

PLAYBOY

To Alice B. Toklas

BY THOMAS BEER

BACK then when cats had wings, one night, Albert de Silver and I went to a play. De Silver was not yet a champion of civil liberties. We were reading law at Columbia. Coming out of the theater we picked up John Reed and took him along to the gloomy old Yale Club in West Forty-fourth Street for some eggs and a drink. On the way we collected Thomas Lawrason Riggs, Arthur Hildebrand and a quiet lad named Alan Campbell, still an undergraduate. In the club we gathered John Crawford and Meade Minnigerode. All these men came to dreary ends except Lawrason Riggs, who is a priest in New Haven. Young Campbell died just as Albert de Silver did by a fall from a speeding train. Harrison Smith is a publisher. Jack Crawford was killed at Cantigny. Hildebrand made his fine sketch of Magellan and vanished at sea. Minnigerode and I write. We settled at a big round table in the grillroom and John Reed began to be funny.

In those days "intercollegiate kidding" was considered rather stale and rather bad form. After the war it revived in book reviews and columns produced by grown up men who used such words as "sophomoric," and "puerile." Reed began to be funny about finding himself in the Yale Club. Being responsible for him, I tried to change the subject once or twice and it was probably my fault that the subject changed to Paris. He decided to be funny and illuminating on Paris. He said that a man could

only talk about Paris when he was drinking champagne. So Jack Crawford ordered a lot of champagne. He had beautiful manners and liked to make things easier than they might have been. Mr. Reed fatally spoke of Paris and in a minute it proved that he did not imagine anybody else in the party could know anything about Paris. Alice B. Toklas tells us that he did not please Gertrude Stein by talking about Spain, because Miss Stein and Miss Toklas had been to Spain. Of Mr. Reed's audience, that night, Campbell, Minnigerode and Riggs were partly educated in Europe. The rest of us all had seen Paris. I had left Paris three weeks before this warm fall night. Nevertheless, we sat listening to Mr. Reed being funny about Paris.

Mary Stewart Weyman who introduced me to John Reed came back from Italy in 1933 after living there nineteen years. She went to some parties in New York and they asked her if she was a relation of Dwight Wiman. Young playwrights told her they had a play her husband might like to glance over. People said, "You live in Rome?" and then they told her all about Rome. She found herself wondering and wondering if Americans had always been as awful as they seemed. And then more people asked if she was Mrs. Dwight Wiman and she went back to Rome. That night in the hot and grim grillroom on West Forty-fourth Street I sat and cursed Mrs. Weyman for having introduced me to John Reed in an automat.

We did not know that he was a portent or a precursor of the generation that discovered Europe in 1917 and 1918 and told us all about it for a long time—sometimes nicely, generally not. He was just another bore, talking about the night life of Paris.

“... Rue du Mont Thabor,” said Lawrason Riggs.

“No, Rue Mont Thabor,” Mr. Reed said.

“Well,” Riggs said, in the voice of a wornout Christian martyr yielding to a lion, “it was Rue du Mont Thabor, this summer.” He got out, a while later. I think he was the first refugee. Then Harrison Smith and Hildebrand flitted. Albert de Silver’s jutting face had become set in a firm grin of politeness. Crawford ordered more champagne.

“Lilas,” said Minnigerode. “No, Closerie des Lilias,” Mr. Reed explained.

“Lilas,” said Minnigerode. “My people live in Paris. I was brought up there.”

For some reason, Mr. Reed said, “Nonsense!” Mr. Minnigerode went away. I forget when young Campbell excused himself to catch the last train for New Haven. John Reed said that he was a nice kid and ought to be at Harvard. Yes, he was being funny. All right. I forget when Albert de Silver quit. Maybe it was when Mr. Reed was describing the Halles in early morning. Or when he was explaining that the *apaches* were really a lot of fakes worked up by Thomas Cook. Or when he told the one about the French husband who came home and looked through the keyhole. Or the sailor who got into the House of All Nations. His French was just as bad as yours, too. Crawford ordered more champagne. I have sat through terrible things since, including the sound of my own voice on the subjects of Giovanna of Naples, gallstone, spinal trouble and the mathematic qualities of the superior novel. Once I listened for four hours to a lady with no

