

THE REDS AND CIVIL RIGHTS

BY H. L. MENCKEN

IN MARCH last, at the time a Senate committee was engaged upon a smelling tour through the private telegrams of the Hon. William R. Hearst, LL.D. (Oglethorpe), certain officers and members of the American Civil Liberties Union sent a letter to the Hon. Hugo Lafayette Black, LL.B. (Alabama), the chairman thereof, protesting against its violation of the Fourth Amendment. I must confess that reading that letter gave me great satisfaction, for it set forth sound doctrine in simple and effective words. The signers were Messrs. Roger N. Baldwin, Osmund K. Fraenkel, Arthur Garfield Hays, Corliss Lamont, Harry F. Ward, and Raymond L. Wise. I record their names with pleasure, and hope that any nascent Ph.D. who happens to unearth these lines in the years to come will not fail to enter them in his thesis. If anything that I have to say hereunder appears to be in contempt of any of the six gentlemen, I disclaim that intent at once, and offer them my kindest personal regards.

But how many of the other whoopers for civil liberties in this great Republic deserve to be ranged with them? The answer, alas, must be damned few. Indeed, it would probably be difficult to find more than a corporal's guard in the American Civil Liberties Union itself, for on the day following the dispatch of the letter aforesaid, its general counsel, the Hon. Mr. Hays, was constrained to issue a hurried statement to the membership, defending

the action of himself and his five associates. From this statement it appeared that "many friends," *i.e.*, many members of the Union and contributors to its funds, were incensed by the letter, and had written in or called up to protest. All these "friends" were hot for a wholesale snooping into the files of the Hon. Mr. Hearst. They yearned with a great yearning for a cavalry raid through his private affairs, and the more private the better. If the Fourth Amendment stood in the way, then so much the worse for the Fourth Amendment.

Was there anything unusual about this episode? There was not. The American Civil Liberties Union is an organization founded for an excellent purpose, and more than once in the past it has struck useful licks for the Bill of Rights, but the Reds have been boring into it for some years past, and there is not on earth a Red who actually believes without reservation in the common liberties of mankind. Even Mr. Baldwin, since his conversion to the Marxian hooey, has publicly defended the suspension of free speech in Russia, and I have reason to believe that at least one of the other signers of the letter to Black is inclined the same way. Regarding the remaining four I can't testify, but the evidence as to the generality of scarlet brethren and sisters is too patent to need laboring. The Hearst case offered a capital test of their *bona fides*, and they failed to pass with almost complete unanimity, led by

the kept idealists of the pink weeklies. When, two months later, the members of the Associated Press, in convention assembled in New York, ventured upon a mild protest against attempts upon the freedom of the press, the same idealists had at them with great fury, rehearsing anew all the old nonsense about the newspapers being under the hoof of Wall Street.

The position of Hearst himself, of course, is just as weak, for he is howling with one half of his larynx against the invasion of his own clear rights, and urging with the other half that the rights of the Reds be destroyed. But the inconsistencies and other failings of Hearst need not detain us here, for they have been sufficiently exposed by specialists in his high crimes and misdemeanors. The Reds differ from him only in the detail that they are even more inconsistent than he is. They not only blow both hot and cold in the matter of free speech; they also blow hot and cold in every other matter that they presume to discuss. They condone in Russia not only all the relatively mild tyrannies that they bellow against in this country; they also condone there all the large and intolerable tyrannies that horrify them in Italy and Germany. Even more than the New Deal mountebanks, they have ruined with their incurable dishonesty every good cause that they have ventured to touch. Entering under false colors such organizations as the Civil Liberties Union and the various societies against war, they have brought all of them under suspicion, and will wreck them soon or late.

II

The pacifist movement, indeed, is already wrecked, and was approaching that state even before the Red Habakkuks began polluting it. No sensible person has any

confidence in it any more, or in the good faith of the evangelists, whether clerical or lay, who principally whoop it up. Launched in this country in 1910 in the shape of the late Andy Carnegie's Endowment for International Peace, it turned out in 1914 to be only a stooge for England. Revived after the World War, it has since become only a stooge for Soviet Russia. One of the noisiest of its agencies doesn't bother to attempt any disguise: it calls itself the League Against War *and Fascism* — and by Fascism it only too plainly means any system of government differing from the Asiatic despotism of the Moscow Utopia. Whenever any country save Russia undertakes any measure of defense, however mild or unavoidable, this organization and its congeners fill the air with moral outcries, but they never mention the fact that the Russian Army is now the largest that Europe has ever seen, and the readiest for war.

