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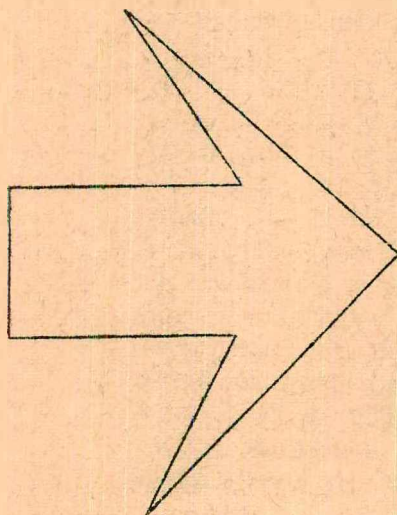
KIPPLE

NO ONE HUNDRED & TWO

"One comparative study of particular interest (since so many cities are arguing the issue of interracial public housing) was that made of the attitudes of white housewives living in integrated projects (New York City) and housewives living in segregated (all white) projects (Newark, New Jersey). In one of the comparative tests, only six percent of the segregated white wives in Newark indicated they thought of Negroes as being 'sociable, friendly, cheerful', whereas thirty-three percent of the white New York City wives living as neighbors of Negroes checked those traits. On the negative side, fully a third of the segregated white Newark wives (who rarely had any direct acquaintance with Negroes) thought of them as being 'low class, noisy, rowdy, impulsive, primitive, drink a lot'. Among the New York white wives who knew Negroes as neighbors, only nine percent checked those traits. A majority of the wives in the integrated New York project reported that their attitudes toward Negroes had become more favorable since living in the project. Only a few said their attitudes had become less favorable." --Vance Packard, reporting on a survey conducted by Morton Deutsch & Mary Evans Collins.

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MATTER IN MOTION



A
COLUMN
BY
JOHN
BOARDMAN

Faust, the scholar who sells his soul to the devil, has been a familiar figure in literature and allegory for almost four hundred years. Goethe's treatment of the legend, while not altogether faithful to the original theme, is the best known. Christopher Marlowe's drama and Thomas Mann's novel also enlarge on the Faust theme. Less well-known writers who have retold this tale have been Calderon, Turgenev, and the contemporary American poet Karl Shapiro, whose poem "The Progress of Faust" shows a better understanding of the Faust theme than any other author since Marlowe.

Yet, behind all these fictional Fausts stands a historical Faust, the man on whom this legend is based. Johann ("Heinrich Faust" is an invention of Goethe) was born in 1480 in the southwestern German village of Knittlingen. He was born poor and illegitimate, but some responsibility for his existence must have rested with a member of the prominent local family of Gerlach, for it was a Gerlach who paid for his education.

The youthful Faust seems to have been one of the wandering students called "Goliards" in the Middle Ages (and "beatniks" today). He studied various subjects at various universities, including Erfurt, Heidelberg and Krakow. In 1500 and 1501 he took degrees in medicine and theology respectively. Most reports locate his education in the "Black Arts" at Krakow, which then offered courses in this subject. (Presumably the object of the courses was to instruct intellectuals in the detection of witches and witchcraft.) When he graduated from Krakow in 1505, he had an excellent Renaissance education, and was proficient in many branches of knowledge which today would be regarded as separate lifetime careers.

In those days no distinction existed between science, magic and religion. Each was regarded as partly a way to self-improvement through a contemplation of God's universe, and partly as a way to get natural and supernatural forces to serve human ends. Faust's contemporary Paracelsus was renowned as an alchemist, though behind his pretenses to magic was some very sound scientific research. Paracelsus can be called either the last alchemist or the first chemist, so vague was the distinction between magic and science during the 16th Century.

At the beginning of Marlowe's play, Faust soliloquizes about what study he will take up next. He says that he has plumbed the depths of law, medicine and theology without being satisfied--and in that time it was indeed possible for a man to absorb everything his instructors could teach him in all three disciplines. Finally, he resolves to go beyond the "lawful" limits

of knowledge, and to take up the Black Arts.

This is not to say that Johann Faust of Knittlingen was another Paracelsus. According to his contemporary, Philipp Melanchthon--Luther's right-hand man--, who came from a town not far from Faust's birthplace, Faust gave public lectures on magic and passed himself off as one who had studied deeply into secret things. In those superstitious times, a man with such a reputation would be regarded with a mingled admiration and fear. Certainly Faust did nothing to discourage the circulation of a rumor that he had sold his soul to the devil in return for his magical lore. (He once remarked ambiguously that, "I have highly placed friends in the Nether Lands.") He traveled widely for a man of that time, though some of his journeys were doubtless for the purpose of avoiding the attentions of local witch-hunters.

This pact with the devil was allegedly made in 1516, for a period of twenty-four years. And it was in this year that Faust undertook his first major magical operation. His old friend and neighbor Johann Entenfuss was at that time Abbot of the Maulbronn monastery, one hour's journey from Knittlingen. Entenfuss had embarked on a major building program, and as a result the monastery's funds were depleted. Faust entered the monastery's service to turn lead into gold, thus recouping Entenfuss's treasury, and to perform other alchemical experiments. Of course, Faust produced no gold, and after his departure in 1520 Entenfuss's order deposed him for his and Faust's financial speculations.

In 1520 Faust began his travels around the various petty courts of Germany, making a living off the curiosity and cupidity of the nobles and bishops who ruled that country's hundreds of vest-pocket principalities. He claimed that the German victory over the French at Pavia in 1525 was due to his arts, and seems to have obtained some patronage from Kaiser Karl V. Luther, of course, condemned him as a black magician. Usually he is mentioned in the same breath with Paracelsus or Cornelius Agrippa as a most notorious nigromancer and foreteller of the future. Besides the Kaiser, the Prince Bishop of Limburg, the Duke of Anhalt and the banking house of Welser made use of his services.

Faust's alleged contract with the devil expired in 1540. His death, to which some mystery is still attached, took place in a room of an inn in Staufen, the German town near Switzerland from which the Hohenstaufen emperors took their dynastic name. Later accounts said that he was torn to pieces by demons--an invention designed to deter others from following Faust's studies.

The first biography of Faust was written in 1587, probably by a certain Andreas Frei. By that time, Faust had changed from a magical and scientific charlatan into a figure in a morality drama. Caught in the collision between the Renaissance and the Reformation, his story became a warning to mankind of how studies beyond permitted limits could lead to disaster. The original form of the Faust legend is strongly Lutheran in character, and, like Marlowe's play of a few years later, misses no opportunity to strike at Catholicism. The Faust theme persists to our own time, as can be seen in any number of films and books which end with the evil scientist dead, his horrendous inventions overcome, and the hero's pious remark that "There are things we were never intended to know."

Yet, despite his monitory death at the end of the story, there is much attractive about the Faust of legend. (Certainly the legendary Faust is a more appealing figure than his historical progenitor, who was not only a fraud but also an embezzler and a sodomite.) He is defeated, but he is defeated in what most of us now recognize as a good cause--the cause of knowledge. The churchmen of the 16th Century could foresee the effects of the rise of secular knowledge--that as men peered deeper into the nature of the physical universe, they would place less credence

in religious myths. Frei's treatment of the Faust myth was designed to scare people away from such investigations, as contrary to the will of God. Yet, despite himself, he makes Faust an interesting and sympathetic character. Marlowe, himself an atheist, makes Faust's thirst for knowledge--and for the power that knowledge brings--an understandable motive. Goethe, who dabbled in the sciences with little success, felt impelled to write a sequel in which Faust is redeemed, and proceeds to use his powers for the benefit of mankind. Though he defies the laws of God and man, and uses his alleged powers to defraud and oppress, the Faust of legend comes through as the hero of his myth despite the efforts of authors to turn him into a villain.

--John Boardman

"The constitution of the legislative is the first and fundamental act of society, whereby provision is made for the continuation of their union under the direction of persons and bonds of law, made by persons authorized thereunto, by the consent and appointment of the people, without which no man, or number of men, amongst them can have authority of making laws that shall be binding to the rest. When any one, or more, shall take upon them to make laws whom the people have not appointed so to do, they make laws without authority, which the people are not therefore bound to obey; by which means they come again to be out of subjection, and may constitute to themselves a new legislative, as they think best, being in full liberty to resist the force of those who, without authority, would impose anything upon them." --John Locke, in "The Second Treatise on Civil Government".

"Without freedom of thought there can be no such thing as wisdom, and no such thing as public liberty, without freedom of speech; which is the right of every man, as far as by it he does not hurt and control the right of another; and this is the only check it ought to suffer, and the only bounds it ought to know." --Benjamin Franklin, in "The Dogwood Papers".

