

✓ Still the Fish Committee Nonsense!

The Answer of the Press to the Fish Committee Proposals to Outlaw Free Speech for Communists

Q*An energetic campaign is being waged by the professional patriots to enact the laws recommended by the 1930 Congressional Committee to Investigate Communist Activities headed by Hamilton Fish, Jr.*

Q*All over the country the report of that Committee is quoted to discredit the Civil Liberties Union's fight for free speech.*

Q*Here are reprinted sample editorials from leading papers, all condemning the Committee's recommendations at the time they were made; and scoring its findings on the Civil Liberties Union.*

Q*Use them in the campaign to beat the bills, and offset any use of the report.*

Q*See last page.*

AMERICAN CIVIL LIBERTIES UNION
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Why Bother?

WE would like to forget the excited proposals of the so-called Fish-Committee, appointed by Congress to investigate Communist activities early in 1930 following the publication of the forged anti-Soviet documents by former Police Commissioner Whalen of New York. But we can't forget them. They bob up all over the country in attacks by employers, professional patriots, and hysterical officials trying to ride to political glory on anti-red campaigns.

In these attacks the Civil Liberties Union is always portrayed as a branch of the Communist movement. Quotations from the Fish Committee report are used to justify such nonsense.

Furthermore, professional patriotic organizations and their allies, the army officers, are still hammering away in Congress to put through the legislation recommended by the Fish Committee—the deportation of alien Communists as such, a spy system in the Department of Justice, a federal sedition act, the closing of the mails to all Communist publications. These proposals evidently won't get very far in Congress, for Mr. Fish has been unable to get any support for a petition to force certain of the bills out of committee.

Yet the propaganda continues to such an extent that our friends ought to have at hand ammunition to answer them. The best possible ammunition is the almost universal condemnation of the Fish Committee report by the press.

Here are fair samples of editorials from conservative daily papers all over the country.

See Last Page for Action

STILL THE FISH COMMITTEE NONSENSE!

In an editorial entitled "THE FISH REPORT SHOULD BE DISREGARDED," the *New York Evening Post*, January 19, 1931, stated:

THE FISH REPORT SHOULD BE DISREGARDED

. . . The Fish Committee, after eight months of investigation, submitted to the House of Representatives Saturday a report making fourteen recommendations, mostly un-American and mostly rather cowardly. It followed them up with a moderate and often sensible presentation of its findings, which in the main failed to justify its recommendation. There has rarely been on the part of a Congressional committee such a divergence between opinion and evidence. . . .

. . . In other words, Mr. Fish recommends that in this land of freedom of thought, freedom of speech and freedom of the press, we should set up an inquisition with power to vitiate these fundamentals of the American experiment. Mr. Fish, or more probably, the sensible membership of his committee, follow up this outburst of hysteria by a statement of facts which certainly gives us something to think about, but which, to the calm mind, must show that fear, rather than reason, is dictating the recommendations. . . .

The Post recommends that the recommendations of the Fish committee be disregarded by Congress.

What the people of this country wanted from the Fish Committee concerning Communist activities here was facts. The committee's report does not produce facts enough to establish the wisdom of its panic-stricken recommendations.

This newspaper believes that our country should not recognize the Soviet Government, as long as that Government, through the Third Internationale (its creature or its boss) sticks to its purpose to destroy our system of government. But we also believe that, if our system of government is not strong enough or "right" enough to repeal Communism, or, indeed, to accept what may be good in Communism, we may as well shut up shop and go out of business. We certainly should not accept the spying, tyrannous recommendations of Mr. Hamilton Fish. We do not need them.

The *New York Times* of the same date chided the Committee for trembling over the "Communist peril" and claimed that "to assert, as the Fish Committee does, that Communists have 'infiltrated into' several colleges and universities implies that it does not know how to take an undergraduate joke":

COMMUNISTS AND CRIMINALS

In a minority report, one member of the Fish Committee that has been investigating Communists in the United States urges the public to avoid "hysteria" on this subject. Not a little of it appears in the majority report. The Chairman seems honestly to believe that there is imminent danger of a Communist revolution here, and that our Government and our institutions may be overthrown unless we adopt radical measures.

This is not the judgment of our police authorities, or of the keenest and most impartial observers. They rate the actual Communist peril as very small. Indeed, the wonder is that, given the favorable conditions for

violent agitation during the past fourteen months, there have been so few demonstrations by Communists. They have done a little marching and protesting, along with a good deal of speech-making, but have shown no signs of being able to break into or pervert the great labor organizations of the United States, which are the bitterest enemies of Communism.

