

IDEAS

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DANGER ON THE LEFT



A Journal of Conservative Thought

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VOL. 1, NOS. 3, 4 DOUBLE ISSUE SPRING-SUMMER, 1969

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The purpose of *IDEAS* is to provide a means for the expression of a wide variety of thoughtful and responsible conservative views. Therefore, the opinions expressed in signed articles are those of the authors and do not necessarily represent the views of the JEWISH SOCIETY OF AMERICA.

TO OUR READERS

The publication of the first issue of *IDEAS* in autumn of 1968 was an event of historic significance for the American Jewish community. Here, at last, was a publication of undeniable quality representing the views of those Americans of the Jewish faith who consider themselves to be political conservatives and who do not care to be represented by the left-liberal antics of certain major Jewish organizations which claim to speak for all the Jews of this country.

While many of the positions expressed in this publication may, in fact, reflect the views of the majority of our co-religionists who are becoming increasingly more conservative in their political views, there is no denying that *IDEAS* represents a dissenting minority voice among major Jewish publications. These publications have long been dominated — as has Jewish intellectual and political life in general — by an intolerant liberal orthodoxy, at once simplistic and oppressive, which has, for years, stifled open debate and free discussion within the Jewish community. Among a people long dedicated to the things of the mind and the spirit, such a condition of intellectual stagnation could not be tolerated.

With the appearance of *IDEAS* that condition ceased to exist. With its commitment to traditional religious ideals, free-market economics, conservative political concepts, and philosophical anti-collectivism, *IDEAS* brought a fresh breeze of new, clean air into the Jewish community.

The second issue of *IDEAS* caused an even greater stir than the first had. Our article on *Black Anti-Semitism and the Jewish Response* — the first fully documented, thoroughly researched study of the subject — was received with great enthusiasm by Jews who had grown accustomed to having Jewish liberal publications sweep the entire issue under the rug.

Our article on *The Jews and General Franco* revealed a chapter of Jewish history never before presented in a Jewish publication. We received letters from the Spanish government, the Chief Rabbi of the Spanish and Portuguese Jews of the British Commonwealth and from several international Jewish relief agencies commending us for having done an outstanding job of historical research. That same issue of *IDEAS* was sent to every rabbi in America and it seems that we have created quite a stir in rabbinical circles with our fresh approach to so many issues of concern to Jews. We have been encouraged by the large volume of mail we have received from readers throughout the United States as well as from members of the Jewish communities in England, Israel, South Africa, Rhodesia, and Canada. It would seem that *IDEAS* has become quite an international success.

We believe that this present issue of *IDEAS* is our best yet. It contains outstanding articles by some of the finest Jewish conservative writers in America and several pieces are documents of genuine historic value. With the support of our growing readership, *IDEAS* will continue to be a publication of the highest caliber, representing the best in creative, responsible conservative thought.

Those wishing to subscribe to *IDEAS* will find subscription blanks after the last page of the magazine.

THE NIXON ADMINISTRATION: THE MIDDLE COURSE

By Samuel L. Blumenfeld

Richard M. Nixon is finally beginning to set a style of his own for the Presidency—a style not unlike the one he developed as a Republican politician. In a party divided between conservatives and liberals, Nixon became the shrewd, conciliatory man in the middle. In a nation divided between conservatives and liberals, Nixon has become the skilled balancer who knows that both sides must be kept reasonably satisfied to keep the nation from splitting apart.

Fortunately, he has been helped by events to achieve this spirit of unity. The successful Apollo 11 mission did more to unite this country and strengthen its spirit than any event since D-Day, and it has given America the greatest single moment of prestige it has enjoyed among nations. This is quite a reversal, when one considers to what depths our prestige sank during the Johnson years.

It will be said that it was John F. Kennedy who set the man-on-the-moon program in motion and that Nixon is merely reaping the benefits. But Nixon also inherited the Vietnam war and inflation from the Democrats, and he has had to deal with these problems in ways that have not pleased everybody. But in our system of political continuity, every President has the opportunity to make the most of his predecessor's achievements and mistakes. Eisenhower, for example, gave Kennedy an America at peace, and Kennedy could have kept us at peace. There was nothing about the Vietnam situation which made our full-scale military involvement inevitable or even necessary. But Kennedy and his advisors steered us in the direction of a greater military involvement, and Johnson, who retained both Dean Rusk and Robert S. McNamara in his cabinet, kept us on the same disaster course.

If Nixon must bear the blame for continuing the Vietnam war—a war created by liberals—then, by the same token, he must be permitted to take credit for the moon landing, a program also initiated by predecessors but successfully completed by Nixon.

But sending men to the moon is a very expensive way to unite a nation and increase its prestige. Once the thrill of the moon feat is over, the nation must still face its more mundane problems—the Vietnam war, inflation, high taxes, the draft, crime, hard-core poverty, welfare, racial tension, riots on the campus.

It is apparent now that the Democrats got us into such very deep trouble that the new Administration is finding it extremely difficult to get us out. But the process of repair has started. American soldiers are finally beginning to leave Vietnam and the South Vietnamese are taking more and more of the military responsibility. There is no reason to doubt that this process will continue until our presence in South Vietnam is at least no greater than it is now in South Korea. But this withdrawal will not diminish in any way the Communist pressures in Asia from Red China, North Korea, North Vietnam, and the Soviet Union. What kind of a foreign policy can the Nixon Administration develop for the Pacific which will make

another Vietnam impossible? The best policy would be one which relied principally on the resources and power of Asia's non-Communist countries to defend themselves. The remarkable economic growth of Japan, South Korea, Hong Kong, Taiwan, Thailand, and the Philippines during the past decade has created a new force in Asia which, with the proper military assistance, could become a formidable bulwark against Communist expansion without the commitment of American troops in Asia.

Nixon's recent tour of Asia was a proper first step in developing a policy of this kind—a policy which would place the burden of anti-Communist defense on the nations being defended. The Japanese, for example, want us to leave Okinawa. If we do leave, then the Japanese themselves will be obliged to look after their own defense. They have the economic power to do so. But they must also assist other non-Communist Asian nations in the defense against Communist aggression, for Okinawa has served as an American base protecting more than merely Japan.

Whatever form Asian anti-Communist defense finally takes, American involvement in Vietnam is now on an irreversible course of military disengagement. It would, of course, have been preferable had Nixon been able to initiate the final and decisive escalation of the war which could have yielded an American military victory. But such an action would have led to such widespread domestic upheaval—riots, demonstrations, outbursts in every major city by our homegrown fifth column—together with almost universal denunciation in the press, radio and television—that Nixon obviously felt that this particular cure would be worse than the disease. Withdrawal was the only other course open to us and Nixon has taken it in the hope that the South Vietnamese will do the job once they are provided with the necessary equipment and training. It is in the Nixon Administration's greatest interest to see that this solution to the Vietnam problem works—so that American soldiers can be brought home and the freedom of the South Vietnamese secured.

Which brings us back to our greatest domestic problem—inflation. How did we get into this inflationary spiral, and how do we get out of it? The most obvious cause of our present inflation has been the excessive borrowing by the United States Government to pay for its budgetary deficits. McNamara's "miscalculations" on the cost of the Vietnam war created the huge 20-billion-dollar deficit which required the excessive borrowing by the Federal Government so that it could meet its financial obligations.

Why the American people or the Congress were not told what the true cost of the Vietnam war would be could be attributed to a variety of reasons. If we want to be charitable, we can say that both McNamara and Johnson honestly miscalculated how far the war would go and how much it would cost. If we want to be entirely cynical, we could say that both McNamara and Johnson deliberately deceived the Congress and the American people concerning the cost and extent of the war because they knew that such knowledge would arouse opposition to the war before we could get as deeply involved as we did.

Robert S. McNamara and President Johnson led Congress to believe that the Vietnam war would really not amount to much and that its cost could be easily borne without having to raise taxes. But before Congress knew it, there was a 20-billion-dollar deficit because of the war.

It was then necessary to get a surtax—or a war tax—to pay the bills. But the damage had already been done, the excessive borrowing set the wheels of inflation in motion, and the Johnson Administration was reluctant to let the American people know what a disastrous mistake it had made. So it waited until the inflationary pressures were too obvious to ignore. The American people were suddenly told that inflation was on its way unless Congress approved a surtax. That was merely an extension of the overall mismanagement which got us involved in a war the American people did not want. The truth was that the surtax would not stop inflation. It was already too late, because the government had already done its borrowing.

That is what the Nixon Administration inherited. The income tax surcharge merely meant that the government would be able to meet its obligations without *further* borrowing. As a result, the Nixon Administration has faced a dilemma. During the campaign Nixon pledged to get rid of the surtax if he were elected. But when he got into office and looked over the books, he found that the level of Federal spending could not be so easily reduced and that the government would have to accumulate a surplus before it could undo some of the damage done by excessive borrowing and deficit spending.

Another cause of inflation—which is merely another word for rising prices—has been the increased costs of labor. The cost-price structure is delicately balanced. When there is an increase in costs, there is inevitably a compensatory rise in prices, unless a technological advance cuts one cost to offset the increase of another.

That, in a nutshell, has been the success story of American business: the constant drive to find ways to cut some costs while others are rising in order to keep prices as low and competitive as possible. But inflation places pressures on labor to seek higher salaries to meet the higher cost of living. This compounds the inflationary trend, for business cannot always easily compensate for a labor cost increase without investing in new equipment, new methods, new technology, which in turn requires borrowing large sums of money. With so many corporations borrowing money to finance expansion or new labor-saving equipment, demand for money has exceeded supply, with a resulting increase in the interest rate. The increased interest rate is meant to dampen industrial expansion until the money supply can catch up with the demand. Thus, a government budgetary surplus is necessary so that the government can pay back more of its debts at a faster rate, giving the banks more money with which to meet the demand by industry. That is why taxes must remain high until Uncle Sam can get his debts into better shape.

Meanwhile, the Federal budget is not getting any smaller. The defense budget, despite the diminished outlays for the Vietnam war, will remain as high as ever. Our overseas bases have been so badly cannibalized by the Vietnam war, that it will take years of replenishment before our world-wide defense system is adequate once more. In addition, the Soviets' development of their missile system's first strike capabilities has made it imperative for us to develop an ABM system. This will cost additional billions.

It is interesting that liberal opposition to Nixon has rallied itself around the

issue of defense spending. The military-industrial complex is the new target of the liberals and Defense Secretary Melvin Laird must bear the brunt of the attack. But Laird is merely picking up the pieces left by McNamara and his whiz kids. It was McNamara who was responsible for the billion-dollar fiasco known as the F-111 and the development of the C-5 military transport which is costing us three billion dollars more than estimated. It was McNamara who eased us into a disastrous, costly war by mis-advising the President, the Congress, and the public. Yet it is not McNamara who gets the criticism. It is Melvin Laird who is raked over the coals by liberal Congressmen while McNamara, close friend of the Kennedys and darling of the establishment gets off scot free.

Despite vociferous liberal opposition from both Republicans and Democrats, Nixon knows how important an advanced missile defense system is for the United States, and there is little doubt that the ABM Safeguard system will be built. There is also little doubt that a new manned bomber will be developed for the Air Force. Both the ABM and the manned bomber are long overdue. The cost will run into the billions, but we really have no choice as long as the Soviet Union continues to expand its missile capabilities.

There is not too much Nixon can actually do to reduce the present level of Federal spending. What he can do is simply maintain it at its present level while the Gross National Product increases and the economy expands. If this can be done over a period of eight years, the result will be a proportionately smaller Federal budget in relation to the GNP with a corresponding reduction in taxes for everyone.

Thus, the cost of the Vietnam war and the cost of defense have a direct bearing on our present economic situation. The Nixon Administration, forced by the mistakes of its predecessors, must maintain a high military budget and equally high taxes to pay for it all. This means less money for the consumer to spend temporarily, a stabilization of prices, a business slowdown as consumers postpone purchases, less urgent need for industrial expansion and new equipment, a gradual increase in the money supply for borrowing, an eventual drop in the interest rates.

As for the stock market, which has been experiencing a long, steady decline, the situation will only reverse itself if certain basic changes occur. Stockholders sell stock when they need cash, and in a period of high taxes, high interest rates, and rising prices, people have less money available to tie up in stocks. Consumer spending is still relatively high, but this is because people are drawing on savings and selling stock for cash. One might ask why stock prices are going down when the prices of everything else are going up. The answer is that stock is simply another form of savings for the investor and a means of making a fast profit for the speculator. But when both investors and speculators need cash to pay off bills and make purchases, they will sell their stock. Therefore, stock prices will begin to go up when there is more money available and buyers begin to outnumber sellers.

But the real problem of slowing down our overheated economy until the money supply can catch up with the demand is that the galloping advance of technology will hardly permit it. For example, the United States is on the threshold of a whole new age of jet transport—which involves the building of new jumbo jets, new airport facilities, new ground support systems. This is the kind of

technologically induced expansion which cannot be slowed down and which, in fact, will have a stimulating effect on the economy as a whole once the new era of aviation is upon us. The stimulus will come not only because of needed support construction, but because the new jets will offer greater travel bargains and thereby stimulate consumer spending. Thus, the best the government can do, for the time being, is balance the budget, hold the line on Federal spending, and pay off some of its debts. The rest of the economy will take care of itself once the Federal government puts its own financial house in order.

Although conservatives are justifiably disappointed by Nixon's appointment of liberals to some high posts and his indefensible holdover of entirely too many Democrats in various departments, conservatives now have a far greater voice in the White House than they've had in decades. This can be gauged by the level of liberal criticism—coming from both liberal Democrats and Republicans—on various issues, such as the non-appointment of Dr. John Knowles and the scrapping of the school desegregation deadlines.

The liberals screamed that all of this meant that Nixon was a captive of the American Medical Association or Senator Strom Thurmond. The truth is much simpler. Nixon sees no reason why he must displease good friends in order to satisfy enemies who would never vote for him under any circumstances. Dr. Knowles may have been a capable man—there are many capable men—but he was certainly not the messiah of medicine liberals claimed, and he had made many powerful enemies. The liberals would have wanted Nixon to humiliate Senator Dirksen, who has been under attack from liberal Republican Congressmen, and slap the AMA, which opposed Knowles but was a great source of support for Nixon in his campaign to become President. Why should Nixon have alienated so many good friends for the sake of Dr. Knowles, who was certainly not the only man in America for the job?

As for civil rights, most of the vehement criticism over the cancellation of the school desegregation deadlines came from the leaders of the Negro community, all of whom opposed Nixon during the election and are part and parcel of the liberal establishment. For example, Bayard Rustin, in a recent blast against Nixon said: "President Nixon is a very clever but intensely, ultimately stupid man. What he is saying about civil rights is that he wants to reexamine the question, that he wants to make whatever he does more efficient for Negroes, that he wants to strengthen the power of Negroes, that he wants to restructure things. But Nixon fools no one. What he is really saying is that he wants to sabotage the effort of the black revolution, that he is hamstringing, cutting back, undercutting and distorting." (*Boston Globe* August 4, 1969)

Such language from Bayard Rustin and other liberal Negro leaders does not go unnoticed in the South. The Southerners figure Nixon must be doing something right to provoke such hostility. This will help Nixon greatly in 1972 if Southerners are once more given a choice between Nixon and Wallace. All indications are that the Nixon Administration is striving to expand the base of its popularity in order to win in 1972. It cannot afford to lose anything it gained in the South, and it must try to win *some* moderate liberal support. But it is much more willing now to write off the liberal Northeast than any other part of the country. The reason for this is quite obvious. The Northeast has become ideologically committed to Democratic

liberalism in the same way that the South was at one time committed to the Democratic party.

While the Northeast clings to New Deal-Great Society political emotions, the rest of the nation has become increasingly conservative and shows a growing degree of political flexibility. This has been reflected in recent local elections.

The Nixon Administration, however, will be judged by the American people on its overall performance. The liberals, of course, are already insisting that the Nixon Administration has been a failure, even though it is less than a year old. They will not admit that so many of our present problems were created by liberals. For example, John Kenneth Galbraith writes: "We will have accomplished little if we get out of Vietnam and leave unreformed the institutions and their capacity for organized error, that got us and kept us there." In other words, don't blame the liberal leaders, blame the nameless, faceless bureaucracy that got us into all the trouble.

But even Galbraith cannot escape laying some of the blame for the Vietnam mess on the heads of his liberal friends. It isn't easy for a liberal to criticize other liberals, but notice how skillfully Galbraith does it:

"As many others have observed, the epitome of the organization man in our time was Secretary of State Dean Rusk. Few have served organization with such uncritical devotion. A note of mystification, even honest despair, was present in his public expression over the inability of the outside world to accept the bureaucratic truths just listed. Only the eccentrics, undisciplined, or naive failed to accept what the State Department said was true.

"His despair was still evident as he left office, his career in ruins, and the administration of which he was a ranking officer destroyed by action in pursuit of these beliefs. There could be no more dramatic—or tragic—illustration of the way organization captures men for its truths. Probably from Mr. Rusk and certainly from Mr. Rostow we will presently have books urging that it was all the epitome of statesmanship."

That is basically the new strategy of the liberals: don't blame the liberals for Vietnam, inflation, increased crime, race riots, etc. Blame it on the bureaucracy, the "military-industrial complex," the institutions, the organization, which merely "captured" the liberals, persuading them to make the wrong decisions. Galbraith's new book, "How to Control the Military," from which these quotes are taken, is a product of the new liberal approach. Its message, however, is rather far-fetched: reform the organizations so that it can better lead the liberal leaders. A rather spectacular contradiction in terms. But liberals have never been thwarted or fazed by their own contradictions. Their concern is not to be consistent, or correct, or even right. Their concern is merely to be in power.

Lest conservatives forget too quickly, the liberals want to get back into the White House as soon as humanly possible. They want to run the country, even though some of them are now willing to claim that the country ran them. They will do everything they can to whitewash the role liberal leaders played in getting us into

our third largest war without a formal declaration or a clear set of goals.

The only way for conservatives to combat this insidious liberal strategy is to out-write the liberals and to document liberal decision-making and responsibility for the Vietnam misery so thoroughly that the public will not be taken in by this new liberal sophistry.

It is a fact that some hard-core conservatives are no more pleased with President Nixon than is Prof. Galbraith. But on what basis should we judge Nixon? True, it is hard for an anti-Communist to stomach an American President putting his arm around a Communist boss, as Nixon did in Rumania. But who knows what long-range effects this gesture will have in shaking up Soviet-bloc politics and undermining the Communist Empire? It was interesting, if not gratifying, to see Rumanian school children and their parents waving American flags. It was as if the entire Rumanian nation were suddenly permitted to exhibit a deep-seated anti-Communism by welcoming the leader of the nation which, in the demonology of Communism, is enemy number one. In time we shall see whether it was merely an empty gesture or a first step in the disintegration of the Red bloc.

In startling contrast to Nixon's tremendous welcome in a Communist country was Nelson Rockefeller's riot-torn visits to our non-Communist neighbors to the South. What a tremendous imbalance in our overseas posture. But foreign policy is the domain of the President, and in Nixon's search for peace we must permit him the new initiatives which may make peace a reality. One might contend that Nixon is being totally unrealistic if he really believes that he can achieve peace with the Communists. But if the liberals can get us into a so-called anti-Communist war and sacrifice 35,000 American lives without making a real dent in Communist power, why criticize Nixon for trying to make a dent in Communist power by kissing a few Rumanian Communists on both cheeks? It may work. If it doesn't, at least we'll have the ABM to keep us warm.

Here again the liberals show their true colors, their penchant for contradictions and disasters. They are probably smarting because it wasn't one of their own politicians who embraced a Red boss. Think of it; it was the hated Richard Nixon, the same man who put Alger Hiss behind bars. So they would prefer to undercut Nixon's new policy by trying to deny him the ABM, without which his gestures would appear to have been made out of fear and weakness rather than strength and generosity.

One got the feeling in listening to liberals argue against the ABM that they were obsessed with a kind of national masochism in which they gained some secret, perverted delight in seeing their country cringe in fear, unable to provide for its own defense. They hate Nixon because his image of America is that of a strong nation, proud of its accomplishments and confident of the future. The Nixon record, to some extent, bears this out. In less than a year our prestige has been boosted both through our technological achievements and the President's own personal visits to Europe and Asia. The incredible despair which we all felt because of a war which seemed to have no end is now giving way to a sense of relief (not temporary, we hope) as more and more American soldiers are being returned from Vietnam. The deep frustration which gripped the country as rioters burned cities is giving way to a

recognition of our ability as a nation to solve our problems if we applied to them the same organized efforts which took our astronauts to the moon and back. Nixon has been responsible for this psychological turnabout in an Administration which is less than a year old—mainly because his own personality exudes this ebullient, optimistic spirit.

Nixon is a man who dreamed of becoming President not for the purpose of merely wielding great power, but because he wanted to prove that he had the ability to use presidential power in a manner worthy of so great a nation. One sees it in the way he welcomes foreign visitors to the White House, in the way he greets people on his visits abroad, in the relish he shows in introducing a competent, talented appointee to the American people. He introduced his choice for Chief Justice of the Supreme Court, Mr. Warren Burger, much in the way that a man introduces a talented friend to his family—with the genuine excitement of having found a man of true quality and a desire to share him with others.

What a contrast to John F. Kennedy, who became President because of an over-ambitious family anxious to build a political dynasty come hell or high water. Kennedy had physical presence but little genuine ability for the presidency. He was totally dependent on his clique of Harvard advisors. And what a contrast to Lyndon Johnson who loved the exercise of power and became so trapped by his mistakes, that his frustration and despair communicated itself to the American people. Nixon is just the opposite. He is a problem solver who thrives in confrontation with a challenge, who surrounds himself with like-minded problem solvers, who would be the last to let himself be frustrated or trapped by a collection of arrogant intellectual sophists.

This is a spirit which the White House has not had for a long time, a spirit which we had desperately needed. Richard Nixon has the rare opportunity of making the next eight years the greatest in American history. He has a great deal going for him—an energetic nation on the threshold of spectacular technological advances and economic growth, a people determined to maintain peace once they get it, a new spirit of freedom, adventure, and enterprise among the vast majority of its young. True, there are still grave problems and challenges to be dealt with. But none of them seem, at this writing, as insoluble as they seemed a year ago.

Mr. Blumenfeld is well known in the conservative movement as a writer and lecturer. He has been associated with some of New York's leading book publishers and was editor of the Universal Library of Grosset & Dunlap for five years. He founded the American Committee for France & Algeria and the American Friends of Katanga. He was Analysis Editor of the *Review of the News* weekly news magazine and is an associate editor of *IDEAS*.

FIGHTING THE ARAB TERRORISTS

By Professor Joseph Churba, Ph.D.

In dealing with the Arab terrorists, the Israelis believe they are grappling with the effect rather than the cause of their problem. The cause, they say, will not disappear until a political settlement in the area eliminates the basic motivation for hostilities. For exactly obverse reasons, the leaders of the Fedayeen (the Arab terrorist organization), confident of ultimate victory, consider their major purpose to be not military but political—to thwart any movement however small, towards an Arab-Israeli understanding. Inasmuch as the central thrust of Arab terrorism is directed against the manifestations of coexistence between Arab and Jew in the Israeli administered areas acquired in the 1967 war and in Israel itself, the Israeli response draws a clear distinction between these areas and relations with the neighboring states. The difference is measured in the degree of force applied in suppressing terrorism.

ISRAELI OCCUPATION POLICY

The basic Israeli policy in the West Bank is to leave the 600,000 Arabs alone as much as possible and to encourage them to conduct business with Arabs east of the Jordan River. This policy rests on the belief that the Arabs under Israeli administration constitute the soft underbelly of Arab hostility and therefore should be allowed free access to other Arab states, their families and heritage. Although this objective has gained wide support, there is considerable controversy as to whether the Arabs should be fully integrated into the Israeli economy or governed at arm's length. On the one hand, a view expressed by the Defense Minister, Moshe Dayan, would encourage Arab laborers to work in Israeli markets, enter into business partnerships with Israelis, and become integrated into the economic life of the nation. Recently, Dayan has called for the creation of a string of Israeli settlements in the Judean Hills on the West Bank, the replacement of Egyptian and Jordanian law by Israeli law in the occupied areas, and the economic integration of these areas with Israel.

Finance Minister Pinhas Sapir leads the opposition to this view, arguing that economic integration would lead to a bi-national Jewish-Arab state, which would raise overwhelming economic, political, and security problems. Nevertheless, both sides stress the importance of restraint in the use of force as an integral part of the general occupation policy. Accordingly, Israel's policy of counter-terror punishment is designed to separate the Fedayeen terrorists from the general population without antagonizing the latter through the indiscriminate use of force. Counter-measures are formulated on the assumption that however sympathetic the Palestinians are toward the Fedayeen they want no "liberation" in which they are victims of Israeli reprisals. Punishment is applied on a selective basis. Since no collective punishment is imposed, an Arab who chooses not to collaborate knows he will suffer no harm. Thus, in order to paralyze the dormant will for active resistance, the Israelis resort to (a) large scale roundups and imprisonment, (b) expulsion of agitators, (c) seizure of property, (d) curfews, (e) demolition of private houses belonging to collaborators.

These measures have deprived the Fedayeen of the opportunity to secure land—the source for recruitment, intelligence, and supply for any successful insurgency.

Significantly, West Bank leaders are cognizant of the limits of Fedayeen action. Terrorism manifestly cannot do that which Arab armies have failed to do. To encourage active resistance and collaboration with guerrillas is to provoke more repressive Israeli counter-measures far more harmful to the West Bank Arabs than to Israel. In the circumstances, the local leaders have deemed it their first obligation to preserve the Arabness of the West Bank even at the price of antagonizing the Fedayeen. Indeed, the fact that the guerrillas have not embarked on internal terrorist action to coerce the population to join their ranks reflects their weakness. When the plan for a mass uprising failed, the Fedayeen shifted tactics to hiding in mountains and caves, emerging in small groups and blending with the larger populated areas of Ramallah, Nablus, and Jerusalem. Their failure to blend with the population even here was all the more magnified, not only because of Israeli intelligence and operational efficiency but also the reluctance of the Arab population to respond. The Israeli task, therefore, is not so much the destruction of an insurgency network, but rather the prevention of penetration by Fedayeen agents and the creation of an infrastructure for insurgency.

Israeli success in liquidating the terrorist network inside the West Bank and in neutralizing the Arab population has compelled the Fedayeen to revert to the pre-war tactic of striking from across the ceasefire lines. In order to gain greater freedom of action, the guerrillas transferred their bases from Syria to Jordan wherein its members moved freely in uniforms and marked cars.

The short forays across the Jordan to harass the Jewish settlements in the Beit Shan and Jordan Valley south of Lake Tiberias are usually supported by covering fire from Jordanian regular units. Such forays quickly escalate into mortar and artillery exchanges thereby causing greater damage to villages than initial Fedayeen activity. With the Jordan Valley sealed off through improved Israeli tactics and technology, the Fedayeen have been forced to strike from a distance—by shells and rockets. They have also reverted to indiscriminate terror against the Jewish civilian population in the hope of provoking anti-Arab rioting that in turn would lead to active support among the Arab masses. Israeli fears on this score, expressed in editorials by government officials, were realized on 18 August 1968 when Israeli youths rioted in the Arab sector of Jerusalem following terrorist bombings in the Jewish sector.

Alluding to the frequent outbreaks between Greek and Turkish Cypriots, Moshe Dayan denounced the youths and stated, "We don't want what happened on Cyprus to happen here." Subsequently, on 22 November 1968, a carload of explosives was set off in Jerusalem's Mahane Yehuda market, killing 12 civilians, among them 2 Arabs, and wounding 53 men, women, and children, including 2 Arabs. While this incident did not trigger anti-Arab rioting, the Israeli government response was wide-ranging. A complete halt was called on all vehicular traffic across the Jordan River cease-fire line, thereby cutting into a lucrative traffic in goods and passengers that began discreetly in the wake of the Six-Day War and which developed into a recognized arrangement between Israel and Jordan. Although subsequently modified, the severe restrictions imposed on the flow of vehicular

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traffic constituted a setback to the policy of daily fraternization between Arab and Jew and the idea of co-existence. Increased restrictions have been imposed on commercial movement between the West Bank and the Gaza Strip and the former Jordanian sector of Jerusalem. Whereas in the past, the West Bank had been free of restrictions, except during curfews when some towns have been sealed off for periods, Israel has now divided the region into districts for greater control and has placed added restrictions on internal movements.

Disturbing to Israelis is the knowledge that the Fedayeen have begun to make inroads among the youths on the West Bank. The uncovering of a widespread network and the arrest of more than 70 Arabs following another bombing in Jerusalem in March 1969, revealed a direct connection between anti-Israel political activities and terrorist acts. Whereas in the past Israeli authorities had shown leniency toward anti-Israel verbal support for terrorism, they now contend that the Palestinian Student Union is organizationally under the direct command of the Fedayeen. They are also of the belief that most of the local terrorists are recruited from among those who were first organized for anti-Israel political activities. Nevertheless, while the picture changes in the West Bank, the principal current effort is focused on using airpower to push the Fedayeen bases in Jordan and Syria further inland.

THE POLICY OF RETALIATION

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Incapable of launching a conventional assault against Israel and refusing to directly negotiate peace, the Arab states have adopted the intermediate strategy of harboring and encouraging Fedayeen activities from their territories. The Israeli response has been to justify retaliation by invoking the generally accepted rule in international law which provides that a state encouraging armed force from its territory against a neighboring state will not be immune from attack. The Israelis do not believe in privileged sanctuaries for terrorists.

The policy of retaliation can be traced to the early 1950's and was developed when Moshe Dayan was Chief of Staff and when the principal border problems were along the Egyptian-held Gaza Strip. As a policy designed to discourage armed incursion, it was, at best, a limited success; but the technique of reprisal was generally refined over the years. Once it was demonstrated (November 1964) that airpower alone could be employed without triggering full-scale hostilities, it became the mainstay of reprisal raids.

The Israeli response, however, has been diversified and ranges from combined infantry, armor, and air support operations to artillery bombardment, commando assaults, and exclusive use of airpower. The general pattern is one of systematic and continuous strikes on Fedayeen concentrations. Recently, the Israelis have experimented with the new retaliatory concept of destroying vital economic and communication targets. In addition, they have embarked on a policy of "active self-defense," which goes beyond the earlier concept of reprisals. The intention now

is to hit the Fedayeen before they strike, to deprive them of the initiative, to keep them off balance, and to disrupt their training and planning without regard to their host countries.

The Karameh Jordan raid on 21 March 1969 inaugurated a new phase in Israeli security precautions. The Fedayeen had failed to establish an infrastructure for mass insurgency on the West Bank and reverted to bases in Jordan. Until then, Israel attempted to force King Hussein's hand to induce him to curb the Fedayeen himself. Hussein's unwillingness or inability to do so, however, prompted the Israelis to take direct action in order to deny the Fedayeen an absolute sanctuary. The Israeli objective was to eliminate guerrilla bases or push them further inland.

