestal, former Secretary of Defense, head of the banking firm of Dillon, Read & Co.

Robert A. Lovett, former Under-Secretary of State. Former partner, Brown Brothers, Harriman & Co.

John Snyder, Secretary of the Treasury, former vice-president of the First National Bank of St. Louis.

Major General William H. Draper, Assistant Secretary of War, former vice-president of Dillon,

This is an installment of John Rogge's book "Outrushing Civil Liberties," published by Gaer Associates, which is being serialized abridged in THE COMMUNIST. Mr. Rogge has brought the book up to date, where necessary, with postscripts.

Read & Co.

Arthur S. Barrows, Under-Secretary of the Air Force, former President of Sears, Roebuck & Co. (As the import-export of the combined U.S.-British nation comes in German rows tried to liquidate Germany's "small, inefficient industries," concentrate all production in "large, efficient" plants, plants belonging to the industrialists who financed the road to power.)

Lewis W. Douglas, Ambassador to Great Britain, president of Mutual Life Insurance Co.

John J. McCloy, President of World Bank, former member of the War Relocation Authority, former partner of the law firm of Noyes, McMillan & Co.

Eugene Black, Executive Director of the World Bank, former Vice-President of Rockefeller National Bank.

Robert H. Jackson, vice-president of the World Bank, former president of Morgan's Guaranty Trust Co.

This is a partial but typical list. I cannot think of any exception to the rule that Wall Street Washington's root.

We saw the name of one general on this list. We have other generals who are above the fray—the generals who represent the Don—all the people all the time—the generals who never waver, who have only the selfish interest of us all at heart.

We have, for instance, Brig. Gen.

RECEIVED FILE 116

Copy rec DEC 7 1945

# Behind the Loyalty Drive

(Continued from Page 5.)

the monopolies will be peeved. If the monopolies are peeved they won't make arms and munitions, and we will be destroyed. Ergo profits and the national interest are one and the same. Slick, isn't it? Slick, and thoroughly untrue.

The monopolies wanted an end to economic controls. Truman obliged. The press and radio inflict us with a national campaign of vilification directed against the memory of F. D. R. We are ordered to believe that a Marshall Plan Europe must rest on a re-Nazified Germany and a re-industrialized Ruhr. Atom-mad statesmen shout that war with Russia is a law, like gravity.

If we disagree? The House Committee and the Loyalty Boards are ready to take care of us.

The men of the underground government want to curtail our civil liberties to stop us from speaking out against the manner in which they are running the country, for and by themselves. They want to keep too much and make too much more. Therefore criticism is "disloyal."

Do you remember these two sentences from Sinclair Lewis's novel, *It Can't Happen Here*?

"For the first time in America, except during the Civil War and the World War, people were afraid to say whatever came to their tongues. On the streets, on trains, at theatres, men looked about to see who might be listening."

This is an accurate description of Washington, D. C., today. Wall Street uses fear as a fundamental ingredient of politics.

I have heard that it is "old-fashioned" to talk of Wall Street and the growth of American monopoly. It is, however, the most modern of discussions because it deals with what is happening today in American life. Let us—in our next chapter—see how "old-fashioned" is Wall Street and monopoly.

key positions in the Truman Administration:

Louis A. Johnson, Secretary of Defense; president, General Dye Stuffs Corporation and Director of General Aniline Film; two outfits within the I. G. Farben structure, and a member of the Board of Consolidated Vultee Corp.

Gordon Gray, Secretary of Army; a member of the family in control of Reynolds Tobacco Co., and owner of a newspaper and radio station in Winston Salem, North Carolina.

W. Stuart Symington, Secretary of Air Forces; president, Emerson Electric Manufacturing Co.; president, Rustless Iron and Steel Co. of Baltimore; president, Colonial Radio Company of Rochester; member of the Board of Mississippi Valley Trust Co. and of the St. Louis Chamber of Commerce.

W. Averell Harriman, roving Ambassador in Europe for E.C.A.; member of one of the seven major banking firms which the government tried to break up in a suit filed October 30, 1947; former president of the U. S. Chamber of Commerce. He inherited \$100,000,000 from his father and has large investments in various railroads. (In August, 1944, the government filed an anti-trust suit in Lincoln, Nebraska against 47 western railroads, the Western Association of Railroad Executives, J. P. Morgan & Co., Kuhn, Loeb & Co., and 55 individuals. On Feb. 5, 1948, Harriman was added as a defendant to this anti-trust suit at the special request of the Federal prosecutor. The Federal prosecutor stated that Harriman was a leading figure in the conspiracy to stifle competition and keep railroad rates high. He further stated that he was not at liberty to say why Harriman had not been listed as a defendant or co-conspirator when the suit was originally filed. The following day, however, the government dropped Harriman's name from the suit.)

Paul G. Hoffman, Administrator of E.C.A.; former president of Studebaker Corp.; a director of the Federal Reserve Bank of Chicago, United Airlines, and New York Life Insurance Company. (In a speech which he made before the Congress of Industry of the NAM in 1943 he declared: "If all of us keep talking about jobs for all, two or three million people may accuse us some day of making promises we don't keep. If full employment means a job for every man and woman who is willing and able to work, then it is not desirable or necessary. Let's stop using the words full production, full employment, and jobs for all.")

John J. McCloy has become U. S. High Commissioner for Germany. And the other day I read in the papers that General Lucius D. Clay, who until last May was our Military Governor in Germany, had just been elected a Director of Lehman Corp.

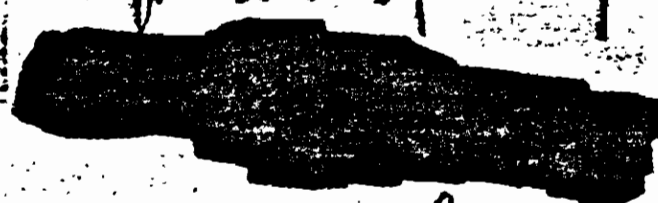
**TOMORROW: Loyalty by the Dollar.**

b7D  
F.B.I.

Gentlemen:

The enclosed sheets are, probably, of no value whatever but as useful information is often built out of bits and pieces, I am sending them to you for what they may be worth.

They were found on the floor, just below the incinerator chute on the 8th floor of No. 400 East 52 St, New York on Sunday Dec 4 1949. I don't know any more than this about them.

100-95459-23 Yours very truly  


Dec 5 1949  
b7D

100-95459-23

So it was in the case of counsel for the Eleven. Although I was prepared for a verdict of guilty as to the Eleven, I had not expected the peremptory, vindictive and severe action which the court took against <sup>their</sup> counsel. On the contrary, I was shocked by it.

