

An Ed

the U. S. Constitution's defense of private property and a Communist's attachment to the principles of the Constitution even though he favors socialism.

Supreme Court's Decision Conclusive

"I quote from Justice Murphy's opinion of the majority:

"Schneiderman stated that the 'dictatorship of the proletariat' meant to him 'not a government, but a state of things' in which 'the majority of the people shall really direct their own destinies and use the instrument of the state for these truly democratic ends.' None of this is necessarily incompatible with the 'general political philosophy' of the Constitution as outlined above by the Government.

"It is true that the Fifth Amendment protects private property, even against taking for public use without compensation. But throughout our history many sincere people whose attachment to the general constitutional scheme cannot be doubted have, for various and even divergent reasons, urged differing degrees of government ownership and control of natural resources, basic means of production, and banks and the media of exchange, either with or without compensation.

"And something once regarded as a species of private property was abolished without compensating the owners when the institution of slavery was forbidden. Can it be said that the author of the Emancipation Proclamation and the supporters of the 13th Amendment were not attached to the Constitution?

"We conclude that lack of attachment to the Constitution is not shown on the basis of the changes which Schneiderman testified he desired in the Constitution."

So according to the Supreme Court, a person can be for the abolition of private property and still be attached to the general principles of the U. S. Constitution even though that document defends private property.

I submit that I can oppose private enterprise and still uphold the general democratic principles of the AVC, even though the AVC works to improve the general welfare under a system of private enterprise. I submit, further, that if membership in the Communist Party is compatible with loyalty to the U. S. Constitution, as the Supreme Court has ruled, and if the NAC contention should prevail that membership in the Communist Party is incompatible with loyalty to the AVC constitution, then the only logical conclusion is that the AVC constitution is incompatible with the U. S. Constitution. I do not believe that, but that would be the consequence of your expulsion of John Gates.

Communist Party Principles Stated

I contend that membership in the Communist Party is fully consistent with support for the general democratic principles of AVC. What does the Communist Party stand for? I quote from the Communist Party constitution:

"The Communist Party of the United States, basing itself upon the principles of scientific socialism, champions the immediate and fundamental interests of the workers, farmer and all who labor by hand and brain, against capitalist exploitation and oppression. The Communist Party upholds the achievements of American democracy and defends the U. S. Constitution and its Bill of Rights against its reactionary enemies who would destroy democracy and popular liberties.

"The purposes of this organization are to promote the best interests and welfare of the working class and the people of the United States, to defend and extend the democracy of our country, to prevent the rise of fascism, and to advance the cause of progress and peace with the ultimate aim of ridding our country of the scourge of economic crises, unemployment, insecurity, poverty and war, through the realization of the historic aim of the working class—the establishment of Socialism by the free choice of the majority of the American people. (Section 1).



EDITOR JOHN GATES (center) shown with his wife, Lillian, and his attorney, Morris Pottish, studies the argument of the National Administrative Committee of the American Veterans Committee at the hearing.

John Gates, editor of *The Worker and Daily Worker*, poses a question for leaders of the American Veterans Committee who are trying to expel him. Will they ape the Un-American Committee and follow the same tragic path of the liberals in Germany? Or will they stand up for the rights of Communists and defend this first line of American democracy?

By JOHN GATES

Editor, *The Worker and Daily Worker*

On Friday night, Aug. 27, 1948, a trial committee of the American Veterans Committee conducted hearings on the AVC's National Administrative Committee's charges against John Gates, editor of *The Worker and Daily Worker* and member of the National Committee of the Communist Party of the United States. The hearing lasted five hours, during which Gates challenged the entire proceedings and answered the committee's charges. Here is his statement of the case:

MY POLITICAL VIEWS and affiliations are well known. They have never been a secret. I have never concealed them in the past and do not conceal them now. But under the peculiar circumstances of this expulsion proceeding, my answer to the question of the National Administrative Committee of the American Veterans Committee concerning my political beliefs is that they are none of its business. I contend as a matter of principle that it has no right whatsoever to inquire into my political party affiliation in order to expel me from the American Veterans Committee.

It is contrary to the constitution of the AVC according to which the AVC is a non-partisan, non-political organization, as well as to the first amendment of the Constitution of the U. S. No member of the AVC was ever asked about his political affiliation as a condition for joining the organization, which is perfectly proper in my opinion, and the fact that such a question is now asked of me constitutes political discrimination and persecution.

This proceeding is alleged to be a fair hearing on the merits of my case. It is

nothing of the sort. It is a farce under which my case has already been prejudged and determined and I challenge its entire legality.

Charges were preferred against me in writing on July 29, 1948 to the National Administrative Committee (NAC) of the AVC which received them on July 30 and proceeded to cast judgment that same day without notifying me or hearing my side of the case. On July 30 the NAC decided that membership in the Communist Party was an act inimical to the welfare of AVC and therefore grounds for expulsion. It then notified me that a hearing would take place on whether or not I was in fact a Communist.