In what was clearly the most serious outbreak since the Six-Day War, more than 5,000 Israeli infantry, with well over 100 tanks and armored half-tracks and under cover of air support, struck across Jordan River for the first time in modern history. Their objective was an area north of Jericho, about 20 miles long and 8 miles deep. It included the townlet of Karameh, Fedayeen's main base, the village of Shunat Nimrin, and the caves and orchards used by the Fedayeen as arms depots and training bases. At the same time, paratroopers rode ahead in helicopters to capture the mountain ridge east of the area. Their aim was twofold: to prevent the Fedayeen from escaping eastward and to stop Jordanian army reinforcements that might be sent to the scene. The operation resulted in 150 Fedayeen killed and an equal number taken prisoner. The Israelis lost 29 and some 70 wounded. The large number of arms and explosives captured revealed that Fedayeen was no longer dependent upon the co-operation of the 15,000-man Iraqi Expeditionary Force to facilitate their operations. The terrorists had correctly assumed that active opposition from Hussein was no longer to be feared and that it could now shift its base from Syria to Jordan and recruit directly from among the Palestinians. Israel for its part, having already denied them the opportunity of either securing control of land or converting the Arab population in the West Bank into active resistance, recognized the threat of a potentially serious guerrilla war from across the cease-fire lines. Premier Levi Eshkol, therefore, warned Jordan (25 March) that Israel would regard guerrilla activity as a violation of the cease-fire agreement. At the same time, he stated that his government would not resort to undercover action to meet this threat. This was interpreted to mean that Israel would not engage in counter-terror activities and would respond to Fedayeen activity with conventional forces. In effect, this statement reaffirmed the long-standing policy of official reprisal whatever the consequences on Jordan. However, for the Fedayeen the possible demise of Jordan was not necessarily to be considered a setback. If Israel were provoked into extending its defensive perimeter to include all of Jordan, the prospect for protracted war would be enhanced. Amman and the eastern hills would provide better guerrilla terrain than the Jordan Valley; the Palestinians would finally stand and fight; the Bedouin troops of Hussein's army would for the first time fight willingly beside Palestinian irregulars. Moreover, Israeli occupation of Jordan would make it difficult for Saudi, Iraqi, and Syrian forces to remain aloof. The implication was clear. An over-extended Israel engaged in a war of attrition would keep the issue

heated and render Arab-Jewish co-existence even more difficult. The great drawback to this strategy, however, was that it had already failed in the West Bank and, moreover, did not allow for the possibility that should the Fedayeen become too successful, Israel would escalate the confrontation into a major conventional engagement.

Barely two weeks after Karamah, Israeli helicopter-borne troops crossed the border line south of the Dead Sea in "hot pursuit" of an escaping band of Fedayeen. Penetrating 20 miles into Jordan (near Dahal), the assault troops destroyed the guerrilla complex and returned by helicopter. In contrast to the Karamah operation, no armor or airpower was employed. The new tactic revealed a policy of swift across-the-border strikes designed to keep the Fedayeen on the run and prevent buildups. Similarly, the air attack against Salt in Jordan (4 August 1968) was intended to demonstrate both capability and willingness to reach terrorist bases in the mountainous terrain further east of Karamah and was clearly designed to have a similar impact on the Government of Jordan. Whereas the military objective was the destruction of Fedayeen concentrations and supplies, the political purpose was to warn Amman that it would continue to suffer consequences unless it curbed the guerrillas.

The "new dimension in reprisals" against vital economic and communication targets in Jordan, Egypt, and Lebanon represents a departure from the earlier strikes on exclusively Fedayeen targets. There were three such indirect reprisals designed to emphasize that Arab governments still have much to lose in a long-term guerrilla war with Israel. Their purpose seemingly was to drive a wedge between the Fedayeen and Arab governments by restricting the punishment to the latter, thereby endangering their political survival. In effect, this concept is an extension of the more successful policy applied in the West Bank that is aimed at separating the Fedayeen from the Arab population. Although the principal zone of conflict was with Jordan, the indirect reprisal tactic was first applied to Egypt where the incidents over the Suez Canal have been between regular armies. Between 8 September and 22 October 1968, Egyptian artillery and commandos scored four victories over the Israelis across the Suez Canal. In a rare departure from precedent, the Cairo press proudly gave page-one publicity to the 22 October commando incursion as well as to a report by the Lieut. Gen. Odd Bull, Chief of the UN Truce Supervision Organization, pinning the blame squarely on Cairo. The Israeli response came on 31 October. Employing an elaborate scheme which involved a ship and a helicopter, Israeli commandos eluded Egyptian air defenses and destroyed two Nile River bridges and an electric power complex at Naj Hammadi—125 miles inside Egypt and less than 150 miles north of the biggest target of all, the Russian-built High Aswan Dam. This action represented the first Israeli crossing of the Suez Canal and served notice that Israeli reprisals would neither be confined to the banks of Suez nor restricted to those targets which Cairo believed to be expendable. The tactic was also employed on 1 December against Jordan with the demolition of her southern bridges, thereby cutting the road and rail communications in half. It was applied to Lebanon on 28 December when Israeli commandos raided the Beirut Airport and destroyed or

severely damaged 12 to 14 Arab aircraft (9 jets and 3 to 5 turbo-jets) but with no loss of life.

The scope of the Israeli action in retaliation for a terrorist attack on an El Al airliner in Athens (26 December) was conditioned by severe precautions taken to avoid civilian casualties. The planes were emptied of passengers and ground crews and people in the vicinity were led away to safety. Loudspeakers were employed to issue instructions in Arabic and English. This operation represented Israel's first reprisal against Lebanon. The raid evoked considerable criticism from the international community. Israel's right to respond in self-defense was not as severely questioned as was the scope and nature of its response which presumably went beyond the scope of the original violations. Moreover, nothing delighted the Fedayeen more than the raid on the Naj Hammadi complex; the destruction of the Jordanian bridges, highways, and railways; and the raid on the Beirut Airport. These actions incurred the wrath of liberal world opinion, strengthened the more extreme elements in the Arab world, and indicated an intent to bring about the collapse of established Arab regimes. Perhaps to avoid the particular allegation that it sought security through promoting the collapse of the Arab regimes, Israel shifted to its present policy of "active self-defense."

This concept limits retaliation to the Fedayeen themselves – against their arms caches and staging areas rather than against government installations. The aim now is to keep the initiative regardless of Fedayeen attacks. It is a policy designed to keep the Fedayeen constantly on the run. Thus, the 30-minute air strikes on their headquarters in Hama and Maisalun on 24 February 1969, the first against Syria since the Six-Day War, was viewed as part of a new strategic emphasis on striking at guerrillas without regard to their host countries. Although the Syrians supported the Fedayeen, they had refrained until early February from permitting them to infiltrate directly across the border into Israel. The air strikes intended to focus on the source of trouble were considered by many Israelis as a more appropriate response than indirect reprisals.

Speaking on Israel Radio, General Haim Herzog stated that the air strike should not be seen as a reprisal for "any given act." Israel, he said, had no option but to strike in depth and "create a situation which will be intolerable for the host Arab governments. . . . Israel has now put the Arab Governments on notice that if they choose to play the terrorist game their entire area is the front."

Israelis have, therefore, developed a dual response to the Fedayeen threat. No clear answer to unconventional warfare is professed beyond the distinction made in the measure of force applied in the occupied territories and against the Arab states. Official Israeli figures indicate that in the period between 12 June 1967 and 12 April 1969, there have been 1,781 border incidents and sabotage attempts. Of these, Jordan accounts for 1,236, Egypt 225, Gaza 205, Syria 66, and Lebanon, 49. Of the 302 Israeli deaths incurred through mortar and artillery exchanges, 256 were regular troops and the remaining 46 civilian. The belief is that Fedayeen action killed 83 of the 256 and 35 of the 46 civilians. Thus the Fedayeen are responsible for 118 of the 302 Israeli deaths. In addition, of the 910 soldiers wounded, 333 were wounded by the Fedayeen. Civilian wounded number 404, of whom 348 were by Fedayeen action. Therefore 681 of the total wounded (1,314) were the result of Fedayeen

activities. Over this same period, Israelis claim to have killed 650 Fedayeen and captured about 2,000.

The Fedayeen failure to secure control of the land, the basic requirement for a successful insurgency, and their inability to penetrate the cease-fire lines and strike telling blows within Israel has prompted them to emphasize indiscriminate terror and to strike at a distance by shells and rockets. It has also led them to broaden their sights to include "Israeli" targets abroad, which are more difficult to protect. On the other hand, the very success of the Israeli occupation policy, coupled with the reluctance to resort to counter-terrorism or to strike at parallel Arab targets, renders retaliation more difficult. The scope of the response has widened from the West Bank and Jordan to include Egypt, Lebanon, and Syria.

The effort is now focused on pushing the Fedayeen bases farther inland, beyond the defensive perimeter, through the uninhibited application of tactical airpower. Thus, the considerable success in achieving the goals of the occupation policy has in turn served to shift primary attention to relations with the Arab states and has increased emphasis on the policy of retaliation.

A TENTATIVE ASSESSMENT

In its historical perspective unconventional warfare in the Arab-Israeli zone is best understood as a recurrent manifestation of the wider conflict between Arab nationalism and political Zionism, as well as the reflection of traditional Arab rivalry for allegiance of the Palestinian Arabs as a factor in the balance of power in the Arab East.

The distinguishing feature of the current phase is the altered power relationship between Arab governments and the several bizarrely interwoven, competing, and collaborating Fedayeen groups who have assumed primary responsibility for their own cause and increasingly set the pace and tone of general Arab-Israel relations. Its corollary is the expanded nature of the Israel response and the growing intransigence on both sides of the cease-fire lines militating against a political settlement.

From a clandestine and poorly organized group dependent on Syrian support, the Fedayeen organization has evolved into a major factor in the politics and diplomacy of the Middle East. Yet it is hardly a masterpiece of revolutionary organization. Despite its pretensions and however much it professes to be in the tradition of the former FLN of Algeria and the Viet Cong in Vietnam, it has yet to exhibit the organizational talents and revolutionary skills of either. Indeed, Israeli experts in underground warfare are flabbergasted at the Fedayeen lack of determination, ingenuity and deftness.

Even if the Fedayeen were to succeed in fomenting civil strife in the West Bank and the Gaza Strip, the effect would be more damaging to the Arab inhabitants than to Israelis. These areas can be effectively isolated by the Israel Army, and whatever civil strife might be conducted therein would not disrupt the functioning of government in Israel. Ultimately the guerillas would have to rely upon an invasion of Israel by Arab armies, but that event would depend on the dubious assumptions of Arab unity and Israeli willingness to permit the Arab states to acquire conventional

superiority. The fundamental dilemma as to whether unity precedes the liquidation of Israel or vice versa continues. Thus, small-scale infiltration, urban terrorism, and exchange of fire across the demarcation lines indicate the limits to Fedayeen power.

In the circumstances, it is reasonable to assume that Egypt, Jordan, and Syria will each separately continue to seek as much influence as possible in determining the course of the movement and in modifying or subordinating its objectives to their own purposes. This prospect does not appear bright for the Arabs. Indeed, far from becoming a major catalytic force for Arab unity, the Fedayeen seem successful only in embroiling the Arab states into a premature and catastrophic war. Its basic power is negative — a veto on political accommodation. The Fedayeen is a consequence of Arab disunity. Its emergence serves to crystalize this disunity and to paralyze Arab diplomacy. The effect has been a sharpening of the traditional Arab rivalry for allegiance of the Palestinian Arabs and the continued threat to a tenuous peace.

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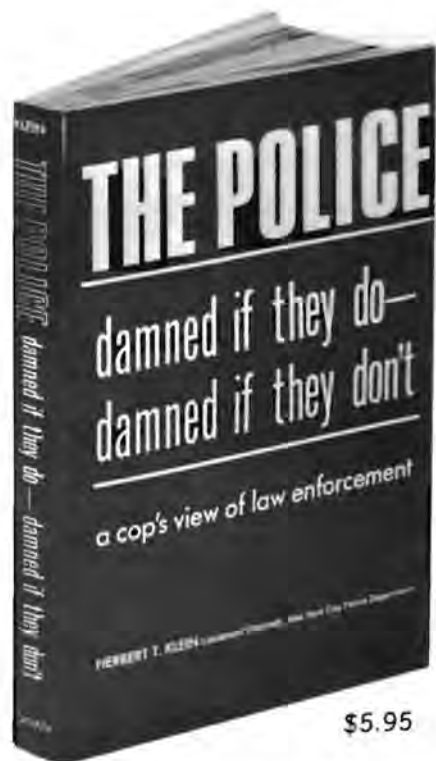


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INNOCENCE BY TECHNICALITY

By Herbert T. Klein

Of all the strange new attitudes which have been developing among our judiciary over the past few years, the strangest, and perhaps most dangerous, is the new approach taken by many of our courts in the matter of voluntary confessions of crime. At one time a confession was considered to be a legitimate piece of evidence which was of major help in the solution of a given crime. Today, however, confession has become the surest grounds for eventual appeal of a conviction. There may be no grounds whatsoever for questioning the guilt of the accused — in fact, in many cases guilt or innocence has ceased to be important. Legally, what has become important is the manner in which the criminal was apprehended, indicted and convicted. This concern with the treatment of criminals has come about because of recent U. S. Supreme Court rulings designed for the purpose of protecting the accused from brutality or coercion at the hands of the police.

In their desire to protect suspects from any form of coercion, the judiciary has not taken into account the obvious fact that a confession in itself was always meaningless if uncorroborated by sufficient evidence linking the confessor to the crime; but a confession often proved to be the vital first step in the uncovering of such evidence and the solution of the case.

Any good policeman knows the importance of questioning suspects, witnesses and complainants with some degree of privacy. When I was a young detective in East Harlem, there were no interrogation rooms adjoining the shabby office assigned to our detective squad. The shower room in the man's locker and the lavatory were quite private, but besides being required for their original purpose, they were hardly large enough for more than one person at a time. We had various ways of carrying out our "third degrees" — the always popular description of policemen questioning suspects. I have seen cops push criminals and, when provoked, even slap them. But I have never, in more than 25 years in the New York City Police Department, witnessed a brutal attack against a suspect during questioning.

However, the petty hoodlum always comes into the station house on such occasions with an air of expectancy. Even if he has been apprehended on other similar occasions, and knows what to expect, he always has a cocky air of "Go on, hit me, I can take it, you won't get anything out of me." Rather than disappoint the miscreant, especially where more than one suspect was available at a time, we used to put on a well-staged act. Following an unsuccessful first interrogation, a "tough-guy" detective would call the roughest-looking member of the group out of the room and stash him away somewhere. Then this detective, and perhaps one or two others — depending on who was around and interested (actually, only one man was needed for this) — would go into the locker room. On cue he would raise his voice from a rumble to a yell, curse, bang on the lockers, kick over a chair, crash a book against the table, and slap one hand against the other. The mechanical sound effects would be punctuated by shouting and muffled groans and what sounded like

pleas for mercy.

During this time, a "good-guy" detective would be talking quietly to the meekest member of the suspect group, remarking that he hoped the man taking this roughing-up would break down so that it would not have to "happen to you next." All this usually produced the desired result. Not only did we clear up many points in the investigation that would otherwise never have come to light, but we often found that the reticent suspects, now turned quite talkative, were knowledgeable as far as the crime was concerned, but actually were innocent; they had been following the "code of silence" expected of the hardened criminal. In most cases, the admissions and confessions led to the recovery of physical evidence, the arrest of the real perpetrator, and a better case to present in court.

Personally, I have never found it necessary to lay hands on a suspect in order to gain his cooperation. But, depending on the situation, I have respectfully suggested an answer — or two, or have tried to cajole the fellow, or have tried to trick him by telling him what his best friend told us, or by the method related above (the most fun for the young detective), or by threats. In police work unsolicited confessions are usually meaningless; for example, the police always have a variety of "confessions" made over the telephone or by callers who drop in to the station house, to confess to every crime.

The average criminal is just a petty hoodlum, usually cowardly as all bullies are, and rarely intelligent or clever. It is only in the movies and on TV that the criminals have such high IQ's and the police are so inept. In New York City, the police are quite smart enough to outwit the criminal element; it is the courts that cause the police so much anguish. More often than not, it seems, they free the prisoner and malign the cop.

Pleas to have convictions overturned on the grounds that the confessions were obtained under duress or trickery are common. (I am not referring now to pleas that are concerned with whether or not the defendant was informed "of his constitutional rights to remain silent and consult legal counsel"). The following news item appeared in the New York papers on March 21st: Federal Court Judge Walter R. Mansfield set aside a murder conviction and sentence passed in 1959 on the ground that a "coerced confession" was used against the defendant. The original verdict had been upheld by the New York Court of Appeals and was refused a review by the United States Supreme Court. Yet Judge Mansfield ordered that the defendant be given a new trial following a "habeas corpus" action.

Hailed as "a legal victory for defense counsel," nowhere is it even hinted that the defendant may not have been guilty. No, he may very well have committed the murder for which he was convicted — that is not the question raised — but an "over-zealous" detective may have kept the prisoner for questioning too long overnight. It is not probable that the judge ever had occasion to observe a roundup of fighting gangs from the streets of New York, following a battle wherein numerous youths were killed, maimed, or otherwise injured. And I do not suppose he was ever one of a small group of overworked and understaffed detectives trying to make head or tail out of a situation that took many months to come to a head in the type of brawl that resulted in the death of a 14 year old boy, as in this case.

The questioning of protagonists, victims, witnesses and arresting officers is slow, methodical, and time-consuming, if it is done correctly. The courts of initial jurisdiction in these cases do not sit all night, and very often the case has to be held over until court is reopened in the morning. In all homicide cases in the counties of New York City, the District Attorney's office is notified and an Assistant D.A., with a stenographer, is sent to take notes and a statement from the accused. In every case where this is done, and before the statement is taken, the Assistant D.A. informs the accused of his constitutional rights (his statement may consist of just his name and address; the stenographer reports the fact that the prisoner remained mute if that is the case.)

The whole gang involved in a particular crime may be apprehended one day while court is in session, but collecting evidence, talking to witnesses, questioning the suspects, and attempting to discover the perpetrator in a murder may take hours. If they are taken to court the day they are brought in, before the case is in any way put into some kind of condition for complete and proper presentation, we may lose our murderer, our witnesses, and be unable later to properly round up everyone again and collect evidence. But if the case is ready at 3 A.M. and everyone is held until court opens at 10 A.M. the following morning, then — years later — the case can be dismissed on the grounds that the holding of the perpetrator so many hours, when he could have been brought to court the previous afternoon, in itself constitutes trickery, duress or coercion.

Where there is a victor, there must be a loser. The ordering of a new trial on the above grounds may be a "victory for defense counsel," but for the law-abiding citizen it is a defeat. As for the policeman, who must continue to pursue, capture and interrogate enemies of the public peace, decisions such as this are devastating.

* * *

It is several years since the following events took place, but the circumstances of this case are similar to the one for which Judge Mansfield directed a new trial. At about 5 A.M. one Sunday morning I was awakened by a telephone call from the Borough Commander of the detective unit to which I was attached. At that time I was second in command of the Homicide Squad, and supervisor of the Youth Squad. My assistance was needed in the investigation of a homicide that had been discovered at about 1 A.M. and one of my men was on his way to my house to pick me up. Though suspects and witnesses had been rounded up and questioned at the local detective squad office, little progress had been made in the investigation. I was called in with the expectation that my personal knowledge of the area, plus the youth gang files that I had compiled, would materially assist in bringing this case to a conclusion, without resort to more lengthy investigative techniques.

Within a few minutes of the phone call I was dressed and ready for the car that came for me. On the way to the office, I had the chauffeuring detective brief me on what had transpired. The body of a young man had been found lying half in the gutter, half on the sidewalk, in front of a bar frequented solely by neighborhood men of Puerto Rican extraction. The first policeman called to the scene had promptly notified headquarters, and the ambulance physician who responded said

that the youth had died as the result of at least one stab wound in the chest.

We stopped at my office to pick up some of the files that contained information on the gangs that frequented that vicinity and then I had him stop at the scene where the body had been found. The detective who had been working on this case since its inception, described how the body had been lying when found. He told us that while there had been little blood in the street, the clothing of the deceased had been saturated with blood, and that the tile floor of the old bar had apparently been recently mopped.

The bartender and the few patrons found therein had been questioned briefly. At first they denied having any knowledge of the incident; then a few reluctant statements suggested that the victim had been observed staggering in the street and then falling in front of the parked car, as though he had been struck by a vehicle while crossing the street. At first no one would admit to even knowing the identity of the youth, then they had apparently appointed one of their group (with a fairly good command of English) to speak for them. In this way the identity of the deceased did not have to await the return of information from fingerprints routinely taken and processed. A relative was located, the victim was identified, and removed to the morgue for the autopsy that would follow.

When I arrived at the squad office where the investigation was being conducted, it was a few minutes before 6 A.M. The District Commander, Homicide Captain and Squad Lieutenant had all been occupied with the case for up to five hours. Possible witnesses, suspects, informants and detectives were crowded into the two small rooms. The Inspector in charge told me everything that had occurred up to that time, including complaints about lack of food and sleep. He felt that the language barrier was the main element inhibiting the progress of this investigation.

My files revealed the names of several youths known to hang out in the neighborhood, some of whom had already been rounded up. One of my Youth Squad detectives, a Puerto Rican, had been sitting on a bench with some of the possible witnesses, his identity unknown to them. One by one the waiting men were once again brought into the inner office. Some claimed they did not understand what we wanted of them, others just claimed they didn't know anything that would help us. When my planted detective was brought in, he told us that some of the conversation in Spanish that he had overheard definitely placed the killing inside the bar; that the deceased had come into the bar drunk, had been insulted by one of the other patrons, and was told by the bartender to leave.

He had returned shortly thereafter armed with a gun but before he had a chance to use it (if indeed it had been loaded and workable) one of the patrons had pulled a knife and stabbed him. The would-be assailant, now victim, had apparently bled to death right there on the barroom floor. Two or three of those present had picked him up, carried him outside, and draped him over the curbstone. Once the bartender had a chance to mop up, an anonymous call had been put in for the police.

This was a fairly complete story, but we still did not know the identity of the perpetrator. The time was now about 8 A.M. and coffee and buns were served to all those present. As a fresh crew of detectives came in for day duty, some of the night

men left for breakfast, others to attend Mass, and some to round up a few more people we had reason to believe had been present during the commission of the crime.

We resumed questioning, one suspect at a time.

As the second man was brought in for requestioning, I happened to glance at his feet. There was a big smear of some dark sticky substance over the instep of one of his shoes. Loudly and dramatically, I demanded he take his shoes off. Frightened by my tone, he handed me the smeared shoe. I held it at arm's length and, pointing to the sticky spot, said:

"You see that, that's blood, Raphael's blood! You killed him, then carried him outside, and all these hours you told us you didn't know him and weren't even in the bar!"

"No! No! I didn't kill him!" the youth cried out (suddenly his English was clear and fluent).

"You did," I countered, "and you're going to the electric chair for murder!"

"No, I just helped carry him outside, after José stabbed him," he blurted out.

Following this break, we were able to recover the knife that had been used and also the gun with which the deceased had threatened his tormentors. The bartender was again brought in, and convinced that we now knew the whole story, finally filled us in on all the details. With our picture complete, we brought in José, who had been one of the dozing (and well fed) men seated in the squad room since 2 A.M. He also had disclaimed any knowledge of the crime. It was now 10 A.M. The Assistant D.A. was called and came shortly thereafter with a stenographer. With the help of an interpreter, José made a full confession.

There is nothing in the record regarding the confession of the defendant ordered retried by Judge Mansfield which indicates any appreciable difference from the case I have related. Faced with a habeas corpus action, the judge could rule in this case also that, "The all-night incommunicado interrogation smacks of the type of overreaching and overzealousness that has been repeatedly condemned as constitutionally impermissible."

What appeal do the people have from such rulings? The Bill of Rights, spelling out as it does the constitutional privilege against compelled self-incrimination, was always taught as being designed to protect the innocent. Justice Harlan of The United States Supreme Court, voicing his recent opinion which had the effect of voiding the Wagering Tax Law, said, "The constitutional privilege . . . was *intended* to shield *the guilty* as well as the innocent."

Perhaps lawyers, professors and judges do not consider this recent interpretation of laws designed to protect society as strange, but as an experienced policeman I am inclined to view this new concept with apprehension. If the criminal can so easily escape responsibility for his anti-social behavior, and can do so within the framework of the law itself, then punishment, the most important deterrent to

crime, has been effectively removed.

At a time when the police have been singled out as the target for loudest abuse by the rabble rousers in our country, when it is becoming increasingly more difficult to recruit cops because of the abuse they have to take from unruly mobs, when it has become so obvious that no city can function without a well-organized, disciplined police force, is it not tragic that these very same policemen are undermined by the judiciary?

When Judge Mansfield ruled that the defendant's constitutional rights had been violated by all-night police interrogation after he had been picked up as a suspect, was this ruling not made after many hours of review and listening to the pleadings of defense counsel? Was he necessarily cruel or vindictive when he kept defense counsel and the defendant waiting? No, of course not. And the police are not necessarily coercing a suspect or maliciously keeping him awake all night when they try to conduct a thorough investigation.

I repeat: nowhere is the claim of innocence made by this defendant or his counsel. The defendant was indicted and convicted for the murder of a 14-year-old. The investigation was thorough, evidence and witnesses ample, and the murderer confessed his crime. His conviction has been set aside simply because the police investigating the crime kept him in the station house all night for questioning.

Rulings such as this one which undermine the police and coddle the criminal have become commonplace in our nation's courts. The departures of Chief Justice Earl Warren and Attorney General Ramsey Clark and the appointments to these positions of more reasonable men may indicate a change for the better. Recent statements by Attorney General Mitchell on the matter of confessions give us reason for optimism, as does the past record of Chief Justice Burger. Let us hope that these new attitudes will filter down quickly into the entire judicial system so that our courts can begin to act as a help rather than a hindrance to those entrusted with the vital task of law enforcement.

Mr. Klein served with the New York City Police Department for twenty-five years. He lectures and writes extensively on subjects relating to law enforcement and is the author of the book: *The Police: Damned If They Do – Damned if They Don't*. Mr. Klein is now at work putting the finishing touches on a new book.

RABBIS AS POLITICAL ACTIVISTS: AN INVESTIGATION

By Rabbi Arnold Pessin

It is commonly supposed that Jewish rabbis are among the most politically active of all clergymen and that the political positions they uphold can usually be categorized as liberal to radical. However, those more familiar with the rabbinate, those who are in a position to evaluate at close range the political opinions and activities of American rabbis have often questioned this popular position. They have held that a small but noisy clique of radical Jewish lay leaders and ultra-liberal rabbis has created the illusion that the Jewish clergy is solidly leftist in outlook. This group is adept at grabbing headlines but they speak neither for all Jews nor for all rabbis. They grind out an endless stream of press releases but in these public statements they represent only their own peculiar positions. This article contains some of the results of a comprehensive statistical study recently undertaken by this writer to determine which of these two views is correct. Are rabbis liberal to radical in their views or do they hold to more conservative positions? Do they participate in demonstrations (sit-ins, marches, etc.) or do they refrain from such activity?

The portion of this study contained in the present article concerns two issues of vital importance to our nation: the Vietnam war and the civil rights revolution. We seek to determine where rabbis stand on these questions and whether they engage in activities aimed at implementing their views. These questions are evaluated on a comparative basis among the three divisions of Judaism: *Orthodox* (fundamentalist-traditionalist), *Conservative* (middle of the road between traditionalist and modernist) and *Reform* (theologically liberal, "progressive," modernist).

We sought to determine:

1. Whether Reform rabbis participate in politics more than Orthodox rabbis. Do Reform rabbis use different methods of participation than Orthodox rabbis? Where do Conservative rabbis stand on these questions in relation to Reform and Orthodox rabbis? And,

2. Whether the political opinions expressed by synagogue rabbis correlate with those expressed by their respective rabbinical organizations. Such a comparison will enable us to ascertain whether the executive committees of the rabbinical organizations speak for their membership or decide policy irrespective of membership views. Thus this study attempts to discover if the majority of Reform rabbis agree with the political opinions expressed by the Central Conference of American Rabbis: if a majority of Conservative rabbis agree with the political opinions expressed by the Rabbinical Assembly of America: and whether those Orthodox rabbis who belong to the Rabbinical Council of America, the Rabbinical Alliance of America, and the Agudath Harabonim share the political opinions expressed by their respective organizations.

Because of the necessity to limit the scope of an in-depth study such as this one, our area of inquiry was restricted to the political views and activities of New York City rabbis. And, while one might expect such a sampling to be weighted in favor of the liberals — New York being the most liberal of cities and containing the most liberal clergymen — there is still great value to this investigation, which is the first of its kind ever attempted. If we allow for the views of these rabbis being, to some degree, more liberal than those of rabbis outside of New York, we may be able to arrive at some estimate as to where the average American rabbi stands politically.

We begin this investigation by examining several major hypotheses held by various social scientists. One of these is that those rabbis who are involved in politics would have liberal views about political issues if they reflect the attitudes of their congregants. This follows from Lawrence Fuchs's thesis that most Jews are liberals.¹ Fuchs says that this is the case because: 1. The concept of charity and social justice, *Zadekeh*, is valued by most Jews. This concept, for example, would promote Jewish support of the Negro cause. 2. Jewish reverence for learning has also played a role in making Jews political liberals. Jews vote for intellectuals and most intellectuals are liberals. In addition, Jewish reverence for learning makes Jews defenders of intellectual freedom. 3. Jews feel insecure even when they are well-to-do and powerful. They are therefore able to empathize with others who are discriminated against. 4. Liberal Jewish theology also leads to liberalism among Jews. Implicit in Judaism "is the notion that man's environment and his polity are made for him. Implicit is a dynamic view of law, that it is changing and made for man . . . And especially implicit in such a style is the belief that what happens in this life on earth is very important, what happens here and now matters very much."²

Glazer and Moynihan, however, claim that Jews are not really liberals.³ According to their thesis, the hypothesis would be that rabbis would not be liberals if they reflect the attitudes of their congregants. These authors say that Jewish liberalism is really fear of anti-Semitism. Many Jews still think in European political terms. In Europe, reactionary elements were anti-Semitic. These Jews fear conservatism because they fear that it will bring anti-Semitism. Jewish groups which support CORE and NAACP do so because they reckon that such support also fights anti-Semites. And since fear of anti-Semitism is the only sustaining force of Jewish liberalism, the Jews will become more conservative as that fear subsides.