The next day at a meeting of lawyers I made an impassioned plea for united action by the bar on behalf of counsel for the Eleven. By and large, what they had done was what the canons of ethics required: a vigorous defense of their clients. They had had to do this under galling circumstances: before a biased and unfair judge, who was out to see to it that their clients got convicted. No one who had not represented an unorthodox client before such a judge had any idea of the rasping torment such counsel had <sup>had</sup> patiently to endure -- a torment that rubbed their innards raw.

If the sentencing of counsel stood, then anyone thereafter who went into court representing an unorthodox client would have to offer up his own liberty along with that of his client. Take the Christoffel case, for instance. The first trial had outraged me. The judge had been almost as biased and unfair as Medson. Just as Medson he had been out to get my client convicted. After Christoffel had been convicted I felt that maybe I had been too much of a gentleman,



that maybe I had been too submissive. Yet had I been any less submissive I, too, would have been held in contempt. Even so, there was a time when I was in fear of it. And what for? For trying adequately to defend my client, as the canons of ethics require.

But there was to be a second trial of Chris. This the government had announced after Justice Murphy's death. The second trial was to be set for January 16th. It would be even more unfair than the first. (Indeed, I do not see how the government can win it without perjured testimony.)

If the sentencing of counsel for the Eleven stood, then the danger of my being held in contempt would be even greater *in the second trial* than it had been in the first, *and it* ~~trial~~ *was too great in the first one to suit me.* If the sentencing stood, the next time I went into court to defend Chris I would have to offer up my own liberty along with his.

Did we have to follow all of the fascist *policy* in this country? Were we going to remain inert until we were a nation of slaves, or were we going to unite and take action before it was too late?

*After*  
I my plan I ~~was to go to the court and defend Chris~~  
*as I had on several occasions in the past*

607 U. S. Court House,  
Foley Square,  
New York 7, N. Y.

December 7, 1949.

b7D  
[REDACTED]  
[REDACTED]  
I have your letter of December 5, 1949 and wish to take this opportunity to thank you for your courtesy in forwarding the information contained therein to this office.

You may be assured that the information will be given appropriate attention.

Very truly yours,

*RE*  
EDWARD SCHEIDT,  
Special Agent in Charge.

100-95459  
FPC:DJG

100-95459-24

## OUR VANISHING CIVIL LIBERTIES

# Nearly Half of the Nation Now Ill-Housed, Ill-Clad, and Ill-Fed

By G. JOHN ROGGE

This is a supplementary chapter to "Our Vanishing Civil Liberties," by G. John Rogge, which is being published unaltered in Ten Centim. The chapter was written by the author, for this newspaper, to bring the book completely up-to-date. "Our Vanishing Civil Liberties" is published by Our Associates.

The trends toward concentration of wealth described in Friday's Campaign have continued. The Administration has persisted in the policy of more guns and less butter. To the Truman Doctrine and the Marshall Plan, it has added the North Atlantic Pact.

Still more of our wealth has been concentrated in still fewer hands. The merger movement following the second World War has gone on apace. The poor have continued to get poorer and the rich richer.

The Federal Trade Commission, in its concluding part of one of its reports, commented:

"The great stretch of the imagination is required to foresee that if nothing is done to check the growth in concentration, either

the giant corporations will ultimately take over the country, or the government will be impelled to step in and impose some form of direct regulation in the public interest."

Corporate profits continued to mount by billions. In 1948 net corporate profits before taxes were \$34,800,000,000, and after taxes, \$21,800,000,000.

The profits of the biggest corporations accounted the most. During the first nine months of 1948, General Motors had net profits after taxes of \$622,000,000, more than a half-billion dollars, the biggest net profit figure for any corporation in American history. For the first nine months in 1948, Washington had net profits after taxes of \$121,000,000, to be compared with \$28,000,000 for the first nine months of 1947.

Let us take a look at the profits of some of the big corporations for the third quarter of this year and see the percentage of increase as against the third quarter of last year.

Company	1948	1947
General Motors	\$622,000,000	\$500,000,000
Ford Motor	\$400,000,000	\$300,000,000
Chrysler	\$300,000,000	\$200,000,000
Wells Fargo	\$121,000,000	\$28,000,000
Washington	\$121,000,000	\$28,000,000

The "ill-housed, ill-clad, ill-nourished" one-third of the nation which President Roosevelt said in '37, is now down to one-half. According to a recent report on low income families and economic stability, issued by a sub-committee of a Congressional joint committee, almost half of all Ameri-

cans spending under \$200 a week in 1948. The Bureau of Labor Statistics estimates that \$67.50 is the minimum necessary to maintain an average American family decently today.

According to the same report, one-third of all American spending units averaged less than \$40 a week in 1948. Half of these had less than \$30 a week.

The monopoly system is bent on profiting with a vengeance the starvation of a 1/2 of the U.S. economy. "A more nearly perfect mechanism for making the poor poorer and the rich richer could scarcely be devised."

Various of our presidents have warned us about the concentration of wealth. The genius of Abraham Lincoln led him to forecast what has been taking place. He wrote: "I see in the near future a crisis approaching that imperils me and causes me to tremble for the safety of my country. . . . Corporations have been authorized as a sort of corruption in high places will follow, and the money power of the country will endeavor to prevent its ruin by working upon the prejudices of the people until the wealth is aggregated in a few hands, and the republic is destroyed."

In 1913, President Wilson declared: "The masters of the government of the United States are the combined capitalists and manufacturers of the United States."

In 1925 President Roosevelt, in his message to Congress, called for the investigation which led to the creation of the TRC, pointed out:

"The liberty of a democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than their democratic state itself. That, in its essence, is fascism. . . . Despite all past warnings the concentration of wealth has unconsciously gotten worse. We have tried at times in the form of anti-trust acts and similar measures to do something about it. These measures have never been effective. The present Administration, of course, does not seriously intend to do anything about the problem."

Several times during the past six months I have had the feeling that we were taking up fascism, American style, along the lines of our own culture pattern, and without even being aware of it. One such time was during the argument of the Postal employer and the United States Postal workers to have the Loyalty Order declared unconstitutional.

Another time was so many the Habeas bill, which proposed granting to the Attorney General the extraordinary power to detain an alien without bail as much as deportation proceedings against him were started Under it, all that the Attorney General would have to do would be to initiate deportation proceedings against any alien he didn't like and then he could have him incarcerated without bail.