Obviously that is not a hearing at all. I was then informed that I could make a statement on the merits of the case. But if the NAC has already decided that membership in the Communist Party is incompatible with membership in the AVC, then what purpose can this so-called hearing serve? The statement that the NAC so graciously will allow me to make is in the nature of a judge who tells a man who has just been adjudged guilty: "Is there anything you would like to say before I pass sentence?"

No Contradiction

In Beliefs, Membership

According to AVC's constitution, a member can be expelled only if he or she commits acts detrimental to the interests of AVC. I challenge the NAC or any member of AVC to cite a single act I have ever committed contrary to the welfare of AVC. The charges do not cite any such acts and cannot cite them for the simple reason that I have never committed them. Have I ever acted against democracy or against the Amer-

ican people? When, where, how? No such acts are cited. On the contrary, I have always acted on behalf of democracy and the nation as any examination of my record will abundantly prove.

It is charged that by having signed the AVC pledge while being a Communist, I committed an act detrimental to AVC. Again, no proof is cited, merely assertions. How and why was that harmful to AVC? It is implied that I signed the AVC pledge fraudulently. Such a charge is preposterous and unsubstantiated. When I signed the AVC pledge I did so in the belief that there is nothing incompatible between my political beliefs and the principles of AVC. I maintain the same belief now. There is no contradiction between my political beliefs and my support of AVC principles.

This charge of fraud is nothing new. The U. S. Supreme Court ruled on it in 1943 in the Schneiderman case. Schneiderman was a Communist who became a naturalized citizen in 1927. The government charged that since Schneiderman was a member of the Communist Party prior to his naturalization, his oath of allegiance to the U. S. and pledge of loyalty to the U. S. Constitution were therefore fraudulent, and demanded the revocation of his citizenship.

Schneiderman was defended by the late Wendell Willkie, whose passionate belief in civil rights some members of AVC seem to have deserted. The Supreme Court ruled in favor of Schneiderman that there was nothing incompatible between membership in the Communist Party and loyalty to the United States and the principles of the Constitution.

It will interest the members of the NAC that the Supreme Court also ruled that there was nothing incompatible between

itor Challenges His Accusers

"Any member shall be expelled from the Party who is found to be a strike-breaker, provocateur engaged in espionage, or who advocates force and violence or terrorism, or who adheres to or participates in the activities of any group or party which conspires or acts to subvert, undermine, weaken or overthrow any or all institutions of American democracy through which the majority of the American people can maintain their right to determine their destinies." (Section 3).

A Few Facts From the Record

These are the stated purposes of the Communist Party and I challenge anyone to prove that Communists do not in their everyday activities carry out in practice what they preach. My whole life is a record of fighting for democracy and the people's welfare. Six years of my life have been spent in armies fighting for democracy against fascism.

I volunteered to fight Franco in Spain and spent two years in the Spanish Republican Army (incidentally, if the U. S. government had supported the fight, World War II could have been averted) as a "premature anti-fascist" and volunteered again for the U. S. Army a week after Pearl Harbor and served four years in that war.

Since the Communist Party is pledged to promote the "best interests and welfare of the people of the United States," it is perfectly proper and consistent for members of that Party to join organizations which have similar democratic objectives. I think AVC is a progressive organization, that is why I joined it, although I understand perfectly that it does not stand for Communism and even condemns it, a stand with which I disagree.

The fact that Communists favor a future socialist reorganization of society does not mean that they do not work to improve the interests of the American people while capitalism is still in power. Communists champion both the immediate and fundamental interests of the people. One is in the interests of the other. That is why Communists can work together with non-Communists in organizations like AVC which do not have any revolutionary objectives but work entirely within the framework of capitalism, with full sincerity and honesty. Communists do not use AVC as the instrument to lead the people to socialism, but their own political party.

Case a Product Of Hysteria

I entirely favor full production and employment but I submit that it is private enterprise, which is a euphemism for capitalism, which restricts production and employment, as in the case of steel and meat and housing, and is responsible for economic crises and war. The very system of capitalism produces classes and class struggle, and because it is based upon the exploitation of labor by capital makes cooperation between labor and capital impossible. This is not an opinion or belief but is a scientific fact.

I now want to pass over to some aspects of the case itself. It is not accidental in my opinion that charges were preferred against me and action taken nine days after a federal grand jury indicted me on charges of force and violence. Although I have been a member of AVC for a year and a half and this has been widely known, it was not until this particular moment that action has been taken against me. I think this is significant.

Lesson for Liberals From Germany

I hold that the action against me is a child of the anti-Communist and undemocratic hysteria which the Democratic and Republican parties have created, that certain individuals in AVC have become panic stricken and have jumped on the bandwagon of that hysteria.