"The public school is an ally of social tolerance, class fluidity, and the open mind. Therefore, it is an ally of democracy itself. French democracy is a horrible example of the pass to which an over-identification of too many principles can bring a gifted people. So far, the United States is a quite successful illustration of what reluctance to assume fixed positions of principle can achieve. In the end, democracy depends upon the cooperation of people who, at least in theory, find each other's principles intolerable and have only recently got over the habit of fighting wars over them. Any agency which suggests that tentative approaches to principle in most human affairs are best, that different principles may have some justification, does much to raise the quality of a democratic society. In such a society, diverse opinions, freely chosen, flourish, and peculiarity is held to be a virtue." --Robert Lekachman, in "Religion and the Schools".

"With all its wonderful benefits for humanity, Napalm has always had one shortcoming. People, especially children, to whom it is administered (free of charge) do not invariably die; and those who survive seldom become staunch defenders of US foreign policy." --A. A. von Amor, in the Berkeley Barb, April 29, 1966.

"We can never be sure that the opinion we are endeavoring to stifle is a false opinion, and if we were sure, stifling it would be an evil still." --John Stuart Mill.

JOTTINGS FROM THE
EDITOR'S DESK

THE GINZBURG CASE: The Supreme Court's recent affirmation of publisher Ralph Ginzburg's conviction and five-year prison sentence for distributing obscene literature through the United States mails will undoubtedly serve to apotheosize Ginzburg as a martyr in the cause of freedom of the press. This is clearly the light in which the man would prefer to be depicted. During a brief news conference staged after they emerged from the Supreme Court building on the afternoon of the fateful decision, Mr. Ginzburg and his wife tearfully responded to the questions of reporters. One query concerned what they would tell their children about Ginzburg's incarceration. "We will tell them," came the prompt reply, "that throughout history there have been great men whose advanced ideas caused them to be persecuted by the society in which they lived, and that their father is such a man."

It is unfortunate, in the opinion of this observer, that the venerable and precious principle involved in this case must even for a historically brief moment become identified with a man like Ralph Ginzburg. Everything that I know about this man supports the conclusion--indeed, the firm conviction--that he is precisely what the Supreme Court termed him: a panderer who sought profit from titillating the simple-minded. Moreover, he is a singularly obnoxious individual, reminiscent, in some respects, of Baltimore's notorious and much-travelled former resident, Madalyn Murray; he is rude, obstreperous, coarse and narrow-minded, with a penchant for sweeping generalizations and a fondness for words of a high belligerency index. In short, Mr. Ginzburg is about as likeable as a doctrinaire Marxist with stomach trouble. His controversial magazine, Fact, several copies of which I was unfortunate enough to have been presented with by an acquaintance, was conspicuously lacking in the quantity suggested by its title. Its forte was the vulgarization of political and social controversies, and apart from its emphasis on such issues it differed in no significant respect from the Hollywood "expose" sheets, which feature articles about "Richard Chamberlain's Secret Love" and "The Night Natalie Wood Won't Talk About". In summation, then, I must concede that there are few living human beings whom I would be less anxious to defend. Nevertheless, it is the principle, not the man, which is the important thing, and Mr. Ginzburg's prison sentence is rendered no more reasonable or just because he happens to have an unpleasant personality.

There are several separate and distinct questions raised by the disposition of the Ginzburg case. The first is, of course, the fundamental question of whether there should exist, in a free society, any legal restrictions on the publication and/or distribution of magazines, pamphlets, etc. There are many aspects to this question, involving areas (such as, to name just two, breaches of military secrecy and the malicious slander of public figures) outside the purview of this brief essay, but concentrating solely on the question as it relates to pornographic or salacious literature, I would be inclined to doubt the wisdom of any restrictions whatever. It is frequently asserted that at least the "hard-core" pornography must be banned because of its harmful

effect on the impressionable, but it appears to me that this danger is greatly over-estimated--because the more blatantly pornographic a piece of literature, the less likely that it will be understood by those (especially children) who require "protection" from it. Besides, it is the responsibility of parents to determine the reading habits of their progeny; pornographic magazines, like liquor, automobiles and psychedelic drugs, may be harmful to children, but the solution is to keep them out of the hands of children, not to ban them for responsible adults. It is also argued that prurient literature, falling into the hands of clinical imbeciles or psychotics, may be responsible for some of the more appalling "sex crimes", but again the proper solution is to prevent such material from falling into their hands, not to toss its publishers into prison. In the hands of a driveling moron, an automobile can cause a great deal of damage; but we do not, on that account, abolish automobiles or imprison their manufacturers.

The Supreme Court (with consistently brilliant dissents from Mr. Justice Black) has, however, rejected the view that responsible adults should not be penalized for publishing or purchasing pornographic literature, holding that such material may be banned and its purveyors punished as criminals where the literature falls within the scope of a rather precise definition of obscenity: viz., material which is lacking in artistic merit and appeals to the prurient interests of the community as a whole. This is not an unreasonably narrow restriction and the Court has, in fact, in most of the cases brought before it, ruled in favor of the publishers. Unfortunately, in the Ginzburg case, a totally new dimension was added to this definition of obscenity. Mr. Justice Brennan, speaking for the majority, admitted that the publications in question, Eros and Liaison magazines and "The Housewife's Handbook on Selective Promiscuity", were probably not totally lacking in artistic merit (and therefore were not subject to the previously formulated definition of "obscenity"). Mr. Ginzburg's conviction was upheld, however, because it was found that the advertising appealed to the prurient interests of its readers, emphasizing the titillating aspects rather than the intellectual content of the material. This innovation, far from further clarifying what was previously an increasingly specific definition of obscenity, represents a new and confusing element. There are now two criteria for determining "obscenity"--its appeal to the reader, and the appeal of its advertising to the prospective reader--; and, apparently, literature may be banned and/or criminal prosecution against publishers instituted if either standard is applicable. Considering the virtually unlimited scope of the new standard, and the fact that even advertising of innocuous items such as deodorant sprays appeals, covertly, to sexual desires, the Supreme Court has, in effect, discarded its earlier scrupulous standard of "artistic value". Even an acknowledged classic like "The Illiad" may be banned, according to this new ruling, if its advertising concentrates on the prurient interests of prospective buyers.

This Supreme Court ruling is additionally objectionable because it ratifies criminal action against a publisher whose literature was not obscene, by the Court's admission, under the definition of "obscenity" in force at the time it was published. The American Civil Liberties Union cited this manifest injustice in its petition for a rehearing of the Ginzburg case. In its words: "A man's liberty has been sacrificed to the changing winds of constitutional doctrine." What in effect occurred was that Ralph Ginzburg spent many months fighting a conviction with every reason to believe, according to accepted judicial precedent, that it would be reversed--only to have a totally new factor introduced at the eleventh hour. The quality of the advertising for Mr. Ginzburg's magazines was not an issue during the lower court proceedings, and he

was never given the opportunity to reply to charges that his advertising appealed to prurient interests.

In addition to the immediate injury to Mr. Ginzburg, there is involved here a constitutional dilemma of the first magnitude. Consider: We can agree, I suppose, that when the Supreme Court promulgates an interpretation of constitutional law which differs substantially from previous interpretations--either rendering a prohibition applicable to cases beyond its purview according to precedent or, on the other hand, making a prohibition inapplicable to cases where it had previously been held to apply--then the Court is in effect "making law". (Conservatives vigorously object to this function of the judiciary, but are unable to satisfactorily explain how it could possibly be avoided, given the ambiguous, generalized nature of the Constitution's provisions.) It is additionally clear that when the Supreme Court "makes law" in this fashion, the effect of this is in no way distinguishable from the effect of the legislature formulating a new law explicitly embodying the Court's interpretation of the older law; the means of supplanting one law with the other are different, but the effect on society at large is the same. Now, suppose that a case is brought before the judiciary involving an act prohibited by a law which, under currently accepted interpretations, is unconstitutional, but that during the course of the litigation the judiciary promulgates a new interpretation of the relevant provision under which the law in question is acceptable. The courts--in the final analysis, the Supreme Court--therefore permit the punishment of a culprit under a law which, at the time of the act's commission, was considered by the competent judicial authority to be unconstitutional. Does this not constitute an ex post facto law, which is expressly forbidden by the Constitution (Article I, Section 9)? Of course, the constitutional prohibition on punishing people for acts which were not specifically against any law at the time of their commission explicitly refers to legislatures, but it is splitting hairs to claim exemption for courts insofar as they fulfill a law-making (actually "law-applying") function. Is it not reasonable to say that making Supreme Court decisions (perforce, interpretations) binding on cases which originated before the decision (and remember that ruling on such a case is the only way the Court can reach a decision) constitutes ex post facto law?