Still another time was during the argument in Washington, D. C., of the case which the United Electrical Workers brought against the Atomic Electric Co. The Atomic Energy Commission and General Electric Co. had engaged in a conspiracy to try to break United Electrical Workers. I was in court with Mr. Charles E. Barker, General Counsel for United Electrical Workers, argu-

ing for the observance of a contract which had been entered into across the bargaining table between United Electrical Workers and General Electric Company.

But there was the lawyer for the General Electric Company arguing for Government control, for Government monopoly and for the violation of the contract which the General Electric Company had with the United Electrical Workers. Here is part of his argument:

"The Government must have complete control of atomic energy at this time. . . . as the Atomic Energy Commission was given unprecedented powers it was created a governmental monopoly, not just a monopoly but a Government monopoly, the ostensible of the people upon which every country has grown great, a complete, absolute, entire governmental monopoly."

The Atomic Energy Commission directed, in starting its authority, that General Electric Company withdraw recognition of this union.

Now whether the Atomic Energy Commission should have merely that Order, whether indeed Congress should later modify that order, no matter what might happen to that order in the future, only one thing, and one thing alone, could have been done by General Electric, and that is the thing it did do. It had to comply immediately and without question with the orders of the Government agency charged with responsibility for safety in this critical area. It had no choice.

Have you ever heard anything from his business as the assertion that General Electric immediately had to comply with the order of a government agency? Do you think for one moment or even for one second that General Electric would have complied if they had not acted in their own purposes?

The lawyer for the General Electric Company continued:

"I say the duty of the General Electric Company or any other contractor, to comply with the directive of the Government is certainly as great as the duty of a registrant who is inducted in the draft."

The same power, and the same need for compliance with that power, as is involved in the selective training act is the same power involved in many statutes that have been repeatedly enacted, the rationing statute, the price control statute, the rent statute, the deportation of enemy aliens, all of these are more facets of one power, the power necessary to keep the Government, and to keep the Constitution, including the First Amendment about which these plaintiffs say they are so concerned, and without the service of that war power carefully with wisdom, and with the help of God, there won't be perhaps a Constitution or a First Amendment for these plaintiffs to be concerned with."

The lawyer for General Electric Company not only argued for a strict governmental monopoly and strict governmental control, but in order to support his position relied on such measures as the rationing statute, the price control statute, and the rent statute. Can you conceive of big corporations relying on such measures when it is the case that their purpose? You will also note that before this lawyer finished he brought in God.

In my reply I stated that when counsel for General Electric was asking the Government to do as much the same as that which the big cartels had asked the State to do in Germany.

Mr. Barker and I presented to

the Court a clearly reasoned legal argument based on the provisions of the Constitution, the Atomic Energy Commission, the Administrative Procedure Act, and on cases from the field of contracts. Our argument lasted almost three hours. After we had concluded, the lawyer for General Electric stated that he would take about two minutes to reply and the lawyer for the Government said that he would take five minutes. The lawyer for the Government got up and made a five minute, talk sounding, red-baiting speech. After that, the lawyer for General Electric said he would take only one minute. Here is the bulk of his closing argument:

"As I sat this morning and listened to the argument of distinguished counsel on one side on a very pretty little girl, about five, and while it was apparent to me she inherited her beauty from her female antecedents, it was also obvious that she inherited a great deal, because I was aware of that child was destined to distinguished counsel she was crying to herself, 'How could there be so much talk and so little said.'"

I did not know it at the time, but I found out later that the little girl was the Judge's granddaughter.

The Atomic Energy Commission and General Electric won the decision in the District Court and the case is now in the Court of Appeals for the District of Columbia. The Trial Judge rendered no opinion.

In this case, as well as in the case of the Postal employees, which is likewise in the Court of Appeals, we hoped for a reversal, if not in the Court of Appeals then in the Supreme Court. That was before Justice Murphy died Monday. The Communist Trade

100-95459-25

## OUR VANISHING CIVIL LIBERTIES

# How the Big Trusts Hit Your Wallet

By O. JOHN ROGGE

Morgan-First National, Kuhn-Loeb, Rockefeller, a Chicago group, Mellon, duPont, and groups in Boston and Cleveland, control 106 of our 250 largest corporations, and own nearly two-thirds of their combined assets. These eight interest groups also control many smaller corporations. Morgan-First National, Mellon, Rockefeller, duPont, and the Cleveland group, control 31 of the 250 largest manufacturing corporations with 30 per cent of the nation's usable manufacturing facilities totaling \$18,200,000,000 (almost equal to the nation's entire manufacturing facilities in 1939):

Three family groups, the duPonts, Mellons, and Rockefellers, hold shares valued at \$1,400,000,000 which give them direct or indirect control over 15 of the country's 200 largest non-financial corporations with aggregate assets of over \$8,000,000,000, or more than 31 per cent of the total assets of all these corporations.

The trusts are anxious to keep this information from the public. You can open your newspaper any day of the week and discover an advertisement which tells the public how reasonable prices really are, and how greatly monopoly suffers by reason of insufficient profits. (These ads are tax deductible.) Usually, the advertisement contains a pie. The public is pictured as getting a large slab, while labor gets another generous helping. Other slabs are dedicated to various worthy endeavors. But one thin piece, and pitifully thin it is, bears the label "Profits."

These ads constitute today's

This is an instalment of O. John Rogge's book "Our Vanishing Civil Liberties," published by Gaze Associates, which is being serialized and abridged in THE COMPASS. Mr. Rogge has brought his book up to date, where necessary, with postscripts.

most cogent proof that liars can figure.

On April 20, 1938, Franklin D. Roosevelt stated that one-tenth of one per cent of all corporations earned (took) 50 per cent of the total corporate net income. He further stated that less than 4 per cent of all manufacturing corporations earned 84 per cent of all net profits in manufacture. In a recent study, General Motors, U. S. Steel, American Telephone and Telegraph, A & F General Electric, and the Pennsylvania Railroad, each showed an income greater than that of New York State!

Compare that pitifully thin slab of pie with these figures:

Corporate Profits before Taxes	
1939	\$ 6,500,000,000
1945	21,000,000,000
1947	26,000,000,000
Corporate Profits after Taxes	
1939	\$ 5,000,000,000
1945	12,500,000,000
1947	17,000,000,000

How did the trusts get so fat on such a little piece of pie? Remember that corporate profits after taxes were 140 per cent higher in 1947 than in 1939! The ads which display such fine patriotic endurance in the face of corporate starvation, make this allotment to surplus out of hand. They talk of profit on each item sold rather than overall earnings. They relate profits solely to sale prices, hoping that we will forget that part of each sales dollar goes for raw materials on which other producers have already profited. The National Association of Manufact-

urers spent \$3,000,000 on this fraudulent campaign in 1948.