The Glazer and Moynihan thesis leads us to the conclusion that American synagogue rabbis are not generally activists for Negro civil rights. Rabbi Arthur Hertzberg arrives at the same conclusion but for a different reason.⁴ "Like their congregants, the rabbis are worried about intermarriage. They, too, have the feeling that a totally open Jewish community that is primarily involved in larger social issues is one that might vanish as a separate entity."⁵

Another major hypothesis is that there are differences in the political participation of Reform, Orthodox, and Conservative rabbis. These differences arise because of conflicting perceptions of a rabbi's role and dissimilarities in seminary education.

The rabbi's traditional role was that of a "scholar-saint." This meant that the

rabbi's authority was based both on an intimate knowledge of Jewish law and on the fact that he lived a life that commanded respect and inspired emulation. However, "partly motivated by a desire to adjust Jewish tradition to the new science and humanism and partly spurred on by the wish to be accepted as social equals by other members of society," many in the Jewish community challenged the rabbinic structure. To them the "traditional Jewish values, law, custom, ritual, and conduct became embarrassing, irritating, parochial, and irrational." The scholar-saint who personified tradition became the object of criticism. "As a result, the scholar-saint, the key figure in rabbinism, began to lose his prestige, his influence, and his traditional functions in the Jewish community. It was thus that the rabbi came to face the problem of loss of authority."⁶

The Reform movement dealt with this issue of loss of authority by "Protestantizing" rabbinic functions. Rabbis took on preaching, confirmations, marriages, burials, pastoral work, and certain types of community work. These functions were never part of the scholar-saint role. Consequently, the Reform rabbi, in contrast to the scholar-saint, has had a limited Jewish education and an extensive secular education; it is not unusual for him to hold a graduate degree. Reform rabbis see themselves as social reformers involved in issues of good government, international problems, the condition of schools in the community, race relations, labor relations, and crime and delinquency. Orthodox rabbis, on the other hand, see themselves as traditional religious leaders. They also separate themselves, more than Reform rabbis, from the non-Jewish population.

The position of Conservative rabbis is ambiguous because Conservative Judaism has no defined ideology. It is this writer's observation that many conservative rabbis are Orthodox trained; they are Orthodox seminary graduates who have accepted Conservative synagogue pulpits. These "Conservative" rabbis, it is hypothesized, would have a political position close to that of Orthodox rabbis while Conservative rabbis who were trained by the Conservative seminary would have a position closer to that of Reform rabbis. Let us now test these hypotheses against the results of our study.

THE POSITIONS OF THE RABBINICAL ORGANIZATIONS

The War in Vietnam

The war in Vietnam has split the Jewish community just as it has the non-Jews of America. The Union of Orthodox Jewish Congregations of America has endorsed the American war effort. The endorsement was given by 2,000 delegates at the organization's biennial convention in November, 1966. Mr. Feuerstein, the president of the Union, said at that time: "The spread of Communism, we have found to our sorrow, has usually been accompanied by the suppression of Jewish religious and cultural life." The delegates declared that the "leaders of the American government have recognized that any hope for peace by negotiation in Vietnam rests on the manifestation of the ability of the Free World to contain aggression."

The Central Conference of American Rabbis (Reform) and the Union of American Hebrew Congregations (Reform) oppose the war. Delegates at the 1967 convention of the Union of American Hebrew Congregations voted in favor of a

resolution criticizing American policy. The resolution stated that "we believe that a halt in the bombing of North Vietnam will bring the United States closer to peace," and the United States government should "announce its support for the free entry into the South Vietnamese political sphere of all political parties in South Vietnam, including the National Liberation Front."

Rabbi Maurice Eisendrath, leader of the Reform rabbis, prodded the convention into passing a resolution recognizing the right of the individual to violate the draft law in recognition of a higher moral law. This resolution was milder than the first one introduced by Rabbi Eisendrath which called for a new law to allow for a system of selective conscientious objection. This would enable a prospective draftee to claim exemption because of religious or moral objections to a particular war.

The Rabbi linked the war in Vietnam with urban blight and the alienation of America's youth. He stated: "Surely, it is a perverted sense of values in America which gives priority to the military needs in Vietnam rather than to the hunger and desperation of our own people in our cities." He added that "There is an epitaph which will haunt us long after we escape from the mire in Vietnam: Here lies the American city, doomed to decay and despair, a tinderbox for violence and insurrection."

Rabbi Eisendrath's position on Vietnam was the main cause of a split in the Reform movement. Temple Emanu-El of New York City, the largest and most influential Reform Jewish congregation in America, withdrew from the Union of American Hebrew Congregations in May, 1967. Mr. Bachrach, president of Temple Emanu-El, cited a succession of public statements by Rabbi Eisendrath on Vietnam as the main cause of the rupture. Mr. Bachrach specifically mentioned an open letter to President Johnson which the Rabbi wrote and published in a Reform quarterly. He charged that the Rabbi had assumed the role of spokesman for the entire Reform movement on social and political issues: "Such a position is unauthorized and impossible. There is no such thing as a spokesman for Reform Judaism on social and political issues."

Rabbi Pesach Levovitz, president of the Synagogue Council (which represents all three wings of Judaism), criticized Rabbi Eisendrath's leftish Vietnam views. Rabbi Levovitz, who is Orthodox, defended the war effort and said: "We have every confidence in the President's assertion that the American economy is strong enough to cope with any commitments abroad as well as on the home front."

A poll of the delegates at the United Synagogue (Conservative) convention showed that 62 per cent opposed the American policy in Vietnam and 73 per cent favored phased withdrawal, but 84 per cent rejected the suggestion that the United States immediately and unilaterally withdraw. The convention passed a resolution favoring gradual phased withdrawal, UN intervention, and opposition to military escalation.

Civil Rights

The three major Jewish lay organizations have been active for some time in the civil rights movement. The Anti-Defamation League, the American Jewish Congress

and the American Jewish Committee are all liberal in outlook and they have all provided legal aid for civil rights workers involved in court actions, financial assistance, and volunteer workers for various projects. In this they have acted much like liberal Protestant groups which share a similar outlook on domestic social questions.

To a lesser extent the Reform and Conservative branches of Judaism, through their official rabbinical organizations, have also been involved in this area. Delegates to their conventions have passed various strong resolutions supporting particular aspects of the civil rights struggle and urging all Jews to involve themselves in this movement.

To a still lesser extent, official Orthodox groups have taken sympathetic positions. However, it should be noted that those Orthodox organizations which have become even minimally involved represent the more moderate Orthodox Jews, while the most traditionalist Orthodox organizations have never taken any public position on any question relating to the civil rights movement. This is consistent with our hypothesis that many Orthodox rabbis see themselves exclusively as religious leaders, and have no desire to take on the role of social worker and involve themselves in areas not traditionally defined to be within the realm of "issues of faith."

THE SAMPLE SURVEY

In all, sixty-two rabbis were questioned in detail regarding their views and activities in connection with the issues of Vietnam and civil rights. Fourteen of these rabbis were of the Reform persuasion, twenty-five were Conservative and twenty-three Orthodox. The following is a condensed report on their general attitudes towards the two issues in question.

Reform and Conservative rabbis opposed the Vietnamese involvement while Orthodox rabbis supported the war effort. This is in accord with the views of their respective rabbinical organizations. However, both rabbinical support and opposition to the war was weak and unenthusiastic. This is also evident from the fact that *not one Orthodox or Conservative rabbi actively supported or opposed the war*. The rabbis expressed confusion over the Vietnam issue when they were interviewed and this accounts for the low level of involvement. The following opinions were expressed by rabbis of all three persuasions:

"I disapprove of the Administration policy but not actively because I do not know enough about what's going on — it's a complex issue."

"I am undecided and perplexed. The situation is not black and white."

"It's confusing. A United States withdrawal will mean a Red takeover of Vietnam and Southeast Asia. But would such a distant development pose any real threat to our country?"

"I am only moderately for the war because I am not a

political analyst nor can I really judge the situation."

The respective rabbinical organizations of Reform and Conservative rabbis expressed strong opposition to U. S. Vietnam policies while Orthodox rabbinical organizations strongly and outspokenly supported the war effort. The rabbis interviewed, however, expressed less certainty and therefore only mild support or opposition.

Among those who were more outspoken were some Orthodox rabbis who said that Vietnam is a religious issue. They endorsed the war as a necessary struggle against Communism, an atheistic movement which threatens all religions.

Civil Rights

Reform rabbis were most active in civil rights issues followed by Conservative and Orthodox rabbis respectively. This is in agreement with our hypothesis that Orthodox rabbis would be uninvolved in issues affecting non-Jews. In fact, *16 out of 22 Orthodox respondents, or 73 per cent, said that they were totally uninvolved in civil rights*, and only one was very actively involved.

The rabbis regarded the Police Review Board issue as a civil rights issue. Here again, Reform rabbis were most involved, followed by Conservative and Orthodox rabbis respectively.

It is interesting to note that only one Orthodox rabbi was very actively involved for civil rights, and only one was very active *against* the establishment of a Police Review Board. All other Orthodox rabbis were either moderately involved or relatively uninvolved in civil rights because:

1. They are too involved with religious issues and support of the persecuted Jews of Russia to become involved in civil rights. There is not sufficient energy and time to be involved in all issues. Consequently, Orthodox rabbis devote themselves to the issues which they regard as the most important ones, and those are the issues affecting the Jewish religion and overseas Jewry.

2. Orthodox Jews must live near their religious institutions because they cannot travel on the Sabbath and holidays. Integration destroys Jewish neighborhoods because the Jews leave. The consequences of integration are costly for Orthodox Jews because their substantial religious institutions are abandoned when they leave their neighborhood. There is no need to maintain these institutions if Orthodox Jews cannot visit them on the Sabbath and holidays. Orthodox rabbis are not active for civil rights in part because of the costly consequences to Orthodoxy.

Conservative rabbis, surprisingly, do not show much enthusiasm for civil rights activity either. *Only one* Conservative rabbi was very active for civil rights and *only one* Conservative rabbi was active for the establishment of the Review Board. None of the others had engaged in any active participation in the civil rights movement.

Sit-Ins

Responses of rabbis of all three persuasions reveal that rabbis do not participate in sit-ins. Conservative and Orthodox rabbis have *zero participation* while *one* Reform rabbi participated *only once* in a sit-in.

It is obvious that there must be a reason why the rabbis of all three persuasions refrain from sit-ins. Follow-up interviews provided the explanation. Rabbis expressed the view that unlawful activities are not befitting the dignity and role of the rabbinate. Sit-ins and civil disobedience are unlawful activities and are, therefore, avoided.

National news reports bear these findings out. Except for one incident some years ago in which half a dozen Reform rabbis jumped into a segregated Florida swimming pool at the behest of Martin Luther King, there has been virtually no rabbinical participation in sit-ins of any kind.

CONCLUSIONS

The results of this study which we have outlined briefly in this article support several of the hypotheses with which we began. We found that the more liberal the rabbi theologically, the more liberal he is politically. Reform rabbis were found to be more active in the civil rights movement than Conservative rabbis who were in turn more active than their Orthodox colleagues. The same can be said of the Vietnam issue. The Reform rabbis were "anti-Vietnam" in a slightly greater degree than their Conservative counterparts who also opposed the war. The Orthodox, however, proved to be as fundamentalist in their patriotism as in their religion; they supported the war effort.

However, certain of the hypotheses which we discussed at the outset were not borne out. And herein lie the most interesting revelations of this study. For while Reform rabbis were more involved in civil rights than Conservative or Orthodox rabbis, the surprising thing is that only one of those questioned had ever taken part in a sit-in. It is interesting to note that the other Reform rabbis, enthusiastic though they were regarding the civil rights cause, abstained from such activities on the grounds that they are "unlawful." Jewish tradition with its tremendous respect for law doubtless influenced them to avoid such conduct.

At the same time, while Conservative rabbis were second to the Reform in their positive view of the civil rights movement, they were, on the whole, quite unenthusiastic on the entire issue; only one Conservative rabbi said that he was very actively involved in "the movement." This finding is certainly at variance with popular misconceptions regarding "activist" rabbis in the civil rights movement. Added to all this is, as we have pointed out, the all but total lack of Orthodox rabbinical involvement in civil rights.

Our inquiries regarding the Vietnam question yielded some similarly interesting information. The rabbis do take positions on the war (Reform and Conservative, "con"; Orthodox "pro"). However, their views are usually quite mild. Typically, they delivered their opinions without passion and with an air of general uncertainty

regarding the many complexities of the question. The only very definite reactions were those of the Orthodox rabbis who view the war as a just struggle against the Communist menace.

Here again, our findings do not bear out the generally held view that rabbis are especially outspoken on Vietnam. If anything, they are quite reticent — and this in New York, America's most liberal city!

On both these issues — civil rights and the war — the rabbis questioned exhibited much less enthusiasm than their respective rabbinical organizations. The official Reform and Conservative groups have both taken strong positions against the war and for the civil rights movement — positions which the average rabbi seems to reflect only in the faintest degree. The Orthodox groups have taken equally vociferous postures in favor of the war while the rabbis themselves are only mildly enthusiastic on this issue.

These findings lead us to two major conclusions:

It is clear that the handful of leaders who make policy for the official rabbinical organizations do not accurately reflect the opinions of the rabbis belonging to their groups. Or perhaps we ought to say that they take the mild views of their rabbis and inflate them into such outsized and distorted dogmatic pronouncements that they no longer bear any true resemblance to what the individual rabbis think.

Our second conclusion is that while the average rabbi may hold views on both sides of these two issues, he does not typically involve himself deeply in the political activities which his views may imply. With the probable exception of some Reform rabbis who view themselves as "champions of liberty" and upholders of everyone's rights, the average rabbi is too concerned with congregational duties — preaching, teaching, counseling — to devote a great deal of his time to secular causes.

In an age of much politics and little spirituality these findings are, to say the least, most heartening.

Rabbi Pessin holds an M.A. degree in Political Science from New York University. He has made an intensive study of changing patterns of political life within the American Jewish community.

FOOTNOTES

¹ Lawrence H. Fuchs, *The Political Behavior of American Jews* (Glencoe, Illinois: The Free Press, 1956) pp. 175-191.

² *Ibid.*, p. 191.

³ Nathan Glazer and Daniel Patrick Moynihan, *Beyond the Melting Pot* (Cambridge, Mass.: The M.I.T. and Harvard University Press, 1963), pp. 176-179.

⁴ Arthur Hertzberg, "The Changing American Rabbinate," *Midstream*, XII (January, 1966), pp. 18-19.

⁵ *Ibid.*, p. 28.

⁶ Jerome E. Carlin and Saul H. Mendlovitz, "The American Rabbi," *The Jews*, ed. Marshall Sklare (Glencoe, Ill.: The Free Press, 1958), p. 381.

REFORMING THE ELECTORAL COLLEGE

By Jack Ross

The early morning hours of November 9, 1968 found millions of Americans sitting nervously before their television sets awaiting the news as to whether they had, on the previous day, elected a new President. Certainly, they thought they had done so when they joined their fellow citizens at the polls some hours earlier. But, here it was 3 o'clock in the morning — and no President. Those who in such moments of crisis look to the fatherly figure of Walter Cronkite for comfort and guidance were to be disappointed. This morning, the poker-faced guru had no words of cheer for his devoted followers. As the hours rolled by (still no President) Walter's countenance grew ever more grave as he intoned over and over, with the solemnity and regularity of Big Ben, the dire news that we were all about to plunge headlong into the dread abyss of "a full-scale constitutional crisis." After the twentieth sombre pronouncement of this warning (the repetition of which was interrupted only by heartening periodic announcements that, come what may, crisis or no crisis, Cheer still washes your clothes a whiter white!) the viewing public was beginning to realize that something must be done to avoid such crises in the future — that is, if we managed to survive this one.

Now, conservatives might suspect that the crisis was a good deal more intense and certainly more drawn out on CBS than on, say, ABC, due primarily to Walter's reluctance to admit that the impossible had indeed occurred — that the unspeakable "N" had actually been elected. But, while this might account for the fact that the critical period at CBS lasted a good three hours longer than it did anywhere else in the country, it cannot be claimed that the whole thing was a product of Walter's admittedly lively imagination. There were indeed a few moments, at least, of real danger that our next President would have to be elected by the House of Representatives.

The fear of this possibility manifested itself immediately in a national outcry for electoral reform, and while the cry has now faded to a mutter, there can be little doubt that most Americans still agree that some sort of reform is needed of the Electoral College system we use to elect our Presidents. The defect which concerns most people is the procedure which forces the election into the House of Representatives when none of the candidates gets a majority of the electoral votes. This process is so vague and uncertain as spelled out in the present law that many people fear that the choice of a President might take months of haggling and wheeling and dealing among members of the House, causing a serious national crisis.

While no such crisis has ever occurred, the feeling is that with the participation of more third-party presidential candidates, the chances of its occurring have greatly increased. What is needed, contend the advocates of reform, is a preventive measure to make such a future national crisis impossible.

Another less publicized but equally important reason for reform is that the Electoral College system was devised some years before the development of our political party system. With the emergence of political parties, the Electoral College became a tool of politicians concerned with swinging a large controlled bloc of votes behind a particular candidate. This development took place because the Constitution had left up to each of the state legislatures the method for choosing electors. Political parties in control gradually instituted the general ticket system, forcing every electoral vote in the state to go one way or the other. This resulted in the "winner-take-all" system, which is the major defect in the present electoral system. It therefore stands to reason that in proposing electoral college reform, this major defect should also be corrected.

At this time, three sorts of reform are being advocated. The first, the direct popular election approach, does away with the Electoral College system entirely. In other words, it throws out the baby with the bath water. It is being proposed by those who would weaken our Federal system, wipe out the existence of our fifty states, and simply nationalize Presidential elections. This proposal clearly violates the letter and spirit of our Constitution which was devised specifically to prevent the larger, more urban, states from obliterating the smaller, more rural, states. It was this compromise which made our Federal union possible, a compromise which permitted smaller states to have a larger voice than their numbers would have permitted under an exclusively popular representation system.

The United States is a very large nation with significant regional differences. The purpose of our governmental structure was to make it possible for such diverse regions to unite under one Federal system, without having one region impose its will arbitrarily on another. The Electoral College system, with its imperfections, gave the smaller states a proportionately larger voice in the election of a President. Without this spirit of concession and compromise between small and large, there would have never been a United States. And so, any reform proposal which seeks to do away with this important consideration is no improvement on the present system at all and would be, in fact, worse than what we now have.

Also, the direct election approach would perpetuate the defects of the system brought about by our political parties. It would make it possible for a few large cities, controlled by corrupt political machines, to have a disproportionate weight in the choice of a President. In addition, should no candidate receive a 40 per cent plurality, a runoff election would be necessary, possibly delaying for months the selection of a President.

The second proposal for reform, the proportional plan, retains the Electoral College, but provides for a division of the electoral votes in each state between presidential candidates, according to the percentage of the popular vote cast in the state for each candidate. If no candidate obtained the necessary 40 per cent margin to win, then the Senate and House would meet in joint session of Congress to choose a President from the two candidates who received the largest number of electoral votes.

This plan would be undesirable because, like the direct vote plan, it poses a threat to our traditional two-party system of government. By recognizing the votes cast for all minor parties, it would be impossible for any candidate to receive a majority or even a 40 per cent plurality. This would only sow the seeds of multi-party government with all the drawbacks so familiar to the European system.

The third proposal, the district plan, put forth by Sen. Karl Mundt of South Dakota, probably offers the best reform for two reasons. It maintains the integrity of our Federal system by retaining the Electoral College and improving on it, and it corrects the defects in the system brought about by our political parties.

Under the Mundt plan, each state, as now, would be entitled to a certain number of electoral votes depending on how many congressmen the state is allotted, *plus* two electoral votes for its two senators. The state, however, would be divided into districts comparable to congressional districts. The presidential ticket receiving the most popular votes in each district would receive one vote and the ticket receiving the most popular votes state wide would receive the two statewide electoral votes. Thus each voter in the United States would, in effect, have the same voting power and the right to vote for three electors — no more, no less — regardless of where a voter may live. The two state electors would be bound by law to cast their votes for the state's winning presidential ticket while the district electors would vote for the choice of the voters in their district.

In the last election, the possibility of a deadlock in the Electoral College received most of the publicity and few people realized how close we came to having a minority President selected by the machines of big-city politics. The shift of a few thousand votes in three states — California, Illinois and New Jersey — would have changed the outcome in the Electoral College without significantly altering the popular vote decision.

Under the district plan it would no longer be possible to transfer large blocs of elector votes to one candidate or another simply on the basis of the statewide outcome. Each district elector vote would be a separate entity. No longer would the voter of a suburban district see his vote become the unwilling captive of the core city, nor, conversely, would a city dweller find his vote cast with a slim majority that may represent a more rural interest.

Also, while the district plan maintains the integrity of our Federal system in the election itself, it does not give undue power to the small states should the election be thrown into Congress. In fact, in such circumstances, under the district plan, proportionate weight is returned to the larger states. Instead of voting by state (one state, one vote) in the House of Representatives as under the present system, the election is by both the House and Senate, in Joint Session, with each member voting individually. This recognizes the valid argument of the bigger states that they should have more say in determining the outcome should the elector vote be indecisive.

Although the Mundt proposal would also eliminate the exercise of private judgement by members of the Electoral College, a device favored by the Founding Fathers to prevent the election of a demagogue or otherwise popular but unsuitable candidate, it does not in this manner alter constitutional practice, since Electors have never blocked the election of a politically unsuitable candidate. No would-be dictator has ever presented himself. Moreover, the success of the protective device was predicated on an Electoral College with a well-educated and politically astute membership who would be able to perceive nuances not observable to the popular electorate; but the quality of Electors in recent times, when appointments to the College are based more on patronage than political wisdom, has not been as high as would have been demanded if the implementation of this particular provision of the Constitution had ever been called for.

Thus, while eliminating a vestigial device whose passing will not be mourned or missed by many, the Mundt plan satisfies current needs and provides a viable procedure for dealing with most conceivable crises in the future.

Clearly, the District Plan is the fairest and best conceived of the three reform plans put forth. It does away with the winner-take-all system in the election, and provides for a fairer vote in Congress should the election wind up there. It is to be hoped that this plan will receive the full attention of the Congress before the people lose interest in the subject long enough for us to be faced with another electoral crisis in 1972. The nation might survive such an event, but Walter Cronkite might not.

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THE MUSIC OF THE SPHERES: AND EDITORIAL

The past is but the beginning of a beginning, and all that is and has been is but the twilight of the dawn . . . A day will come when beings who are now latent in our thoughts and hidden in our loins shall stand upon this earth as one stands upon a footstool, and shall laugh and reach out their hands amid the stars.

H. G. Wells

On July 20, 1969 — a date so recent as to seem prosaic, yet one which will be graven on the minds of men till generations cease — mankind paused and turned as one from the petty pursuits of life to watch spellbound as two of its number alighted from a man-made vehicle and set foot upon a new world. And as we saw them walking on the surface of that distant moon, we recognized that the frontiers of our old earthbound reality had, in one mighty human thrust, been extended far beyond the limits our minds had been conditioned to comprehend. What thoughts passed through our heads as we sat before our television sets were necessarily jumbled and uncertain. We were not ready for this. Ten years of space exploration had somehow not prepared us for this moment when man took that one small step and we found ourselves standing beneath the portico of the Temple of Immensity, before the doorway to the heavens.

The fact that we were overcome with awe and wonder at that great event, that we were not quite able to deal with the enormity of what we had accomplished, was for many of us a comfort and a reassurance that, though it slumber in him, man's faculty of reverence has not died, that man's inner ear has not gone deaf and that above the noise of the world's din and bustle, man can still hear the music of the spheres his fathers knew so well.

It was to be hoped that all men would bend their efforts toward maintaining that mood of reverence and exaltation which swept over our world and joined all its citizens in bonds of common emotion. But, even before the last echoes of that celestial music faded from our minds, another chorus was raised in jarring discord to the first. The voices that make up this chorus are as well known to us as is the dismal song they sing.

Who are they? They call themselves "liberals" — but they are not. For what man of true liberality of spirit could fail to be moved by this, man's most epic journey? They call themselves "humanitarians" — but they are not. For they define man as "a fortuitous concourse of atoms" and deny precisely those spiritual powers which characterize man's soul, that element which makes him most truly human.

Who are they? They are the materialistic naysayers of our modern age. For them, the glory of man's spirit realizing itself among the stars is but a pointless diversion from the "really important tasks" here on earth. "How can we send men to the moon," they cry, "while men in earth still dwell in sub-standard housing? How do we dare spend money on a space program while there are still people here to be fed and clothed?"

But, however genuine their moral outrage may be, it is single-visioned and based on a truncated definition of man. Disbelieving in the spiritual aspects of human nature, they reject those undertakings which have immediate appeal only to the human spirit. One can hardly speak of exalting the soul when one does not believe in the soul's existence. No, for them man is something quite different — and quite dull. Feed him, clothe him, house him — and you have satisfied his needs. The spiritual "lift" mankind received from the moon journey will forever be beyond the comprehension of those who have allowed their spiritual capacities to shrivel and cannot imagine that they are still robust in others' breasts.

No one can argue with these people's concern for the physical comfort of man; surely these bodily needs must be provided for. But those who would make the full provision of such needs for all men the *pre-condition* for more ambitious projects such as the exploration of space, must be considered to be reactionaries in the deadliest sense of the term. They would rob man of the opportunity of re-discovering himself as an explorer and a searcher into the vast reaches beyond the known and familiar. Such people are the true enemies of human potential. They would reduce the once great edifice of religion to the pitiful rubble of "social action" programs; they would transform Morality from Revealed Law into "helpful hints for a happy life"; they would totally discard patriotism, that enlightened love of country so ennobling to man. They would do all this and, if we allow them, they will impose their guilt and doubt and pettiness upon us once again. The stars will wait in vain for man as he turns his eyes from the infinite heavens to concern himself exclusively with the oppressive earthbound cares which, for these people, are "higher priorities."

But, we must not permit this to happen. Man's soul must be satisfied as well as his stomach. And the exploration of space can speak to man's soul as only such a transcendent undertaking can. For, in reaching out to new worlds among the stars, we will be reaching inward on a journey of momentous discovery of new worlds of possibility within ourselves. How far that journey will take us, we cannot guess, for it is a journey of the human spirit which is as infinite as the boundless universe upon whose doorstep we now stand.

O Heaven, wither? Sense knows not; Faith knows not; only
that it is through Mystery to Mystery, from God to God.

Thomas Carlyle



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THE CHALLENGE TO CULTURAL CONTINUITY

By Allan C. Brownfeld

One of the serious challenges posed by the New Left and by student activists around the country is a challenge to the very idea of the university and, more important, to the validity of cultural continuity.

More and more, student rebels see the university not as the repository of wisdom and the transmitter of culture, but simply as a defender of the status quo and as the place where its various elites are trained.

In an essay entitled "A Student Syndicalist Movement — University Reform Revisited," Carl Davidson, a former vice-president of Students for a Democratic Society, explained why university reform is a matter of concern that transcends the campus: "We have named the system in this country corporate liberalism and if we bother to look, its penetration into the campus community is awesome. Its elite is trained in our colleges of business administration. Its defenders are trained in our law schools. Its apologists can be found in the political science departments. The colleges of social science produce its manipulators. For propagandists, it relies on the schools of journalism. It insures its own future growth in the colleges of education.

If some of us don't quite fit in, we are brainwashed in the division of counseling. And we all know only too well what goes on in the classrooms of the military science buildings . . . It is on our assembly lines in the universities that the leaders of U. S. society are molded into what they are."

Davidson concludes by asking: "What would happen to a manipulative society if its means of creating manipulable people were done away with?"

For many in the New Left campus reform has as its long-range goal not simply the creation of a politically involved college community but the total alteration of the social, economic, and political structure of society. The Port Huron Statement, adopted by the Students for a Democratic Society in 1962, says this about the modern American university: ". . . the cumbersome academic bureaucracy extending throughout the academic as well as extra-curricular structures, contributing to the sense of outer complexity and inner powerlessness that transforms so many students from honest searching to ratification of convention and worse, to a numbness to present and future catastrophes. The size and financing systems of the university enhance the permanent trusteeship of the administrative bureaucracy, their power leading to a shift to the value standards of business and administrative mentality within the university . . . A new left must start controversy across the land if national policies and national apathy are to be reversed. The ideal university is a community of controversy, within itself and in its effects on communities beyond . . . To turn these possibilities into realities will involve national efforts at university reform by an alliance of students and faculty."

What must be done, the S.D.S. statement points out, is that such students and faculty members "must wrest control of the educational process from the administrative bureaucracy. . . . They must consciously build a base for their assault upon the loci of power."

Too often, in reacting to the criticism of the New Left, we overlook the fact that there are many legitimate grievances with regard to the university and the educational process. Irving Kristol, writing in *Fortune Magazine* for May, 1968, noted that "... in the overwhelming majority of universities liberal education is extinct." In a volume entitled *The Academic Revolution*, Christopher Jencks and David Riesman point out that this revolution began at the end of World War II, when the demand for higher education began to grow with explosive speed. The complexity of the mass technological society required many more university trained specialists. As a result a diploma became an almost indispensable document. The role of the academician rose in prestige, leading to a change in the nature of the university.

Harper's Magazine editor John Fischer has remarked about the nature of this change: "... the professoriat soon began to reshape the university to serve its own desires rather than those of the students or their parents. For one thing teachers today are doing less and less teaching. Jencks and Riesman note that 'until World War II even senior scholars at leading universities did a good deal of what they defined as scut work: teaching small groups of lower level students, reading papers and examinations and the like. . . . Today, however, few well known scholars teach more than six hours a week, and in leading universities many bargain for less. . . . the routine problems of mass higher education have therefore fallen by default to graduate students.' . . . Research, of course is what he had better be committed to, for that alone pays off in money and reputation. It doesn't have to be significant research. Much of it, at least in the social sciences and humanities, tends to resemble finger exercises for the piano. It is not concerned with answering real questions or solving real problems."

What many students are disturbed about, therefore, is the fact that their own education has suffered. No longer are students considered the most vital part of a university. Mr. Fischer places much of the student restlessness in this perspective: "I believe it is the beginning of a counter-revolution by students — liberal arts undergraduates in particular — against a quiet, almost unremarked revolution which has changed the whole structure of American higher education within the last two or three decades. The main beneficiaries of that revolution were the faculty. The victims were the liberal arts undergraduates. Only recently have these students begun to understand how they are victimized — and their protest is likely to swell until at least some of the results of the earlier revolution are reversed."

The attack upon the university as it is, in fact, is an attack upon modern, liberal, progressive education. It is a criticism of education which trains in skills but does not teach values, against education which conditions students to adapt to their environment in those directions in which change would be desirable. Modern education does not seek to make the individual a thinking person, but seeks too often to condition him to the generally accepted view of "the common good."