THE COMMISSIONER: In Kipple #95, I reported on the results of a survey of the Baltimore Police Department undertaken by the field service division of the International Association of Chiefs of Police (IACP). This comprehensive survey minutely scrutinized and severely criticized nearly every aspect of the department's operation, and included well-documented charges of inefficiency, incompetence and corruption. The appearance of the IACP report occasioned rather hasty announcements of imminent retirement from several high officials of the department, including the Commissioner, Bernard J. Schmidt, and the state officials directly concerned with the department (Baltimore's municipal police are in effect a state agency) set out in an apparently sincere attempt to carry out at least the most important of the survey's recommendations for reform. Concrete organizational innovation has so far been negligible, due to natural bureaucratic inertia, but there has been at least one major improvement in the person of the man appointed to succeed Schmidt as Commissioner. His name is George M. Gelston, and he is a rather remarkable man.

His name first came into prominence during the summer of 1963, when the Eastern Shore community of Cambridge, Maryland, was teetering on the brink of catastrophe as the result of racial unrest. The National Guard was ordered into the area and remained throughout the long hot summer, imposing a form of modified martial law and establishing

itself as sole governing authority of Cambridge. Gelston, then a brigadier general, was selected by the Governor to command the occupying forces, and for three months he was in effect the military governor of Cambridge. It was a time of incredible tension in the community, which was (and, to an extent, remains) psychologically a part of Mississippi rather than Maryland. During the worst moments of the crisis, several National Guardsmen were shot and wounded by snipers and a Negro infant died apparently as a result of teargas. The National Guard was not widely popular in either the white or Negro communities of Cambridge. One of the troops stationed there remarked to an out-of-state journalist: "Cambridge really is a segregated town. The Negroes stone us on even-numbered days and the whites stone us on odd-numbered days." But Brig. Gen. Gelston himself was admired by nearly everyone in the city; even Mrs. Gloria Richardson, leader of the Cambridge Non-Violent Action Committee and the Negro community's Joan of Arc, who was invariably liberal with her criticism, had only praise for General Gelston. His unshakable calm in the midst of an emergency, his fair-mindedness and his dynamic personality caused him to emerge from the crisis as something of a hero.

When Maryland's Adjutant-General, Milton A. Reckord, retired last year after a lifetime of distinguished service, General Gelston was the logical choice to succeed him. The General hardly had time to become acquainted with the duties and advantages (including an automatic promotion to Major-General) of his new office, however, before the Baltimore Police Department was jolted by the IACP survey and Governor J. Millard Tawes, in a rare demonstration of good judgment and prompt action, requested Gelston to serve as Commissioner. General Gelston agreed to serve in an interim capacity until a permanent replacement for the departed Schmidt was found, admitting frankly that he didn't particularly want the job and had accepted the appointment only at the Governor's urging. Despite these protestations, however, he set out upon the appointed task with his customary vigor and enthusiasm, buzzing about from precinct to precinct, inspecting, questioning, prodding, reorganizing. The general consensus of opinion within the department and among knowledgeable observers is that during his first couple of weeks in office General Gelston raised the Police Department's morale, which had sunk to stygian depths after the release of the IACP report, to its highest point in recent years. He instituted such minor reforms as were possible by administrative decree (the major reforms envisioned by the survey require legislative action, which is necessarily cumbersome), but an even more important factor in the improved morale has been the new Commissioner's "style". Former Commissioner Schmidt was an all-but-invisible bureaucrat whose name was probably unknown to a substantial segment of the public, whereas General Gelston is constantly in the public eye, holding press conferences, meeting with representatives of various organizations, making inspection tours of outlying precincts. Acting Commissioner Gelston, while not an intellectual, is also an extremely intelligent and articulate gentleman; Schmidt, by contrast, appeared to have the equivalent of a fourth-grade education. An indication of the improvement in morale is the fact that, since Gelston's appointment, twenty-seven policemen who resigned during the administration of Commissioner Schmidt have returned to the department.

General Gelston's tenure as Commissioner is supposed to be only temporary, but his term of office has already been extended once. After CORE announced that Baltimore had been selected as that organization's target city for the summer of 1966, General Gelston was prevailed upon to remain in the commissioner's office "at least" until the autumn. It is hoped, in view of his experience in Cambridge in 1963, that General Gelston will succeed in maintaining peace during the long hot summer to

come. Virtually since the moment he stepped into office, the Acting Commissioner has been striving to establish better relations between the Police Department and the Negro community. It was not an easy task. The "image" of the Police Department in the Negro community had been steadily deteriorating for years, a process recently given added impetus by the manhunt for James and Earl Ray (the murderers of a police officer), during which as many as twenty homes per day were raided on the basis of anonymous tips. It was generally felt that had the fugitives been sought in white neighborhoods, the police would have been a little more careful about breaking down doors and pointing shotguns at people. As part of his campaign to improve "community relations", General Gelston distributed sheets outlining ways in which police officers should display courtesy and respect toward civilians; and the precinct commanders were made to understand that these rules were to be posted on the wall and obeyed, not filed away and forgotten. (The directive stated that "All citizens will be addressed by the appropriate title of Mr., Mrs., or Miss, and no epithets such as wop, kike, polack, n-----, etc., or Boy, Girl, etc., when addressed to adults, will be used" and that "regardless of the situation there is no excuse for an officer...to...lose his temper while on duty". It concluded: "Any member of the department who feels he cannot abide by the above should submit his resignation.") The Acting Commissioner also held a conference with representatives of various civil rights organizations, and when asked if the department would actively seek Negro recruits, replied: "I have 2^ vacancies. If you send me 2^0 qualified men, they'll be accepted. And if some of the other men in the department don't like that, they'll just have to get out."

The qualities of the new Commissioner are likely to be sorely tested in the weeks and months to come, and no one can guarantee that the tensions generated by CORE'S summer action and the counter-action threatened by the Klan and other segregationist groups can be contained. But with General Gelston commanding the police department, the prognosis is favorable. The city already enjoys reasonably good race relations as the result of a liberal city administration under Republican Mayor Theodore McKeldin, but the city administration has no control over the police department and a narrow-minded fool (like Los Angeles Police Chief Parker) in the unusually powerful position of commissioner could make the approaching summer disastrous. Instead, the city is fortunately blessed with a Commissioner of unusual intelligence and calibre, who happens also to be basically sympathetic to the plight of the Negro community and the objectives of the civil rights movement. The General insists that he will move immediately and with unmistakable vigor against violence from any quarter; but in his vocabulary "violence in the streets" means precisely that, not the civil rights movement. He is on record as welcoming CORE'S summer project to Baltimore, and has secured the appointment by the Baltimore branch of the organization of a liaison man to the commissioner's office to keep him informed of CORE'S thoughts, criticisms and future plans. He has personally commanded police detachments at the scene of civil rights demonstrations, an unheard of activity for the Police Commissioner, and his officers have astounded local Negroes by the polite way in which they now arrest demonstrators. In recent days, General Gelston's personal intervention has been credited with integrating bars and strip-joints on Baltimore's notorious "Block", and every important Negro leader has praised him in the past couple of weeks.

Equally important, perhaps, is the fact that he has accomplished this without alienating any segment of the white community. Conservatives are competing with liberals to try to persuade the Governor to make his appointment permanent. Most of all, the police officers under

him admire and respect him tremendously. Perhaps one clue to the reason for this attachment is Gelston's complete and unabashed devotion to the welfare of his officers. For many years the idea of a union for police officers has stirred up violent controversy in this city, and has always been most vehemently opposed by the principal officials of the department. After Gelston's appointment, the idea was brought up again, and the interim Commissioner was asked what he thought of the possibility of a policeman's union. His reply was typically brief and forthright: "If the men want it, why not?" It is difficult not to admire a man like that.