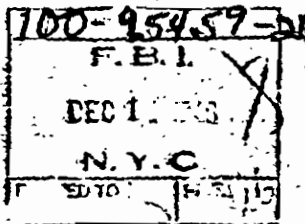
The United Packing House Workers of America revealed that the big four in the meat packing industry, Armour, Swift, Cudahy, and Wilson, profited to the tune of \$88,000,000 after taxes in 1947. This compares with \$51,000,000 in 1946, and \$29,000,000 in 1945. Yet these packers, plead poverty to excuse their thieves' prices on meat! Rich monopolies get richer by the only method known to man: by making the poor poorer. Real wages have declined steadily since the war. To maintain purchases at inflated prices, consumers have cut their rate of savings by one-third, drawn out \$3,500,000,000 of existing savings, and gone into debt an additional \$3,100,000,000. I thoroughly agreed with Henry Wallace when he stated, in the January 5, 1948 issue of the New Republic, that never before in history have so few owned so much at the expense of so many.

The complaints which the colonists listed against King George III in the Declaration of Independence were mild compared to the outrages which American monopolies are now committing. The Monopoly Subcommittee of the Small Business Committee of the House of Representatives, in a report entitled United States versus Economic Concentration and Monopoly, dated December 27, 1946, began a list of these outrages. The list is woefully incomplete, but here it is, with introductory and concluding paragraphs:

"Cartels contributed seriously to our industrial unpreparedness for war by restricting the production and distribution of such vital products as magnesium, zinc, rubber, aviation gasoline, beryllium, titanium, electrical equipment, plastics, dyestuffs, machine tools, fuels, communication equipment, and many other products. The consequences of cartels on the national welfare have been summed up by Wendell Berge as follows in his book, Cartels: Challenge to a Free World:

"In peacetime, their high-price, restricted output strategy has impeded the advance of our living standards and general economic well-being. Through the abuse of our patent system, cartel controls have been established over large segments of technology. With this leverage, industrial monopolies of international compass have at times deliberately brought about the deterioration of quality standards. When it came to the

exploitation of monopoly power, they have adulterated their products to an extent and in a manner endangering the health and even the lives of consumers. Almost incredible as these assertions may be, they are not subject to contradiction — the incontrovertible facts are clearly set forth in congressional investigations and in the evidence in antitrust cases of the Department of Jus-





During the latter part of 1940, the United States—\$452 as compared to \$50 in Germany, with result that United States industry lost valuable "know-how."

9. Magnesium: As a result of arrangements between I.G. Farben, Dow Chemical, and Aluminum Corporation of America, magnesium production was restricted in United States, with the result that in 1940 the United States produced 3,680 tons, while Germany produced more than 19,000 tons.

10. Dyestuffs: The duPont research laboratories developed a pigment (known as monastral color) which can be utilized either in paints or as a dye for textiles. The duPont company attempted in various ways to add contaminants to the pigment to limit its use to the paint and finishing field so as not to disturb the price structure of textile dyestuffs.

11. Vitamin D: Monopoly control is exercised through patents held and licensed by the Wisconsin Alumni Research Foundation. The Antitrust Division of the Department of Justice charges the Foundation with "creating a domestic monopoly resulting in division of fields, price fixing, control of container size, and limitation of potency of vitamin products—as a result of which the public has been charged excessive and arbitrarily high prices . . . (it) considered plans to denature and adulterate Vitamin D preparations in order to maintain high prices (and) . . . exhibited a lack of interest in research unless a commercial advantage could be obtained . . ."

12. Synthetic hormones: More than half of the synthetic hormone business in the United States has been handled by four compa-

ny foreign trade areas. Also to include the export of commodities within the United States. For example, one of the biggest companies in the United States—duPont and Standard Oil of New Jersey—were linked with the chemical monopoly in England and the chemical monopoly in Germany, and thus with each other. Two other giant corporations—Dow Chemical and Alcoa—dominating competing metals, magnesium and aluminum, effectively sidestepped competition with each other through cartel agreements with I.G. Farben.

These facts are ugly enough by themselves. I should like to add some comment that will not improve their looks. Dental laboratories which were paying \$45 a pound for plexiglass discovered that they could obtain the product through commercial molders who were paying 85 cents a pound. On March 15, 1940, one manufacturer suggested adding arsenic or lead to the plexiglass supplied to commercial molders. This would make it unfit for use in the human mouth, and the manufacturers could continue to charge dental laboratories an exorbitant price for the unadulterated product.

How did the duPont company go about limiting the use of monastral colors to the paint and finishing fields "so as not to disturb the price structure of textile dyestuffs?" The method was brutally direct.

On June 18, 1940, nine duPont men met to consider introducing into monastral colors "agents injurious to textile printing." They had tried chemicals that would stain printed cloths when ordinary household bleaches were used on it, but one of them thought that this would "cause as much or more damage to the paint trade." They thought of introducing ground

glass, and the corporations present, have the power of life and death, abundance or scarcity, over every one of us. Their agents staff the Cabinet. They write our foreign and domestic policies on their private letterheads. They wear the stars of the general, carry the diplomat's briefcase, enjoy congressional immunity.

If there is a threat to America, they are that threat. We must accept their plans for war, read their books, think their thoughts, accept their legend that what is good for them is good for America.

The fanatics, the fascists-on-horseback, the rabble-rousers who attack our civil liberties are only the riff-raff, the flunkys of these corporations, dangerous in themselves but more dangerous in that they symbolize the profoundly reactionary course upon which monopoly wishes to lead America.

We are helpless against them unless we insist that we remain free to do our own thinking, read our own books, make up our own minds, live by our own Bill of Rights.

The choice is clear: Either they have freedom, or the people have freedom.

in SUNDAY'S COMPASS: "Making the Poor Poorer and the Rich Richer."

# Our Vanishing Civil Liberties

(Continued from Page 6)

public utilities delayed the introduction of fluorescent lamps and sought to prevent their use on any basis that would reduce consumption of electricity.

3. Synthetic rubber: In 1933, Standard Oil of New Jersey gave I.G. Farbenindustrie (Germany) full information about its butyl-rubber process, but failed to gain in return technical information about I.G. Farben's buna process until 1940. Standard blocked development of synthetic rubber in United States by suppressing development of butyl—best of the synthetics, cheaper than natural rubber, and superior to natural rubber for inner tubes. Intimidated rubber companies from developing other synthetics by threatening to undersell them.

4. 100-octane gasoline: Standard Oil, under cartel agreement with I.G. Farben, blocked commercial development of 100-octane gasoline in United States and withheld technical information from Army Air Corps.