In *The Abolition of Man*, C. S. Lewis described this kind of educational process: "... the difference between the old and the new education will be an important one. Where the old initiated, the new merely 'conditions.' The old dealt with its pupils as grown birds deal with young birds when they teach them to fly: the new deals with them more as the poultry-keeper deals with young birds — making them thus or thus for purposes of which the birds know nothing. In a word, the old was a kind of propagation — men transmitting manhood to men: the new is merely propaganda."

Unfortunately, much of our educational system has been turning out men capable of running the technical machinery of civilization but ignorant of the principles upon which that civilization rests. In this instance, civilization cannot long endure. In *The Revolt of The Masses*, José Ortega y Gasset points out that "Civilisation is not 'just there,' it is not self-supporting. It is artificial and requires the artist or the artisan. If you want to make use of the advantages of civilisation, but are not prepared to concern yourself with the upholding of civilisation — you are done . . . Just a slip, and when you look around everything has vanished into air. The primitive forest appears in its native state, just as if curtains covering pure Nature had been drawn back. The jungle is always primitive and, vice versa, everything primitive is mere jungle."

Unfortunately, many of those who have chosen to attack the modern university have chosen to do so for the wrong reasons. In this sense, according to Professor Stephen J. Tonsor, "... the most important problem which higher education faces today is the growing wave of irrationality and anti-intellectualism which has caught up large numbers of both students and professors. Student and professor activists inside the university and certain ideological groups outside the university no longer believe that truth must be the essential consideration in the academy . . . They believe that force ought to be substituted for sweet reason, that power ought to replace persuasion and that only 'socially approved' voices and views should be heard."

The New Left, while validly criticizing much of what is wrong in contemporary education, would change it in such a way as to make the situation far worse. It has shown itself to be intolerant of viewpoints other than its own. In *A Critique of Pure Tolerance*, Professor Herbert Marcuse (termed the "foremost literary symbol of the New Left" by *The New York Times*) states that people who are confused about politics really don't know how to use freedom of speech correctly; they turn it into "an instrument for absolving servitude," so that "that which is radically evil now appears as good." Having established this premise, Marcuse recommends "the withdrawal of toleration of speech and assembly from groups and movements which promote aggressive policies, armament, chauvinism, racial and religious discrimination or which oppose the extension of public services." For him the correct political attitude is one of "intolerance against movements from the right and toleration of movements from the left." The practical result of such a philosophy was to be seen when former Secretary of Defense Robert McNamara had to enter a police wagon to avoid crowds at Harvard, when General Lewis Hershey was forced off the stage at Howard University, when students charged the podium at Brown University as General Earle Wheeler spoke, and when *New York Times* editor James Reston was prevented from speaking at New York University.

A student strike at the University of California brought forth a significant statement from Charles Susskind, a professor of electrical engineering and a man who had seen at first hand how the Nazis created "political universities" in the Germany of the 1930's. "I don't know why they think of themselves as the New Left," he said. "Their methods look to me much more like those of the Nazi students whom I saw in the 1930's harassing deans, hounding professors and their families, making public disturbances and interfering with lectures, until only professors sympathetic with the Nazi cause remained." As a matter of fact, professors who are not sympathetic with the cause represented by the New Left have already started to leave such universities as that at Berkeley.

Many in the New Left criticize the university for being "too political" today, for being too closely tied with the Pentagon, with the nation's war policies, and with government and large foundation grants. While such criticisms are, in many instances, the same ones which were made by more conservative critics of the concept of federal aid to education, the fact remains that the New Left seeks a "political" university, only with a different kind of politics. In neither instance is real education provided.

The New Left also makes the serious mistake of believing that all of society's problems may be solved within the context of the kind of university they seek to create. Professor Eli Ginzburg of Columbia University noted that "The central mistake we made in the United States was to oversell education as the solution to all problems. The last three Presidents made this mistake. There are a lot of myths

about the importance of higher education. One is that you can earn more money with more education. Long-distance truck drivers earn more than teachers. Education is good for certain people. Educators have bollixed things by claiming that because some education is good for everybody, more education is better. The country is degree crazy."

Many New Left students and their faculty supporters have adopted the view that the university is responsible for everything, and is capable of all things. They expect the university to end the war in Vietnam, to eliminate racism, and to decontaminate the cities. They want, as Professor Henry Steele Commager has said, "... the university to be contemporary, to deal with every issue as it arises, plunge into every controversy, offer courses in every problem, be involved in everything.

Dr. Commager contrasts the activists' attitude with the more traditional idea of the academic community: "They are unable to understand... that the university is the one institution whose conspicuous duty is not to be involved in everything, and above all not to be so involved in contemporary problems that it cannot deal with problems that are not merely contemporary. The solution of contemporary problems is the business of politics and government. The business of the university is to preserve the heritage of the past, to anticipate the problems of the future, and to train students able to solve the problems of the present."

Students are demanding that education be made "relevant." Often they claim that the colleges and universities are far removed from the needs of society, that their four years of undergraduate learning is essentially cloistered unreality.

Yet, the question of what is truly "relevant" with regard to education is not quite so simple. Neither is the question of what kind of education best prepares students to cope with such practical problems as race relations, urban renewal, war, and poverty.

Addressing the graduating class at Amherst College, Dr. Kenneth B. Clark, Negro psychologist and professor at City College of New York, made an impassioned defense of what he termed "non-relevant" education. He called on colleges to recognize the needs of those who did not seek immediate relevance in their studies — students whom he called "the forgotten men of the present ferment of campus confrontation."

"It is from these perverse, lonely, nonrelevant, educated persons," Clark stated, "that a practical society receives antidotes to a terrifying sense of inner emptiness and despair. From these impracticals come our poets, our artists, our novelists, our satirists, our humorists, who, because of their perspective of education and their restless search for insights, continue to try to educate us. They make the life of the thinking human being more endurable and the thought of a future tolerable."

What do students mean when they raise the question of relevance? Relevance to what? What they ought to mean, perhaps, is "relevant to wisdom," though many think only of "relevance to current affairs." The notion of "adjournment to modern society," however, may not be relevant to what we have traditionally called higher learning. In his novel, *Scott-King's Modern Europe*, Evelyn Waugh's hero learns by a summer's experience of modern society that it would be infinitely wicked to teach young men to adjust to the modern world. Russell Kirk notes that "to adjust to the age of the mass state, of the concentration camp, the secret police and injustice triumphant, would be sin and shame. The higher learning is not meant to inculcate conformity to passing fad and foible, nor necessarily to present domination and powers. It is intended, rather, to reveal to us the norms, the enduring standards, for the person and the republic. Adjustment to abnormality is ruinous policy."

Modern technology alters so rapidly that, as Peter Drucker has pointed out, the college and university cannot possibly keep abreast of industrial methods. What higher education should do is discipline the intellect so that it may be applied in future productive processes as to many other matters. The truly relevant things in a college are the permanent things, in T.S. Eliot's phrase. They are the body of knowledge not undone by the machinations of the modern world. Is such an education "relevant?" Dr. Kirk states that "If a formal education does not bear at all upon our personal and social difficulties today, of course it is a sham and worthless; in that, the students of the New Left are quite right. But no modern authors are more genuinely relevant than are Plato and Augustine today. Preoccupation with the passing pageant is merely the sort of 'relevance' which the big commercial bookclubs sell; and college and university were not endowed for that purpose."

Another basis for calling modern education "irrelevant" is that, in many instances, it has discouraged students from original thinking. Modern education has as its aim, as Erich Fromm pointed out in *Escape From Freedom*, "... to teach the individual not to assert himself. Already the boy in school must learn 'to be silent' not only when he is blamed justly but also has to learn, if necessary, to bear injustice

in silence." Fromm notes that "Another closely related way of discouraging original thinking is to regard all truth as relative. Truth is made out to be a metaphysical concept, and if anyone speaks about wanting to discover the truth he is thought backward by the 'progressive' thinkers of our age. Truth is declared to be an entirely subjective matter, almost a matter of taste."

Fromm states that the result of this relativism "which often presents itself by the name of empiricism or positivism or which recommends itself by its concern for the correct usage of words, is that thinking loses its essential stimulus—the wishes and interests of the person who thinks, instead it becomes a machine to register 'facts.' "

In many respects the kind of education which best prepares young people for dealing with what appears to be the earthshaking problems of today—crime, violence, bigotry—is to understand the causes of such problems by studying the history of man, for, in a sense, we have seen most of this before, even if in a different circumstances and surroundings. Education, to be relevant, should attempt to make us aware of the wisdom of the ages so that we may build upon it and not simply spend our lives seeking things which have already been discovered.

Many today argue that the world has changed to such a degree that the truths enunciated in the past are no longer either applicable or valid to the twentieth century. Today, they argue, we have mass transportation, air pollution, and narcotics addiction. What this means, says Dr. Elton Trueblood, the distinguished

Quaker philosopher, is "... that we cut ourselves off from the wisdom of the ages... It means that if this is taken seriously we are really an orphan generation that takes itself far too seriously, that is too much impressed with changes which may be only superficial. And of course, if this is true of our generation, there is no reason why it will not be true of another generation. Therefore, whatever we gain would naturally be rejected by our descendants. No civilization is possible this way. Contemporaneity when it is a disease is a very damaging disease, because it destroys the continuity of culture."

The concept that "you can't trust anyone over 30," that the wisdom of the past is irrelevant to the present and to the future, that the university's role is simply as a power-broker in an effort to achieve practical solutions to every-day problems, all of these represent a challenge to the concept of civilization and continuity.

The New Left is reacting against a modern educational system which has abandoned its task of spreading the values of Western civilization to the new generation. Thus, the student activists no longer revere such concepts as freedom of speech. In the violence at Columbia University, for example, papers representing years of research were taken from the files of Orest A. Ranum, an assistant professor of modern history, and burned. Supporters of the strike were antagonistic toward Mr. Ranum since he issued a paper opposing the student position early in the crisis when five buildings were occupied by student demonstrators. Leaders of S.D.S. disavowed the destruction of Mr. Ranum's research. "We deplore the burning of the professor's papers," one S.D.S. leader said, "but we deplore the provocation by the university even more."

The educational system fashioned by liberal educators has failed at its very root. It has not even managed to stimulate respect for itself. Those who recognize the faults in the present system and the danger of those who seek to destroy that system and replace it with something far worse, must act to preserve not only the institution of the university but something far more important. What lies in the balance are the values which mankind has striven so long and hard to attain. Santayana has said that those who do not learn from the past are condemned to repeat its mistakes. At this perilous period of man's history we cannot afford to repeat such mistakes. The continuity of culture which is now under attack must be preserved, and those who seek to preserve it must, in a short time, come to grips with this challenge.

Allan C. Brownfeld received his A.B. from the College of William and Mary, his M.A. from the University of Maryland, and his J.D. from the Marshall-Wythe School of Law of the College of William and Mary. A member of the faculty of the University College of the University of Maryland, he is a candidate for the Ph.D. in the University's Department of Government and Politics. His articles have appeared in such journals as *The Yale Review*, *The Texas Quarterly*, *The Christian Century*, *The Commonwealth*, and *Modern Age*. He is the author of the U. S. Senate study on the New Left, is a weekly columnist for *Roll Call*, the newspaper of Capitol Hill, and is editor of *The New Guard*.

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THE LIBERTARIAN RIGHT

By David Friedman

At the University of Chicago, on January 27th, 1968, a mock nominating convention of the Republican party passed a platform whose planks included abolition of the draft, of all censorship and of a variety of laws which presently restrict the private lives of individuals. The same platform accused the government of using regulation of industry to help corporations maintain high prices and avoid competition, and of using welfare for the political control of the poor.

A number of chapters of the conservative Young Americans for Freedom have adopted similar platforms and so has California Young Americans for Reagan. In all of these cases, the people responsible would describe themselves, and be described by others, as conservatives — more precisely, as libertarian conservatives.

I would estimate that libertarian conservatives now make up at least a quarter, and perhaps even a majority, of the young intellectual leadership of the conservative movement. Their influence has been shown in the publication of articles supporting legalization of marijuana and the abolition of the draft in *National Review*, the major journal of the conservative movement, and in Goldwater's commitment, in his first speech of the '64 campaign, to abolish the draft (a position he still maintains). In addition, right libertarians control several journals of their own, including the *New Individualist Review*, *The Innovator* and the "right" half of *Left and Right*.

Members of the libertarian right believe that legal restrictions on the actions of individuals, including restrictions on the use of their property, should be minimized. I consider myself a right libertarian; in presenting this position, and showing how and why it differs from that of the New Left, I make no claim to being unbiased. In my opinion the New Left is, on the principal points of disagreement, tragically wrong.

The most basic disagreement is on property rights. To the New Left, they are in perpetual conflict with human rights; to the libertarian right, they are themselves important human rights, and also the best means by which other human rights can be preserved. The New Left thus supports changes intended to create a society in which government, decentralized and locally controlled, but still government controls everything. The libertarian right sees in government however decentralized, the enemy of freedom — the principal instrument for control of one man by another, whether the rulers are a nation or a neighborhood.

Members of the New Left, if convinced that a free market economy works as the libertarian right believes, would surely join in urging the abolition, rather than the "democratic control," of government power over economic, and other, affairs. In terms of the shared values of both groups, a society in which each individual

makes for himself the decisions relevant to his life, and in which activities involving many people are carried out through the voluntary co-operation of all participants, each acting for his own ends, is better than a society where decisions binding upon individuals are reached by groups, however participatory and democratic the decision-making process.

One might almost say that the concept of private property, the concept, that is, of the absolute ownership and control of almost all objects by individuals, if it did not already exist, might have been invented by the New Left as an ideal means to its ends. For it is this concept that makes possible a world controlled not by majorities but by the separate decisions of each and every individual as to how he can best use those resources which are his. The very journal you are now reading is an example of the way private property gives people direct control over their own lives; no state, no government, however decentralized, would have ordered it printed. I doubt that you will find it in your local public library. It was printed because certain individuals purchased paper and ink, and chose to use them to their ends.

What those on the New Left who think that they are opposed to property must remember is that someone, or something, will always control the use of objects. The only choice is whether you should give up to your neighbors the right to decide what to do with the car you drive, the bed you sleep on, and the things you produce in order to get the right to participate in telling them what they must do with their beds, cars, and products, or whether each shall retain control over that which directly concerns him, control subject to no other man's judgement, to no government's decision of what is "good for him," so long as he does not employ his property as an instrument of force against others.

In rejecting property rights, and with them the possibility of coordinating human activity by purely voluntary means through an unregulated free market economy, the New Left makes a serious error. While its members have rejected most parts of modern corporate Liberalism, they have bought, lock, stock and barrel, the Liberal indictment of "capitalism."

I cannot, in the space of this article, answer that indictment; I can only suggest that members of the New Left should re-examine it with the same skepticism that they apply to other Liberal views. I think they will find that that indictment is a tissue of lies and palpable absurdities, linked together by the Liberal faith in an all-knowing and benevolent government. One example of a lie is the thesis that unregulated capitalism "obviously" leads to monopoly; another is that it leads to increasing inequality of income. There is no historical evidence for either thesis, and a good deal against them.

Both left and right would probably agree that the claim of our present government to be a friend of the poor is a fraud. But to the right, the failure of all the Liberals' schemes for paternalistically helping the poor is not a series of accidents. Nor is it a result of the Liberals' failure to be sufficiently socialistic. It is, rather, a consequence of the nature of the political process. The essence of that process is that force is used to subordinate the ends of some people to those of others. The libertarian right accepts the fact that there will always, in any society, be some who are more competent than others at working within the framework of that

society to gain their ends, whether they are called capitalists or commissars. Within the free market, where co-operation is voluntary, those people must gain their ends by providing something that other people are willing to pay them for. In politics, they gain their ends by spending billions on "social welfare expenditures," of which perhaps one-fifth (public aid, health and medical services, "other welfare services," and public housing) goes to buy the votes, and control the lives, of the poor, while much of the rest (aid to higher education, urban renewal, agriculture) goes to programs which, on net, transfer money from the poor (and others) to the not poor (how many ghetto children go to the "free" universities that their sales taxes help pay for?).

We believe that the claims of this government to disinterested benevolence are frauds, and that the claims of other governments, in particular Communist governments, are infinitely greater frauds. We see no reason to expect that the pattern we observe here, and in Russia, the pattern of the powerful using political means to further their interests at the cost of the weak, would disappear under different economic arrangements, as the New Left seems to believe.

Other examples confirming this view are seen in the activities of regulatory agencies at all levels of governments, from the state dairy commissions that maintain high prices for milk, to the federal aviation agency that "protects" passengers by setting minimum, as well as maximum, fares.

The libertarian right disagrees with the New Left not only on where we should be going, but on how to get there. The New Left, or at least large parts of it, is ultimately in favor of insurrection. We are not. On the contrary, most right libertarians believe that an insurrection, if unsuccessful, would give the government excuses to limit freedom (as the riots have certainly done) and if successful would probably produce an even worse government than we have now. Partly this is because we do not expect governments to be good, and so think this particular government no worse than most others, and better than some. Partly it is because those who would be running the insurrection seem to believe that what the government needs is more power — but in the right hands. Typical of this attitude was the New Left's flirtation with universal service as an alternative to the draft, a flirtation which ended not because the New Left discovered a principled objection to a system that would make everyone a slave of the state for two years, but because it realized that Lyndon Johnson, not Paul Goodman or Carl Oglesby, would be running the system. Needless to say, the libertarian right does not believe that what the government needs is more power and a change of personnel. Our program is gradually to diminish its power, and so its ability to do evil; we believe that this program just might succeed, as such a program succeeded at least once before, when the political activities of the anti-corn law league, in the 1840's forced England away from the interventionist economic policies that had characterized the 18th century, and ushered in a period of relative freedom. The New Left strategy of violent confrontation is self-defeating, for the greater the existing threat to the public order becomes, the more difficult it becomes for us to force the government to peacefully relinquish power.

It is unlikely that the New Left or the black nationalists can mount a serious military challenge to the government; neither group has the necessary numerical

strength. All they can do is to make things worse by forcing the government to become more and more authoritarian in an effort to put down leftist riots and demonstrations. Those engaging in such tactics, ostensibly in the name of liberty, are, however unwittingly, acting as allies of the Liberal Establishment which will use the excuse of public disorder to extend further its power over the lives of our citizens. Once again, as has happened so often in the past, a movement calling for "Power to the People" may well create a situation in which all power will be concentrated in the hands of the state.

But, if the New Left can only increase the power of the state, the libertarian right offers an alternative to ever-increasing economic collectivism and political centralization. That alternative is simply freedom — freedom of one's person, of one's property, of one's thoughts and actions. Such an ideal condition can only be achieved by those willing and able to utilize the educational process to teach the libertarian philosophy of individual self-determination to a nation grown accustomed to over-dependence on government. Such must be our strategy if we are successfully to do battle with the authoritarians, whether they be of the New Left or of the entrenched Liberal Establishment. Let us ever be on guard against being ourselves drawn into authoritarian positions and, especially as we find ourselves in a continued confrontation with the New Left, let us bear in mind Edmund Burke's reminder that "freedom, not servitude, is the cure of anarchy."

Mr. Friedman (son of Milton Friedman, the famous free-market economist) is a graduate of Harvard University and is at present a Ph.D. candidate in Physics at the University of Chicago. He has written for *Ramparts* magazine and is a regular columnist for *The New Guard*. Mr. Friedman is also at work on a new book dealing with political activism on the campus.

COUNTER-CONFRONTATION AT COLUMBIA

By John C. Meyer

The radical movement, begun at Berkeley in 1964, burst upon the campus scene after a long period of incubation with the Columbia revolt of spring, 1968. In the academic year 1968-69, most of the major universities in the United States, as well as hundreds of others, felt the full fury of this movement, whether of the SDS or the black power type.

It is important for those of us who would face the radicals' challenge to realize the essential points of agreement in philosophy and purpose between these two branches of the radical movement. Both share a complete distrust and rejection of the American system of constitutional government; both share a willingness to use, and even glorify violence in the cause of their revolution; both share the specific rejection of the ideal of an academic institution committed to the education of a new generation and the impartial pursuit of truth, and both seek to substitute a new, revolutionary university committed to the accomplishment of their particular social goals. The negative character of the common ground between SDS and black power radicals stems from the fundamental negation they hold in common; the conscious rejection of Western civilization. They do not merely reject a particular political or economic structure, but the whole of the Western tradition.

The question arises, how did they get this way? Most radicals and many liberals would answer, more or less directly, because our society is a sick, rotten, racist, imperialist sham. The kernel of truth in their attitude is that the Liberal Establishment, predominant in the leadership of America, especially in the media and the universities in many ways is a sham. As a group with a belief in "change" and even "revolution" as goods in and of themselves, and as a group predominantly wedded to the philosophic principle of relativism but actively standing for numerous principles and programs, the Liberal Establishment is in an inherently hypocritical and self-contradictory posture even in the absence of the existential and political dilemmas of the past few years.

Brought up in either outright relativism or with a superficial set of beliefs based on no sure moral or spiritual foundation, the college student is exposed to an environment in which he is taught systematically to challenge all his beliefs and offered little guidance toward a valid method of forming new beliefs. Since it is impossible for an individual to function without any beliefs, the college student at this point holds a confused jumble of beliefs derived for the most part from one or another facet of liberalism. He is the living relativist, whereas the older generation of liberals are only theoretical relativists.

Yet, just as political anarchy leads to political tyranny, so intellectual anarchy can, and often does, lead to the intellectual tyranny of a single belief. Often as the result of a particular experience, an individual in this state of confusion will make a very

strong commitment to one cause or idea. This then, irrespective of its suitability for such a role, plays the part of a basic philosophical and moral premise by which other beliefs are tested and around which they are arranged. The defense and maintenance of this belief is of tremendous importance to the individual because it and its accompanying beliefs fill that yawning philosophical and spiritual gap experienced by so many students which is—I believe misleadingly—known as “alienation.” It is not primarily a revolt against values they do not like, but a revolt against the lack of any values. They reject Western tradition without ever knowing what it is they are rejecting, because liberalism, particularly at the universities, has done so much to cut them off from that tradition.

The radicals’ revolt against liberalism takes the form of a revolt in favor of the substantive aspects of liberalism (FREEDOM [or any other demand] NOW!) and against its procedural aspects (free exchange of ideas, etc.).

The whole black power movement is an excellent example of this process. The view that everything is wrong because white people have power over black people is a simple answer, appealing to some black persons, and well-adapted to the instant construction of a system of values. The two most important issues for SDS, opposition to the Vietnam war abroad and opposition to racism at home, have the same convenient characteristics. Both, especially Vietnam, are of personal concern to most students and both can easily be presented as idealistic crusades. The Vietnam war is a good basis for the instant construction of a system of values only if interpreted in a Marxist fashion, while racism can more easily serve unmediated as the root of all evil.

The Marxist wing of SDS, which is represented most strongly by PL (the Maoist Progressive Labor Party), puts stronger emphasis on the Vietnam war as an imperialist conflict; what I will call the nihilist-anarchist wing of SDS is represented most strongly in the “National Office Group” and tends to explain all evil, including Vietnam, in terms of racism. Though the Vietnam war is the most immediate concern of college students, the National Office position has the greater appeal to students since it allows them to combine their immediate concerns with the more vivid and alluring ideal in the elimination of racism. Furthermore the dogmatic Marxism of PL tends to repel many college students. Thus the National Office group has a far greater following in SDS chapters, and one can expect their recent expulsion of PL from SDS to be successful.

On the other hand, many of the more flexible Marxists backed the National Office group. Indeed SDS rhetoric and thought is permeated with Marxism and SDS could not exist effectively without a strong Marxist element. On the opposite end of the SDS spectrum from PL are such groups as the Crazies, who are motivated by total opposition to any order or authority at all. Between these extremes lies the true SDS, a symbiosis of nihilist-anarchist and Marxist elements. The typical SDS activist, then, is a man with the head of a Marxist and the heart of an anarchist.

Liberalism has never been able to give a good account of itself when challenged from the left, but never has it been weaker than at present. The Vietnam war and, to a lesser degree, the race problem have led to a massive split between the left-liberalism whose strongest bastions are the media and the academic community

and the corporate liberalism centered in labor unions, the larger corporations and the Federal Government. Thus many of the liberals in the universities, especially among the faculty, sympathize with the radicals' objectives and even with some of their methods. They would prefer to fight their more moderate erstwhile friends outside the universities than to oppose the radicals within them. This, however, is a pleasure the radicals deny them on any terms short of unconditional surrender.

The course of events at Columbia University in the past two years reflects the operation of these forces in an almost paradigmatic way. The former president of Columbia, Grayson Kirk, like all university presidents, was caught between the corporate liberalism natural to the president of a massive corporation and the much farther left academic liberalism natural to a former political science professor and to the leader of an academic community whose political center of gravity falls somewhere near the position of Senator Eugene McCarthy.

The Columbia story was not, however, the unmitigated disaster that it promised to be and that most people outside Columbia still believe it was; there was another force, small at first but growing steadily more powerful, which was able to rally and lead the opposition to the SDS and Black Power radicals at Columbia. This force was the conservatives, organized in the Columbia Young Republican Club and the Columbia Conservative Union. Because the conservatives had a coherent philosophy based upon the traditions of Western civilization they were able to stand both intellectually and spiritually against the radical onslaught.

As early as the fall of 1967 the conservatives had found an issue, open recruiting, on which they had been able to rally the politically uncommitted and most liberals among the students. Organizing the Students for a Free Campus (SFC) they defeated SDS in a student referendum, garnering 67% of the vote for the position that all recruiters, both military and non-military, should be permitted free and equal access to the campus. Although SDS has never given up the issue and has often threatened to obstruct, and has actually obstructed, recruiting, they have never been able to escape the political consequences of violating two cardinal principles of procedural liberalism: academic freedom (all views must be represented) and majority rule.

When the crisis exploded at Columbia on April 23, 1968, SFC, primarily with conservative and fraternity support, pioneered a new tactic based on another liberal principle, "non-violence;" they formed a line across the path of a planned SDS march into Low Library, the administration building, and refused either to let SDS pass or be provoked into a fight. The SDS retreated but soon regrouped and occupied several buildings on campus. In the following week, as the buildings remained occupied, the actual leadership of the opposition passed to non-ideological groups of fraternity men and athletes, who formed a group called the Majority Coalition. This group spanned the entire normal American political spectrum from Reagan to McCarthy. After several days of waiting and negotiations (fear of the Student Afro-American Society [SAS], holding one of the five occupied buildings, Hamilton Hall, and the actions of the leftward-leaning AD Hoc Faculty Committee had effectively crippled the administration), the Majority Coalition took action to forestall a surrender. Acting upon an SFC suggestion, they massed several hundred strong and began a 31-hour blockade of the portion of Low Library held by SDS.

This move turned the tide. After SDS's rejection of an Ad Hoc Faculty Committee proposal, which would have given them most of their demands, the Administration decided to call the police. At this juncture the Majority Coalition dissolved itself, its objective, the removal of SDS and SAS from university buildings, seemingly accomplished.

Although the only serious injuries, either in this police action or in the subsequent one of May 22, were to three policemen (one of whom is now paralyzed) SDS was able to follow its preplanned strategy of whipping up a mood of campus hysteria over "police brutality." (Adopted thereafter by SDS elsewhere, this plan has had astonishingly uniform success on campus after campus during the past academic year.)

Over the summer of 1968 Columbia President Grayson Kirk was forced to resign; his successor, President Andrew Cordier, is a far stronger and more politically astute man. During the academic year 1968-69, the Administration was no longer passive, but had a consistent political policy, though not always one that could be endorsed by those opposing SDS.

After the dissolution of the Majority Coalition during May 1968, SFC was again the only opposition group, but just before the summer, when it had become clear that the struggle to save Columbia would be protracted, Students for Columbia University was formed. Like the Majority Coalition, SCU was and is a coalition of liberals, moderates, and conservatives, but, not being formed in a time of immediate crisis, it had fewer of the fraternity people in its leadership. SCU got financial support from concerned alumni and could almost match the very considerable resources of SDS.

By far the wealthiest student group, however, was the Students for a Restructured University (SRU), a slightly less radical splinter group from the SDS-controlled Strike Coordinating Committee. SRU enjoyed grants totaling between \$30,000 and \$50,000, the bulk of which came from the Ford Foundation.

By fall, SCU had evolved a systematic program of opposition to SDS. The SCU strategy was to get across to the campus by every means possible the true nature of SDS methods and purposes, and to publicize the facts about the issues SDS was raising, thus preparing the ground for a successful anti-SDS stand in the next crisis. SCU used the tactic of continuing counter confrontation wherever possible, with the aim of destroying the myth that SDS represented "the students" and of preventing SDS from setting up a student versus administration confrontation in which many hitherto uncommitted students would get sucked into the radical forces. Throughout the academic year 1968-69 there was scarcely an SDS demonstration which did not have its quota of hostile and often active counter-demonstrators. As SDS grew more militant in preparation for another spring offensive, so did the opposition, through the most militant anti-SDS actions were carried out by others—*ad hoc* groups of conservatives and fraternity men.

Faced with a persistent and effective student opposition, SDS reacted by becoming more and more extreme and began to lose touch with the majority of

those sympathetic to them on campus. On the other hand, the faculty and administration were encouraged to take a stronger line against SDS actions. A key event was the issuance on March 10 of a statement, "The University as a Sanctuary of Academic Freedom," ultimately signed by 800 Columbia senior faculty. Meanwhile conservative students were doing their best to get SDS laughed off campus. Every SDS leaflet was followed up by an SCU-produced flyer parodying the leftist demands. These tongue-in-cheek leaflets demanded such things as "Freedom for Anguilla," "Revolution in Scotland" and "Equal Rights for Columbia Italian-Americans (CIA)" and threatened to close down the university if these demands were not met at once. These tactics of ridicule had most of the campus laughing at, rather than cheering for, the SDS.

Seeing the decline of their campus support, a decline dramatized by the almost complete failure of a March 25 student "strike" (boycott of classes), SDS decided to attempt to enlist the "community," in the form of high school students from four neighboring Harlem schools, behind a demand for "open admission" to Columbia of all graduating seniors from these schools. SCU knew not only the general SDS plan, but also the specific target date, April 21, set to coincide with a planned city-wide high school "strike." In a leaflet entitled "SDS! CALENDAR OF EVENTS," SCU informed the campus of these plans several days in advance. On April 17 after a temporary occupation of a building, with some high school students participating, one of the black high-school leaders told an outdoor rally: "If you refuse [open admissions], we will come back and burn your—————ing campus down." Underlying this blatant blackmail was the more subtle moral blackmail: "If you oppose open admissions, you are a racist."