THE 1966 POLITICAL CAMPAIGNS (V): When John Tower was elected to the United States Senate seat vacated by Lyndon Johnson, he became the first Republican in history to represent the state of Texas in that high capacity. One of the most strident reactionaries in Washington, Senator Tower has devoted himself to sullen obstructionism; even his most zealous supporters would experience difficulty in discovering anything in his five-year career in the Senate which could be construed as a worthwhile contribution to the legislative dialogue. To the extent that his name is recognized nationally, it is because he was one of the earliest and most faithful supporters of Barry Goldwater's presidential candidacy. Senator Tower is running for re-election in November, and although he is not favored to win against the Democratic Party's impressive paper majority, it would be extremely unwise to underestimate his chances of achieving a second victory. The significant consideration is not Tower's ability as a campaigner, nor is it the appeal of arch-conservatism to the voters of Texas; the Senator is a reasonably competent politician and Texas is a notably conservative state, but neither of these factors could suffice to defeat the all-powerful Democratic Establishment. The important consideration is the conduct of the liberal Democrats of Texas. Tower's 1961 victory was attributable primarily to the decision of the liberals to practice non-involvement during the general election campaign, and since the conditions which prompted that decision continue to exist, there is every likelihood that Tower's Democratic opponent in November will once again be compelled to carry on the struggle without the support of his party's liberal faction.

The extraordinary spectacle of liberals deciding, as a matter of deliberate and calculated policy, to materially contribute to the victory of an ultra-conservative at the expense of their own party probably constitutes the most revealing illustration of the remarkable state of Texas politics. Active liberals are a beleaguered minority in Texas, and the entire mechanism of state politics is designed to oppress them; they are, like Charlie Brown in "Peanuts", living in a stacked deck, a condition which breeds antipathy and bitterness toward what civil rights activists generally refer to as "the power structure". The decision to tacitly support right-wing Republicans against the conservatives of their own party is an exercise in the same sort of political warfare as the "kamikaze politics" of the extreme Right (characterized by running "spite candidates" against moderate Republicans like John Lindsay and Charles Percy). The kamikaze politics of the Texas insurgents does, however, possess this important distinction: it represents not an admission of defeat and an exercise in hopelessness, but rather the necessary prerequisite for eventual victory. What in effect has occurred is that Texas liberals, frustrated by the structural impossibility of achieving power through conventional political activity, have initiated guerilla warfare.

The essential problem in Texas is that state law requires no party registration for voters, and citizens are offered the choice of voting

in either the Democratic or Republican primaries. Even under ideal conditions, this system is fraught with the potential for mischief. Given sufficient organization, it is theoretically possible, under this election system, for Republican voters to determine which candidate wins the Democratic primary, and vice versa. Naturally, the objective of both groups of voters would be to insure that the weakest candidate emerges victorious from the opposition primary and confronts their standard-bearer in the general election. In a state possessing a strong two-party system, with anything like numerical equality between Democrats and Republicans, the effect of this peculiar system would be to eliminate the two candidates of highest calibre prior to the general election--a maneuver which, sustained over a considerable period of time, would seriously injure the state as a whole. What actually occurs in Texas, however, is even more unfortunate than this hypothetical result, because Texas is virtually a one-party state. Republicans have little serious expectation that their candidates will defeat even weak Democratic opponents in the general election, so instead of voting for the least known or least popular candidate in Democratic primaries, they vote for the candidate who most nearly approximates their own political philosophy. And since the Democratic primary is frequently tantamount to a general election, the overwhelming majority of primary voters elect to cast their ballot in the Democratic contest (in 1964, ninety-two percent of those who voted in the primaries chose to vote in the Democratic primary). As a consequence of this, liberal Democrats are almost invariably defeated in the primary--by what would be, under a more rational system, Republican votes. The conservative Democrats whose heretofore unshakeable control of the state is at least partially attributable to this system have, of course, no desire to reform it.

Confronted by this "stacked deck" situation, the liberals have been reduced to the strategy of playing an essentially negative role in Texas politics while biding their time. Except under an unusual combination of circumstances such as permitted the election of Senator Ralph Yarborough, the liberals are not sufficiently powerful to elect their own candidates. What they can accomplish, however, is to deny election to conservative Democrats by refusing to participate in the campaign and advising their followers to remain at home on election day. The fact that this tactic results in the election of reactionary Republicans such as Tower is accounted irrelevant. Republicans are an insignificant force in Texas politics; should the liberals succeed in disrupting the conservative Democratic control of the state, they are quite capable of dealing with the Republicans when the time comes. The present struggle is against the Democratic Establishment. By withholding support, the liberals are in effect "punishing" the state Democratic Party for nominating a conservative candidate. William Blakely, Senator Tower's opponent in 1961, was the first--but certainly not the last--victim of this guerilla tactic.

The Democratic candidate for the US Senate in November is Waggoner Carr, the conservative Attorney General of Texas, who would have preferred to become governor but found that office reserved by incumbent John Connally. Connally, next to Lyndon Johnson, is the most powerful figure in Texas politics, and, true to the teachings of his guru, is an exponent of the "consensus" theory of politics. Connally's consensus politics, however, is a less admirable version of the original: its central characteristic is rampant tokenism, i.e., he undercuts opposition by offering to concede form but not substance. The Governor is unbeatable by any candidate less imposing than Sam Houston himself, and is likely to continue to control Texas politics for some years. He would enjoy recapturing for his conservative Democrats the Senate seat at stake this year, and Carr, though not the hand-picked candidate of Gov-

ernor Connally, will certainly enjoy his close support. Little can be said of Waggoner Carr as a candidate. He was apparently a competent Attorney General, but could be expected to be an undistinguished and lack-lustre Senator. He is somewhat stodgy and serious-minded, lacking the vitality characteristic of most important Texas politicians. Nevertheless, his chances of deposing John Tower would be excellent were it not for the probable desertion of the dissident liberals. Whether they will succeed in torpedoing him as they did Blakely is not as yet entirely clear.

Perhaps the most remarkable aspect of this situation is that Texas is by no means the least favorable state for a liberal movement; it is only the political structure itself, tending to favor the rightists, which has heretofore prevented the liberals from assuming an active and positive role in state affairs. There are substantial minorities of Negroes and Mexican-Americans, as well as an unknown but probably sizable number of white liberals. (Texas is, of course, only partly a southern state; many sections of Texas are as "liberal" with regard to race as Maryland or Missouri.) The various liberal organizations recently convened in Houston and announced the formation of a statewide political group, the Texas Organization of Liberal Democrats (TOLD), and their ultimate objective is the creation of a Liberal Party, which could allow them to circumvent the stacked primary and eventually--in ten or fifteen years--place their own candidate in Austin. For the moment, however, they must concentrate of less grandiose objectives. Locally, and especially in Harris County (Houston), the liberals are capable of swinging elections, and this ability can at least provide them with a statewide forum (they will succeed this year in electing a Negro, Barbara Jordon, to the state senate). The principal effort, however, will be to elect the most egregious rightist in the US Senate to a full six-year term, an effort of which they will be most unlikely to boast in coming years.

THE SEPARATION OF CHURCH AND STATE (III): The constitutional prohibition on public aid to religious institutions is cited with considerable satisfaction, one might even say glee, by militant secularists intent upon the eventual elimination of the parochial schools. These individuals and groups are presently involved in a temporary and unnatural alliance with extremely zealous Jewish and Protestant elements. United by antagonism toward the Catholic schools, this extraordinary coalition advocates and lobbies for a sweeping, all-inclusive interpretation of the "separation of church and state" fostered by the First Amendment. They are interested not primarily in avoiding an establishment of religion, but rather in imposing the maximum hardships on the operation of the parochial school system. The pettiness and narrowness of their goal is in no sense sanctified by the fact that they have chosen to pursue it by embracing a venerable and praiseworthy principle. Dedicated to the destruction of the non-secular schools, the militants opportunistically champion whatever principles appear likely to further the ultimate objective.

The present writer is a secularist of a more moderate variety, whose position reflects a concern for the quality of American education and a conviction that utilizing public funds for the propagation of religious doctrine is undesirable, unjust and unconstitutional, but eschews active opposition to the principle of parochial educational institutions. The central principle embodied in the anti-establishment clause is that no agency of civil government can actively or tacitly promote religious dogma or doctrine, a proposal which, as has been demonstrated, emphatically precludes direct financial assistance to religious schools or to the parents whose children attend them. But the establish-

ment clause may be and has been, in different cases, interpreted to mean either more or less than this. It is the unique characteristic of the "moderate secularist" position that it is opposed to deviations in either direction. Clearly the "no-assistance-for-propagation-of-religion" principle must be fully observed, even when parochial institutions are thereby disadvantaged; but it is not necessary to insist upon rigid, legalistic interpretations which would tend to prohibit peripheral programs which provide an educational benefit to students in non-secular without actually subsidizing the schools or in any manner facilitating their dissemination of religious doctrine.