To assert, as the Fish Committee does, that Communists have "infiltrated into" several colleges and universities implies that it does not know how to take an undergraduate joke. . . .

"Congress should ignore the (Fish) patrioteering bills as it did last year," the *Pittsburgh Press* advised (Feb. 18, 1932):

MORE PATRIOTEERING

"Folly, masking as Americanism, again would impose laws of suppression on the United States.

"Such a program, carrying out recommendations of the Fish Committee is before Congress. Backed by profiteering zealots and opposed by liberals, this program would revive the madness of the Mitchell Palmer terror, start a nation-wide hunt for radicals and political heretics, and destroy our constitutional civil liberties.

"This program would strengthen deportation laws so as to make the deportation of alien Communists easier:

"Re-establish the notorious spy system of the days of Attorney General Harry Daugherty and William J. Burns:

Bar all alleged Communist's literature from the mails.

"Congress should ignore the patrioteering bills as it did last year. The Constitution, common sense and present circumstance all demand that speech be free. Let the patrioteers spend their energies in stamping out the causes of radical discontent.

"As Sir Charles Napier has said: 'Idiots talk of agitators: there is but one—injustice.'"

"A Gilbert and Sullivan investigation," the *Christian Century* (Aug. 13, 1930) described the Committee's antics and pointed out that "Even such anti-red papers as the *Chicago Tribune* began to make fun of the Committee's witch hunt":

STUDYING THE RED MENACE

The country has just been given two fine illustrations of how and how not to study the activities of communism. The committee of the House of Representatives, headed by Congressman Hamilton Fish, has presented as complete a demonstration of inquisitorial futility as could be imagined. Starting with a Gilbert-and-Sullivan investigation of the "evidence" presented by that sartorial epic, the Honorable Grover A. Whalen, New York's former Police Commissioner and per-

petual greeter-in-chief, the committee progressed through a consideration of the table manners of young communists, to wind up in Chicago in a love feast with Mr. Harry A. Jung and his American Vigilant Intelligence federation (membership, \$5 per year).

Even such anti-red papers as the *Chicago Tribune* began to make fun of the committee's witch hunt before it decided to take a summer vacation.

Said the *Indianapolis Times* (Feb. 11, 1931), "If they (the Committee's proposals to Congress) sleep forever in dusty pigeon holes, no one will miss them":

LET THEM SLEEP

"The American Civil Liberties Union is right in charging that the Fish Committee has promoted a spirit of intolerance and repression in this country, and caused an increasing number of attacks on peaceful assemblage and scores of unjustified arrests and prosecutions, and has revealed a lack of any conception of America's traditional civil liberty. The Union is right, also in saying that revolutions are not produced by propa-

ganda, but by unbearable conditions; that the way to fight Communism is to mend capitalism.

"So far, Congress has inclined more to the Union's view than to that of Fish, and there seems every reason to hope that it will remain sane and unconcerned about the ridiculous program of repression proposed by the Committee."

STILL THE FISH COMMITTEE NONSENSE!

"Safety First," pleaded the *Baltimore Evening Sun* (Oct. 3, 1930) in outlining the possible effect of the Committee's proposals on the entire country:

SAFETY FIRST

A witness before the Red Herring Committee at its hearing in Los Angeles yesterday made a bitter attack on the *American Civil Liberties Union*, asserting that everyone aided by it in the last year was "a probable hater of the Government and its institutions" and roundly declaring that the purpose of the union "are all bad."

This witness was all unwittingly tearing away the foundation of his own liberty. The *Evening Sun* is far indeed from agreeing with everything the American Civil Liberties Union says and does, and we know that the union is perpetually defending highly dubious characters. Nevertheless, the organization serves a useful purpose and its function is a necessary one in this country.

The point which continually escapes such people as the Los Angeles witness is that any law which can be used to railroad a Bolshevik to jail can be used just as readily to railroad a banker to jail. As long as anybody can be railroaded, nobody is safe. That is why a great many people who detest the persons and ideas defended by the union nevertheless contribute regularly to the union. They have no desire to see the Bolsheviks triumph, but they have an ardent desire to see their own liberties made safe, and the only way to accomplish that is to make safe the liberty of every man, including Bolsheviks.

This, however, is perhaps beyond the comprehension of Los Angeles.