Under so direct an attack the student body was roused and even the pro-SDS *Columbia Daily Spectator* denounced the SDS for fomenting violence. Various radical groups, including SAS, joined in an effort to persuade the high school students to stay home. On April 21 only about 70 high school students and an equal number of SDSers turned out. The final SDS takeover of two buildings on April 30 was but an epilogue. It was not even necessary to call the police, as SDS, isolated and divided, and in contempt of a university-obtained court order to vacate the buildings, fled the campus under cover of darkness with jackets pulled over their faces to avoid identification by sheriff's deputies. Such was the ignominious end of Columbia SDS—an end brought about by firmness by both the administration and the anti-SDS students.

Although there was sporadic violence at almost every confrontation, the policy of confrontation with SDS actually served to reduce the total amount of violence on campus, because it never became necessary to call the police. The worst situations occurred not during SDS takeovers of buildings but during the weekend of tension before April 21 when a few of the most radical high school students hung around campus, beating up several students and threatening the lives of three SCU members.

The 1967-68 academic year at Columbia paralleled the 1968-69 academic year at most other major universities. Whether the 1968-69 academic year at Columbia foreshadows the future elsewhere remains to be seen. One thing, however, is clear: the crucial role of an active and aggressive student opposition. Paradoxically, the

polarization of the student body likely to result is actually a force for (relative) peace in the university. The polarization really to be feared is one of student (and often faculty) versus administration, or of university versus society. Counter-confrontation tactics have proven themselves at other schools besides Columbia. At Princeton, where comparative peace has reigned, the athletes turned out in menacing force several times to block SDS actions. At Yale more moderate means has so far sufficed—the mass takeover of a radical meeting which was to have planned strategy for militant action. At Brooklyn College, militant anti-SDS students twice crushed radical uprisings, during one of which they chased Mark Rudd off campus.

A strong administration is the only other force which can save a campus from disaster; once the radicals have become established, though—with the exception of S.I. Hayakawa's victory over a radical coalition of students and faculty at San Francisco State—it requires faculty support. The University of Chicago administration won the most complete victory over SDS yet won at a major university. They expelled and suspended a total of about 120 students, after outwitting a 16-day occupation of their administration building. This strategy, however, is difficult to implement except on a spread-out campus whose buildings are hard to seize and hold. At Harvard, where organized conservatism is practically nonexistent, organized student opposition was similarly nonexistent. Yet Harvard came off somewhat better than Columbia had a year before, because President Pusey called in the police almost immediately.

President Nixon made a valid point when he said that it is the responsibility of the universities to put their own houses in order. But a dilemma exists when university administrations fail in their duty. The peaceable, genuine students, whose right to an education is threatened, must remember that in practice those who are unwilling to defend their rights often lose them. However reluctant to be "politicized," they would be well advised to act now in defense of their rights. At an early stage of a radical movement on campus, a minimal show of firmness by the administration or by opposition students may be sufficient. A firm administration stand, even if a bit clumsy, deserves support, and the same goes for student opposition groups organized to fight the SDS. Unlike the radicals, they have no basic quarrels with the society around them. Hence they can be expected to act only under provocation and to pose no problem of extremism once the extremists of the left are brought under control.

Mr. Meyer (son of Frank Meyer, the outstanding philosopher of the conservative movement) is a graduate of Yale University. He studied Political Science in the Graduate School of Columbia University where he was a leader of the conservative students. He is currently a student at the University of Pennsylvania Law School. Mr. Meyer's articles have appeared in *Penthouse*, *The New Guard*, and *Triumph* magazines, and he has co-authored a book on campus revolt: *Seeds of Anarchy*.

FRANK CHODOROV

Although the propaganda techniques of the Anti-Defamation League and other leftist Jewish organizations have often obscured the fact, knowledgeable political observers are aware that a sizable percentage of the leading thinkers and activists of the American conservative movement have been Jews. Some few of these patriots come readily to mind: journalists David Lawrence, George Sokolsky, Frank Meyer, Eugene Lyons, Max Geltman and Ralph de Toledano; Rabbis Max Merritt and Benjamin Schultz; Admirals Lewis Strauss and Hyman Rickover; industrialists Alfred Kohlberg and Lewis Rosenstiel; attorney Roy Cohn, youth leader Robert Schuchman, economist Milton Friedman and philosopher Will Herberg.

IDEAS is proud to pay tribute to yet another of this number, the late Frank Chodorov, a teacher and writer, a thinker and visionary, and a lover of freedom.

Frank Chodorov authored four major volumes during his later years: *One Is A Crowd* (1952), *The Income Tax* (1954), *The Rise and Fall of Society* (1959) and *Out of Step* (1962). These works offer eloquent witness to his passionate devotion to the cause of liberty.

To mark the tenth anniversary of the publication of the book generally considered to be his best, *The Rise and Fall of Society*, we have asked three of the people who knew Frank Chodorov intimately to contribute some brief reminiscences of this remarkable man.

M. Stanton Evans was among Frank Chodorov's closest associates and is one of our country's finest young conservative journalists. He is the distinguished Editor of the *Indianapolis News* and is an associate editor of *National Review*. The recipient of four Freedoms Foundation awards, he is the author of many outstanding books, including *The Liberal Establishment*, *The Politics of Surrender* and *The Future of Conservatism*.

Morrie Ryskind was Frank Chodorov's friend and is one of America's outstanding playwrights. A winner of the Pulitzer Prize, he has given us the screenplays of some of Hollywood's most memorable movies. He was one of the founders of the American Jewish League Against Communism, and was a leader in the fight against Red influences in the film industry. Mr. Ryskind is a noted journalist and a nationally syndicated columnist.

Grace Chodorov Klein is the daughter of Frank Chodorov and herself a most eloquent interpreter of her father's libertarian philosophy, which has for her become an integral part of her profound commitment to her religious faith and to the dignity of man.

We conclude this tribute with a previously unpublished essay by Frank Chodorov. Its easy style, acid wit, and profound wisdom will give the reader some idea of the unique approach and lofty vision which made Frank Chodorov one of the most creative and dynamic political thinkers of our time.

THE FOUNDING FATHER

By M. Stanton Evans

It is pleasure to write a few words honoring Frank Chodorov, a man whose services to the cause of freedom were many and distinguished.

What is called the "conservative" movement is indebted to Frank in several different ways. The present writer is indebted to him even more explicitly — not only for philosophical guidance, but for countless gestures of friendship and kindness.

The Chodorov imprint is visible in every phase of conservative effort — quite obviously so, of course, in the literary phase. His books and articles are a grand repository of libertarian wisdom and it is for these that he will be most, and most properly, remembered.

Frank was an adept in the science of liberty, a student of its history and pre-conditions, a persuasive advocate of its virtues and uses. His clear bright prose made the libertarian case with convincing emphasis, so much so that his books are just as timely today as when they were written.

Less known, perhaps, is Frank's organizational contribution to the conservative-libertarian resistance. He was, for one thing, a co-ordinator of *Human Events*, and an adviser to William F. Buckley Jr. in the launching of *National Review*. In addition, he was the founding father of the conservative effort on the campus, both intellectually and organizationally.

The Intercollegiate Society of Individualists (now Intercollegiate Studies Institute) was a brainchild of Frank's. It developed from two of his articles — "For Our Children's Children" and "A Fifty Year Project," in which he detailed the success of the Intercollegiate Socialist Society in spreading collectivist ideas and suggested that anti-collectivists stage a counter-offensive.

It was from this idea that ISI was born. Through its early struggling years, Frank and Vic Milione labored to keep the organization afloat without a great deal of outside financial help. The present ISI, with more than 40,000 members, is a monument to the tenacity displayed by Frank and Vic throughout that lean period of conservative education.

Fighting lonely battles was not, of course, a new experience for Frank. His resistant individualism could find no outlet in a political and communications establishment dominated by New Deal collectivism, so his talents were focused into a one-man journal called *Analysis* — and an excellent journal it was.

In an age of mass movements, Frank's libertarian zeal was, as he put it, out of step. Alongside his lifetime vindication of freedom in the hardest of circumstances, the comfortable "rebellion" of today's bearded Babbitts and Mustang Maoists is laughable indeed.

Frank's influence on me was three-fold: philosophical, professional, and personal. The first identifiably conservative or libertarian book I ever read, back in the early '50s, was *One Is A Crowd* — Frank's easy-going but trenchant expression of his ideas on the challenge to liberty and the steps required to defend it. The book is an eloquent statement of Frank's beliefs and a withering critique of big government on every conceivable count.

At the time, the Chodorovian arguments seemed good to me but were considered absurd in the intellectual community. I think Frank would be interested to see, nowadays, how things are changing. The degree to which his ideas have been taken up by the liberals — including such once-outrageous notions as running the post office on private business principles — would, I think, amuse and gratify him.

Frank was also my first boss. When I graduated from college in 1955, he was the editor of *The Freeman* published by the Foundation for Economic Education at Irvington-on-Hudson, N. Y. During my college years I had got to know Frank, Leonard Read and other people at FEE as they supplied us with counsel and literature for our campus endeavor.

When Frank offered me a job as his assistant, I jumped at the opportunity. I shall always be glad that I did. He was a master craftsman in the art of writing, and he set to work firmly but patiently to reduce my collegiate jargon to readable English. He drummed home the principles of clarity, directness, and simplicity of expression — principles any aspiring writer ought to learn early and remember forever.

Even more important, Frank befriended and helped me in other than purely professional matters. As anyone can testify who knew him, he was astonishing in his generosity. He loved to sit for hours and talk with young people about the issues of freedom, limited government, and concentrated power. His interest in youth, which shows through everywhere in his writings, was not a pose or an avuncular duty he felt he had to perform, but a direct expression of his nature.

Indeed, Frank shattered all the clichés about “atomistic” individualism. He was decidedly un-atomistic in everything he did. He believed in self-reliance and was a tireless fighter for conscience, and he could get his back up and tell you where he stood. But his life was suffused with authentic concern for his fellow beings.

As a matter of philosophical descent, Frank can be classed, and so identified himself, as a son of the Enlightenment, with affinities to Voltaire, Godwin, Mill and other such exponents of the libertarian cause. But I think his philosophy had deeper roots than the school in which he professed his membership. A child of Mill in his clarion defense of freedom, he avoided the philosophical slippage that plagued this most obvious of his forebears. He was true to the libertarian creed through everything because his belief was linked to natural law and to theism.

Frank spoke for individual integrity and individual freedom not only in his books but in his life. In an age beset by despotism, he influenced many people to take up the cause of liberty in their own way and to pursue it with some small semblance of his devotion. I know, because I was one of them.

FRANK AS I REMEMBER HIM

By Morrie Ryskind

If asked to compose a one-sentence epitaph for Frank Chodorov, I suspect I'd say, "He was fun to know." And, though the syntax be dubious, I think that Frank, watching from that special part of Valhalla reserved for our ablest conservatives, would have grinned at that summation.

For Frank, though a genuine intellectual, was anything but a sourpuss, and had none of the pomposity that is the hallmark of many of our current Serious Thinkers. Though he bore the economic scars that came from his tilts with the Establishment, he neither beat his breast nor proclaimed himself a martyr, but entered the jousting field as gaily as ever.

His lance was reason and a superb command of the King's English, unmarred by the gobbledegook that passes for thought in the Ivory Tower, but coated with some of that native Yankee wit that was our pride before we became "sophisticated."

If that last allusion sounds chauvinistic, it is inevitable. For part of Frank's charm lay in the fact that there was something of Tarkington's Penrod, of Twain's Tom Sawyer—even of Jack Armstrong, the "typical American boy," in him. And this quality he never outgrew—nor wanted to.

A vigorous man, he had played football at college and still went to every game he could. Second only to football was his love for the movies—not any movie, mind you, for he would have been utterly bored by the sickness of many of today's films.

No, he had a definite standard here: the movie had to be a western, and the more shooting it had in it, the better. He preferred those in which John Wayne, Gary Cooper and Randolph Scott appeared—he liked them even more when I assured him they were all good Republicans who had fought the Hollywood Commies—but, truth to tell, I don't think Frank ever saw a bad western. Some were just better than others.

I knew him first through his writings in *Human Events*, which he co-edited with its founder, Frank Hanighen. His essays were *sui generis*, uniquely delightful both in style and content. He would make his point in a sort of Socratic dialogue, then drive it home with a tangy phrase that compared favorably with Mr. Dooley.

I'd met Hanighen during the Republican convention of 1952 and, at his suggestion, had begun contributing an occasional piece for his publication. So, when some time later, I had to spend a few months in Washington, it was but natural that *Human Events* was a place where I could drop in and feel at home.

That's how I met Frank Chodorov. We had exchanged a few pleasant notes and were fully prepared to like each other. And, since we were both living in

hotels—Frank's family was in New Jersey and mine on the west coast—we took to dining together.

It was sheer fun, for Frank talked offstage, so to speak, much as he did on. We'd yak all through dinner on the foibles of government, for all the world like a couple of sophomores having a bull session, and, though Frank introduced me to all the good restaurants, I doubt either of us could have told you for certain what we had eaten. But suddenly Frank would look at the time and say, "Hey, what's playing?"

That was the signal to stop all the small talk about where the world was heading, and get down to serious business. We'd go through the movie ads in the evening paper and take up the merits of this western and that—but if there was a western double feature, that always won out.

Sundays in football season were, of course, reserved for the Washington Redskins, to whom he gave unswerving loyalty, win or lose. He could always get good seats through his friend, George Marshall, who owned the team. Interestingly, he ghosted some speeches for Marshall's wife, Corinne Griffith of movie fame, who was out on the lyceum circuit touting—and ably, too—the advantages of free enterprise over the Welfare State.

The Marshalls ultimately agreed to disagree, but Frank remained on good terms with both even after the divorce. He would often lunch with George and, when he came westward, Corinne would put him up.

I always knew when he was coming, for a typical telegram would say, "Get tickets for any and all football games, and line up the westerns."

I thought of Frank the other evening when I tuned in on one of those TV panel discussions. One of our current liberal cognoscenti quoted John Kenneth Galbraith, with the obvious implication that this was Holy Writ. That rather cowed the weak sister who was upholding the conservative viewpoint and he began mumbling apologetically.

I turned the set off—with an imprecation, I fear—and, before going to bed, dipped into a Chodorov volume I favor, *The Rise and Fall of Society*. And that night I had a dream which can be interpreted without going to the psychoanalyst's couch.

At any rate, in my dream Galbraith was jousting with Frank on the TV screen. Galbraith was seated on a splendid white horse and was clad in the shining armor of the ADA as he spouted his nonsense.

Frank sat astride a lowly mule and was searching through the movie ads in the paper to find a good western, apparently ignoring the White Knight. But he would occasionally glance up to puncture a glistening Galbraithian bubble with a sharply honed phrase—and each time Galbraith was unhorsed. They finally had to lead the White Knight off, sputtering and rubbing his back in pain.

I woke the next morning cheerier than I've been in a long time. . . . And that, as the joyous burster of phony bubbles, is the way I remember Frank.

THE INDIVIDUALIST

By Grace Chodorov Klein

Frank Chodorov did not believe in reincarnation. Except for rather odd and rare lapses, he would insist that man is a composite of bone, flesh, blood, and his five senses. Besides that, some men come into this world with very few "thinking" faculties, while others are highly endowed. When the body ceases to function, its owner ceases to be. Yet Frank himself was a man with whom the reincarnationists could have a field day. This man came into the world with an inborn hatred of the state, and an almost neurotic resistance to authority.

He was the eleventh child of Russian Jewish immigrants who set up a small restaurant on the lower west side of New York. As a youngster, Frank made deliveries of sandwiches to local taverns and was attracted to the heated discussions which took place among the Marxists of that day (the turn of the century). Years later, he remarked that he had been repelled by these arguments even before he was old enough to fully comprehend them.

One early rebellion at home is particularly noteworthy. Since his parents observed the Judaic laws, when it came time to prepare Frank for the ritual of Bar Mitzvah, arrangements were made for the Rabbi to teach the boy Hebrew. But Frank would have none of it. His quarrel was not with God but with rituals and ceremonies which, he felt, inhibited the spontaneous relationship between the free man and his Creator. His refusal to submit to this rite was the first, but far from the last, instance where he balked at doing something merely because it was expected of him.

He was a young man when he read "Progress and Poverty" by Henry George. The justice of George's philosophy of freedom filled his remarkable imagination with a vision of a world mankind has never known.

In 1945 he started a monthly paper, *Analysis*, which established his reputation as an outstanding conservative writer (although he referred to himself as a "Libertarian"). Many of the articles that appeared in *Analysis* were gems, and many as apropos today as they were then. Until his illness near the end of his life, he devoted his energies and talents to writing, teaching, and lecturing on the myriad ways in which we are being "took," and in pointing out the fallacy of fighting collectivism abroad while letting it flourish here under the guise of social reform. To those who took issue with his objections to "a little bit of socialism," his answer was, "You can't be just 10 percent pregnant."

Interestingly enough, his admirers were often poles apart, from Georgists to anti-Statists who thought his Georgism was an aberration of an otherwise fine mind. Although all were aware of his keen intellect and devastating logic, few realized that his unswerving loyalty to all of his principles—the teachings of Henry George, his abhorrence of the state, and his distrust of all politicians—was part and parcel of the same ideal: the freedom of the individual.

THE "CRIME" OF THE CAPITALISTS

An Unpublished Manuscript By FRANK CHODOROV

More than a century ago Karl Marx prophesied the collapse of capitalism and the advent of socialism. In the stars of history were written two theories which foretold the inevitable. These theories he called the "concentration of capital" and "increasing misery."

The theories and the prophecy are worked out in great detail over hundreds of pages of fine print, but briefly they come to this: Private property contains within itself the seed of its own destruction; this is its exploitative character. The laborer is robbed of his product by way of the surplus value inherent in capitalism, and the capitalist cannot consume all that he confiscates; hence a burdensome abundance accumulates. There is nothing the capitalist can do about it, for the surplus comes from the very nature of private ownership. When the owners try to unload in the market, domestic or foreign, a competitive contest takes place. The large capitalists eliminate the smaller. Those who have much have more thrust upon them. This centralization of capital makes capitalism in time a top-heavy structure, ready to topple over at the first good push. Meanwhile, the lot of the workers becomes progressively worse; their desperation drives them eventually to revolt. The revolt must prosper because this vast army, enlarged by demotions from the capitalist class, is "disciplined, united, organized, by the very mechanism of the process of capitalist production itself." At the right moment — Marx expected it in his lifetime — "the knell of capitalist property sounds. The expropriators are expropriated."

A century should be time enough to test these theories. And the evidence of this period, even as a number of his followers admit, hardly supports them. Instead of an increasing concentration of capital, the figures show a constantly expanding class of capital-owners; instead of intensified misery, the lot of the proletariat has vastly improved, even if the general wage-level seems out of kilter with the general increase of production. These "scientific" theories, like others by which Marx hoped to lift socialism out of dreamy utopianism, have been knocked awry by facts, and his prophecy, based on these theories, seems to have been the vision of an arm-chair revolutionist.

And yet, it happens that Marx did hit upon an eventuality. Private capitalism is indeed slipping, while socialism is stepping along.

At this point, we ought to attempt, at least, a formulation of a general definition of socialism. The task is complicated by the lack of agreement among socialists themselves as to what the term means. To some it is a goal, to others it is a system of revolutionary tactics; it is an end in itself, it is a means toward another end, and on what that ultimate end may be there are opinions; in truth, it must be said that to the vast majority of its devotees socialism is the undefined "good

society" of which mankind has dreamed since the beginning of time. Since no all-inclusive definition is possible, the best that can be done is to find among the various shadings of doctrine some common thread of thought. And that is: the public ownership and operation of the means of production and exchange. This, of course, will not satisfy all, if any, groups. Some will take umbrage at the word "public" and demand that "social" be substituted; the lack of a social goal in this definition will shock many, though the inclusion of a specific goal would raise a howl of dissension; many socialists demand a limit to public ownership, while others would leave nothing but personal articles in the hands of the individual. However, the common denominator is inclusive enough to make a working definition.

Public ownership of capital, no matter what it may ultimately lead to, comes to state capitalism. Capital is inanimate. Somebody must produce, make use of and look after it. If private persons are prevented by police power from accumulating and employing capital, the job must be undertaken by or under the supervision of political persons, that is, if there is going to be any capital — and that, however one tries to camouflage the fact, is state capitalism. Nor is it anything else if the regime is instituted without the use of prohibitory laws, as when private enterprise is wiped out in a competitive struggle with state-owned capital because it is under the handicap of supporting its competitor with taxes.

Only in Russia, its satellites, and China, now that the German and Italian machines have been smashed, is outright and unequivocal state capitalism a going concern. England is on the way to adopting it; while the present regime purposes to monopolize only certain forms of capital, the question which experience will decide is whether the intrusion of the state into one phase of the economy can stop at that predetermined point. The odds are against it, simply because in a highly specialized economy every industry impinges on many others, and the state must find it necessary to go into businesses related to those already nationalized. Even in America, long a sanctum of free enterprise, state capitalism is proceeding apace. There is no other way to describe federal ownership and operation of vast hydroelectric plants or the government's entry into the housing business or its extensive banking enterprises. In almost every country in the world the state has acquired monopolies of particular forms of capital and the trend is very definitely toward a widening of the practice. So that, if the statement that socialism is with us seems to be hyperbole, it is only so in point of degree; the seed has been planted, the soil is fertile and rapid growth seems inevitable.

But - if Marx's theories have proven to be fallacious - how is it that his prophecies of state capitalism are being fulfilled? Who is to blame? The answer is ironic but undeniable.

Between those who worship at the temple of capitalism and those who, to propitiate the gods of socialism, scorn that edifice, there are points of essential similarity; that is, similarity in essential articles of faith. For instance, a tenet common to both is that only under the aegis of the state is economic betterment to be found. The bitterest hater of socialism is as quick to call on political power to help him out of an economic morass as is the avowed socialist. Those unions which reject Communism (for practical discussion, Communism must be considered a socialistic sect) and those which openly espouse it are both in favor of a partnership

with political power; hard-headed businessmen and visionary pink professors join in asking the government to tax-and-spend the country into prosperity; protectionism, socialized medicine, unemployment insurance, social security, full-employment legislation, farm subsidies, and all manner of political cures for economic ills find support in the opposing camps. The difference between the two simmers down to the question of who shall control the power of the state; both are committed to the doctrine of more bread through more police.

Capitalists will demur at this statement and protest that the cardinal prayer in their litany is Individualism. Yet when you parse this prayer you find it is only a supplication for privilege. Privilege from whom? The state, the source of all privilege. Privilege for whom? Themselves, of course. Privilege against whom? Those who, deprived of access to the source of power, are put under compulsion to give up part of their production to those who have been favored by the state. Every privilege involves an advantage, and every advantage predicates a disadvantage. Therefore, the individualism about which the going capitalism prates is a decidedly one-sided arrangement. It is quite the opposite of that equality of rights and opportunities which is the keystone of true individualism.

When we consider the history of what is called capitalism we see that its principals never concerned themselves only, or even mainly with private ownership of the means of production and exchange. At the inception of the *laissez-faire* economy in the eighteenth century, the rising class of entrepreneurs put forth every effort to acquire for themselves a preferred position comparable to that occupied by the nobility; the task of producing goods and services for exchange has always been secondary and unwanted. Slavery, patents, franchises, protective tariffs, cartels, subsidies, land grants — any monopolistic avoidance of the demands and risks of competition — has been and is the hope and the goal of the businessman. He is a capitalist only by necessity; his ambition is to be a monopolist. Since every privilege amounts to getting something for nothing, no privilege can be self-enforcing. Taking property always requires force, and legalized force is the most expedient. The sovereignty of the state, backed by general acquiescence, is the source of privilege. It is the gangster's gun made shiney by the law.

The state, however abstract it may seem, is composed of human beings whose motivations are typical of the race. Their only price for granting a privilege is a further increment of power. Patents require a patent office, tariffs call for an extensive customs service, land grants demand a register's office. Every privilege granted by the state enlarges its working force, its power and its income by way of additional tax levies. Capitalists have rarely objected to all this; the cost of maintaining a bureaucracy is an inconsequential charge against profitable privileges, and is in the main met by taxes on producers anyway.

As it went about peddling privilege for grants of power, the state could not restrict its clientele to a specially selected group; that is, not after constitutionalism effected a diffusion of its strength. Feudalism had kept everything running smoothly by limiting privilege and political power to a well-circumscribed group. When the growing class of industrialists broke through this crust they demanded a share in the political power. Their economic strength made it impossible to hold them in subjection, and by the use of such shibboleths as "no taxation without

representation" and "the rights of man" they managed to wangle their way into a partnership with the rulers. There the *nouveau riche* held on, emulating their feudal predecessors by using political power to their advantage. They instituted the mercantilist system of creating scarcities so that the worker would have to give up more to them for the needs of life. To the privileges of the feudal landowners were added the privileges of the industrialists. Both classes, knowing how they came by their affluence, were intent on depriving the clamoring crowd of access to that power. But the crowd could not be denied forever, and when at long last it became a participant in power, by way of the vote, it soon learned its economic possibilities.

And so, as the suffrage was extended the state's customers increased in number and ferocity. Privilege was added to privilege with dizzy profligacy; the capacity of production to meet the price was ignored in the wild scramble for something "for free." Meanwhile, this siphoning of production involved an increasing overhead cost, thus further depleting the economy, while the administrative agency became stronger and bolder by the wealth and power thus put into its hands. It met the disaffection arising from a lowering economy by adding another group to its roster of privilege, another tax levy to its fiscal strength. Just as it relieved "infant industries" of foreign competition with a protective tariff, which added to its coffers, so it provided medical care for the indigent at the price of so-called social security taxes; it subsidized the railroad magnates and the impoverished farmers with equanimity, and blithely put the costs on production. What else could it do? Nor could it carry out its assignments without an increase in its collecting and dispensing personnel, whose keep must also be provided for by producers.

As I have pointed out on numerous occasions, socialism is the end-product of an economy sucked dry by privilege. It is the political control of an economy so weakened by political intercession that it cannot stand up on its own feet. When the remuneration for productive effort is insufficient to warrant the expenditure, when rent, royalties, subsidies and doles, to say nothing of the enforcement costs, absorb so much that sustenance becomes precarious and the incentive for capital accumulation disappears, then the state takes over and tries to make a go of it. It is not necessary here to discuss the causes of the periodic paroxysm known as the "depression"; it should be pointed out, however, that during such times the transference of economic power from producer to politician is accelerated, for it is then that the bewildered public is most susceptible to the most impossible promises. Nor need we go into the subject of war to show how this political upheaval gives impetus to the socialistic trend, not only by the new coercive instruments it puts into the hands of the state, but more so by the correlative economic power conferred on the politician; the financing of war through loans, to mention but one stance, creates a privilege class most intimately concerned with the state's power of levying taxes.

Socialism creeps up on society. It need not come by way of revolution, as Marx predicted. The Bolsheviks in Russia and the Fascists in Italy did take over the economies of their respective countries with a fanfare of arms, but in Germany it was initiated with legality and in England it is going through the parliamentary mill in due order. In America the state is becoming the one and only capitalist quite peacefully, making its way to the seductive strain of "the better life." And, in those countries where state capitalism became an accomplished fact as well as in those

countries where it promises to come into its own, the proletarian revolution was and is absent. A few intellectuals made Russia what it is, while the Nazis and Fascists owed their success to the support of middle-class industrialists. In England the privileged classes have taken to the idea of selling out their holdings to the state, and in America it is the so-called capitalist who is to blame for the fulfillment of Marx's prophecies. Beguiled by the state's siren song of special privilege, the capitalists have abandoned capitalism. In doing so they may well have made inevitable that day in the not-so-distant future when their dearly-bought privileges will be swept away as the state formally takes the means of production into its own hands. How right Lenin was when he said that the capitalist would sell you the rope with which you intended to hang him if he thought he could make a profit on the sale.

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JUDAISM AND THE HEREAFTER

By Michael S. Kogan

And death shall have no dominion.

— *Dylan Thomas*

Throughout history mankind has set its greatest minds to work attempting to come to some understanding of the meaning of death. The fact of death — death as an event, the climactic event of life — is certainly comprehensible to us in purely mechanical terms. It is in the meaning — not the fact — that the mystery lies. And it is a mystery worthy of the intellectual attention of those who will some day have to face it with far more than their intellects. Sooner or later all must confront the question of death, for it is always a question — a question which implies no particular answer.

And because no one answer or another is to be inferred from the event itself, those systems — philosophical or religious — which deal with the realm of meaning rather than fact, which are dedicated to the discovery of patterns of purpose in the varied occurrences of man's life, have given us, over the years, a rich variety of formal structures aimed at containing this greatest of mysteries within the framework of manageable human conception. Judaism is no exception. From its ancient beginnings it has wrestled with the angel of death seeking to wrest from his grasp the secrets of the next world. Judaism's interpretation of those secrets has changed through the years as the faith evolved and developed a definite philosophical attitude toward this great question.

As we examine the sacred texts of the faith we move from the Mosaic Law — the Torah (the first five books of the Bible, traditionally dated from the thirteenth century B.C.E.) — to the seventh century prophets and later Biblical writings and on to the Talmud which itself spans a period of nearly five hundred years of rabbinic teaching finally completed in the sixth century of the present era.

The space of this article will only permit us to set down the barest outline of the Jewish view of death as it developed in these holy writings. However, this brief survey of these basic sources can give us some picture of Judaism's attempt to map a course through that undiscovered country which is the common destination of all men.

Biblical Conceptions

The earliest Israelite conceptions of death are frank and unromanticized. Death is simply what it appears to be: the departure of life from the body. That "life," that animating principle, is not seen as a spiritual entity — a soul — but is symbolized in far more concrete terms and is identified usually with the breath (Genesis 2:7) or the blood (Leviticus 17:14, Genesis 9:4). Man was viewed not as a body containing a separate soul, but as a totality, a unity with certain powers of mind which enabled

him to understand good and evil and to deal with the "ought" as well as the "is." But with the departure of the breath of life, with the stoppage of the flow of blood, man ended his days and ceased to be. The Torah discusses death and its attendant rituals at length, but nowhere in this earliest stratum of the Scriptures is there reference to independently existing souls or spirits which live on after death.

We need not go far beyond the Torah to find the first references to afterlife in Hebrew literature. The Book of Samuel provides one such reference in chapter 28 in which King Saul speaks with the shade of Samuel which he has caused to be "brought up" from the underworld. The story clearly rests on a vague belief in the survival of the personality beyond death. The conscious individual persists after death in a shadow-like form, abiding in the netherworld — *Sheol* — a halfworld reminiscent of Hades in which the departed shades are gathered. This dreary concept appears in several prophetic books and is the dominant theme in the Psalmist's view of death. *Sheol* is called "the pit" and while there is no punishment for evil there, no fire and brimstone, it can hardly be considered a pleasant spot. There the shades hang in the air without hope of a future change in their condition.