5. Military optical glass: By cartel agreement between Bausch & Lomb (Rochester) and Carl Zeiss (Jena, Germany) heads of the Bausch & Lomb department responsible for military research were to be appointed only with the agreement of the Zeiss firm.

6. Spectacles: Bausch & Lomb maintained artificially high prices on spectacles by controlling patents and by withholding supplies from concerns attempting to reduce prices.

7. Plexiglass (airplane wind-shielding and dental plates): Rohm and Haas Co. (Philadelphia), I. E. duPont de Nemours, Inc. (United States), Imperial Chemical Industries, Ltd. (Great Britain), I.G. Farbenindustrie (Germany), and Rohm & Haas (Germany) established a cartel by utilizing secret patent pools and cross-licenses providing for restrictions on production, price-fixing, and elimination of potential competitors. The product was sold to commercial molders for industrial uses for 85 cents a pound while the very same product cost dental laboratories and dentists \$6 a pound.

8. Tungsten carbide (for edges of cutting tools): Control of patents by General Electric Co. and Krupp Co. (Germany) kept prices at exorbitant levels in the United States—\$450 as compared to \$50 in Germany, with result that United States dentists lost out.

9. Aluminum: As a result of arrangements between I.G. Farben, Dow Chemical, and Aluminum Corporation of America, magnesium production was restricted in United States, with the result that in 1940 the United States produced 5,680 tons, while Germany produced more than 19,000 tons.

10. Dyestuffs: The duPont research laboratories developed a pigment (known as monastral color) which can be utilized either as pigments or as a dye for textiles. The duPont company attempted in various ways to add contaminants to the pigment to limit its use to the paint and finishing field so as not to disturb the price structure of textile dyestuffs.

11. Vitamin D: Monopoly control is exercised through patents held and licensed by the Wisconsin Alumni Research Foundation. The Antitrust Division of the Department of Justice charges the Foundation with "creating a domestic monopoly resulting in division of fields, price fixing, control of container size, and limitation of potency of vitamin products—as a result of which the public has been charged excessive and arbitrarily high prices. . . . (ii) considered plans to denature and adulterate Vitamin D preparations in order to maintain high prices (and) . . . exhibited a lack of interest in research unless a commercial advantage could be obtained."

ties, each of which is a subsidiary or affiliate of a European company. The European companies belong to a hormone cartel which has controlled the hormone business abroad and in the United States. This cartel has seriously hampered research in the field, has parceled out markets, and restricted production.

12. Quebracho extract (for tanning of leather): Production and sale of the material controlled by a monopoly pool, or cartel, which has curtailed quality shipped to United States and raised prices out of proportion to costs.

13. Titanium (white pigment for paints, rubber products, glass, paper, enamel, and other materials): Has been controlled by a cartel including three American corporations, National Lead, I. E. duPont, and Titan Co., Inc. It set exorbitant prices, restricted use, and bribed potential competitors to keep them out of the business.

The magnitude of the superconcentration brought about through international cartel agreements can be readily appreciated when it is understood that, through this mechanism, many of the largest American corporations have effectively combined not only to parcel out foreign trade areas but also to regulate the ebb and flow of commodities within the United States. For example, two of the biggest companies in the United States—DuPont and Standard Oil of New Jersey—were linked with the chemical monopoly in England and the chemical monopoly in Germany, and thus with each other. Two other giant corporations—Dow Chemical and Alcoa—dominating competing metals, magnesium and aluminum, effectively side-tracked competition with each other through cartel agreements with I.G. Farben.

These facts are ugly enough by themselves. I should like to add some comment that will not improve their looks. Dental laboratories which were paying \$45 a pound for plexiglass discovered that they could obtain the product through commercial molders who were paying 85 cents a pound. On March 15, 1940, one manufacturer suggested adding arsenic or lead to the plexiglass supplied to commercial molders. This would make it unfit for use in the human mouth, and the manufacturers could continue to charge dental laboratories an exorbitant price for the unadulterated product.

How did the duPont company go about limiting the use of monastral colors to the paint and finishing fields "so as not to disturb the price structure of textile dyestuffs"? The method was brutal and direct.

On June 18, 1940, nine duPont men met to consider introducing into monastral colors "agents injurious to textile printing." They had tried chemicals that would stain printed cloth when ordinary household bleaches were used on

glass which would scratch textile printing rolls, but they had "considerable doubts" concerning the possible effects on paints and lacquers.

Ten days later three General Aniline men met with five duPont men to probe the matter further. They considered putting in a bit of acid (just a touch, of course) to eat away any cotton material to which the color might be applied. They thought of using a thickener that would make the colors too pasty to use for textile printing. They investigated various gritty substances. Oh, it was a weighty problem indeed! How could they keep the benefits of monastral colors from the public?

Then, in a burst of inspiration, some flower of science who was born never to blush, hit upon the following brilliant idea:

"It is known that certain resins and solvents are irritating to the skin, often causing dermatitis. It might be possible to formulate a composition which will make textile materials irritating to the skin."

Eureka!

These are your "loyal" Americans! These are your apostles of democracy, your Marshall Plan philanthropists!

These men, and the corporations they represent, have the power of life and death, abundance or scarcity, over every one of us. Their agents shall stir trouble. They will stir our foreign and domestic policies on their private letter heads. They wear the stars of the general, carry the diplomat's briefcase, enjoy congressional immunity.

If there is a threat to America, they are that threat. We must accept their plans for war, read their books, think their thoughts, accept their legend that what is good for them is good for America.

The fanatics, the fascists-on-horseback, the rabble-rousers who attack our civil liberties are only the riff-raff, the flunkies of these corporations, dangerous in themselves but more dangerous in that they symbolize the profoundly reactionary course upon which monopoly wishes to lead America.

We are helpless against them unless we insist that we remain free to do our own thinking, read our own books, make up our own minds, live by our own Bill of Rights.

The choice is clear: Either they have freedom, or the people have freedom.

In STANLEY'S COMPASS: "Making the Poor Poorer and the Rich Richer."

## OUR VANISHING CIVIL LIBERTIES

# 'Kangaroo' Grand Jury Indict

By O. JOHN ROGGE

On Jan. 17, 1949, 11 Americans went on trial, while the trial of a twelfth was postponed because of the defendant's illness. No one accused these 12 of any overt act. These 12 men were charged with teaching dangerous thoughts. This is not an exaggeration, nor a phrase-monger's way of presenting an argument. The very indictments which brought those men to court inscribed that fact on the record.