The *New York World* and the *Herald Tribune* expressed gratitude that at least one member of the Committee (Representative Nelson of Maine), was able to keep his feet on the ground. The *World* said (Jan. 19, 1931):

CURBING RADICALISM

"Representative Nelson of Maine can see no occasion for hysteria, and he believes that the best way to combat Communism is not to drive it underground but to endeavor to discover and remedy the conditions which lead to the spread of radicalism. If revolutionary agitation is increasing it is a sign that something is wrong somewhere. And so he concludes that 'in proportion as we work out

economic justice here in America and so order our social system that labor shall share in the economic life of the nation as fully and fairly as it now shares in its social and political life in just that proportion will radicalism fall of its own inanition and the threat of Communism cease to disturb us.' For that sane contribution the other members of the Committee owe Mr. Nelson a vote of thanks."

And the *Herald Tribune* of the same day in an editorial, The Fish Committee's Report, declared that the most of the Committee's proposals

" . . . including those which would strengthen the immigration laws for the deportation of alien Communists, forbid the naturalization of Communists, cancel a Communist's citizenship, exclude Communist propaganda from the mails and deny it political recognition, suggest an outrageous perversion of American policy. . . . The subject of this report should not be dismissed without mention of Representative Nelson of Maine, the one member of the Committee who dissented from it. . . . We commend his calm spirit as a proper guide to the country and Congress in appraising the requirements of the situation."

"SOMETHING TO FORGET," the *New York Telegram* characterized the Committee's recommendations in an editorial of January 19, 1931 "Congress and the people are apt to forget all about the Fish report and recommendations and pass on to matters of importance."

"Once the Whalen documents were discredited as forgeries the Fish Committee lost force" declared the *New York Telegram* (July 31, 1930):

THE GHOST STALKS

No stream can rise higher than its sources. No committee can pretend to prestige and powers beyond the scope of its original purpose and justification. The Fish Committee on the Communists has adjourned at Chicago.

But the fact remains that the Fish Committee was actually as dead as the Whalen Communist documents were proved bogus. Chairman Fish denied the charges of the American Civil Liberties Union that the Whalen documents, purporting to convict the Amtorg Soviet Trading Corporation of Bolshevik propaganda, were chiefly responsible for the creation of the Fish Committee. Mr. Fish pointed to the fact that his resolution to create such a committee had been introduced two months before the Whalen documents appeared.

But he failed to emphasize the fact that his resolution slumbered in committee for two months and aroused no interest until Whalen and the Amtorg documents showed up in Washington.

Then Congressman Snell prepared a substitute resolution, made the Amtorg documents the leading issue, increased the proposed appropriation from five to twenty-five thousand dollars and got action.

Once the documents were discredited the Fish Committee investigation lost force.

Mr. Fish obviously prejudiced his evidence. Nothing could be more revealing or self-condemnatory. It was wise for the Fish Committee to pack up and let the members get to their summer fishing.

Of the attacks by the Fish Committee on the American Civil Liberties Union, the *Birmingham (Ala.) Post*, of February 5, 1931, said:

OUR MR. FISH AGAIN

One of the sharpest sections of the Fish Committee report on Communism relates to the American Civil Liberties Union. We may well investigate this as a sample of the accuracy and fairness of the report as a whole. The majority report thus describes the Union:

"The American Civil Liberties Union is closely affiliated with Communist movement in America, and fully 90 per cent of its efforts are in behalf of Communists who have come into conflict with the law. It claims to stand for free speech, free press and free assembly; but it is quite apparent that the main function of the A. C. L. U. is to attempt to protect the Communists in their advocacy of force and

violence to overthrow the government. . . .

"Roger N. Baldwin, its guiding spirit, makes no attempt to hide his friendship for the Communists and their principles. . . ."

As all informed persons know, nothing could be more wide of the facts than to call Roger Baldwin a Communist or a man personally sympathetic with Communists. He is an extreme libertarian who loathes all the regimentation and rigorous control of life and opinion which exists under Communism. He stands at the very opposite extreme of opinion from Mr. Foster and the Communists.

If the American Civil Liberties Union puts in most of its time defending Communists,

STILL THE FISH COMMITTEE NONSENSE!

which is an exaggeration, this is only because the Communists are the most persecuted class in our American system today. If the government would leave Communists alone to enjoy their constitutional rights there would be no need for their frequent defense by the Civil

Liberties Union or anybody else. The Civil Liberties Union has defended the Ku Klux Klan in its rights to free speech and assembly. Does Mr. Fish allege that this makes Roger Baldwin a Klansman?

Similarly, newspapers all over the country came to the defense of the Union. Editorially the *Trenton* (N. J.) *Times* (March 2, 1931), said:

FIGHTING FREEDOM'S BATTLE

In several respects the Fish Committee report on Communism in the United States is characterized by hysterical exaggeration. But perhaps the most absurd comment in it is the reference to the American Civil Liberties Union as an organization whose "main function is to attempt to protect the Communists in their advocacy of force and violence to overthrow the government."