This treatment of afterlife is clearly unconnected with the doctrine of reward and punishment. It must be noted, though, that early Judaism did consider that a just God would reward the good and punish the evil. Such recompense would not, however, be meted out in a future life but, rather, would be experienced by man here on earth in the form of abundance or scarcity, rain or drought, fertility or barrenness. *Sheol*, however, was the single destination of all men whether they had been good or evil in their earthly lives.

The next conception of the afterlife found in the Bible — resurrection — is usually considered to be a later development of Hebrew thought on the subject. But while it is true that the idea was not elaborated upon until the seventh century B.C.E., it may well be that it had been developing for several hundred years as a minor view attached to the concept of *Sheol*. As early as the Book of Samuel we find in Hannah's prayer at Shiloh (I Samuel 2:6): "The Lord killeth, and maketh alive; He bringeth down to the grave and bringeth up." This verse clearly implies resurrection of the body and is the first Biblical reference we have to this concept. The antiquity of this passage has been questioned by scholars, but regardless of the exact time of its appearance, there is no doubt that by the period of the seventh century prophets, the doctrine of resurrection had become the dominant Hebrew conception of afterlife. The Prophet Isaiah pictures this future event in chapter 26, verse 6: "Thy dead shall live, thy dead bodies shall arise. Wake, and sing, ye that dwell in the dust! For thy dew is a dew of lights, and the earth shall yield up the shades." Similar images are to be found in the prophecies of Ezekiel and in the apocalyptic visions of Daniel: "Many of those that sleep in the dusty ground will wake, some to eternal life, and some to ignominy and eternal abhorrence." (Daniel 12:2).

Now, we must remember that the resurrection here prophesied is a distant event. The fate of the individual person immediately after death is not the issue. What is being described is a revivification of the dead in which the spirit of life which departed the body at the moment of death is returned to the body. The body, long since decayed, is re-formed and made whole again within the grave. It then rises, literally, from the grave so that it can take part in the events of the Last Days and be judged for its sins.

This very concrete expectation of physical resurrection grew out of the Hebrew concept of the unity of man. If man lived this life as a unified human nature made up of body, intellect, emotions, etc., if his acts — including his sins — were functions of that total nature, then a just God would call to judgment the whole man — not some abstracted spiritual portion of him.

This later Biblical view, in contradistinction to earlier concepts, locates final reward and punishment in a future life and introduces the idea of a Last Judgment. Whether this was to be a resurrection of all men or only of Israelites, whether humanity as a whole would be called to judgment or only Jews is uncertain. At times the prophetic visions seem universal and at other times they are most parochial. The Last Days would, however, involve great calamities and tribulations and they would burst upon the world following the ushering in of the Messianic Age.

The concept of an anointed redeemer — the Messiah — who would appear at a crucial moment in Israel's history and lead the nation into a golden age is crucial to our understanding of the Biblical idea of resurrection. For it was in this glorious earthly reign of the Messiah that the resurrected righteous Israelites of all generations would share. It was not a heavenly kingdom but an earthly one that would be ushered in by the Messiah who, in turn, was never seen as a demi-god or a divine being but as a human being of great spiritual strength. It was only just that the righteous and pious Jews of all previous generations should enjoy the glories of his reign on earth. A general resurrection would make this possible.

Following the Messianic Age, the cataclysmic Last Days would begin, leading to the awesome climax of the Last Judgment. Then the good would be finally rewarded, the wicked finally condemned and the old world would pass away making way for a new dispensation which is described only in the most abstract metaphorical terms. Such is the description of the time to come found in the later books of the Bible. For further development of these themes we must look into post-Biblical Jewish sources, primarily the Talmud.

The Talmudic View

In regard to the Last Days, the opinions expressed in the Talmud are developments and refinements of the later Biblical view. The Messiah would appear, the righteous Israelites of all ages would rise from their graves and a golden age would be inaugurated on earth culminating (after a period of time the length of which was a matter of great dispute) with the Last Days which would herald the Day of Judgment on which the dead of all peoples would rise for final reward or punishment. There is great disagreement among the Talmudic rabbis as to the particulars of the tale, but on the basic points enumerated above, there is general

agreement. The various metaphors used by the rabbis add color to our expectations but the wide variation in their accounts would seem to indicate that, aside from the basic principle of resurrection itself, there was no question here of dogma. One might picture the world to come in any number of ways; indeed, the rabbis allowed their imaginations free reign as they strove to conjure up ever more elaborate visions of the hoped-for events. However, through all the disagreement runs one constant thread of faith which can be summarized in this rabbinic injunction from the *Ethics of the Fathers*: "This world is like a vestibule before the World to Come; prepare yourself in the vestibule that you may enter into the main hall."

But it would be only partially correct to view the Talmudic teachings on this subject as merely elaborations of Biblical doctrines. For, the Talmud does add a new dimension which had been lacking in the earlier canonical texts. As we have noted, the Biblical doctrines of the Last Days do not account for the fate of the soul immediately it leaves the body of the departed. The reason for this seeming oversight is, as has been pointed out, the unitary Biblical view of human nature. Since the Biblical writers never made a radical distinction between the corporeal and the spiritual aspects of man — between body and soul — the question of the fate of the soul independent of the body never troubled them. This is not the case, however, in the Talmudic texts.

By the Talmudic period, Judaism had come into contact with Zoroastrian and Greek thought and had developed what has been called in our time the doctrine of "the ghost in the machine," that is, the concept of a spiritual entity — a soul — dwelling within a physical body. Now, while Judaism never carried this view of human nature to the dualistic conclusions of the thorough-going body-soul dichotomy of Christianity, it was now possible to speak of the fate of the soul independent of the body. This new view enabled the Talmudic sages to account for the whereabouts of the soul following death.

The general Talmudic opinion seems to be that at the moment of death the soul departs from the body and enters a realm alternately referred to as "the heavens" or "the Garden of Eden." This is not an earthly abode but is a purely spiritual version of the Eden of Genesis. At the same time — if one can speak of *time* in this context — the souls of the unrighteous are sent to a place — or a state — called *Gehenna* or *Ge-Hinnom*, a spiritualized counterpart of the dreadful Valley of Hinnom in Jerusalem where pre-Hebrew pagans sacrificed their children to the ancient gods (a fitting place to be employed as a metaphor for the abode of evil souls). The disembodied souls will abide in their respective places until they are summoned to rejoin their bodies which will rise from the grave for final judgment. Thereafter the wicked will be condemned to a horrible fate (sometimes pictured as fiery torments, sometimes as eternal separation from God) while the righteous enjoy the glory of the Divine Presence for all eternity. Such is the Talmudic view of the fate of the soul: the Messianic Age, the Last Days, the resurrection and the Last Judgment. The general attitudes contained therein make up the normative Jewish concept of the hereafter for the individual, for the Jewish people and for all mankind.

Later Attitudes

The period from the close of the Talmudic age up to the present day has been a time of great intellectual activity among rabbis and scholars who have produced a vast body of commentaries and tracts dealing with all aspects of Jewish philosophy. These voluminous writings reflect a wide divergence of opinion on a great number of religious problems but all fall within the general boundaries of established Jewish tradition. Similarly, the many discussions of afterlife contained in these writings reveal a variety of influences — Platonic, Aristotelian, mystical, etc. — but on the fundamental points of Talmudic doctrine, they all agree. There would be no point in multiplying examples here; we need only state that the beliefs outlined above had, by the twelfth century, become so ingrained in Judaism that the great medieval Jewish philosopher Moses Maimonides felt justified in devoting to them the final three articles of his Thirteen Essential Principles of the Jewish Faith. They are as follows:

11. I believe with perfect faith that the Creator, blessed be His Name, rewards those that keep His commandments and punishes those that transgress them.
12. I believe with perfect faith in the coming of the Messiah, and, though he tarry, I will wait daily for his coming.
13. I believe with perfect faith that there will be a resurrection of the dead at the time when it shall please the Creator, blessed be His Name.

Today, the pious Jew maintains his belief in these three articles of faith. Orthodox traditionalists hold to the literal sense of the Talmudic doctrine generalized here by Maimonides, while those "modernists" who still consider themselves to be within the tradition accept the "essential meaning" of each principle but not the literal sense. They believe in a Divine plan in which the righteous and the wicked receive their just deserts — if only in a psychological sense; they hope for the coming of a golden age of peace and justice on earth — although this Messianic period may be ushered in without the intervention of a personal Messiah; and they affirm the immortality of the human spirit — while rejecting the concrete descriptions of the hereafter contained in traditional literature. But whether individuals accept the tradition literally or abstractly, it can safely be said that the great majority of professing Jews adhere, in some sense, to these three cardinal principles of Judaism.

One cannot but reflect upon the beneficial effect the general acceptance of this vision of human destiny would have on our world. In an age of human wilfulness and arrogance, an age in which man fancies himself the sole arbiter of right and wrong, the traditional teachings of Judaism regarding Divine Justice and the World to Come can help to call man from his ludicrous pretensions to divinity back to a rediscovery of his true vocation as a child of God.

They that are born are destined to die; and the dead to be brought to life again; and the living to be judged, to know, to make known, and to be made

conscious that He is God, He the Maker, He the Creator, He the Discerner, He the Judge, He the Witness, He the Complainant; He it is that will in the Hereafter judge, blessed be He, with Whom there is no unrighteousness, nor forgetfulness, nor respect of persons, nor taking of bribes. Know also that everything is according to the reckoning. And let not your imagination give you hope that the grave will be a place of refuge for you; for perforce were you formed, and perforce were you born, and perforce you live, and perforce you die, and perforce you will in the Hereafter have to give account and reckoning before the supreme King of kings, the Holy One, blessed be He.

(Ethics of the Fathers)

Mr. Kogan is the Editor of *IDEAS*. He is a Ph.D. candidate in the Columbia University Graduate Faculty of Philosophy and has studied at the Jewish Theological Seminary of America. His writings on philosophical and religious topics have appeared in the magazine: *Syracuse 10*. Mr. Kogan teaches at the New School for Social Research, where he is a member of the Faculty of Philosophy.

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DANGER ON THE LEFT

By Rabbi Allen S. Maller

In June, 1969, the Israeli Ambassador to Germany was unable to deliver a speech in Frankfurt because of student demonstrations. The next day he was again prevented from speaking at Hamburg University. During the course of the disturbances the Ambassador, Mr. Ben-Natan, pointed out that the last time that a Jew was prevented from speaking publicly in Hamburg occurred 34 years ago.

The average Jew, reading this account, will undoubtedly see visions of a resurrected neo-Nazism of the "right-wing." In truth, after he was shouted down the Ambassador declared that he felt the student protesters were identical with the neo-Nazis. However, it should be pointed out that these neo-Nazis were "Fascists of the left." The German Socialist Students' League, which provoked the demonstrations, denies that it is anti-Semitic. It, like all Communist and extreme left groups, is only "anti-Zionist." In reality, left-wing anti-Zionism is not very different from Nazi anti-Semitism. Unfortunately, many Jews do not see this with sufficient clarity because they are still fighting the battles of the last generation, having been conditioned by Liberal Jewish organizations to identify every danger as arising from the so-called "right-wing."

The major threat to Jewish survival in the 1960's comes from the left and the Socialist camp. Today, the only country with policies aiming at the disappearance of the Jewish people is the Soviet Union. Among the Arab states, the Syrian government which is the most revolutionary is also the most violently anti-Israel, while the conservative regime of Saudi Arabia did not even participate in the June 1967 war. In the so called "Third World" the "progressive" states in Asia and Africa are hostile to Israel while the "conservative" states of South America favor Israel. Here at home the politics of the New Left is to condemn "Zionist imperialism," while the conservative right commends the victory of Israel.

The truth of the matter is that the left-wing parties never were pro-Jewish. They opposed anti-Semitism because it was a tool of reactionaries in Europe. Jews mistook left-wing attacks upon the anti-Semitic parties and governments of Europe during the 1930's for a defense of Jewish rights. But the Communist solution to the Jewish problem, formulated by Marx, Lenin, and Stalin long before Hitler, was the assimilation and absorption of the Jews into the proletariat, either voluntarily or as a result of an active "re-education" by the party. This is why the Soviets continued the policy of the Czars in suppressing the Zionist organizations.

As soon as the Communist regime consolidated itself, it began the persecution of the Jewish community not only in its religious manifestations but also of the Zionist organizations. In the spring of 1922, 37 delegates to a Zionist (Tzeirei Zion) convention were arrested. They appeared before a Soviet military court on August 26th, 1922 under the following indictment:

"The Tzeirei Zion is a popular wing of the Zionist Party, which,

under the mask of democracy, seeks to corrupt the Jewish youth and to throw them into the arms of the counter-revolutionary bourgeoisie in the interests of Anglo-French capitalism. To restore the Palestine state, these representatives of the Jewish bourgeoisie rely on reactionary forces, ranging from Tiutiunik and Petliura to such rapacious imperialists as Poincare, Lloyd George, and the Pope."

The accused freely admitted their Zionist activities aimed at strengthening Jewish self-consciousness and working to create a Jewish state in Palestine. The court unanimously pronounced them guilty of anti-revolutionary activities. "The aim of the defendants in calling the Conference," said the verdict, "was to mislead Jewish youth and working masses and thus prevent them from fulfilling the duties required from them by the Soviet Government. Whereas by spreading chauvinistic tendencies the Tzeirei Zion pushed them into the arms of all sorts of bourgeois elements, thereby undermining the effort of the Soviet regime to liberate the Jewish working masses."

Arrests continued on a massive scale throughout the next two years. In September, 1922, more than one thousand Zionists were arrested in Odessa, Kiev, Berdichev, and other Ukrainian centers. Undaunted, Tzeirei Zion persevered in their underground work, maintaining contact — no matter how tenuous — between local cells, issuing circulars and information bulletins. In 1923 and 1924, arrests and trials multiplied. Some 3,000 Zionists were simultaneously arrested in 150 localities on the night of September 2, 1924, and arrests continued through October. Contrary to earlier procedure, Soviet authorities refrained from staging public "show-trials": experience proved that the public attending them openly sympathized with the accused. Both interrogation and trial were conducted secretly. The defendants were charged with, and convicted of, often unspecified "criminal offenses," usually involving sentences of three to ten years in prison or hard labor in "isolation camps," at first in Central Russia, later in Siberia.

The Communists have always maintained that anti-Zionism is not anti-Semitism. In fact it is "against the law" to be an anti-Semite in the Soviet Union. The cynicism and hypocrisy of this law is typical of the Soviets, for it is also against the law to teach your children Hebrew, to belong to a Zionist organization, to ordain rabbis, and at times even to bake matzoh for Passover. Communists argue that Yiddish culture is permitted and was even encouraged in the Soviet Union during the twenties and the thirties. However, Yiddish was tolerated only for propagandizing the Jewish masses who did not speak Russian. Once they had learned Russian, the Yiddish theatres, papers, bookstores, etc. were shut down and many Yiddish writers were executed or exiled to Siberia.

In foreign policy the only pro-Jewish Russian action — support of the establishment of the State of Israel — aimed at undermining British influence in the Middle East. When Israel did not undermine Western influence, but strengthened it, Russia switched to the Arab side and Communists the world over started to attack Zionism.

Today the Communists use the same "plot" tactics to which Hitler resorted.

They claim that there is an "international Zionist plot," in alliance with American imperialists, to control the world and to alienate Russian Jewry from its total loyalty to the Soviet Union. A recent edition of *Komsomolskaya Pravda* (October 4, 1967) illustrates this "plot."

The number of Zionism's adherents in the United States of America alone comes to 20,000,000 to 25,000,000 persons. Among them are Jews and non-Jews. They belong to associations, organizations and societies that play extremely large roles in American economy, politics, culture and science. About 70% of all America's lawyers; 69% of its physicists, including those engaged in secret work on the manufacture of weapons of mass destruction, and more than 43% of its industrialists are Zionists.

Soviet anti-Semitism is not just an adjunct of Communist foreign policy. The anti-Jewish philosophy is grounded in the thought of the founding fathers, Marx and Lenin. Jewish survival, according to Lenin, was unnecessary and impossible because the Jews were no more than a historical hangover, held together by persecution from without. Lenin made it mandatory for Socialists — for Jewish Socialists even more so than for non-Jews — to facilitate Jewish assimilation and do everything possible to accelerate Jewish group disintegration.

As Bezalel Sherman has stated, "the Communist movement has never relented in its violent opposition to all action aiming to strengthen Jewish group life. The rabid anti-Zionism of the Jewish Bund (a non-Communist labor organization) did not deter Lenin from making that party the target of his wrath in 1903, and did not save the Bund from liquidation at the hands of the Communists after they seized power in Russia in 1917."

Not only is Marxism directly opposed to Jewish survival but the Red rulers fear that in spite of all of their attempts to forcibly assimilate the Jews of the Soviet Union, Russian Jewry would defect in huge numbers if it had the opportunity. The article in *Pravda* that I quoted before openly admits this when it states:

The persistent and constant attacks by reactionary Zionist circles on the U.S.S.R., the accusation of anti-Semitism and the demand that Zionist organizations be given free reign in the Soviet Union under religious or other guises actually conceal the policies of the imperialist octopi, which are aimed at bringing hostile propaganda into the U.S.S.R. and introducing a split in the fraternal unity of the working people of all nationalities, whose only homeland is the one born 50 years ago, the great proletarian state — the Land of the Soviets.

The Soviet government has declared war on the Jewish people. Their opposition to Zionism is strengthened by the anti-Communist, pro-American policies of the State of Israel but its real genesis is the Red determination to destroy all Jewish group consciousness. Since Zionism is an outgrowth of Jewish ethnic identity, it must be stamped out along with all vestiges of Jewish religious and cultural life. The reasons for this rabid Soviet anti-Semitism are detailed in a JSA pamphlet, "The Destruction of the Russian Jewish Community," but whatever the reasons, it is clear that, if no change occurs, the days of the Jewish community of Russia are numbered.

As we have noted, Russian anti-Semitism is only one manifestation — the most barbaric one — of world-wide leftist opposition to the interests and aspirations of Jews everywhere. The so-called "neutralists" of the Afro-Asian nations, the "peace-loving" United Nations organization, the Red Chinese and the Vietnamese Communists, the revolutionary regimes of Egypt, Syria and Iraq, and the New Left and black power movements here at home — all unite in their hatred for all things Jewish. It is clear that the danger to Jewish survival in the foreseeable future will come from the left and the sooner Jews recognize this the safer we will be.

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CIVIL RIGHTS: SOME HISTORICAL PARALLELS

By Prof. Alfred Avins, Ph.D.

The old saying that those who ignore history are condemned to repeat it was never more apropos than in this country's present course in dealing with the brewing race relations crisis. In recent years the crop of riots in our cities has focused attention on our race relations which have been deteriorating for some time. The course of race relations in this century bears a strong resemblance to the slavery crisis of a century ago which can only be ignored at our peril. This parallel can best be observed by noticing a startling fact: Negroes today are playing a role in the race relations crisis quite similar to the role of the slaveholding South in the last century. While history never repeats itself exactly, human conduct is sufficiently predictable so that analogous causes will result in similar reactions. It is therefore of current interest to note the striking similarity between the role of the slaveholding community and the Negro community.

1. THE COMPROMISES

The legal position of both slavery under the Constitution as framed in 1787, and of Negroes under the Fourteenth Amendment, was the product of a compromise which did not completely satisfy those who were affected by it. However, the compromises represented an accommodation among conflicting views which made slavery in 1787 and the right of Negroes to live in the United States in 1866 possible.

In the case of slavery, abolitionist sentiment in 1787 was strong, not only in the North, but also in several southern states, particularly Virginia, where a number of prominent men such as Washington and Jefferson were much opposed to it. But it was not practical to abolish slavery or the slave trade immediately because certain southern states, particularly South Carolina deemed slavery necessary for their economic development. Hence, certain compromise measures were adopted, particularly the rule giving the South three-fifths representation for its slave population in the House of Representatives, and limiting the importation of slaves after twenty years. These provisions were a grudging concession to slavery. The country's true sentiment was well illustrated by the Northwest Ordinance of 1787, prohibiting all slavery in the territory north of the Ohio River.¹

The right of Negroes to remain in the United States is also the product of a compromise. Right before the Civil War the status of free Negroes in this country was precarious in the extreme. The slave states had laws forbidding them from entering these states, and also had laws expelling emancipated slaves after a certain period from the time of emancipation, usually twelve months. A free Negro who entered or remained contrary to these laws was subject to re-enslavement for life.²

Northern states were also adopting these provisions. In 1848, Illinois adopted a constitutional provision prohibiting Negroes from entering the state.³ In 1851 Indiana adopted a state constitutional provision not only forbidding Negroes from entering the state, but also from making contracts or working in the state.⁴ The Oregon Constitution of 1857 went so far as to prohibit Negroes from owning land in the state, entering the state, making contracts therein, or suing in court.⁵ Kansas and Iowa had similar provisions. Ohio required Negroes entering the state to give bond for good behaviour.⁶ By the time of the Civil War, other states were considering similar provisions. As late as 1862, the Illinois voters, by a two-and-a-half-to-one majority, refused to repeal its prohibition against Negro migration.⁷

In most northern states, free Negroes had no political rights, and those that they had were in jeopardy. For example, Pennsylvania abolished Negro suffrage in 1837.⁸ Some states, in setting up a school system, made no provision for Negro education at all.⁹ Thus, by the time of the Civil War, free Negroes were gradually being squeezed out of most parts of the United States. Only in New England, where they were few in number, were their rights unimpaired.

The original plan of President Abraham Lincoln was to free the slaves and colonize them in the West Indies and Africa. This is most clearly shown by a colonization provision in the District of Columbia Emancipation Bill of 1862.¹⁰ These colonization proposals were supported by a large majority of the white people of the country, including the Democrats and the moderate Republican wing of Congress. Only the Radical Republicans opposed colonization.¹¹

At the close of the Civil War, colonization became almost impossible. The staggering Union war debt was too large for the country to bear along with the costs of colonization.¹² The Confederate raiders had driven northern shipping from the seas, and there were not enough vessels to carry the newly freed slaves back to Africa. In addition, the war had been financed by the issuance of bonds, many of which were bought by foreign bondholders, and by printing paper currency, which was selling below its nominal value in specie, or gold and silver. To pay off the bondholders, and resume the payment of specie for paper, it was deemed necessary by Congress to keep the free Negroes in the South so that they could raise cotton, which was a leading export to Europe. This plan was so successful that in eight years cotton exports brought in enough English gold to resume specie payments for paper currency.¹³ Finally, Lincoln's assassination removed the one man who had the political prestige to push a colonization scheme through Congress.

In the first section of the Fourteenth Amendment, Congress decided the terms and conditions under which Negroes would live in the United States. The Radicals wanted to give them all of the legal rights which white citizens had, but this did not carry.¹⁴ Instead, the *Dred Scott* case was overruled and they were made American citizens, with only those privileges and immunities which appertained to American citizens. Foremost among these was the right to live in any state. They also obtained the same legal capacity to make contracts, obtain property, and seek work, which at the time were known as "natural rights" or "civil rights."¹⁵ The Fourteenth Amendment also extended the protection of the Bill of Rights, in common with other citizens, to Negroes, and gave all persons, whether citizens or not, equal protection in their life, liberty, and property. This amendment did not cover

political rights at all, although the Fifteenth Amendment later forbade racial discrimination in the right to vote.¹⁶

The Fourteenth Amendment did not cover any state-created benefit or touch the social status of Negroes.¹⁷ It did not give Negroes the right to go to school, let alone an integrated school.¹⁸ It did not abolish racial segregation laws or anti-miscegenation laws. These were left under state control, with the expectation that segregated association would remain as it was before.¹⁹ It was not expected that Negroes would receive any more assistance from government in the struggle for economic advancement than white persons were getting. Thus, on February 3, 1875, Congressman Richard H. Cain, the first Negro member of the House of Representatives, said: "Place all citizens upon one broad platform; and if the Negro is not qualified to hoe his row in this contest of life, then let him go down."²⁰ While the South did not voluntarily ratify the Fourteenth Amendment, it acquiesced in it after 1876.

There were two subsequent compromises, both in the cases of slavery and Negroes, which elaborated on, but did not change, the original basic compromise. In the case of slavery, the Missouri Compromise of 1820 reaffirmed the exclusion of any slaves from the large bulk of the territories. The Compromise of 1850 strengthened the Fugitive Slave Law, but by admitting California as a free state, in effect solidified the ban on extension of slavery into the territories.²¹

In the case of race relations, the so-called "Compromise of 1876," while informal in nature, in effect reaffirmed the limited nature of the Fourteenth Amendment. In 1870, Senator Charles Sumner, the egalitarian Radical from Massachusetts, proposed to give Negroes equal rights in railroads, steamboats, and other conveyances, in hotels, theaters and places of amusement, cemeteries, schools, scientific and charitable institutions, churches, and juries. This bill was widely interpreted as forbidding segregation. A slightly modified version of the Sumner bill passed the Senate in 1874, and largely contributed to the landslide defeat of the Republican Party in the elections of that year. The clause desegregating schools was especially obnoxious in most sections of the country. In 1875, a modified Civil Rights Act became law,²² but the Republicans continued to face public hostility in the 1876 elections because of this act even though the school clause was deleted. As part of the settlement of the Hayes-Tilden controversy in 1877, the Republicans refrained thereafter from passing laws which went beyond the Fourteenth Amendment's compromise formula,²³ and in 1883 the Supreme Court declared unconstitutional all of the Civil Rights Act of 1875 except the jury clause.²⁴

The so-called "Compromise of 1895" or the "Atlanta Compromise" was also an informal acceptance by Booker T. Washington, then the nationally recognized Negro leader, of the right of states to impose social segregation. The South had passed a number of segregation laws in the prior decade, and Washington recognized the validity of these laws, asking only for economic opportunity.²⁵ In 1896 the Supreme Court, in *Plessy v. Ferguson*²⁶ recognized the compromise nature of the Fourteenth Amendment by sustaining these laws against constitutional attack.

2. THE DECLINE

A second striking parallel between slavery and race relations compromises is that the result of the compromises satisfied neither side. The abolitionists hoped that slavery would gradually die out of its own accord, as indeed it did in the northern states. The slaveholders expected that the institution of slavery and the slave states would grow and prosper, keeping pace with the growth and prosperity of the rest of the country. Neither occurred.

Slavery did not die out, but as an economic institution it could not maintain the same relative productivity as free labor. Moreover, the new immigrants avoided the slave states. Until 1850 there were as many slave states as free states, but by 1860 the free states outnumbered the slave states by 18 to 15. Moreover, at the start of the Civil War about two-thirds of the country's white population and most of its industry was concentrated in the free states. Slavery was falling progressively behind as an economic force.^{2 7}

There was the same failure to carry out the comprehensive measures in full in the North, especially in regard to fugitive slaves, due to latent anti-slavery hostility. In the overall picture, this was relatively minor. The inherent problems of the slave system were in reality what retarded its economic growth.

Once again, the race relations parallel is clearly observable. Many southerners and other anti-Negro whites hoped that the Negroes would gradually leave the United States of their own accord. On the other hand, Negroes and their sympathizers expected that the Negro population would prosper along with the rest of the country. Neither of these things occurred.

Negroes after emancipation continued to be concentrated in lower-paying unskilled agricultural employment, service occupations, and lower-level factory work. With the mechanization of cotton production and other traditionally Negro employment, thousands of southern Negroes have been driven to Northern cities to seek work. Accelerated mechanization and automation of industry has reduced employment for unskilled Negro labor. Negro unemployment rates have remained about double the white unemployment rates, and the average pay level of Negroes continues to be considerably less than the white average. The gap in higher paying jobs, especially in business, is even more pronounced. As a group, Negroes remain at the lower levels of the economic scale. The most singular failure has been the inability of Negro businessmen to compete in the white business world. Although they are ten percent of the population, no single area of business catering to the population as a whole has become Negro-owned to any large extent.^{2 8}

Also parallel to slavery, there has been some renegeing on the compromise measures in race relations. The South never formally agreed to the reconstruction amendments, but only acquiesced in them as accomplished facts. The dubious legality of these measures, combined with latent anti-Negro sentiment, produced a refusal to comply fully with these constitutional amendments. In particular, the Fifteenth Amendment, banning voting discrimination, was widely ignored. But from an overall economic point of view, this had only a minor effect on Negro economic weaknesses. Whether through white hostility or inherent inability, Negroes have not been able to compete effectively in a white economic world.

3. THE SHORING

The third major parallel between slavery and the position of Negroes is that when weaknesses were found in the position of each, their proponents demanded and received shoring, or props, from first the states and later the federal government. This shoring served to conceal for a time, but not to remedy, the inherent weaknesses. These props in both cases were beyond the compromises originally laid down in the Constitution.

The states first passed laws to defend slavery against abolitionist agitation. For example, it was made a criminal offense to advocate abolition of slavery in a number of southern states.^{2 9} Laws were passed making it a crime to teach Negroes to read and write, in order to isolate them from abolitionist sentiment.^{3 0} The mails were rifled to remove abolitionist literature.^{3 1} Laws were passed expelling free Negroes from various states, and barring free Negroes from the North who were looked on as the natural leaders of slave revolts. Even Negro sailors on coastal vessels were imprisoned if their ships reached southern ports until they could be carried away when their ship sailed.^{3 2} Emancipation, too, was made progressively more difficult in southern states after 1830.

When this shoring was insufficient, the South demanded and obtained in the Compromise of 1850 a more efficient fugitive slave law.^{3 3} The final breaking point for the North was the expansion of slavery into the territories by the Kansas-Nebraska Act of 1854, which clearly violated the basic compromise.^{3 4}

Negroes, too, first obtained shoring from the state governments. This came in the form of laws forbidding discrimination in certain businesses based on race or color. All other discrimination was permitted. As a practical matter these laws meant what white persons could discriminate against other white persons on any grounds but could not discriminate against Negroes. These laws constituted special legal privileges for Negroes, who alone were protected against discrimination which affected them. Later on, religion, national origin, and a few other grounds of prohibited discrimination were added to these statutes, but they still retained their essential characteristics as special protective devices for Negroes, as illustrated by the fact that even in states where Negroes are a tiny fraction of the population, they are the large majority of complainants under anti-discrimination laws.^{3 5}

In 1945, New York State prohibited employment discrimination, and in 1956 the statute was extended to housing. Other states soon followed suit. Forced housing integration statutes, otherwise known as "open occupancy laws," have been defeated in a number of state and city referenda. The extension of Negroes into white housing by compulsion has served to galvanize white opposition much as the extension of slavery into the territories galvanized free state opposition a century ago.^{3 6}

The federal government has moved into the field of supporting Negroes today just as the federal government supported slavery a century ago. The policy of appeasing slavery started by the Whig administration of Presidents Taylor and Fillmore, who were carrying on the Polk policies, was greatly enlarged during the Democratic Pierce and Buchanan administrations.^{3 7} Similarly, Truman and

Eisenhower's modest support programs for Negroes has been greatly expanded by the Kennedy and Johnson administrations. Federal "civil rights" laws, especially the Civil Rights Act of 1964 covering places of public accommodation and schools, readily come to mind. Anti-poverty programs largely for the benefit of Negroes have proliferated. The last administration succeeded in passing a national compulsory housing integration law just as the Buchanan administration aimed to throw the country, as far as it could, open to slavery.