The 12 men are Communists, members of that Party's national board. There are those who will not say, "I know there was a joker in the deck! What Rogge has written has been all very well, but when it comes to Red..." There are those who reason that in matters involving Communists, objectivity and a simple recognition of facts are dangerous. Unreasoning prejudice is safer. It is insurance against being dubbed a witness, follower of the Red line, or a fool in some super-conspiracy.

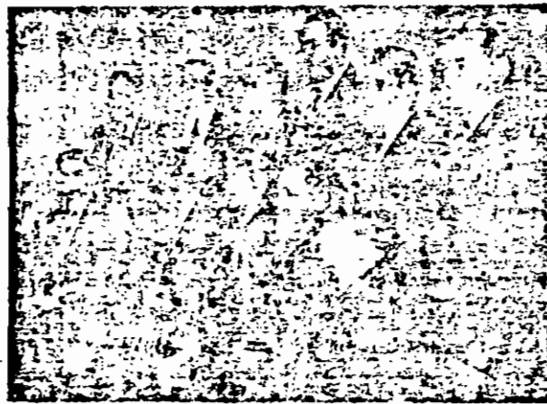
But the facts of this case have not been available to the people. I present them here to those Americans who think for themselves and have confidence in their own judgment.

Earlier in this book I stated that I would never make a bow in Ranking Direction by declaring, with all due pomposity, "I am not a Communist, but..." In speaking directly to you, and not to join Ranking, I want to put all my cards on the table. To place the matter in the categorical form now acceptable, "I am not, and never have been a Communist."

I have many differences with the Communists. Of these, two are, I believe, vital. The first is my belief in democratic capitalism, the capitalism which Henry Wallace champions. It is a system superior to socialism. By democratic capitalism, I mean a capitalist society in which the people have broken the power of the monopoly trusts and toppled them from their key positions in the nation's political and economic life. My second difference is philosophical, but no less important. My concept of freedom differs sharply from the Marxist concept of freedom. I believe that societies in which Communist parties play a dominant role intrude on the freedom of the individual to an extent to which I am opposed. I say "to an extent" because I know that every society, every state, of necessity intrudes in some degree on the freedom of the individual.

I question the nature of the freedom which these societies offer. I do not believe that the freedom which they offer is the freedom which I believe in. I believe in the freedom which is the freedom of the individual to live his life as he sees fit, to think as he sees fit, to speak as he sees fit, to worship as he sees fit, to associate as he sees fit, to travel as he sees fit, to work as he sees fit, to rest as he sees fit, to play as he sees fit, to love as he sees fit, to live as he sees fit. I believe in the freedom which is the freedom of the individual to be free from the oppression of the state, from the oppression of the church, from the oppression of the family, from the oppression of the community, from the oppression of the world. I believe in the freedom which is the freedom of the individual to be free from the oppression of the state, from the oppression of the church, from the oppression of the family, from the oppression of the community, from the oppression of the world.

The case of the Twelve revolves around two Grand Jury indictments returned on July 20, 1948. The first of these is a group indictment naming as defendants William Z. Foster, Eugene Dennis, John B. Williams, Jacob Stachel, Robert O. Thompson, Benjamin J. Davis Jr., Henry Winston, John G. Jones, and others. The second indictment names as defendants William Z. Foster, Eugene Dennis, John B. Williams, Jacob Stachel, Robert O. Thompson, Benjamin J. Davis Jr., Henry Winston, John G. Jones, and others.



The Communist leaders after their trial here.

This is an installment of O. John Rogge's book "Our Vanishing Civil Liberties," published by Gary Associates, which is being serialized unaltered in THE COMPASS. Mr. Rogge has brought his book up to date where necessary, with postscripts.

Directed him, Irving Potash is an official of the International Fur and Leather Workers Union. As a group, these 12 constitute the National Board of the Communist Party, U. S. A.

Hysteria and social pressure surrounded this case from its inception. In its preparation, the government strapped another basic concept of American justice: the secret character of Grand Jury hearings.

When the Grand Jury met, presumably in secret, to consider evidence against Communists, the press began a campaign of intimidation, inspired "leaks" hit the papers. These "leaks" claimed that the Grand Jury had uncovered a vast spy plot, a land evidence of espionage, and almost every other claim in the book. The Grand Jury was a secret, and its proceedings were secret.

The press and radio put pressure on the Grand Jury to return indictments or suffer the social consequences. This pressure transformed the Grand Jury into a kangaroo court.

During this period I issued a statement, which the New York Times reported, in which I said:

"This has been the most porous Grand Jury investigation in Justice Department history. Leaks from the fifth floor of the Justice Department in Washington (the Attorney General's office) were calculated enough to their exaggeration to place the grand jurors in a position where it would be difficult for them to refuse to return indictments for espionage, treason and similar charges even though they believed the Government evidence insufficient."

Marquis W. Childs wrote in the New York Post of Nov. 20, 1947:

"Seven months ago, in New York, a Federal Grand Jury investigation was begun with a purported Communist spy ring in Washington. The investigation was a complete failure. The Grand Jury returned no indictments."

espionage, treason, or the other horrific activities at which the press so easily hinted. The jury labored and brought forth what? An indictment which accused the Twelve of being members of the Communist Party and believing in Marxism-Leninism! The whole affair was worthy of Gilbert and Sullivan.

Those jurors who returned indictments against the Twelve included men who held important positions in large corporations such as the Sav Mill Supply Company, Yonkers; the Greenwich Savings Bank; Hyland T. Kline; Metropolitan Life Insurance Company; Universal Atlas Cement Company, and others. One juror was a retired executive, another owned an insurance business, a third was a banking and business consultant.

You can imagine the nature of the Government's evidence when it had to put the heat on this jury which by its very nature and background probably entered the chambers with years of anti-labor and anti-Communist bias!

The indictments charged the Twelve with "conspiracy," a conspiracy "to organize as a Communist Party of the United States of America a society, group and assembly of persons, to overthrow the Government of the United States by force and violence, and knowingly and willfully to advocate and teach the duty and necessity of overthrowing and destroying the Government of the United States by force and violence."

This is the heart of the indictments which were returned under Section 10, Title 18, United States Code, commonly known as the Smith Act. The section under which these indictments were brought is flagrantly unconstitutional. Although the statute has been on the books for eight years, this is the first time the Government has ever used it against the Communist Party or any of its members.

The indictments claimed that the conspiracy consisted in the calling of a convention, in 1945, to disband the Communist Political Association and organize the Communist Party, a party which is "dedicated to the Marxist-Leninist principles of the overthrow and destruction of the Government of the United States by force and violence."