sense of humor telling me about Stephen Crane. I went to the first night of the Swedish ballet in New York. In 1926 Paul Rosenfeld left me on a street corner with a young man who told me all about the ivory tower and Karl Marx. But those things were different. As you age, you can stand more of it, even your own. Back then, one was definitely young. Mr. Reed piled the exasperatingly rapid on the horror of the expected. Mr. Crawford locked his hands, dropped his chin on them and stared across the glasses. He began to blink. He indicated yawns by swelling his cheek muscles. He at last shut his eyes. Then we lost John Reed.

“Benno,” Crawford said, reaching for a bottle, “do you think anybody will ever forgive you—at any time?”

In these circumstances, back when cats had wings, I determined to duck when I next saw John Reed. He came abreast of me on Riverside Drive when I was getting some air between doses of Columbia Law School. This happened in winter. I said that the Hudson looked cold as Puget Sound. So John Reed began to talk about the Northwest, and was not a playboy about it. We talked for a long time about Puget Sound and the smell of burning cedarbark in Portland. I told him about a Chinese junk in the bay of Seattle, and he told me about a blind man who grew roses in a back yard in Tacoma. He did all the talking, soon, standing with his hands in the pockets of a loose overcoat, staring at the river. He was no more a brilliant talker than he was a brilliant writer, but he talked about Tacoma and the long Sound, mist, Swedes, ramshackle brothels strung up slopes. He said nothing profound, but he made beauty, talking. Men do that when they talk about things they have loved much, and Americans often talk very well when they are not trying to be wise or funny.

FASCISM IN AMERICAN LAW

BY CAREY McWILLIAMS

FEAR of a rising Fascist movement has, within the last year, transformed American social observers into a self-constituted posse for the discovery of khaki and silver-shirted legions. Sound as this instinctive apprehension may be, it is unfortunate that the posse has not been guided by a more realistic understanding of the social tendency which they have been straining every faculty to detect.

In an uncritical and credulous manner, they have dubbed all untoward social phenomena Fascism. But Fascism, contrary to such naïve notions, does not invariably wear a uniform. It may parade in the cloak of conservatism, and, more frequently, in the guise of reform itself.

The powerful, concerted, nation-wide drive for a summary criminal procedure points to the appearance of an unmistakably Fascist sentiment in this country. Before examining in detail the connection between the criminal law reform movement and Fascism, however, it is necessary to point out their theoretical affinity.

Fascism is, of course, coercion. It is anti-parliamentary; it cannot be reconciled with any form of constitutional government, however flexible the particular constitutional limitations may be. Fascism delights in boasting of the swiftness with which it executes the public will as represented in the person of the dictator; likewise, it glories in the fact that it strikes the accused criminal but one blow, for

a Fascist arrest is tantamount to conviction. With Fascism, in fact, arrest, conviction, and sentence, are embraced in one process. Fascist criminal justice is indeed "summary." And so is a lynching. A lynching possesses all the attributes which our unconsciously-Fascist-minded reformers say should characterize criminal justice; it is swift, severe, and shocking. It is almost as effective as a public decapitation by the magistrate. With a lynching, there is no opportunity for delay, for the shyster lawyer to practice his mysterious "technicalities," for juries to disagree. Fascist criminal justice involves the appropriation of the technique of lynching under the thinnest possible guise of governmental regulation.

Where with us criminal law reform was formerly a harmless subject for the entertainment of legislative committees, it has now, in a time of great emotional stress, become a popular fanaticism. The cry for summary criminal justice, generally uttered by those still hoarse from shouting at a lynching, is unquestionably the voice of Fascism. What the reformers have done is to provide a rising Fascist sentiment with an excuse for mob violence. Before considering a specific illustration of the manner in which this fraudulent reasoning operates, it is necessary to point out one or two of the unwarranted assumptions upon which popular criticism of the administration of criminal justice is predicated.