4. SHORING BY THE SUPREME COURT

Another important parallel has been the role of the Supreme Court in the slavery and race relations crises. The slaveholders became very interested before the Civil War in shoring up their legal position with the Court's help. From a public relations point of view, it was desirable to have the Court's imprimatur on the legality of the measures demanded by the slaveholders.

In a succession of cases, the Supreme Court lent its prestige to the cause of the slaveholders in shoring up slavery beyond the limits of the original constitutional compromise. For example, *Greaves v. Slaughter*,³⁸ decided in 1841, and *Moore v. Illinois*³⁹ decided in 1852, immeasurably strengthened the hands of the states in keeping free Negroes out, a matter of prime interest to the southern states. The *Dred Scott*⁴⁰ case in 1857 was the apex of slaveholder accomplishment in the Supreme Court. By holding that Negroes were not citizens, the Court endorsed the southern position that free Negroes had no right to live in the United States or to go into any state against its laws.

But more important from a political point of view, the Court held that the Missouri compromise was unconstitutional and that Congress had no constitutional power under the Fifth Amendment to ban slavery from any portion of the territories. This decision was clearly contrary to the original intent of the framers. The Fifth Amendment was virtually contemporaneous with the Constitution itself, and during the framing thereof Congress had banned slavery from the Northwest Territory by the Ordinance of 1787. It is inconceivable that the First Congress which contained many anti-slavery men intended to overrule a provision only a few years old. However, the Supreme Court's decision laid the foundation for the southern claim to an indefinite expansion of slavery.⁴¹

The present Supreme Court since World War II has played a remarkably similar role. Starting with *Shelley v. Kraemer*⁴² in 1948 which outlawed racial restrictive covenants and the school segregation case of *Brown v. Board of Education*⁴³ in 1954, the Court has gone progressively further in promoting compulsory integration to reinforce the position of Negroes. In doing so, it has expanded the Fourteenth Amendment in two ways beyond the limits set forth by its framers in the 39th Congress in 1866. The first direction is to outlaw all racial distinctions made by law or by whatever the court deems to be "state action," i.e. governmental activity. *Leving v. Virginia*,⁴⁴ decided in 1967, which overturned state laws forbidding interracial marriage, is a recent example of this. The second method of expansion is to progressively increase the number of activities which can be brought within the scope of the Fourteenth Amendment by labeling more and more activities as "state action." A good example of this, also decided in 1967, is *Reitman v. Mulkey*⁴⁵.

which made it virtually impossible for a state constitution to ban compulsory housing integration laws.

Other decisions, although tangential to Negroes, should not be overlooked. For example, the legislative reapportionment cases had their forerunner in *Gomillion v. Lightfoot*,⁴⁷ a decision outlawing gerrymandering against Negroes. The Court no doubt took into account Negro migration to the cities, and the increase in Negro representation as a result of these cases surely cannot be deemed merely an unintentional byproduct. The Supreme Court is also aware that Negroes are defendants in criminal cases far out of proportion to their population. Hence, the Court's recent decisions vastly expanding the rights of criminal defendants are no doubt tailored to a great extent to meet the needs of Negroes. Even when a white person is a defendant in a particular case, the rule that the Court lays down will be beneficial to Negroes more often in proportion to population than to whites.⁴⁸

Cases relating to freedom of speech and press, and rights of teachers, also should not be overlooked. It is not without significance that the leading cases of *New York Times v. Sullivan*,⁴⁹ holding newspapers immune from carelessly libeling public officials, and *Shelton v. Tucker*,⁵⁰ expanding the right of teachers to use their positions to propagate their ideas, both arose in a race relations context. The media of academic and business communications are largely in liberal, integrationist hands, and these and other cases give full opportunity to such media to propagandize in favor of integration in hostile areas without any check or rebuttal. Manifestly, it is impossible for a local southern official to rebut the great nationwide media monopolies, and the elimination of libel suits as a practical weapon therefore serves as a prop for integrationist propaganda just as shutting off anti-slavery material a century ago, leaving pro-slavery material unrebutted in the South, served as a prop for slavery.

The Supreme Court's efforts on behalf of slavery under Chief Justice Taney served to mortgage its prestige with the slaveholders and their sympathizers. The anti-slavery Republican lawyers knew that the Court's decisions were unconstitutional, and the Court, especially as a result of the *Dred Scott* case, was drawn into disrepute with lawyers of opposing ideology, who could no longer accept it as an impartial umpire. The Taney court had to depend for its efficacy on the political power of the pro-slavery Democratic administrations. When Lincoln was elected, this power was removed, and the mortgage on the Court's prestige was foreclosed. The court had overdrawn on its most important asset, respect from all political factions. In 1861, when Chief Justice Taney held in *Ex parte Merryman*,⁵¹ that Lincoln's suspension of the writ of habeas corpus was illegal (as indeed it was, until congressional ratification), Lincoln ignored his writs with impunity. The Court had deposited its prestige with slavery and was now bankrupt.

It is interesting to note what the Republicans said of the Taney Court because their remarks seem so current. On May 5, 1858, Senator William P. Fessenden of Maine declared that the *Dred Scott* case was "a perversion of all law, of all fact, and of all history, and that there is nothing in it which should entitle it to my respect as a decision of the court under any circumstances . . ." ⁵² On April 24, 1860, Representative John A. Bingham of Ohio, who later drafted part of the Fourteenth Amendment, called the *Dred Scott* case "a mere stump speech made in the Supreme Court." ⁵³ On March 1, 1866, Representative James F. Wilson of Iowa, Chairman of

the House Judiciary Committee, declared:

"It was not safe to cast the monstrosities of the decision into the presidential campaign of 1856. The Democratic party had all it could carry without the abominations which the end of that case was destined to disclose. The case was held over, Buchanan was elected, and then the leaders of the party were ready to let slip the pestilent doctrines of the Dred Scott case. No one doubts that the leaders of the Democratic party knew what was to come out of that case in the form of aid and comfort to them The opinion of the court was soon after given to the country, but instead of becoming a triumphant platform for the Democratic party, it proved to be the scaffold on which the party was executed."⁵⁴

On March 8, 1866, Representative John Broomall, a Pennsylvania Radical, likewise referred to "the political speeches of the judges of the Supreme Court of the United States on the occasion of their assembling to celebrate the election of James Buchanan, called in mockery their decision in the *Dred Scott* case."⁵⁵

The Warren Court was in a remarkably similar situation to the Taney Court a century ago. Its prestige account with conservative lawyers was dangerously overdrawn. The Court's assets were mortgaged to support compulsory integration, as well as a number of other liberal social schemes which eventually led to a sharp decline in public respect for this, our highest tribunal.

5. RESISTANCE TO SHORING

Continuing the analogy, it is striking to note the similarities between anti-slavery resistance to shoring up slavery and modern resistance to shoring up the position of Negroes via compulsory integration schemes.

Northern hostility towards slavery was first directed against enforcement of the Fugitive Slave Law. This law was intensely unpopular in many northern areas and was widely evaded. In spite of the legal prohibition against assisting fugitive slaves, and the requirement that northern communities help in the return of fugitives to the South on demand of federal marshals, many northern communities sheltered fugitive Negroes and spirited them away when in danger of recapture.

Moreover, in some instances local communities actively opposed the federal courts and commissioners in returning fugitive slaves, and federal military power had to be used to enforce the law. There were rescues of slaves in Milwaukee and Chicago from federal authority. In Detroit, the recapture of a slave caused a riot, which required federal troops for suppression. Slaves were also rescued in Boston, and federal troops and marshals had to be called out there.⁵⁶

Resistance to expansion of slavery into the territories took a two-fold aspect. One was determined political opposition. The other was emigration. For example, after Kansas was thrown open to slavery, societies were organized in the North to spur emigration of free-soil sympathizers to Kansas in order to outvote the

slaveholders and to bar slavery from the new territory. Anti-slavery men were determined to contain slavery and not to permit it to grow.^{5 7}

In addition to private action to thwart the expansion of slavery into the territories, and the operation of the Fugitive Slave Laws, even the northern state officials gave active assistance in these endeavors to frustrate national policy favoring slaveholders. This was particularly pronounced in regard to state obstruction of the Fugitive Slave Laws. Personal liberty laws were enacted in Vermont, Connecticut, Rhode Island, Massachusetts, Michigan, Maine, Kansas, and Wisconsin, which were all designed to help free Negro slaves.^{5 8} In the *Booth*^{5 9} case, the Wisconsin Supreme Court even ordered the release of a fugitive from federal custody, and refused to allow the United States Supreme Court to review its action. The Court had to put down this obstruction of federal judicial process with a firm hand in *Ableman v. Booth*.^{6 0}

The parallel today is self-evident. The unpopular "open occupancy" laws, providing for unlimited expansion of Negroes into white housing, have been surreptitiously evaded on a wholesale basis. A thousand ingenious devices have been employed by white communities unwilling to live with Negroes. In addition sporadic but significant outbreaks of violence by white communities against the operation of these laws also attest to resistance to shoring up of the Negroes' social and economic position.^{6 1}

Resistance to school integration has been too dramatic and recent to require any extensive elaboration. The process employed in the North has been a multitude of evasive devices. Southern resistance closely parallels the nullification of the Fugitive Slave Laws. The enforcement of federal school integration policies has been obstructed by mobs in local communities, state laws, the action of state executive and judicial personnel, and other organized community action reminiscent of the 1850's in the Northern states. Federal troops and marshals have had to be called into the South during the last ten years just as they were called into the North a century ago.^{6 2} The South has flouted the federal judiciary in the same way that the *ante-bellum* North did, and for the exact same reason: in each case it was felt that the judiciary was no longer an independent arbiter of the government, but had become a pliant tool of the administration's ideology. In other words, it had been converted into the United States Propaganda Agency, Judicial Branch.

6. THE CHASM

The various measures taken by the federal government to reinforce slavery led to rising expectations on the part of the slaveholders that the institution of slavery would expand and prosper. These expectations were not fulfilled. Even under the best of conditions, and without any northern opposition, it would have been difficult to satisfy the southern expectations. The new territory open to slavery in Kansas was not suitable for the growing of crops for which the use of slave labor was profitable. The new federal Fugitive Slave Law was burdensome and expensive for a slaveholder to enforce, even if the community in which he was seeking his slave was passive.^{6 3}

But northern opposition to expansion of slavery into the territories and to the rendition of fugitive slaves largely frustrated the operation of these measures. Southerners felt that northern acquiescence in these measures in Congress was insincere. The southerners felt cheated out of the benefits that Congress had promised them. The failure to carry out these promises led to an increase in southern demands. Every time that one element among the slaveholders increased its demands, all of the South felt it necessary to advance to the new position. Each of these increases in southern demands led to increased hostility among the northern populace, although Congress was wont to compromise as long as possible.⁶⁴

Southern frustration at unfulfilled expectations finally induced the southerners to resort to violence. The slaveholder attack on Lawrence, Kansas, and the Missouri-Kansas border war, was a forecast of things to come.⁶⁵ The assault on Senator Charles Sumner by Representative Preston Brooks also attested to southern sentiment.⁶⁶ These southern measures simply fanned latent anti-slavery hostility in the North, creating abolitionists by the thousands. In turn, many southerners talked about leaving the Union and going into rebellion. It was clear that a chasm between the South and the North was growing progressively wider.

Once again, the parallel with race relations is remarkable. The various integration measures taken by state and federal governments to ameliorate the condition of Negroes, although inherently futile, have engendered rising expectations among Negroes which have not been fulfilled, and which cannot be fulfilled even under the most favorable conditions. These expectations, in the last analysis, relate to the status and respect of Negroes among white persons, which the law could not mandate even if there was no white opposition to integration.

But white opposition to integration has largely frustrated any benefits which Negroes might have expected to obtain from integration measures. There is a growing feeling, especially among younger Negroes, that whites are insincere in advocating or acquiescing in integration, and that they have been cheated out of the promised benefits of it. Moreover, the failure to produce the alleged benefits of integration has led to an increase in Negro demands. Every time one Negro group makes a new demand, other groups feel it necessary to act equally militant. Each of these new demands has increased hostility to any Negro demands among white persons, although Congress and the state legislatures seem inclined to acquiesce as long as possible.

Negro frustrations at unfulfilled expectations created by federal and state promises have led to violence. The riots in our cities, which have struck every year, are a manifestation of this discontent. These riots have fanned anti-Negro hostility which has always been latent in many white areas. Thousands of whites, in the North as well as the South, have annually joined the ranks of those who would like to have Negroes leave the United States. The hortatory preaching in our churches has had no effect on the drainage of this good-will. In turn, some of the more militant "black power" advocates talk in terms of an open rebellion. It is clear that a chasm is widening between the general white community and the Negroes of this country.

7. PROSPECTS OF ABOLITION

As late as 1860, the abolitionists in the United States were considered extremists, if not a lunatic fringe. Even so ardent an anti-slavery senator as Charles Sumner did not propose to abolish slavery on the ground that Congress had no power to do it.^{6 7} The furthest that the Radical wing of the Republican Party would go was to restrict slavery to its existing limits, and to eliminate some of the governmental props for slavery.^{6 8}

Moreover, when the North finally became tired of the incessant southern demands, it did not elect an abolitionist. In 1860, Abraham Lincoln did not campaign on an abolitionist platform. Indeed, the Republican platform of that year specifically pledged itself not to interfere with slavery in those states which recognized it.^{6 9} When Lincoln was elected and the southerners were threatening to go out of the Union, one of the compromise proposals for which a large number of the Republicans in Congress voted was a proposed constitutional amendment forever guaranteeing the perpetual status of slavery.^{7 0} It was clear that by the end of 1860 abolition of slavery was as remote a possibility as ever.

Yet five years later slavery was abolished. The southern rebellion alone killed it. The Republicans were fond of pointing out that they had abolished slavery to end the rebellion, and not ended the rebellion to abolish slavery.^{7 1} Abolition progressed from a lunatic idea, to an extremist solution, to an unlikely event, to a distinct possibility, to a definite probability, to an urgent necessity. Thus did the termination of the compromise of 1787, 1820 and 1850, lead to the end of slavery which only lived at all under the shelter of these compromises. By 1865, even some pro-slavery Democrats voted for the Thirteenth Amendment.^{7 2}

Once again, a historical parallel becomes evident. Before the riots, colonization of Negroes in Africa would have been deemed a lunatic proposal. As of the present moment, it has graduated to the category of outer-fringe extremism. If the present annual disturbances continue in our cities, such a plan will graduate into an ever-more respectable position. This is a serious matter to contemplate since the nation's race relations do not appear headed to a more harmonious posture. Quite the contrary, every year the country's younger Negroes adopt a progressively more militant posture, just as the militant slaveholders did a century ago.

The barriers to deportation and colonization are not so formidable as to dismiss the matter out of hand. The chief legal barrier is the Fourteenth Amendment which makes Negroes citizens, and entitled to live in the United States. The southerners have never accepted the Fourteenth Amendment as a valid part of the Constitution since it was proposed by a rump Congress and ratified under the duress of military occupation. It was acquiesced in as part of the compromise of 1876, but if the compromise is broken by Negroes, whites may claim that they are not bound either. This would place Negroes back under the *Dred Scott* decision, liable to expulsion at the behest of the white majority.

As a practical matter, deportation has been deemed a lunatic proposal because a large portion of the white population would unite with the Negroes against it. This is exactly analogous to the reason why abolitionists never succeeded before 1860. A

large body of northerners, including the wealthy and influential business community, protected slavery to keep peace in the country. But the slaveholders seriously underestimated the extent to which their incessant demands eroded their northern support. As the rebellion continued, this support was reduced to impotence. Even to the end, the North still had some southern sympathizers, or "copperheads." But the mass of northerners became anti-slavery in time.⁷³ Erosion of white sympathy for Negroes is already visibly progressing, and will continue to do so if the present situation deteriorates with perpetual "black power" demands.

The fact that Negro militants constitute only a small proportion of the Negro community does not detract from the parallel. The active secessionists before 1860 constituted only a tiny minority of the southern population. Indeed, the large majority of southern whites owned no slaves at all. But it should be noted that southern militants before 1860 had a good deal of popular acceptance and passive support,⁷⁴ just as Negro militants do today in the Negro community.

8. RESTORING THE COMPROMISE

Those peacemakers before 1860 who saw the country being torn asunder advocated restoration of the essential compromises which made slavery possible. This was the policy of Henry Clay and Daniel Webster.⁷⁵ Had their plans been carried out slavery would have survived long after 1865. The failure of the slaveholders to realize how weak their condition was, and how essential those compromises were to their position, was the vital defect which made abolition an ultimate reality.

If racial peace is to be restored today, it can only be done on the basis of those compromises which formed the foundation of the right of Negroes to remain in the United States in 1865. These terms are, basically, that Negroes would have the same rights to deal with white persons that other white persons had, whether for jobs, or for the goods and services of society, but that if white persons were not protected against discrimination by other white persons, Negroes would be unprotected also.⁷⁶ Such a principle would require repeal of all anti-discrimination legislation, because such laws now forbid only racial discrimination, which is of interest to Negroes, and not all other kinds of discrimination from which white persons suffer.⁷⁷

Moreover, all laws infringing on the constitutional rights of white persons would have to be repealed. This includes laws requiring white businessmen and workers, such as barbers, to render personal service to Negroes, in violation of the Thirteenth Amendment provision against involuntary servitude.⁷⁸ It would require repeal of "open occupancy" or "forced housing" laws, which take property without due process of law in violation of the Fourteenth Amendment, and infringe on freedom of association.⁷⁹ It would require dismantling the whole structure of compulsory integration, repeal of all laws giving Negroes any particular social status, and institution of a policy of no special privileges for Negroes.

Of course, it would not be easy to pursue such a compromise policy. In the last two decades since World War II Negroes have been incessantly told that they have a constitutional right to all of these special privileges out of which they have been

cheated since emancipation, until now most of them believe it. What has happened is that our national leadership in government, business, communications media, religious bodies and education institutions, and last but by no means least the Supreme Court, has opened a Pandora's box which it will be hard to close. Seeing how the compromises on race relations were not working well, these leaders had three choices. The first was to update and improve the compromises, by far the hardest choice in terms of execution. The second was to return to the deportation and colonization plan, which hardly anybody wanted at the time. The third plan, was to break the compromises by giving Negroes unlimited privileges. This was the plan adopted by the Supreme Court, and behind which the nation's leaders ultimately rallied. It is similar in its essential respects to the plan to make the country give slavery unlimited opportunities a century ago, and is failing for the same reason.

Time is running out. The white majority shows unmistakable signs of restlessness at Negro demands, while Negro militancy and obliviousness to white sentiment is rising. The country is on a collision course which the expenditure of a few billion dollars may delay but will not indefinitely avert. If a racial collision is to be averted, the government must give up the role of enforcer of compulsory integration and must reaffirm the compromises which can enable whites and Negroes to live side by side without forcibly being thrust into each others arms by federal statutes which clearly violate the constitutional rights of free association, enflame anti-Negro passions among whites, and raise Negro hopes which can never be fulfilled.

Professor Avins holds seven academic degrees including: LL.B., 1955, Columbia; M.L., 1961 and J.S.D., 1962, Chicago; Ph.D., 1965, Cambridge. He has been Associate Professor of Law at Chicago Kent College of Law and Professor of Law at Memphis State. He has argued before the United States Supreme Court and has served as Staff Counsel to the Senate Judiciary Committee, Special Counsel to the Virginia Commission On Constitutional Government, and Special Counsel to the Southern Attorneys General. The author of four books and sixty-five law review articles, he is a former columnist for the *Memphis Commercial Appeal*.

FOOTNOTES

¹ 20 Encyclopaedia Britannica 783 (1960).

² Cong. Globe, 36th Cong., 1st Sess. 1680-81 (1860).

³ Ill. Const., Art. XIV (1848).

⁴ Tansill, Avins, Crutchfield & Colegrove, *The Fourteenth Amendment and Real Property Rights*, in *Open Occupancy vs. Forces Housing Under the Fourteenth Amendment* 68, 70 (Avins ed. 1963).

⁵ Ore. Const., Art. I, S. 35 (1857). See Avins, *The Right to Bring Suit Under the Fourteenth Amendment: the Original Understanding*, 20 Okla. L. Rev. 284, 288 (1967).

⁶ Cong. Globe, 37th Cong., 2d Sess. app. 156 (1862).

⁷ Avins, *Freedom of Choice In Personnel Service Occupations Revisited*, 18 Syracuse L. Rev. 515, 534 (1967).

⁸ Cong. Globe, 40th Cong., 2d Sess. 1957-9, 1963-4 (1868).

⁹ E.g. Indiana. See Lewis V. Henley, 2 Ind. 332 (1850).

¹⁰ Act of April 16, 1862, 12 Stat. 376, 378, S 11.

¹¹ Cong. Globe, 37th Cong., 2d Sess. 1520-1, 1604-7, 1633-4, 2502, app. 172-4 (1862).

¹² Cong. Globe, 37th Cong., 2d Sess. app. 247 (1862); 39th Cong., 1st Sess. 178-9 (1866).

¹³ 20 Encyclopaedia Britannica 742, 815, 818 (1960).

¹⁴ See, e.g. Cong. Globe, 39th Cong., 1st Sess. 537, 2459, 3148 (1866) (remarks of Rep. Thaddeus Stevens).

¹⁵ Avins, *The Civil Rights Act of 1866, The Civil Rights Bill of 1966, and the Right to Buy Property*, 40 So. California L. Rev. 247 (1967).

¹⁶ Avins, *Literacy Tests and the Fourteenth Amendment: the Contemporary Understanding*, 30 Albany L. Rev. 229 (1966); Avins, *Literacy Tests, the Fourteenth Amendment, and District of Columbia Voting: the Original Intent*, 1965 Washington University L. Q. 429.

- ¹⁷ Avins, *Social Equality and the Fourteenth Amendment: the Original Understanding*, 4 Houston L. Rev. 640 (1967).
- ¹⁸ Avins, *The Equal "Protection" of the Laws: the Original Understanding*, 12 N. Y. Law Form 385 (1966); Avins, *De Facto and De Jure School Segregation: Some Reflected Light on the Fourteenth Amendment from the Civil Rights Act of 1875*, 38 Miss. L.J. 179 (1967).
- ¹⁹ Avins, *Anti-Miscegenation Laws and the Fourteenth Amendment: the Original Intent*, 52 Va. L. Rev. 1224 (1966).
- ²⁰ 3 Cong. Rec. 957 (1875).
- ²¹ 20 Encyclopaedia Britannica 799, 803 (1960).
- ²² Avins, *The Civil Rights Act of 1875: Some Reflected Light on the Fourteenth Amendment and Public Accommodations*, 66 Columbia L. Rev. 873 (1966); Avins, *Racial Segregation in Public Accommodations: Some Reflected Light on the Fourteenth Amendment from the Civil Rights Act of 1875*, 18 Western Reserve L. Rev. 1251 (1967).
- ²³ 20 Encyclopaedia Britannica 819 (1960).
- ²⁴ Civil Rights Cases, 109 U.S. 3 (1883).
- ²⁵ 19 Dictionary of American Biography 507-8 (1943).
- ²⁶ 163 U.S. 537 (1896).
- ²⁷ 20 Encyclopaedia Britannica 804-6 (1960).
- ²⁸ See, generally, Report of the National Advisory Commission on Civil Disorders (1967).
- ²⁹ See, e.g. *State v. McDonald*, 4 Port. 449 (Ala. 1837); *State v. Read*, 6 La. Ann. 227 (1851); *State v. Worth*, 52 N.C. 488 (1860); *Commonwealth v. Barrett*, 9 Leigh 665 (Va. 1839).
- ³⁰ Cong. Globe, 36th Cong., 1st Sess. 1685 (1860).
- ³¹ Cong. Globe, 33rd Cong., 1st Sess. app. 1012 (1854).
- ³² Cong. Globe, 31st Cong., 1st Sess. app. 288-9, app. 1654-64, 1674-8 (1850).
- ³³ Act of Sept. 18, 1850, 9 Stat. 462.
- ³⁴ 20 Encyclopaedia Britannica 804-5 (1960).
- ³⁵ Avins, *Anti-Discrimination Legislation in Housing: A Denial of Freedom of Choice, in Open Occupancy vs. Forced Housing Under the Fourteenth Amendment* 3, 14-18 (Avins ed. 1963); Avins, *Towards Freedom of Choice in Employment*, 13 New York Law Forum (1967).
- ³⁶ *Ibid.*
- ³⁷ 20 Encyclopaedia Britannica 805 (1960).
- ³⁸ 40 U. S. (15 Pet.) 449 (1841).
- ³⁹ 55 U. S. (14 How.) 13 (1852).
- ⁴⁰ *Scott v. Sanford*, 60 U. S. (19 How.) 393 (1857).
- ⁴¹ 20 Encyclopaedia Britannica 805 (1960).
- ⁴² 334 U. S. 1 (1948).
- ⁴³ 334 U. S. 483 (1954).
- ⁴⁴ 338 U. S. 1 (1967).
- ⁴⁵ 387 U. S. 369 (1967).
- ⁴⁶ *Reynolds v. Sims*, 377 U. S. 533 (1964).
- ⁴⁷ 364 U. S. 339 (1960).
- ⁴⁸ See, e.g. *Miranda v. Arizona*, 384 U. S. 436 (1966).
- ⁴⁹ 376 U. S. 254 (1964).
- ⁵⁰ 364 U. S. 479 (1960).
- ⁵¹ 17 Fed. Cas. 144 (No. 9487) (C. C. D. Md. 1861).
- ⁵² Cong. Globe, 35th Cong., 1st Sess. 1964 (1858).
- ⁵³ Cong. Globe, 36th Cong., 1st Sess. 1839 (1860).
- ⁵⁴ Cong. Globe, 39th Cong., 1st Sess. 1116 (1866).
- ⁵⁵ *Id.* at 1263.
- ⁵⁶ 1 Nevins, *Ordeal of the Union*, 380-390, 2 Nevins, pp. 150-4 (1947).
- ⁵⁷ For some congressional debate on Kansas, see Cong. Globe, 35th Cong., 1st Sess. app. 68-247 (1858). See also, 2 Nevins, *Ordeal of the Union*, 412-450, 471-486 (1947).
- ⁵⁸ 9 Encyclopaedia Britannica 904 (1960).
- ⁵⁹ 3 Wis. 1 (1854).
- ⁶⁰ 62 U. S. (21 How.) 506 (1859).
- ⁶¹ *Supra*, n. 35.
- ⁶² See Avins, *Towards Freedom of Choice in Education*, 45 U. Detroit J. Urban Law 23, 67-69 (1967).
- ⁶³ *Supra*, n. 56.
- ⁶⁴ 2 Nevins, *Ordeal of the Union* 512-4, 518-520 (1947).
- ⁶⁵ *Supra*, n. 57.
- ⁶⁶ See Cong. Globe, 34th Cong., 1st Sess. 1598 (1856).
- ⁶⁷ See his discussion in connection with witnesses. Cong. Globe, 37th Cong., 2d Sess. 3356 (1862).
- ⁶⁸ See Cong. Globe, 36th Cong., 1st Sess. 1839 (1860); Cong. Globe, 36th Cong., 2d Sess. 3356 (1862).
- ⁶⁹ Cong. Globe, 38th Cong., 1st Sess. 2985-6 (1864).
- ⁷⁰ Cong. Globe, 36th Cong., 2d Sess. 1402-3 (1861).
- ⁷¹ See Cong. Globe, 38th Cong., 1st Sess. 1465, 2943, 2989 (1864).
- ⁷² See, e.g. Cong. Globe, 38th Cong., 2d Sess. 170-1, 523-6 (1865).
- ⁷³ 2 Nevins, *Ordeal of the Union*, 503 (1947).
- ⁷⁴ 1 Nevins, *Ordeal of the Union*, 354-379 (1947).
- ⁷⁵ *Id.* at 253-314.
- ⁷⁶ *Supra*, n. 15, 22.
- ⁷⁷ Avins, *Fourteenth Amendment Limitations on Banning Racial Discrimination: the Original Understanding*, 8 Ariz. L. Rev. 236 (1967).
- ⁷⁸ See Avins, *Freedom of Choice in Personal Service Occupations: Thirteenth Amendment Limitations on Anti-discrimination Legislation*, 49 Cornell L. Q. 228 (1964).
- ⁷⁹ *Supra*, n. 35.

SEX EDUCATION: A RABBI SPEAKS OUT

STATEMENT BEFORE THE CALIFORNIA LEGISLATURE
(ASSEMBLY EDUCATION SUB-COMMITTEE)

PRESENTED BY

RABBI JUDA GLASNER ON JUNE 23, 1969

Mr. Chairman, Honorable Members of the Committee:

As a religious leader vitally concerned with the shaping and building of the moral character of our younger generation, I consider it again my duty to appear before the Assembly Committee to support Senate Bill 413 and the Senate Concurrent Resolution #60, introduced by the Honorable Senator John G. Schmitz, providing for a complete legislative study prior to the adoption of any program of sex education in the public schools of this state.

On Sunday, May 4th, 1969, on the CBS Television Network program "Face The Nation," Governor Reagan put the problem of sex education in the schools in the proper perspective; he said, "...following a Supreme Court decision regarding prayer, we have gone back to a point where we won't even discuss moral rules or morality at all in the schools. How do you discuss sex in the schools with children if you cannot do it within a framework of moral rules and morality? How do you treat it as a purely biological function without going far beyond what parents want their children exposed to?"

I believe that we are faced today with a major problem involving the moral fibre of our nation, as we witness the gradual disappearance of our moral guidelines. For, if our country loses its religious moorings and abandons our long established moral standards, our downfall will soon be upon us. Perhaps never before in history has a younger generation been confronted with such fuzzy and confused moral guidelines. The spiritual poverty with which we are afflicted should be our greatest concern. The introduction of sex education into our public schools must be considered with great care in view of our present situation.

Let me be more specific as to the reasons why I am opposed to sex instruction in public schools without the establishment of proper guidelines resulting from a thorough study of this whole subject by the Legislature.

Firstly, I believe that the entire proposition of introducing sex instruction as a subject in our schools reflects the ever increasing tendency by government to replace parents in their obligations to their children. This is also evidenced in other areas where we see government attempts to take over various responsibilities that were traditionally placed upon the individual.