47  
ACT  
C-1  
C-2  
C-3  
C-4  
C-5  
C-6  
C-7  
C-8  
C-9  
C-10  
C-11  
C-12  
C-13  
C-14  
C-15  
C-16  
C-17  
C-18  
C-19  
C-20  
C-21  
C-22  
C-23  
C-24  
C-25  
C-26  
C-27  
C-28  
C-29  
C-30  
C-31  
C-32  
C-33  
C-34  
C-35  
C-36  
C-37  
C-38  
C-39  
C-40  
C-41  
C-42  
C-43  
C-44  
C-45  
C-46  
C-47  
C-48  
C-49  
C-50  
C-51  
C-52  
C-53  
C-54  
C-55  
C-56  
C-57  
C-58  
C-59  
C-60  
C-61  
C-62  
C-63  
C-64  
C-65  
C-66  
C-67  
C-68  
C-69  
C-70  
C-71  
C-72  
C-73  
C-74  
C-75  
C-76  
C-77  
C-78  
C-79  
C-80  
C-81  
C-82  
C-83  
C-84  
C-85  
C-86  
C-87  
C-88  
C-89  
C-90  
C-91  
C-92  
C-93  
C-94  
C-95  
C-96  
C-97  
C-98  
C-99  
C-100

ColB

Emphas

00-25459-



# 'Langer' Jury Indicted Reds

(Continued from Page 1)  
the which hunt, had been unable to substantiate a single specific charge of an overt act against any of these men. The indictments absolved these agencies of the necessity of proving a charge by stating that Marxism-Leninism advocates "the overthrow and destruction of the Government of the United States by force and violence." By such language the indictments try to make the advocacy of ideas a crime.

The indictments put doctrines and ideas, rather than crimes, on trial. They attempted to amend the Constitution by declaring, in effect, that any discussion or study of socialism is illegal. They informed the American people that the courts do not consider the public competent to pass upon and judge ideas.

Marxism-Leninism, or at least the basic part of it known as Marxism, has existed as a theory for a century. Works which purport to explain and expand this theory are numbered in the thousands. Most of these works are theoretical. To the bar of justice, therefore, would not only the theory itself, but the interpretation of this theory. The Twentieth, for instance, denied that they drew from this theory, the lesson that they must overthrow the Government by force and violence.

If we are to allow doctrine to stand trial in this fashion, I could draw up similar indictments. I could name President Truman and declare that this party, the Democratic Party, has a doctrinal background which dictates force and violence. After all, was it not Thomas Jefferson who warned us that the tree of liberty must be watered by the blood of tyrants?

Or I could levy a similar accusation at Herbert Hoover. His party, the Republican Party, makes much of the heritage of Lincoln. Yet Lincoln once wrote:

"This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember and overthrow it."

Because Lincoln wrote that, would Mr. Hoover discard him as a hero of the Republican Party and disown his writings?

If we Twentieth Century Americans now have heavy trials, why should we stop at the trial of Marxism-Leninism? If we are to try doctrine, why not issue indictments to determine whether Protestantism or Catholicism is the true faith? If one wins, we will indict the other.

At bottom, the underlying con-

cept of such trials is inflexible because no jury can pass judgment on a doctrine. A jury of 12 Protestants will condemn Catholicism. A jury of 12 anti-Communists will condemn Marxism-Leninism. But nothing, absolutely nothing, will be accomplished because only the people as a whole can pass on a doctrine. Christians as a doctrine was tried and condemned a thousand times, but it lived. In the middle ages, courts hated the Talmud before the bar, but the Jewish people did not surrender their book because it was declared guilty. Similarly, Marxism-Leninism will live or die only by the verdict of history.

It is not even correct to say that Marxism-Leninism went on trial. What went on trial was the Attorney General's idea of what Marxism-Leninism is. It was like using a Ku Kluxer's conception of the Catholic Church as the foundation of a trial of Catholicism.

When a public doctrine goes on trial, we denounce ourselves and our courts in the eyes of the world.

You cannot take a theory such as Marxism-Leninism and pretend that it is just another name for gangsterism. Modern history proves that this simply is not so.

A theory which has won millions upon millions of followers is not a "conspiracy." This theory has been applied to science, to history, to the arts. It has produced thinkers of stature who have written provocatively on the world's basic philosophical questions. You may disagree, as I do, with its fundamentals, but you cannot live in a make-believe world in which you imagine Marxist-Leninist thinking to be criminal.

Professor J. B. S. Haldane, one of England's foremost scientists, believes in Marxism-Leninism. Professor Joliot-Curie of France is a Marxist, as was the French physicist, Paul Langevin. Professor Kapitza, the Soviet physicist, is a Marxist. Theodore Dreiser, surely one of the great American writers of this century, proclaimed his belief in Marxism. Pablo Picasso, considered one of the world's great living painters, is a Marxist. Martin Andersen Nexø, Denmark's internationally known writer, is a Marxist. What kind of mental paralysis is it which allows us to consider as a "conspiracy" a theory which attracts such men? Is it that these artists and scientists and novelists are "dupes," "swinging tools," "made so from Moscow," and so on, so nauseum? Those who accept this will also have to accept its corollary: that the Attorney General is infinitely wiser than any of these.

**TOMORROW: Trial in a Speech Atmosphere.**



of the National Association of Manufacturers have already profited from the National Association of Manufacturers.

...and the National Association of Manufacturers has already profited from the National Association of Manufacturers.

In peacetime, their anti-competitive output strategy has impeded the advance of our living standards and general economic well-being. Through the abuse of our patent system, cartels, controls have been established over large segments of technology. With this leverage, industrial monopolies and international companies have at times deliberately brought about the deterioration of quality standards. When it might be to their advantage in maintaining or exploiting their monopoly position, they have adulterated their products to an extent and in a manner endangering the health and even the lives of consumers. Almost incredible as these assertions may be, they are not subject to contradiction — the incontrovertible facts are clearly set forth in congressional investigations and in the evidence in antitrust cases of the Department of Justice.

Specific charges of these restrictive practices, as charged by the Antitrust Division of the Department of Justice before congressional committees, are as follows:

1. Flashlight bulbs: General Electric reduced the life of lamp bulbs and discouraged bulb testing by purchasers.

2. Fluorescent lamps: General Electric, Westinghouse, and the

(Continued on Page 20)

# Lynch Spirit Built Up for Red Trial

This is an installment of O. John Rogge's book, "Our Vanishing Civil Liberties," published by Gaer Associates, which is being serialized unabridged in THE COMPASS. Yesterday's installment dealt with the violations of civil liberties involved in the indictment of the 12 Communist Party leaders as a group. Today's deals with their indictment as individuals and their trial.