Of essential concern to any liberal government concerned with promoting the welfare of every citizen is the quality of education available to its citizens, including those who choose to exercise their right to educate their children outside of the public school system. Instead of discussing the constitutional question as though it were the only question requiring consideration, therefore, let us consider--within the framework established by constitutional prohibitions--the practical aspect of the issue. That is, rather than continuing to concentrate exclusively on what assistance the civil community is forbidden to provide to parochial schools, let us examine the question of whether there are areas in which the government may function to improve the quality of education available in non-secular institutions of learning. It seems apparent that there exist several areas in which the community may fulfill its clear obligation to improve standards of education without directly or indirectly assisting in the propagation of religious doctrine, but state or Federal programs of this sort encounter objections from people laboring under a perhaps over-scrupulous interpretation of the "separation" principle. It would be my inclination to sacrifice form for substance, and to accept programs which were valuable and did not involve the promotion of religious beliefs, even though an inflexible and strictly logical application of the principle might tend to disallow them.

A case in point involves the provision of non-sectarian textbooks to every school in a district, county or state, including parochial schools. The constitutionality of this practice has been upheld in Cochran v. Louisiana State Board of Education (1930), but since that litigation occurred prior to the landmark decision applying the First Amendment to the states through the Fourteenth, the question of "establishment of religion" was not involved. It is difficult to anticipate what would constitute the majority view of the present Supreme Court were such a case to be argued today, but I find unappealing the nitpicking assertion that distributing non-religious textbooks to children in parochial schools constitutes an establishment of religion. (Lest I be accused by more militant secularists of an insufficient commitment to my principles, let me again stress that an absolute prohibition on public assistance to parochial education is not the principle but rather the mechanism arbitrarily selected for observing the principle. The principle involved here is that there shall be no government support for religious teaching or proselytizing, and this principle is not in the least compromised by providing secular textbooks for parochial school students.)

It is difficult to understand, in any event, why the provision of non-religious textbooks to parochial (especially Catholic) schools evokes such displeasure from the ranks of atheists and other militant secularists. Since students in these institutions are presumably propagandized, subtly or otherwise, by church-provided textbooks, and since this constitutes one of the non-believer's principal arguments against the very existence of the schools, one would suppose that the secularist would applaud the introduction of textbooks not saturated with doc-

trine and dogma. By the same reasoning, it would seem likely that the most emphatic objections to secular textbooks in parochial schools would originate, not with opponents of the basic purpose of the schools, but with traditionalist Catholics concerned about the secularization of their institutions.

Another area in which public assistance is presently being provided to parochial education involves "shared time" and "shared services" programs. These terms require definition, especially since they are frequently confused with the altogether separate concept of "released time". Let us dispose of the latter briefly, since it is of only peripheral relevance to the topic of this essay. The term "released time" refers to a portion of the normal public school day set aside for religious instruction, which takes place either on the immediate premises or at nearby churches. Although attendance to such classes is usually at least nominally voluntary, an element of compulsion is necessarily involved, because it is the compulsory school attendance law which provides the school with the original demand on the time (of the child) it chooses to relinquish. Thus: the law requires that children spend a certain number of hours each week in school, and the school consents to "release" a portion of it, offering the children (or, at least, their parents) the alternatives of attending religious instruction classes or continuing normal school work. Such a program would be genuinely voluntary only if the children were offered the third alternative of going home early instead of attending either class. As formerly practiced in many regions, the "released time" concept clearly violates the prohibition on propagation of religious doctrine by public agencies. When the religious instruction actually takes place on the public school premises, the violation is even more clear-cut. The Supreme Court has in recent years decided two released time cases. In McCollum v. Board of Education (1948), the majority held that a Champaign County, Illinois, program was in violation of the establishment clause, but four years later, in Zorach v. Clauson, the same court upheld the constitutionality of a roughly similar program in New York City. It is an open question which interpretation would be followed by the Court today.

"Shared time" sounds as though it ought to refer to an extremely similar type of program, but as a matter of fact this concept, from the point of view of the "non-propagation" principle central to the viewpoint of this entire article, has virtually no connection with "released time". Under the "shared time" program, parochial school students are permitted the use of public school facilities. In a city or county where the shared time concept is generally applied, students attending Catholic (or other religious) schools might attend their normal morning classes, then after lunch be transported to a public high school for a science lesson and perhaps an hour in the library. If reasonable objections can be offered that permitting parochial school students to utilize public school facilities such as comprehensive libraries and modern laboratories which might not be available in their privately-supported schools seriously infringes on the non-propagation of religious doctrine principle, they are not apparent to this commentator. And here, again, there exists a powerful contrary argument which ought to appeal to secularists: viz., that exposing parochial students to public instruction reduces both the time during which they are propagandized by religious ideas and also its effect.

"Shared services", a variation on the shared time concept, is a comparatively new idea which is incorporated into the Elementary and Secondary Education Act of 1965. It involves the inherently more controversial idea of public school teachers moving into parochial classrooms and providing certain special services such as remedial reading instruction. Conceding at the outset that this program does at least strain

the liberal interpretation of the First Amendment discussed in the first two parts of this article, I nevertheless contend that this concept of "public aid" has neither the intent nor the effect of assisting in the dissemination of religious teachings. On the contrary, it would appear to be to possess precisely the opposite effect, a fact which renders secularist opposition to the proposal completely incomprehensible. Here, again, logic would demand that the chief opposition to "shared services" originate with conservative Catholics, who must surely conceive it to be a classic Trojan Horse maneuver. The prospect of Catholic children being exposed, in the inner sanctum of their private schools, to teachers who are Protestants, Jews or atheists should be applauded by partisans of open-mindedness, whatever their faith (or absence of faith).

With the institution of these programs, however, we appear to have approached if not reached the limits to which the civil community is permitted to go in order to improve the quality of education for its parochial school students. Perhaps it will become feasible, after the public schools have eliminated their own ubiquitous teacher shortage, to expand the "shared services" concept by providing parochial schools with full-time instructors in general subjects, and there are additional areas in which the "shared time" idea could be instituted (admitting parochial classes to lectures, concerts, etc., sponsored by the public school system); but beyond this the civil community may not constitutionally go. Some proponents of direct public aid to religious schools may continue to be bitter about this, but, as Justice Jackson pointed out, "...it must not be forgotten that it is the same Constitution that alone assures Catholics the right to maintain these schools at all when predominant local sentiment would forbid them."

SHORT NOTES ON LONG SUBJECTS: Zealous champions of American involvement in Vietnam are citing Congressman Robert Duncan's victory in the Oregon senatorial primary as an endorsement of the Administration's policy and a setback for its leftist critics. Duncan, a faithful spokesman of Administration policy, defeated a "Dove", Howard Morgan, who had the endorsement of Senator Wayne Morse. It is important to remember, of course, that Duncan is an articulate and forceful campaigner, while Morgan was a little-known, colorless man with a tendency to mumble. In the general election, Duncan will face a real live opponent, incumbent Governor Mark Hatfield, who is also an Administration critic; and there I imagine that the outcome will be less encouraging to the Hawks. Hatfield should, barring unexpected developments, defeat his Democratic opponent. +++ Governor Hatfield, incidentally, will be remembered as the keynote speaker at the 1964 Republican National Convention--an arrangement about as appropriate as having John Stuart Mill and Jeremy Bentham speak at a testimonial luncheon for the Duke of Wellington. +++ The Congo River pours a million cubic feet of water into the Atlantic Ocean every second. +++ The following charming anecdote, for which I suggest the title "How Would You Like to Meet the Parents of These Little Bastards?", is quoted from Reader's Digest for June, 1966: "On a social studies quiz in an Air Force-dependents high school in Europe the question was asked: 'What is the word meaning to give help to one's enemies?' Instead of the expected answer of 'Treason', 23 students wrote: 'Foreign Aid'." +++ Did you know that for the ridiculously low price of \$5.00 per year you can subscribe to the Berkeley Barb, a weekly newspaper published by Max Scherr, 2421 Oregon St., Berkeley, Calif., 94705? The Barb is the virtual official organ of the New Left in Berkeley, featuring news of the activities of the Vietnam Day Committee, the National Farm Workers Association, the Sexual Freedom League, various other left-wing political groups, civil rights organizations, etc. You are guaranteed not to agree with everything in it