People familiar with the aims and activities of the American Civil Liberties Union will recognize that the Fish allegation is absolutely baseless. In defense of free speech, free press and free assembly, the Union has frequently rallied to the support of groups which are

anything but Communistic. The Ku Klux Klan, for example, once enjoyed the backing of the Union on a free speech and free assembly issue.

Mr. Fish and his fellow committeemen are not doing conservatism a good turn by casting slurs at a body which has persistently and consistently upheld Constitutional guaranties. American liberty would soon deteriorate into a weak rhetorical gesture were it not for organizations which, like the American Civil Liberties Union, battle day in and day out in opposition to reactionary restraints of whatever character.

And the *Indianapolis Times* (Feb. 17, 1931), refreshed Mr. Fish's memory on old-fashioned free speech as promulgated by the early proponents and today by the American Civil Liberties Union:

HAMILTON FISH: HISTORIAN

In the section of his report dealing with the *American Civil Liberties Union*, Representative Hamilton Fish made the following sally into the history of American ideals:

"The principles of free speech, free press and free assembly are worthy of an organization that stands for our republican form of government guaranteed by the Constitution, and for the ideals of Washington, Jefferson and Lincoln, instead of an organization whose main work is to uphold Communists in spreading revolutionary propaganda and inciting revolutionary activities to undermine our American institutions and overthrow our Federal government."

With Mr. Fish's absurd implication that the Civil Liberties Union is Communistic in char-

acter or sympathetic with Communistic aims we shall not deal here. But we fruitfully may investigate his apparent notions of the ideals of Washington, Jefferson and Lincoln.

From what he says we might imagine that if these men were alive today they would be members of the National Civic Federation and the Better American Federation, and would be receiving the alarmist mail service of Harry Jung and Fred Marvin.

If we recall our American history, Washington once was involved slightly in a revolutionary movement. We believe he did his best to undermine and overthrow the government under which he lived. . . .

Jefferson was a rebel and revolutionist from youth to the grave. No American Communist

STILL THE FISH COMMITTEE NONSENSE!

ever has been so specific, ardent and vocal an exponent of the right and benefits of revolution. . . .

Nor was the martyred Lincoln any more docile. He was very explicit in his advocacy of revolution as a "sacred right." . . .

We hope Mr. Fish never will discover Lincoln's famous assertion that the international bond of the working class should be placed

ahead of the patriot bond commanding loyalty to one's country.

It is not contended that any of these great Americans was right in any of the above contentions. It is merely asserted that Mr. Fish does not seem to be very familiar with their deeds and thoughts, which means that he hardly is conversant with good old American tradition.

The *Buffalo* (N. Y.) *Times* (Jan. 19, 1931), deploring the Committee's recommendation to set up a special espionage bureau in the Department of Justice held:

MR. FISH LEARNS

. . . Mr. Fish having created a bogey man, went out to find evidence of its existence. Naturally he found it in plenty.

And yet, we and Mr. Fish are not so far apart, after all.

He doesn't like Communism. Neither do we.

He doesn't believe in violence, except when used against Communists. We don't believe in it at all.

He doesn't believe in a dictatorship of the proletariat. Neither do we—nor in a capitalistic dictatorship, either.

He thinks there is imminent danger from the machinations of Communism. We don't.

He wants to deport alien Communists. We

see no reason why that shouldn't be done.

He wants to empower the Department of Justice to stamp out Communism. We don't. There are plenty of laws in every city and state to deal with acts of violence. Any Federal scheme to stamp out Communism will create panic and fear. And it will be used as a device to persecute all sorts of people who are not Communists at all, but who hold dissenting economic views. If Mr. Fish cannot discriminate between Communism and the Civil Liberties Union, what chance is there that the Department of Justice will discriminate? The snooper here proposed is the beginning of the kind of tyranny that we despise in Russia. . . .

The bills recommended by the Fish Committee, pending in Congress in 1932, are:

- 1. To deport Communists as such, H. R. 1967, H. R. 4579, and H. R. 11946, already reported and on calendar.**
- 2. To reestablish the notorious spy system in the Department of Justice. H. R. 5659.**
- 3. To prohibit the use of mails to Communist publications. H. R. 7900.**
- 4. To enact a federal sedition law. H. R. 8378 and H. R. 8549.**

Write your representative urging him to oppose these bills. Also write floor-leader H. T. Rainey. And a word to your senators, though the bills are in the House, will help put them on guard if the bills get there.