I believe it is an interesting parallel that both the federal indictment against me and the NAC charges do not accuse me of specific acts but merely of ideas and beliefs, ideas imputed to me which I vehemently deny, but nevertheless only

Some members of NAC may say that they are ready to defend the rights of Communists outside of AVC but not inside of it. That will not work, gentlemen. That would mean democracy for others but not for AVC. It is a line of argument very similar to the Dixiecrats who want democracy and equality for Negroes but within their own segregated communities and institutions. The segregation and isolation of Communists in this fashion means the end of democracy. The theory of some liberals that Communists are expendable in the struggle for democracy will not save them from the concentration camps which are the inevitable result of such a policy, as the German people learned to their regret.

Once you deny rights to Communists within AVC you have already judged them guilty and denied them freedom. It is an entering wedge to initiate a campaign of expulsion against opponents of whom ever may be in power in AVC at a particular moment and can be used to perpetuate the group in power. Expulsion of an individual from AVC for belief in communism would contribute to the very hysteria which AVC condemns and would endanger AVC itself.

It is interesting to quote what Michael Straight, member of the NAC, had to say when he seconded the anti-Communist resolution passed by the National Planning Committee in November, 1946: "I think that the most despicable act the AVC could take would be persecution in any form of individuals or of groups within AVC. I don't see any persecution in this resolution, which does not deny membership in AVC to the Communist Party, but simply states an expression of intent to oppose a movement which has illegitimately used methods of persecution in our democracy."

Committee's Methods Are Dishonest

And Charles Bolte, founder of AVC, said in a letter to each chapter on the resolution: "Michael Straight's comments in seconding the resolution should prove particularly illuminating."

What has happened since 1946 to change the interpretation which was then placed on the anti-Communist resolution? Can it be that NAC is fearful of the poor record of its leadership, that it wants to divert the attention of the membership from that record by injecting the red issue, and that it is about to use my expulsion as the starting point of a campaign to purge the AVC of the opponents of the present leadership? You can deny it all you like, gentlemen, but your actions speak louder than words.

I charge further that NAC is using dishonest and insincere methods in this ouster proceeding. The issue in my case is reputed to be belief in private enterprise. But it is a well-known fact that there are many socialists in the AVC, many of whom occupy leading roles in the caucus now in power in AVC. I refer to men like Gus Tyler and Joseph Lash. Did not the NAC appoint a known socialist, Brig. Gen. Holdridge, to an important post in AVC? Have these men ever been questioned as to their belief in private enterprise as a condition for their remaining members of AVC?

Of course, it is an unwitting compliment to the Communist Party that only it is accused because the implication is that these other people I have mentioned only say they are for socialism but are not really for it. Is it not a fact that AVC gladly receives assistance from men like Reuther and Dubinsky who profess to be socialists? This method smacks of hypocrisy and deceit and singles out one party, the Communist, for discrimination and persecution.

If NAC were really honest and sincere in this case and was truly concerned with compatibility between political parties and AVC, it would impartially examine the platforms of all parties. I challenge AVC to do that. But I am sure it will not because the examination would prove conclusively that the platforms of the Democratic and Republican Parties are at much greater variance from that of AVC than that of the Communist Party.

According to the same standards set up

by NAC therefore on the Communist Party, would it not be proper to expel members of the Republican and Democratic parties from AVC? That would be the inescapable logic, gentlemen, if you were really honest in this proceeding.

A Dangerous Practice For AVC's Future

It may be said that Communists are disciplined. That is true. But are not members of other political parties? Did not Franklin D. Roosevelt, Jr., state that he would support the Democratic candidate for President, no matter whom the convention nominated?

Is it a fair proceeding for a committee like NAC, which is made up mainly of members of Democratic Party-ADA persuasion to pass upon a political opponent? That is a very dangerous practice, gentlemen, one that can only lead to AVC becoming the tail to one political party's kite.

In conclusion, let me say that I have been upheld in this case by the chapter of which I am a member and by the Metropolitan Area Council in New York City and I am certain that I will be upheld throughout the country no matter what action NAC and NPC take. I do not expect that NAC which has already so flagrantly violated the interests of AVC in this case will pay any attention to the wishes of the membership.

NAC has a glorious opportunity and enormous responsibility in this case. It can make one of two decisions—it can meet the present hysteria in the country by setting an example and standing up for the rights of Communists both inside and outside of AVC while being opposed to Communism, or it can ape the methods of the American Legion and Un-American Committee and follow the same tragic path of the liberals in Germany which resulted in such disaster for Germany and mankind. There is no other course, no middle ground. The test of freedom is what you do in your own house. The interests of AVC and of the American people demand that you follow the first course.



THE TRIAL COMMITTEE pictured at the hearing (left to right): Kenneth Birkhead, Jerry Spingarn, Joe Clarety, Robert Nathan, Michael Straight and Bernie Bellush. —The Worker photos by Felix