(Eric Blake is guaranteed not to agree with anything in it...), but it can never be accused of being boring. The Barb is a pipeline to the Berkeley Underground, a hotbed of intellectual and political ferment. One measly buck brings you a trial subscription; what have you got to lose, except your security clearance? +++ Yes, Virginia, there really is a place called Stinking Creek, Kentucky. +++ I wonder what future historians will write of Dwight D. Eisenhower? Here is a man who pursued during his active lifetime three separate careers (military officer, university president, statesman), bringing to none of them greatness or even distinction. His military career is a panorama of devotion and conscientious service unmarked by solid accomplishment. He was propelled by events into a role of prominence as Supreme Allied Commander in Europe during World War II, a position for which he had no apparent qualifications. He appears to have functioned as a liaison man between the civilian strategists above him and the military strategists below him. The only piece of strategy personally attributable to Eisenhower was the purely negative one of refusing to seize Berlin and as much surrounding territory as possible before the Russians occupied it. As President of Columbia University, Mr. Eisenhower served totally without distinction. He himself admitted with disarming candor that education was never one of his principal interests, and that he possessed no special administrative abilities. His third career, that of President of the United States, was simply a repetition of the first two: his administration was honest, conscientious and undistinguished. I suppose that the most charitable historical judgment of Eisenhower would be that he was a very nice gentleman who for some reason was repeatedly called upon to serve in capacities in no way consistent with his nature, temperament or abilities. +++ Until September 1st, Walker Lane's address will be: 1712 Chestnut, Denton, Texas, 76201. +++ I wonder if you realize that the boiling point of neon is -245.9 Centigrade? +++ Vanguard is a "journal of contemporary student thought" published by Nick Allen, 3822 Barker Road, Cincinnati, Ohio, 45229, and available at the extremely reasonable price of eight issues for \$1.00. The current issue, number six, features a scholarly essay by Duncan McFarland analyzing the logical structure of argument, and a fascinating espousal by Hal Lenke of the philosophy to which a substantial number of modern students apparently subscribe (a sort of vigorous humanism spiced with a trace of enlightened hedonism). Vanguard's attitude toward the world exemplifies the essential spirit of modern students: a grasping, seeking, active outlook, willing to discard the prejudices and conventions of the day, whose motto is fiat veritas. +++ One of the most cheerful, friendly peoples on earth are the Lepcha, who live in the barren, uninviting mountains of Sikkim. One important reason for their perpetual cheerfulness is a millet beer called chang, which they imbibe in great quantities at every opportunity. Lepchas acquire a taste for chang from infancy, and it is not uncommon in Sikkim to see five- and six-year-olds staggering around, fried to the eyeballs. +++ Segregated waiting rooms are protested by sit-ins, segregated churches by kneel-ins, segregated theatres by stand-ins, segregated swimming pools by swim-ins, segregated beaches by wade-ins. Isn't a pity that, unlike some European countries, the US doesn't have public toilets? +++ Does anybody else like my favorite Edgar Allan Poe story, "The Assignment"? +++ Is the Maryland tradition of eating steamed crabs on Memorial Day, Independence Day and other summer holidays known elsewhere in the country? For that matter, are steamed crabs eaten at all anywhere but in the Middle Atlantic states? +++ The amount of material for "Short Notes", to paraphrase one of Dr. Parkinson's laws, always expands so as to completely fill the space available for it.

--Ted Pauls

JOHN BOARDMAN :: 592 16th STREET :: BROOKLYN, NEW YORK, 11218

Kipple #98: I also feel that Sinyavsky and Danyel got raw deals in their recent trial. I would join the ritual chorus of condemnation of their sentence, except for one thing: no country in which a man can be sentenced to thirty years in prison for importing marijuana has a right to criticize judicial processes in non-capital cases in any foreign land. The sentence given to Timothy Leary is six times as long as that given to the leaders of the CPUSA in the Smith Act prosecutions fifteen years ago. From this we can only draw the conclusion that marijuana is regarded as six times worse than Communism. And the sentence of Ralph Ginzburg--no matter what you may think of his writings and his publications--is another miscarriage of justice. "If each man swept his own doorstep the whole world would be clean." Let's do something about preposterous obscenity and narcotics sentences here before complaining about Soviet trials. (I quite agree that Ginzburg's conviction and Leary's sentence were unjust, but does the fact that my own country occasionally indulges in judicial persecution disqualify me from criticizing the judicial procedures of other nations? We can bitch about the condition of the doorsteps across the road even while in the process of sweeping our own, you know.)

I was spared the necessity for hunting out the sources on the Sacco-Vanzetti trial, in rebuttal to Sprague de Camp's letter, by a review which appeared in the April 2, 1966, issue of the New Republic. Alexander M. Bickel reviews David Felix's "Protest: Sacco-Vanzetti and the Intellectuals", but also discusses the points raised with regard to the ballistic evidence by Francis Russell in "Tragedy in Dedham". Bickel discusses the ballistic evidence and observes that it has been more than forty years since the original gun was fired, that rust had to be cleaned out of it first, and that between the wear and tear and the cleaning the tests made by Russell have to be looked at with a jaundiced eye. He also points out aspects of the original trial overlooked by Felix and Russell, including the undeniable bias of Judge Thayer. Thayer, you may recall, not only asked in advance that Sacco and Vanzetti be assigned to him for trial, but during and after the trial frequently boasted about how he was dealing with those anarchists. (It should also be noted that the two ballistics experts employed by Mr. Russell published a book four years before in which they asserted that the fatal bullet was fired from Sacco's pistol. They were therefore something less than entirely disinterested analysts when, at Russell's request, they ran the tests and interpreted the results.)

Helgesen's comparison of Americans broadcasting from Hanoi with citizens of allied nations broadcasting from Axis capitals ignores one minor item--the question of which side is more nearly in the right. By

dissenting opinions

comparing, say, Ronald Ramsey with William Joyce, Helgesen establishes a moral equality among all men who make such broadcasts, without regard for such a minor matter as the reasons for their making the broadcasts. I am awaiting another exposition of Helgesen's peculiar morality, presumably one in which a burglar and a homeowner with whom he exchanges shots are equally culpable of the illegal use of firearms.

During World War II, each side sent into enemy countries broadcasts by citizens of those countries urging that their compatriots abandon their government and support the opposition. Would Helgesen say that William Joyce's broadcasts from Berlin to England were morally equivalent to Haakon VII's broadcasts from London to Norwegians, urging them to resist the German occupation? (We can all agree, presumably, that Haakon VII's broadcasts from London were thoroughly admirable. The issue, however, is the moral defensibility of Ronald Ramsey's broadcasts. Since Mr. Ramsey is not, so far as I am aware, the King of Vietnam--but, on the contrary, an American citizen--I suggest that analogies between him and Haakon VII are necessarily fallacious.)

But then, a man who, like Helgesen, is in personal contact with God Almighty is presumably tuned in to the ultimate source in questions of morality, and can from his exalted position condemn Joyce in Berlin, Haakon in London and Ramsey's tapes from Hanoi without regard for the minor differences in position and motivation among them.

In Kipple #99 you assert that: "It is absurd to speculate, as some leftists...have done, that...the Attorney General is involved in a deliberate conspiracy to impose extra-legal penalties on the DuBois Clubs. I have no doubt that Mr. Katzenbach sincerely deplores the violence and vandalism undertaken in the name of 'patriotism' by a handful of ignorant brigands." Your optimism on this point would be more encouraging if, in fact, Katzenbach had deplored the attacks on the DuBois Clubs. But not one word on the matter has come from him since he set up the attacks by asking the SACB to call the DuBois Clubs "communist". Since the second world war, four presidents and their administrations, liberal and conservative, have been busily conditioning the American people and each other to look upon Communists and alleged Communists as the ultimate enemy, with regard to whom none of the usual protections of the accused, or rights of free speech and assembly, need be respected. Communists and alleged Communists have, in point of fact, been outlawed as the word was understood in medieval times. This is the position taken by the New York Police Department, which has responded to complaints about the treatment of local DuBois Club members by asserting that they were all Communists and ought to be shot. (See the latest issue of Rights for details on this amazingly frank admission.)

Chay Borsella shows a singular callousness in her statement that "like many illnesses of the body, illnesses of the social structure often have to run their course". I would not want my personal illnesses treated by a physician who believes this, and I do not want the malaises of our society treated by politicians or sociologists who believe this. In the times of the New Deal, conservatives openly argued that the Hoover Depression ought to be allowed to "work itself out", that government assistance to its victims would only make matters worse.