By O. JOHN ROGGE

In addition to its group indictment, the Grand Jury issued individual indictments against each of the Twelve. The individual indictments accused the defendant of being a member of the Communist Party, a party based on Marxism-Leninism, and therefore a conspirator.

The Administration, knowing how sensitive people are on the subject of civil liberties, considers it pious to deny that it intends to outlaw the Communist Party. But what else would a verdict of "guilty" under these indictments mean? The issuance of such indictments proves that defendants who refused to answer Grand Jury questions about their politics on the grounds of self-incrimination were one-thousand percent correct.

Naturally, if convictions are returned and upheld in the final court of appeal on the basis of these indictments, legal procedure will have been legalized for the Communist Party. But the language of the indictments threatens every American liberal, every union member, every anti-fascist, and this includes supporters as well as opponents of the Mr. Hall Plan and the bi-partisan policy. Since the Twelve were accused of organizing a political party based on Marxism-Leninism, they have the implication that their program is based upon concepts of Marxism-Leninism.

These indictments set a precedent under which the government can try and convict on a charge of propagating Marxism-Leninism anyone who agrees in whole, or in part, with the immediate program of the Communist Party. Yet this program contains sections with which literally millions of Americans will agree. It contains, for instance, support of a national local housing program; a call for the organization of the unemployed; passage of anti-lynch legislation and legislation making anti-Semitic acts a criminal offense. It demands controlled prices. These few aspects of the Communist Party's program are sufficient to illustrate that the government's legal gun is loaded with buckshot. In aiming at the Twelve, the Attorney General will hit the liberties of all Americans.

The trial served notice on the people that being violently anti-Communist is not enough. You must also be violently pro-reactionary. Then you will be a good boy, you will have all your civil liberties, and no good use to which to put them. If the Attorney General's office can make the individual indictment stick, he has his pattern all cut out for him. He can answer any strike, any powerful demand to curb American monopoly, by whipping out a similar indictment and applying it to all those who take a position which agrees with any segment of the Communist program, Marxism-Leninism!

The Twelve went to trial in a political lynch atmosphere. In The Legacy of Sacco and Vanzetti, Lewis Joughlin and Edmund M. Morgan wrote:

There is a vast quantity and variety of proof to the effect that nowhere in America, and nowhere in Mass. courts, could any jury have been misled by any ordinary man's superstitions, and here it was the Supreme Court.

that the courts murdered Sacco and Vanzetti. We are ashamed, as we are ashamed of the Haymarket frameups and the Tom Mooney case. Are we going to wait twenty years to be ashamed of the trial of the Twelve?

Surely it is preposterous to think that an impartial and objective jury could be found for the trial of the Communist leaders. The administration prepared this case wherever a word or a symbol can inflame prejudice. To open a trial under such circumstances of nationally organized hysteria was a base perversion of American justice.

Professor Clyde R. Miller, a student of public opinion and propaganda who has taught in Columbia, Harvard, and other universities, and was, until recently, the Director of the Institute for Propaganda Analysis, submitted an affidavit which read, in part:

"It seems veritable to preface the main conclusion I have reached about this propaganda by a few comments. In 1932 I visited Germany and there had an opportunity to study the propaganda of the Nazis. As a student of propaganda I found it extraordinarily effective. Germany was in the midst of a great depression. Hitler and Goebbels and their associates were blaming the depression first upon the Jews and then upon the Communists.

"I returned to Germany in 1934 when the Nazis were in control of the government and when that control determined exactly what would be printed in newspapers, broadcast over the radio, taught in the schools, and insofar as possible, preached in the churches. By that time, the word 'Communist' had become a name that acted virtually as a trigger to set off automatically condemnation or rejection of any person or group or program it labelled. It had become the stimulus factor in what physicians and psychologists call a conditioned reflex.

"The propaganda pattern made it clear that the failure to condemn or reject such persons altered the security of the person as doing it, his work, community, social relations, family, property and person."

I submit that this record of Nazi propaganda in 1934 accurately parallels the current American anti-Communist campaign. The press and the administration want you to react like a trained dog when they present the stimulus of anti-Communism. I, for one, refuse to be a trained dog.

This morning the Grand Jury returned these indictments, the press began an underhanded campaign to convict the defendants before the trial. That campaign was politically and morally degenerate. For instance, the moment the news of the indictments broke, many papers published photos of the defendants with numbers across their chests, in the style of the "Men Wanted" posters in the post office. Con-

as amicus curiae:

"These indictments are part of an ominous pattern that has come to threaten the entire Bill of Rights. They are the direct outcome of the anti-Communist hysteria, spy-hunts, etc. etc. that daily fill the press and every other channel of public dissemination."

The American Civil Liberties Union also filed a brief as amicus curiae which stated that "this indictment should be dismissed because the statute upon which it rests is unconstitutional."

No, only was I opposed to the indictments, but I was convinced that in these times the defendants cannot get a fair trial. The following excerpts from the record in no way reassured me. When Mr. Abraham Unger, one of the attorneys for the defendants, argued for a 60-day extension because the law was difficult and confusing, the Court in the person of Judge Stanley H. Medina responded:

"Of course if the difficulty and complexity has to do with the idea of overhauling the government by force I should think that public policy might require that the matter be given prompt attention and not just held off indefinitely when perhaps there may be some more of these fellows up to that sort of thing."

In the same argument, the following colloquy took place between Mr. Unger and the honorable Mr. Medina:

Mr. Unger: No, no, if your Honor please, I listened with great attention and respect to your Honor's remarks, and I have made this statement:

"I said there is not a word in the indictment—let me repeat that—there is not a word in the indictment alleging any acts committed by the defendants, any of them, or by the Communist Party, in the course of the three years listed in this indictment from 1945 to date, or in the course of the 27 years of the previous existence of the Communist Party, alleging any acts of force or violence, or acts of the overthrow of the Government."

I repeat that, if your Honor please.

The Court: No, they want to wait until they get everything set, and then the acts will come.

The very launching of such a trial was a violation of the Bill of Rights. It represents a turning point in the history of American civil liberties because it placed on the stand a doctrine rather than a crime. If the doctrine of the Twelve can be tried, then you, too, can be tried for what you think. And if this comes about, I assure you that you will be tried for your best thoughts, not your worst.

I have stated my opposition to the theory of Communism. But I believe firmly in the right of the American people to hear what Marxists have to say, and to judge for themselves. We are not children. To be told how to think by men whose own thoughts on political matters might be repugnant to most of us, I am not afraid to meet the arguments of Marxism-Leninism.

CCS-1

YASB

DEC 1 3 1949

100-95469-