Should we introduce sex education into our public schools, we will exempt parents from their obligations to deal with the intimate problems of their own families. The role of the home should not be pre-empted by the state in the form of mass education in sex. Parents, in conjunction with their churches and synagogues,

should find ways and means of providing their children with the necessary information which will help them to reach maturity, according to their own moral philosophy.

Secondly, sex education in particular, is certainly not a matter from which parents should be excluded and replaced by the state. Sex education requires individual attention and must be undertaken in the context of a total philosophy of morality which parents have a right to pass on to their children. The schools have no right to subject children to philosophies which may be alien to their religious faith or may be in conflict with the teachings of the parents, originating from their affiliation with their respective spiritual institutions.

Thirdly, the teaching of sex, I believe, is very personal and should be treated with great delicacy. Therefore, we should not permit this subject matter to be treated in cavalier fashion by public school teachers unequipped to deal with the subject with proper reverence.

Again, the traditional role of the home and the relationship between children and parents must be retained and should not be abolished. The interference in these delicate relations by the state could lead to a weakening of the primacy of family life and the individualistic approach to child-raising which has made us secure against state regimentation.

Fourthly, it has been noted that public sex education during the early latency period will lead to over involvement with this subject and some children will know all about the birds and the bees long before they are able to handle the problems attendant upon such knowledge. Why force answers to delicate questions upon children who have not yet even formulated the questions?

Fifthly, according to various reports from Sweden, where sex education has been supported by the government for more than 20 years and has been obligatory for all school grades for 10 years, almost 90 per cent of its inhabitants have pre-marital relations before they reach their twenties. Contraception is a compulsory subject for youngsters of 14 years and over, and they also receive instruction on venereal disease prevention, because of its enormous incidence in the country. With all this, Sweden has one of the highest rates of illegitimacy in the world not to mention staggering rates of suicide and alcoholism.

The conditions prevalent in Sweden are sufficiently revealing to warn us that we are treading on dangerous ground; therefore, the best course is not to embark on such a questionable program, filled with high risks, before a thorough study by the Legislature is completed as Resolution #60 provides.

In conclusion, let us bear in mind that our country has produced many sound generations. All who are sitting here examining this problem have reached maturity without the benefit of the type of teaching we are discussing. Somehow, we have managed to become successful husbands, wives and parents without special instruction by the state. Why should we doubt our children's ability to do the same?

I believe that it is time for the American people to reject the counsel of the apostles of the ever more centralized, ever more powerful state. These people would solve every problem our society faces with further governmental action which always entails increased state interference in the private lives of our citizens. Those of whom I am speaking are not evil — they view themselves as benevolent crusaders for the public welfare — but, sincere though they may be, they represent the authoritarian mind which has, since the dawn of human history, sought to do away with all human imperfection by imposing on man the iron will of those in power.

In this case, this authoritarian mentality is evident in the heavy-handed approach of the proponents of sex-education in the public schools. They would not hesitate to usurp the legitimate function of the parent. They would thrust themselves into this most intimate of areas, imposing on children viewpoints and attitudes which may be totally alien to their religious upbringing. If we allow this gratuitous invasion into the most private aspect of our private lives, the era of total government will be brought one giant step closer.

Let us also remember that our nation has been known for its moral integrity and high standards in interpersonal relations. I hope that we are not ready to abandon our established moral values but will rather rededicate ourselves to their preservation.

Rabbi Glasner is the spiritual leader of Congregation Mishkan Yecheskel in Tujunga, California. He is well known in conservative circles as a dedicated anti-Communist and a tireless fighter for patriotic causes which he has advanced on the pulpit, over the airwaves, and in testimony before committees of the United States Congress. He is a longtime friend and advisor to the JSA.

COMMUNISM

By J. Edgar Hoover, Random
House, New York (1969),
\$4.95.

John Edgar Hoover has been studying Communism, its nature, goals and tactics, for fifty years. For the past forty-five years, as Director of the Federal Bureau of Investigation, he has been in the best possible position to evaluate the Communist threat to America. His latest book, *Communism*, is a most timely reminder of the reality of that threat today.

Communism consists of two parts: an essay detailing the evolution of the Communist Party of the United States from the De-Stalinization crisis of 1956 to the present, and a selection of quotations, topically arranged, from Mr. Hoover's previous books, articles and speeches. The first portion of the book will undoubtedly prove of greater value to those already aware of the basic elements of the Communist menace; the quotations present the fundamentals of its ideology and tactics concisely and forthrightly.

According to Mr. Hoover, Nikita Khrushchev's 1956 speech denouncing the errors and excesses of the rule of Joseph Stalin was the most traumatic event the CP-USA had suffered since the war. Its impact was even more unsettling than the Party's move underground following the Smith Act convictions of its leaders. De-Stalinization produced two great effects: a bitter factional debate, climaxed by the victory of the unswervingly pro-Soviet Gus Hall; and a far-reaching change in the tactics of the Party, culminating in the so-called "new look."

The "new look" Party strove harder than ever to gain respectability, to establish itself as a native American institution struggling to establish "socialism" by "constitutional" means. It wished to display Marxism-Leninism, a structure of thought conceived in an essentially European context, as relevant to American problems and traditions of liberty; it sought to naturalize a foreign ideology. This line was expressed by Gus Hall as follows:

History also bears witness that the form of this new social structure will not be a transplant. U. S. Socialism will be molded by our experience as a nation, as a people. (p. 13)

This approach by the Party was designed not only to nativize American Communism; it would also serve to shift attention from the horrors of Soviet rule and the brutal suppression of the Hungarian Revolution.

But, Mr. Hoover tells us, the prospect for effecting such a transformation of the image of the Communist Party-USA was at first quite bleak. The Party seemed unable to gain entrance into the American mainstream where it sought to spread its influence. The Internal Security Act, by which Congress in its wisdom required the registration of Party members as agents of a foreign power, had been upheld by the courts. Then, in 1960, the Party decided to hold a conference to establish a new

Marxist youth organization. The Party's National Youth Secretary, toured the campuses in the effort to spur the development of such an organization. The result of this action was the Party's college speaking program. In the words of Director Hoover, it was

a program which was to become the Party's major weapon for achieving its "new look" and respectability. Even Party leaders did not visualize what a bonanza communism was to reap in this field . . .

The reception accorded Communist spokesmen on the campuses was so cordial that by 1962 the Party had organized a "Lecture and Information Bureau" to make speakers available to college audiences.

This speaking program gave the Communists a chance to gain a hearing in the most highly respectable intellectual circles. The Party has been able, under the protection of "academic freedom," to present itself in the best possible light. The program has, according to the Director, "propelled the Party onto a wider and more effective stage of national life." (p. 20)

Contributions to increased Party respectability, Mr. Hoover tells us, have been made by academic studies of the "young Marx," which profess to see "humanism" at the heart of Marxism, later corrupted by the likes of Stalin. The Party has also been quite successful in its "dialogue" with religion, in which it attempts to identify its "social concern" with that of the religious tradition. Further efforts to increase Communist influence have centered on the need for a presentable newspaper. In 1958, *The Worker* had ceased daily publication and become a weekly. In 1961, its publication had increased to semi-weekly. In July, 1968, *The Worker* was replaced by a new daily, the *Daily World*, a skillfully produced publication which, according to Director Hoover, "has a decided noncommunist appeal."

Mr. Hoover is careful to stress that the Party's "new look" has in no way changed its basic goal of revolution. Though the style may have changed, the revolutionary ideology has not. The "class struggle" is still the mechanism through which the revolution will be achieved, and the "radicalization of the masses" is still the most important task before the Party. What is more, the violence and unrest in America today presents the Party with "its best opportunity for exploitation since the depression days of the 1930's." The opposition to the war in Vietnam, black extremism and riots, the activities of the New Left, are all both challenges to Party adaptability and tools and occasions for advancing the aims of Communism. Mr. Hoover makes it clear that the Party is making every effort to utilize and manipulate these elements to bring about the collapse of American society.

Mr. Hoover finds the attitude of the Communist Party towards the New Left to be an ambivalent one. On the one hand, the lack of discipline among New Left groups, the raising of the black flag of anarchism alongside the red flag of communism, disturbs the Party. The ideology of Professor Herbert Marcuse, with its emphasis upon the non-revolutionary nature of the traditional working class, runs

counter to Party orthodoxy. On the other hand, the agitation and disruption created by the New Left is welcomed, and the increasing use of Marxist terminology and modes of thought by college radicals is pleasing to the Party. The Party ultimately hopes that with its superior discipline and organization it will be able to recruit those students whose anti-Americanism and anti-capitalism has been aroused by the New Left.

The growing black revolutionary movements also presents the Party with challenges and opportunities. When the civil rights movement stepped up its activities in the late 1950's, the Communists attempted to dominate it. The Party sent organizers into troubled areas, told its members to join demonstrations, and tried to influence Negro leaders. It wanted to present itself as the natural champion of Negro rights. But this effort was largely a failure. The growth of black power presented the Party with an entirely new set of problems.

Fundamental was the basic doctrine of the class struggle. In 1959 the Party modified its line of the 1920's, that Negroes were a colonial people in the South struggling for "self-determination." The new line stressed the role of the Negro as part of the working class, and called for black-white cooperation in creating a revolutionary movement. With the rise of the black power and Negro nationalist movements, the old concept of "self-determination" has been revived in certain Party circles. The Party is not sure of which road to take. It seeks a position of "flexibility" which would enable it to exploit both the so-called "moderates" and the extremists. As Mr. Hoover reminds us:

...the Party will make every effort to assist those striving to create racial strife and agitation. The Party has always been quick to exploit unfortunate racial tensions and problems for the reason that they intensify the turmoil and troubles on which communism is nourished. (p. 38)

The class struggle requires a proletariat, a working class, sufficiently oppressed to heed the call of revolution. The present prosperity of the American worker presents the Party with what Mr. Hoover calls, using Gus Hall's phrase, "the problem of the 'stuffed goose.'" The American worker, with his wages rising, his standard of living increasing, and his working conditions improved, has no interest in the overthrow of capitalism. Present economic conditions give the lie to Marx's teaching that the accumulation of capital would result in monopoly, that the wage earner would be kept on a level of bare subsistence, and that he would be "progressively pauperized." The Party has therefore, according to Mr. Hoover, concentrated on convincing the worker that he is in reality being exploited, thus drumming up anti-capitalist feeling.

Perhaps the major problem facing the Party in its search for wider influence, according to Mr. Hoover, is its support of the Soviet Union. Its pose as an indigenous American political movement for "social justice" is belied by its automatic support

of all the tyrannical machinations of Soviet policy. The Party supported the Russian-backed Arab nations in their "holy war" against Israel, and has carefully avoided any criticism of Soviet anti-Semitism. Of course, such positions are not necessarily disadvantages in today's political climate, with both New Leftists and black extremists supporting the "freedom struggle of the Arab peoples," and with the rise of a studied anti-Semitism on the part of some black power advocates.

In the wake of the entrance of Russian and satellite troops into the streets of Prague, the Party issued a statement dutifully parroting the Russian charges of "counter-revolutionary" agitation and "imperialists designs." However, the invasion of Czechoslovakia presented real problems to Gus Hall and his colleagues. The Hall line had been that when Communism triumphed in America, it would be an authentically American Communism. The theoretical framework for this was the idea of "national communisms," each developing its own distinctive institutions within the Marxist-Leninist framework. Upholding this doctrine in the light of Czechoslovakia would seem to be difficult at best. Mr. Hoover concludes:

Yet past experience indicates that Communist leaders in this country are so attuned to the zigs and zags of the Party line that they will meet this challenge with the same degree of dialectical skill they have displayed in previous similar situations. (p. 47)

Thus Mr. Hoover presents us with a picture of the Communist Party-USA in 1969, facing new problems and new challenges, but with a measure of respectability and acceptability it has not enjoyed since World War Two. Where it will go from here is the subject of internal Party debate between those who favor continued Americanization and those favoring a more openly revolutionary line. But the content of this debate is tactical: how best can the citadel of capitalism and "Imperialism," the United States, be destroyed?

The second portion of *Communism*, consisting of quotations, will contain nothing new to the informed conservative anti-Communist. The selections are arranged in three main groups, each of which is subdivided into topics. Within each subdivision the quotations are arranged chronologically, clearly displaying the unchanged substance of the threat to freedom from the Marxist-Leninist Left.

The basic nature of Communism must be understood if it is to be combatted effectively. Mr. Hoover perceives that Communism is at once a criminal conspiracy and a pseudo-religion. Its methods of operation are conspiratorial, while philosophically it claims to answer those questions which are the concern of the religious consciousness:

Communism claims to be a philosophy which explains the origin of man, his development, and his ultimate destiny. (p. 61)

Of course, this Communist pseudo-religion is an anti-religion, denying the real values which motivate the religious man:

The tragic irony of this mid-twentieth century decade is the heart-rending dichotomy between the vaunted claims of Communism to exalt man and its actual relentless and perverse subjugation of him to inhuman tyranny. . . (p. 74)

Mr. Hoover also states plainly the practical goals of the Communist movement in the world today: the total triumph of the revolution in all countries, the total Communization of the world. And he knows that the prime goal of this movement must be the destruction of the United States, for America is the bulwark of the opposition to slavery.

Mr. Hoover is most refreshing on the topic of "mellowing," that mysterious process, more arcane than even the alchemical transmutation of lead into gold, by which, in Liberal eyes, Communists cease to be revolutionary and become ordinary peaceful folk:

It has been said that a leopard will not change its spots. It can be said that communism, despite the efforts of its apologists, will forever be based on the dagger, the assassin's bullet and the use of force. (p. 75)

One would have thought that all such talk of "mellowing" would have been buried once and for all by the Russian invasion of Czechoslovakia and the increased brutality and repression of Communist rule. And yet the ritualistic Liberals are still intoning hollow pieties about "evolution" and the "common interests of the United States and the Soviet Union in this age of nuclear peril." The wisdom of the Walter Lippmanns of this world, undaunted by facts, persists in declaring the new dawn of peace and brotherhood.

The prospect is indeed depressing. All the strictures of Director Hoover during his half-century of outstanding service to his nation, and all the corroboration by other authorities and by the unmistakable evidences of current history, have had no perceptible effect on the fixed delusions of the American Liberal Establishment. The Great Gurus of media and academe continue to regard Communism as at worst a smokescreen for the immemorial imperial ambitions of the Russians and the Chinese, and as at best a slightly odd form of social and agrarian "reform" (representing the "legitimate aspirations" of "the oppressed peoples"). For this particularly virulent disease of the fundamental faculties of discrimination, Mr. Hoover's *Communism* is a welcome remedy. It is the kind of book one would give to the editorial board of the *New York Times* were one not convinced that its counsel would go unheeded.

Andrew Attaway

THE CONSERVATIVE MAINSTREAM

By Frank S. Meyer, Arlington
House, New Rochelle, N. Y.
(1969), \$8.00.

In *The Conservative Mainstream*, a collection of articles, columns, and reviews spanning approximately fifteen years, Frank S. Meyer, a Senior Editor of *National Review*, attempts to define a meaningful conservative consensus. It is a consensus established in a continuing confrontation with ideas, men and events: in the dialogue within conservatism between varying emphases on liberty and tradition; in the philosophical battle with the ideological grotesqueries of modern Liberalism; in the practical struggle for a rollback of statism at home and Communism abroad; and in the effort to recover the values of Western civilization in a world and in a society ravaged by the inroads of the new barbarians.

Mr. Meyer's philosophical position within the conservative movement might be defined as traditional libertarianism. His major concern is the defense of the freedom of the individual against the encroachments of state power; his grounds for that concern are firmly based on the traditional belief that the destiny of man transcends his earthly existence. In keeping with that destiny, man must choose; if he chooses the good, he is virtuous. But the moral reality of virtue demands that his choices, so far as they do not infringe on the freedom of his fellows, be uncoerced. Thus the nature of reality requires that the freedom of the individual to order his own life, to make his own choices, must be maximized as far as is consonant with the responsibility of the state for the maintenance of order. Freedom is seen to be inalienable because it is demanded, in Mr. Meyer's words, by "the very constitution of being."

From these principles, Mr. Meyer adduces the three legitimate functions of the state: defense against external enemies; protection of the individual's life, liberty and property, and the maintenance of order; and the administration of justice. The Constitution of the United States is based on such a limited concept of government, guaranteed (in principle) by the tension implicit in the separation of powers between the three branches of the federal government, and between the federal government and the several states. Thus Mr. Meyer's conservatism is neither a Europeanized set of values unrelated to the American experience, nor an abstract body of doctrine with no relation to concrete situations, but the tradition of the West as it reached fruition in the American constitution.

Mr. Meyer's understanding of conservatism is brought into sharp relief in this book in his reactions to other tendencies within the conservative movement. The tendency of the thoroughgoing traditionalist to reject the classical liberal concepts of economic freedom as vitiated by false philosophical premises, and the tendency of uncompromising libertarians to view traditional concepts of order and value as dangerously authoritarian are seen as distortions of certain elements in the conservative synthesis. In response to archtraditionalists, he stresses the necessity of freedom in the attainment of virtue, and against the extreme libertarians he

emphasises the affirmation of transcendent values as the only sure way of guaranteeing liberty. Mr. Meyer has no intention of setting up a conservative "party line"; he wishes to keep the conservative movement of the past fifteen years from disintegrating under the pressure of ideological puritans.

Mr. Meyer's diagnosis of the intellectual and moral affliction known as moderate Liberalism is one of the most delightful features of his book. Liberalism is seen as the American version of "democratic socialism," a revolutionary movement aiming at the widening and strengthening of the powers of the state in the name of such abstractions as "the masses," "the minorities," "the poor." The total expression of its tendencies can be found in Nazism and Communism.

"Profile of the Establishment," an article originally published in 1958, analyzes five manifestations of Liberal doctrine. In philosophy, Liberalism rejects absolute standards and subordinates all thought to the categories of science. Its social dogma considers society as an organism, "the being to which, and to the good of which, all moral . . . problems finally refer." In politics, Liberalism prefers government action to private initiative, the central government to the state governments, the executive to the legislative. In economics, it disparages the free market and prefers an economy operated or controlled by the state. Its emotional preferences are for "adjustment," "security," and technological or scientific experts. Mr. Meyer sums up his examination thusly:

These are the dogmas that bind together . . . the Establishment. They determine what the establishment is and what it stands for in every sphere from the philosophical to the practical. And these dogmas constitute a view of man diametrically opposed to the dogmas upon which Western civilization and American freedom are founded. (p. 94)

In other pieces collected in this book, particular manifestations of Liberal ideology are examined, and the fallacies underlying them are exposed. The tendency of Liberals to see any opposition to the trends of the New Deal and its successors as a pathological manifestation of a so-called "authoritarian personality" is viewed properly as a delusion resulting from the Liberal inability to admit of any rational basis for opposition. Deification of the scientific method as the sole method of gaining meaningful knowledge is characterized as "a heavy yoke upon the human spirit." The increasing masquerade of political and economic privileges as "rights" is shown to undermine the necessary conception of rights deriving from the moral order. Liberal hostility to the West and its inability to prosecute the struggle against Communism are demonstrated to rest on a moral relativism which is unable to distinguish the superior from the inferior, equating the music of Bach and the drumming of savages.

The second part of Mr. Meyer's book consists of pieces on domestic and foreign affairs from Eisenhower to the 1968 elections. Two chapters, arranged chronologically, provide a tragic picture of the drift away from constitutionalism at home and the retreat before Communism abroad.

On the domestic scene, Mr. Meyer's columns bear an eloquent witness to the

increasing homogenization of our political life. So much of the competition between Republicans and Democrats has avoided the basic issues facing America. Both political parties seemed to look upon elections as methods of determining who would be most efficient at presiding over the liquidation of freedom. The Goldwater candidacy of 1964 and the recent campaign of President Nixon, with its conservative tone, are hopeful signs of a renewal of meaningful political debate.

Among the trends in modern American government most disturbing to Mr. Meyer is the steady disintegration of the constitutional doctrine of separation of powers. He views the tension inherent in that doctrine as essential to the maintenance of liberty. And yet the necessary conditions for such tensions are fast disappearing. The states, according to Mr. Meyer, have never recovered from the loss of the ultimate right of secession; the years since the Civil War have seen the progressive diminution of their power to resist the encroachments of the federal government. The Congress has been under constant attack by Liberal ideologues for its refusal to pass every measure handed down to it by the President, and the seniority and committee systems, by which it works towards compromise and consensus, and which serve as a check on militant and rash minorities, have been denounced as undemocratic and obstructionist. The power and prerogatives of the executive branch have expanded to an extent that would have been unimaginable to the Founding Fathers and, while Liberals have cheered, the Supreme Court has taken upon itself the functions of the legislature.

Mr. Meyer covers the wide range of social issues confronting conservatives today. He brands the civil rights movement as a movement concerned not with rights, but with privileges, denounces the growing anarchism and savagery of the black revolution, and, in a particularly noteworthy column, disposes of the late Dr. Martin Luther King's pretensions to nonviolence. He exposes the drive for gun control in a society increasingly unable to protect life and property as an assault on the fundamental right of self-defense. In his consideration of social security he says what some conservatives have balked at saying: that it is an indefensible extension of state power into an area not in its rightful province, that it is destructive of freedom and an economic fraud. He sees the efforts of some Liberals to expand the draft into an instrument for the provision of social workers as part and parcel of the movement towards a garrison state waging war not against an enemy abroad, but supposedly against "poverty and injustice" at home.

The course of foreign affairs as reflected in this book has been even more depressing than the course of domestic affairs. In situation after situation, under three Presidents, the trend is clear. In the Congo, in Cuba, at the summit, in Hungary, in the Middle East, in Asia, the West has been pushed further and further back. Mr. Meyer traces this record of failure to its basic causes: Liberal inability to comprehend the true nature of Communism, and the inability to make judgements of ultimate value.

The idea that Communism is serious about its goals of world revolution, the idea that *anyone* could take such messianism seriously, is incomprehensible to the Liberal mentality. At best, the Establishment tends to see Soviet policy as no more than the continuation of the imperial policies of the Czars. Moreover, such inability to see the true essence of Communist policy causes Liberals to mistake strategic and

tactical shifts for basic change of heart.

Liberal relativism is incapable of making the uncompromising moral judgements necessary for successful prosecution of the anti-Communist struggle. If there are no criteria of truth, then Communism cannot be absolutely condemned; if it cannot be absolutely condemned, then what grounds are there for risking nuclear war in resisting it? Further, the Liberal shares a number of basic assumptions with the Communist: the priority of collectivities over individuals, economic and social egalitarianism, and the necessity of employing the power of the state to effect social change. Indeed, the Communist has the advantage over the Liberal: he possesses the pseudo-religious apparatus of dialectical materialism, and the faith and will to effect his eventual victory.

Mr. Meyer presents a most interesting analysis of the shifts in Communist strategy over the past several years. In two columns outlining the strategic shifts of the post-Stalin years, he distinguishes between the Stalinist posture, basically defensive, and the offensive policy of recent years. Stalin's concept of "building socialism in one country" was founded on the realization that the Soviet Union was surrounded by hostile powers, "encircled by capitalism." The main objective was to assure the security of the bastion of Communism, to strengthen it until it was ready to lead the outward march of the world revolution. It was, in Mr. Meyer's phrase, "a defensive strategy . . . and . . . a tactic predominantly offensive." Stalin's policy, his use of the offensive tactic, resulted in the destruction of the capitalist encirclement of Russia, and led to the virtual "socialist encirclement" of the capitalist powers. That situation necessitated a new concept, "an offensive strategical concept, based upon immense successes and requiring a defensive tactic." That defensive tactic is aimed primarily at the spiritual disarmament of the West, at creating a situation in which the false sense of security of the West will allow a Red victory with the least resistance. So far, that tactic seems to be working.

The third part of Mr. Meyer's book is composed of articles and reviews on history, education, and personalities. His philosophy of history is defined in reviews of books by such figures as Voegelin and Wittfogel, and in a most important essay entitled "Western Civilization: The Problem of Political Freedom," which views the concept of the sanctity of the individual person as the unique and enduring contribution of the West. His opinions on education stress the importance of the development of moral and intellectual discrimination as the ends of education, and point out the deleterious effects of the Deweyite doctrine of "life adjustment" on the fabric of society. His pieces on "Men, Famous and Infamous," contain well-earned denunciations of Keynesianism, Teilhardism and McLuhanism.

The danger inherent in a collection of periodical pieces is their generally ephemeral nature; the occasions which call them forth, can with the passage of time, seem less and less significant. But Mr. Meyer's collection in the main avoids this danger. Most of the pieces rise above the events which produced them in their concern with enduring principle. This book is not just a reflection of the men and events of the past fifteen years; it is an ordering of them. *The Conservative Mainstream* is an entertaining and profoundly important book for all who would understand what conservatism has meant in our time.

Andrew Attaway

Shouldn't the new Administration be guided by the ideas — and ideals — in this major statement of the conservative position?

THE CONSERVATIVE MAINSTREAM by Frank S. Meyer

SUDDENLY AMERICA has awakened to discover that it has a conservative majority. Yet — incredibly — only now can the modern conservative reach for a single in-depth volume that:

- gets down to the roots of conservative beliefs
- weighs all the ideas (often clashing) that enrich modern conservatism — and shows us how to reconcile them
- shows how timeless principles can translate into practical politics

Frank Meyer gives us a massive volume that promises to stand as the central conservative statement of our time. If Meyer had been content merely to write a book on political philosophy, we could honestly hail it as the most comprehensive of this generation. There isn't a major intellectual problem he doesn't tackle.

Or, if he had merely written a book on conservative answers to the problems of the day, we feel safe in saying that these searching analyses put *The Conservative Mainstream* on the small shelf reserved for the best.

But Meyer has done both. And nobody has come near to this achievement. Most of this important volume first ran in *National Review* and elsewhere, yet the book achieves an astonishing unity. Meyer arranges his themes under broad headings, provides a running commentary that lets us in on the background of each essay — almost a writer's diary or notebook. Here is a sampling, necessarily brief, of the riches you will find in *The Conservative Mainstream*...

- Meyer's 6-point outline of the conservative philosophy. Why he rejects a detailed "party line."
- "The inherent dilemma of conservatism in a revolutionary era, such as ours."
- The good and bad of classical liberalism. The "inherent tragedy" in the history of this school of thought.
- Right-wing "pacifists": Meyer lets loose at them.
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- Why the study of man in society can never be a science. The antics of the "behavioral scientists." The bigotry of science.
- Distinctions between genuine individual rights and "rights" that front for privilege.

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- Meyer's reasons for not supporting Nixon in 1960, and for supporting him in 1968.
- The Republican Party as a vehicle for conservative action. The limits of conservative loyalty to the GOP.
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The following platform is a development of a statement of purposes adopted by the National Advisory Council of the Jewish Society of America meeting in Chicago, Illinois, April 22-24 1966.

With humble gratitude to God who guided our forefathers to these free shores, we of the Jewish Society of America present this platform to our co-religionists and fellow citizens in the hope that in promoting adherence to these ten points we may to some degree hasten the day which will witness the dawn of freedom for all mankind and the fulfillment of the Biblical prophecy that *the earth shall be filled with the knowledge of the Lord as the waters cover the sea.*

So that this may come to pass speedily and in our days, we have adopted the following principles:

1. We affirm our faith in the God of our fathers, the Creator and Sustainer of the world who has called the Children of Israel to His service, whose laws of righteousness are the foundation of our Jewish religion, and who has raised up our American nation as a beacon light for freedom to all the peoples of the earth.

2. We pledge to promote the freedom and dignity of all men and we proclaim our belief in this cardinal principle which must be the touchstone of all humane civilization: *the sanctity of the individual.*

3. In affirming our commitment to God and our country, we look to two great sources of morality and human ennoblement: the first is our Holy Scripture which God revealed to our prophets and sages in ancient times. We believe that its message is as precious today as it was then and that the precepts and injunctions found therein constitute a firm and sure foundation upon which to build a better world.

4. The second is our Constitution, the cornerstone of our country and the fundamental source of justice and concord among our citizenry. It is this Constitution which stands between us and the unbridled rule of the demagogically controlled mob which would sweep away all those rights bequeathed to us by our founding fathers. The Constitution with its limitations on government is the safeguard of our liberties; without it our freedoms perish. It must therefore be preserved and defended against all attempts to circumvent, distort, or nullify it in order to meet the imagined necessities of the moment.

5. We are unalterably opposed to all statist and collectivist philosophies which hold that man is the servant of the state or social organism. On the contrary, we believe that a society's only justification is the protection it offers for the freedom and safety of its individual citizens against the predatory criminal

who may operate in and out of government. Since government has a monopoly on the use of force and tends to attract the authoritarian personality who would use this force to exercise his own whims, we shall be found in opposition to creeping governmental incursions into the private lives of our citizens which have, in other lands, proven to be the stepping stones to tyranny.

6. We shall undertake to perpetuate and promote the American system of free enterprise which in the short period of our country's existence has made it the most industrially advanced and prosperous in the history of mankind. Where this system has been weakened by governmental intervention and bureaucratic strangulation, it must be restored to its former vigor by the cessation of such interference; where economic freedom is threatened by new federal controls, these controls must be fought so that individual initiative may permit our people to secure whatever level of economic betterment is in their abilities, talents and labors to achieve.

7. We pledge to persevere in the struggle against the Communist conspiracy and its allies and to spare no effort to bring about the defeat and downfall of this incredible barbarism which, if victorious, would loose upon the world a new dark age of tyranny and malevolence. These forces are the enemies of our God and our country. They are, at this moment, demonstrating by their relentless persecution of Russian Jewry the fate they hold in store for all free men. To speak of coexistence with these persecutors and mass murderers is to betray every action for freedom which countless brave men have taken in the long history of mankind's struggle for liberty. In the name of God who wills that men be free, we call upon all Americans to join with the growing anti-Communist movement to hasten the time when this cancer will be isolated and cut out so that the organism of human society can be made whole and healthy once again.

8. We, whose ancestors felt the sting of slavery and oppression, dedicate ourselves to the defense of this free land and to the rekindling of the patriotic flame in the hearts of all Americans. If there is a holiness in the concepts of freedom and human dignity, then this nation of ours is itself holy, for these are our watchwords. May we be worthy of these high principles and of this blessed land to which we hereby pledge our loyalty and our lives.

9. We shall give every aid and support to the American Conservative Movement and its ideals. Its principles and beliefs, its hopes and vision of the future are ours also. As Americans of the Jewish faith, doubly dedicated to human liberty, we shall labor with free men everywhere to make that great vision a greater reality.

10. We pledge to bring the message of freedom as outlined in this platform to our co-religionists and to our fellow Americans of all faiths whom we invite to join with us in this great undertaking. With confidence in the inevitable triumph of Truth, we shall seek to educate and enlighten in accordance with the principles herein contained.

—Adopted this twenty-fourth day of April, 1966, by the Jewish Society of America.

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