Your account in Kipple #100 of the character of a "neighborhood" points out a common view of the problems of crime and punishment. To a great many people (including most cops), there is no such thing as a criminal act per se. Instead, there are "good people" and "bad people". The "bad people" are bad by definition, so any way in which you can send them to jail or otherwise punish them is considered proper. If, for example, a man is "known" to be a gangster, and he does nothing for which he can be indicted, his income taxes are searched over carefully, his business examined for violations of the building, fire or labor laws,

and his car followed in case he goes 26 mph in a 25 mph zone. Such practices are "justified" under the assumption that he is a "bad guy", and therefore anything you do against him is valid. The same state of mind appears when a left-wing "free university" is continually plagued by building inspectors, or a reporter for a paper unfriendly to the police is arrested continually for minor traffic violations. In some cases, the police even plant a knife or a Tijuana Tareyton on a "bad guy" and then arrest him, justifying such conduct among themselves by observing that he is, after all, a "wrong 'un".

Just as some men are "bad" a priori, so others are "good". The traffic cop who chases down a speeder will retreat with an apology if his quarry is wearing a clerical collar or possesses congressional license plates. The Bowery drunk goes to night court, and the Park Avenue drunk gets a free ride home. When the highly respected banker in the big home on Society Row is pulled in for embezzlement, his friends and neighbors lament that such a nice man is in trouble, and the parade of character witnesses is a mile long.

It is an oversimplification to say that "there is one law for the rich and another for the poor". "One law for the 'good' and another for the 'bad'", as "goodness" and "badness" are defined in that particular society, is more like it. Any courtroom where a Negro has the book thrown at him for raping a white woman, while a white guilty of raping a Negro woman gets off lightly, is an experimental determination of this sociological principle. As long as the men responsible for making and enforcing our laws retain in their hearts this distinction between "good people" and "bad people", injustices of this sort will be perpetuated.

"The most stirring element in the strange Madagascar fauna is its lemurs. Lemurs are among the most primitive of the primates, which in a general way puts them close to the common ancestors of monkeys, apes and men. Most people, hearing that lemurs are prosimians and having seen them only as textbook figures, dismiss them as an inferior sort of primate, an only half-formed, unworthy kind of monkey. This is a mistake. Over and above their abounding scientific interest, lemurs are a pleasant, versatile and well-adjusted lot of creatures that anybody ought to be happy to be descended from." --Archie Carr, in "The Land and Wildlife of Africa".

BOB VARDEMAN :: P. O. BOX 11352 :: ALBUQUERQUE, NEW MEXICO, 87112

Kipple #96: I definitely was not question General Wheeler's competence, but I was questioning the political handling of this "unwar". The rest of your reply in this part deserves some careful consideration, though. What you are saying is that Vietnam is a diplomatic problem and policy "cannot be determined by individuals accustomed (and)...trained" to deal with the purely military matters. If this is true, why are there more than 230,000 American soldiers in Vietnam? If, by your contention, it can be settled by political means, why are we wasting all that money supporting troops that cannot alleviate the problem? Why haven't these political means been employed? I believe that in the last six months Hanoi has made it painfully clear that military force and not political manipulation is the only possible solution. The Communists won't negotiate because they are winning.

Why are they winning? It is a case where state-bound politicians are telling the military experts on the scene how to conduct the war. I wonder if we would have won World War II if Roosevelt had told Doolittle not to bomb Tokyo or the Navy not to destroy vital Japanese ship-

ping? Or if Truman had told MacArthur how to conduct the Korean War? Oops! We lost that one, didn't we? (If you had accorded to my comments in #96 re Vietnam the "careful consideration" you admit they deserved, you would not be accusing me of "saying...that Vietnam is a diplomatic problem". What I said, reiterating a fundamental tenet of counter-insurgency, was that the conflict in Vietnam is "not essentially a military problem" and is not therefore amenable to a purely military solution. This observation refers not to the diplomatic question of negotiating a settlement to the strife, but rather to the matter of the actual conduct of counter-insurgency operations. The principle I have been attempting to compel Kipple's conservative readers to accept is this: Since military operations may be self-defeating if, even though tactically successful, their political consequences are unfavorable, the conduct of a counter-insurgency campaign must not be entrusted to purely military thinkers. I refer you to the statement by Maj. Gen. Edward G. Lansdale quoted in Kipple #100 (Lansdale was military adviser to President Magsaysay of the Philippines during the Huk rebellion, and is therefore something of an expert). As to your assertion that the Communists are winning the war because "politicians are telling the military experts on the scene how to conduct the war," it is of course an article of faith in military circles that victories are always attributable to generals and defeats are invariably the fault of civilian commanders; but I am surprised to see Bob Vardeman succumbing to this peculiar conceit of general officers. The expert in Vietnam is General Lansdale, and his advice is ignored not by "politicians" but by brass hats whose thinking never progressed beyond Normandy and who are addicted to tactically brilliant operations which create three new enemies for every one they kill. Finally, your remark in re the Korean War leaves me almost (but not quite) speechless. The purpose of the UN intervention in Korea was to prevent the forcible reunification of that country under a Communist government, and unless the news sources to which I have access have been very badly misled, it was successful.)

As to your other comment on my letter in #96, what do you have against hard work? Liberals seem to think that these two words are dirty or something. If the government hadn't made it more profitable not to work we wouldn't be worrying about unemployment figures now. I imagine we are the only country in the world that subsidizes illegitimacy, laziness and slums. Agreed that there is no single easy answer to the problem, but the dole is certainly not even approaching the solution. I believe you have made it clear enough in your answer that only conservatives are lazy bums, never liberals. (You have a spectacular capacity for misunderstanding my statements. My original comment was: "I find it interesting that the conservatives most enthusiastically recommending hard work as an anti-poverty measure are those who, like Barry Goldwater and William F. Buckley, don't appear to have ever done any." Your original misinterpretation of this remark attributed to me the belief that people in public life do not work hard (citing specifically Lyndon Johnson and the Kennedy brothers); you have now refined this absurdity somewhat, asserting that I object to hard work and view conservatives as "lazy bums". Pay attention now, Bob: I have no objection to hard work and do not deny that wealthy politicians frequently work quite hard; and I do not assert that wealthy conservative politicians labor any less energetically than wealthy liberal politicians, nor do I claim that Mr. Buckley and Mr. Goldwater are "lazy". I do believe, however, that people whose affluence is primarily the result of their intelligent selection of parents, people who have never in their lives been hungry or had to worry about keeping a roof over their heads, are not the best qualified to advise welfare recipients on methods of improving their lot--especially when such advice usually takes the form of a supercilious

ous remarks to the effect that the unfortunates are simply too lazy to work.))

Kipple #97: I am not gung-ho about the present state of our government but, as it stands at this moment, it is sure quite a few laps ahead of Communism in my book. It really surprises me that an American could classify anti-Communist activities with white supremacy and limiting the First Amendment, as John Boardman does. (Unless, of course, Mr. Boardman is a member of the Communist Party.) The American public has been told we are fighting a war in Vietnam against the brutal aggression of the power-mad Communists. Are Communists in the US to be protected while our troops are killing equally vehement Communists half-way around the world? It sure looks that way, and if Mr. Boardman's view of the anti-Communists ("supporters of pro-US style democracy" is less negative but a lot longer) is typical, no wonder there is so much anti-American activity manifesting itself in Vietnam Day demonstrations and riots.

On the draft inequities--this so-called College Deferment Test business is not going to settle anything. Could somebody who had trouble filling out their income tax pass this test? Probably not, but please consider Albert Einstein. What profit would the US have derived from using him as an infantryman in World War II? The US could have done without his services but the development of the A-bomb would have been delayed--perhaps fatally. Most scientists (and, I suppose, engineers) very seldom have to deal with simple arithmetic. Accountants will probably have a higher score than science majors. But it would be even more unfair to put nothing but calculus, which the accountant would never have a reason to learn, into the mathematics section.

College students yell about being yanked out of college, the Negroes feel they are fighting a white man's war, the lower income groups think they're fighting a rich man's war. To a certain degree, all are right. Either totally do away with the draft (which is absurd--once a government agency becomes entrenched in red tape it can never be abolished) or make the draft universal. Not all would be needed in military positions, so put the others to work in all those undermanned hospitals we are always hearing about, or let them join the Peace Corps. If a student wants to go to college, defer him for only four years or until he earns his BA or BS or whatever first degree he is trying to earn. Then make it mandatory that he must put in his service to the government--wisely in the field of his degree--before going on to earn a graduate degree.

Kipple #98: John Boardman's column might have been better titled "Boating With a Concrete Canoe". His views on Communist activity--or the lack of it--brings to mind an analogy with the man condemned to die who puts the noose around his own neck and then trips the trapdoor so the executioner won't have to bother with such dirty work. If Communism is allowed to exist without opposition, the US is going to be falling through the gallows floor of extinction with the rope of Communism around its neck. In other words, Mr. Boardman is suggesting that we get into his concrete boat and slowly sink without a trace into the waters of world politics.

Mr. Boardman declares loudly that most anti-Communists have never met a Communist, much less know what a Communist believes in. This might be true; I have no facts or figures one way or the other--but more important, neither does Mr. Boardman. All the Communists whom I have ever heard speak were excellent orators who chose a topic the validity of which no one could deny, and then proceeded to subtly warp the facts and make the "bent truth" sound plausible. In his article Boardman has ably shown that he is no Communist by this criteria--not only is his basic premise weak, but he has not presented any facts to warp.

I suggest that Mr. Boardman talk not with Communists, with whom talk is cheap and total truth rare--but with refugees from the various "worker's paradises", who have actually experienced life under Communism. I am certain he will find that his intellectual ideas of the wonders of communistic life do not agree too well with actual practice. The East German escapees must not like it in their country if they risk their lives to cross the barbed wire, mine fields and armed guards for an intangible something called "freedom". The Hungarians must have felt some urge other than yearning for a totally communistic state to openly defy Soviet tanks for even a short time. Maybe Mr. Boardman thinks the Cubans just don't like Castro's beard and that is why they flee their homeland--but the refugees say that they can't stand the tyranny of Castro's communist state.

The statement that "anti-Communists have fabricated the myth of an 'International Communist Conspiracy'" shows that either Mr. Boardman doesn't read the newspapers or doesn't believe what he reads. The Soviets have successfully dominated Eastern Europe, the Chinese have added Tibet and North Korea ((!)) to their territory and are hungrily eyeing India and the rest of Asia. Successful inroads in South America and the Caribbean have been made, notably in Cuba. Communism as yet hasn't spread to Africa, possibly due to the constant political turmoil of newly forming and disintegrating governments. But I have no doubt that Communism will be present trying to insinuate itself into power when Africa begins to settle down politically. The Soviet Union's vaunted military might and China's openly aggressive, expansionist policies clearly deny that Communist expansion on an international level is a myth. Survival of the fittest is the only law recognized by both sides in this ideological struggle, and if Communism triumphs it will be due to people like Boardman who value their freedom so lightly.

One thing that puzzles me about people like John Boardman is that they always point to the right-wing fanaticism of McCarthy as being common in anti-Communists (Mr. Boardman goes even farther by saying that there exists a policy of the US government based on this fanaticism). I don't condone all that McCarthy did, but surely McCarthy's fanaticism, which took no lives, is infinitely better than the fanaticism of Stalin, which took hundreds of thousands, perhaps millions. You say that Stalin does not represent Soviet policy; then why are you so eager to erroneously declare that McCarthy represents present US policy? There must be some reason you seem so willing to forget the bad in Communism and remember the good (just what good is there in Communism, anyway?) and vice versa for the system you live under. Please remember that the grass isn't always greener on the other side.

"The barbarism of our time is the more appalling because so many people are not really appalled by it." --Herbert J. Muller, in "Freedom in the Modern World".

WILLIAM E. CHRISTIAN :: 112 BIRCH CLIFF AVE. :: SCARBOROUGH, ONTARIO

Mr. McFarland's obviously tongue-in-cheek spoof on the John Boardman style of political logic in Kipple #98 is indeed amusing; but for the sake of those who might have been deceived into taking this reductio ad absurdum seriously, I must proffer a few brief comments.

The use of the term class in the article is the first example of muddled thinking. For what, we may inquire, constitutes a class? Is it the individual's relation to the means of production, as the Marxist would have us believe? And if this be so, then are the landlords nothing but the big bourgeoisie in the countryside, or are their relations to

the means of production qualitatively different, implying different political interests and political behavior? Or are classes culturally determined, say by inherited manners and customs, such that as in England a man's station in life can roughly be determined by his education and his language?

Regardless of the being and determination of class, we find that a man's political beliefs are somehow (we are never told how) determined by his class position: "Traditionally, the basis of strength for conservative movements has lain in the upper class, for liberalism in the middle class, for socialism in the working class."

Although we are never told the quantitative content of these labels (presumably a circular definition is intended, such that the belief of the upper class is always conservatism), we are expected to follow the argument. One need only point to the upper classes in France before the Great Revolution or the Russian aristocracy before the Russian revolution to see that it was to a large extent the loss of confidence in these orders, and their covert (and sometimes overt) desire for a change in the social system which facilitated the development of these revolutionary movements.

The extremist is said to be one on the way down, losing power in society. This bizarre definition would seem to preclude Mao Tse-Tung's peasant armies from being extremist--for the peasants whom he led never possessed power in society and, therefore, presumably, could not be losing it. More generally, such a definition would presumably mean that the rise of a new class, bent upon finding for itself a place in society, could never be extreme. Thus, the middle class Puritans in England during the Seventeenth Century were not, we discover to our amazement, extreme in their activities during and after the civil war, but were simply representing moderate liberal interests.

And what is meant by liberal? Again in the English setting, is it to be a movement of the Manchester school bent upon removing feudal (or quasi-feudal) restrictions on trade and industry, or is the positive liberalism of a man like T. H. Green intended?

"During the eighteenth and nineteenth centuries the power of the European monarchs was...in most cases abolished." Does he mean the Tsar, overthrown in 1917, the Kaiser in 1918 or the Austrian Emperor in 1918? Perhaps he means the Queen of England? Or maybe the Scandinavian monarchs? Ah! Now it becomes clear. He is using "Europe" as a symbolic word for France. I did not think that such Gaullism was permitted in America.

To progress to the next point, we are told that anarchism was essentially a lower class movement. Where, perchance, was this so? Although it is true that men like Bakunin placed a good deal of emphasis in their revolutionary models on the Lumpenproletariat, they also placed an equally large amount of emphasis on the peasantry. And in fact, in a country like Spain, the main appeal of anarchism was to the petty bourgeoisie, who saw their existence threatened by the action of the state supporting the developments of capitalist industry, and sought to react to this danger by abolishing the state. Rather than being primarily a proletarian movement, anarchism--and, indeed, communism in Russia and China--were primarily petty bourgeoisie and peasant movements.

And, again, why should a middle class intellectual like Marx or a capitalist like Engels lead a communist movement? This fact is not explained, and is all the more strange in light of the fact that, in Germany, their own class did not possess power, and was not really in the process of gaining it. The authoritarian conservative elements were firmly in control; they were not losing power, nor was their prestige diminishing.

Mr. McFarland's insight into the German Republic is even more acute. The "Nazis picked up their support mostly from the disgusted mem-

bers of the middle class" whom, we are told later, are found not in "urban areas like Berlin, which were dominated by big industry" but rather "in the small towns".

We find, though, that rather than the industrialists and mercantile interests being liberal, the true liberal is actually the petty bourgeois entrepreneur, who "feels as if society is squashing him". If a liberal favors freedom of trade, and this freedom benefits the large scale producers, operating under increasing returns to scale, it is hard to see how the small businessman would not welcome the government's countervailing power. Moreover, if the "displaced liberal" dislikes big government, how can he be termed a "fascist" or a Nazi--whose regimes, with their totalitarian control, presented examples of the biggest governments the world had known to that time.

Although I have not read S. M. Lipset's book, I think, from the reputation that this author has, that Mr. McFarland's application of Lipset's thesis does the author a grave injustice.

I must apologize for the confused nature of this reply, but I have followed Mr. McFarland's text rather closely. In short, while the "fascist" identity of the Goldwater forces may be "fairly clear" to Mr. McFarland, I doubt that it is to anyone else.

"In a democracy dissent is an act of faith. (...) The correction of errors in a nation's foreign policy is greatly assisted by the timely raising of voices of criticism within the nation. When the British launched their disastrous attack on Egypt, the Labour Party raised a collective voice of indignation while the military operation was still underway: refusing to be deterred by calls for national unity in a crisis, Labour began the long, painful process of recovering Great Britain's good name at the very moment when the damage was still being done. Similarly, the French intellectuals who protested France's colonial wars in Indochina and Algeria not only upheld the values of French democracy but helped pave the way for the enlightened policies of the Fifth Republic which have made France the most respected Western nation in the underdeveloped world." --Senator J. William Fulbright, in a lecture at Johns Hopkins University.

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TED PAULS
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