Not a word was heard from these lovers of humanity when the Reds under Trotsky were marching on Warsaw, and hoping to be able to keep on to Berlin, Paris, and even London. War, in those days, was highly virtuous, just as it would be again tomorrow if the Reds took to the warpath once more. But when the Poles heaved them back from the gates of Warsaw and they retreated to Utopia in a highly disillusioned and demoralized state — when that catastrophe overtook the liberation of the workers of the world, war became immoral again. The present Russian Army, it appears, is an organization of cooing doves. Its strategists study the defense only, and know nothing about offensive fighting. Its guns are loaded with bullets fatal only to the wicked, which is to say, to those who find the rubbish of Marx idiotic. Its vast fleet of airships is incapable of killing innocent civilians, and

its tanks will leap over all bystanders whose hearts are in the right place. Its endless hordes of conscripts have no aim save to protect the downtrodden of all nations against Hitler, Mussolini, the Japs, the Poles, the Hungarians, and the du Ponts.

The plain truth, of course, is that the Russian Army is precisely like any other, and is maintained for the same purposes — first, to keep order at home and maintain the reigning scoundrels in power, and second, to further their megalomaniacal ambitions abroad. If they do not plot to grab more territory, like their colleagues of Italy, Japan, and Germany, then it is only because they have more than they can digest now. No one ever hears of them offering to give up any of the Czar's stealings. In the West they put down discontent in Karelia and the Ukraine with savage ferocity, and in the East they accumulate immense armaments to launch against Japan, which has quite as good a title to the lands it now grabs as ever the Czar had to Turkestan, or even to Siberia. Day in and day out they seek military alliances with other Powers, including the most grossly militaristic. Today they line up with France against Hitler; tomorrow, if it fell in with their schemes, they would join England against France. The course they pursue is completely knavish, and there is no better evidence of its knavishness than the tortured defenses of it one hears from their American dupes.

At home they carry on exactly like Hitler and Mussolini. The populace is heated up with inflammatory talk about foreign tyrants who plan to come over the border with illimitable hordes and reduce the whole Russian proletariat to slavery, and under cover of the fears thus aroused they rivet that proletariat in ever tighter chains. The bloody Hitler purge that made such

a sensation in the summer of 1934 is duplicated in Russia at close intervals, and if it were not for the army there would undoubtedly be rebellions on a large scale, and in all parts of the country. To prevent such works of Satan the Moscow Mussolinis keep 900,000 yokels under arms, with an enormous outfit of tanks, airplanes, and artillery, and missionaries in every squad to preach the Only True Faith. The American pacifists, always easily gulled, compare this formidable host to the band of Boy Scouts that Richard the Lion-Hearted led up the walls of Acre. It is actually much more like the corps of mine guards in the Pennsylvania coal fields.

III

But if the Red infiltration thus reduces the war against war in America to a palpable absurdity, the damage done is, after all, not substantial, for there is not the slightest chance that war will be abolished in our time, or indeed, while the present historical epoch endures. It can never cease in the world until governments are greatly circumscribed in scope and power, and that is obviously something for the remote future to achieve. So long as a gang of unconscionable criminals, by inserting themselves into a few public offices, can acquire eminent domain over the lives and property of all other citizens, we'll see exploitation and injustice at home, and homicidal adventures abroad. Some day, I hope, the people of one of the more advanced countries will lose patience at last, rise against and hang all their public officers, and bring down their government to the lowly and innocuous estate of a chain of grocery stores or a well-managed line of inter-city busses. If that ever happens their reform will spread far more quickly and widely than fascism or bolshevism has ever

spread, and in a little while the world will be at peace, and decent people will be let alone. But my hopes, I should add, are not to be mistaken for a prediction. Before anything of the sort may come to pass the human race must somehow lift itself to the level of the bumblebees and the pissants, and that is not likely to be done for a long, long while.

Meanwhile, however, there are devices for moving toward the ideal end, if not for actually reaching it. One of them is the device of limiting the powers of government in special fields. So far it may go, but no further. It may not, for example, jail a man without an open trial, giving him a chance to state his defense. It may not prevent him trading with any god or other supernatural mammal who offers him, in his judgment, a sufficient return for his money. It may not forbid him to live wherever he wants to live, or to say whatever he thinks worth saying, or to read any book that he fancies, or to marry any wench who is willing, or to eat, drink, and dress according to his taste, or to vote freely when the time comes to oust one rascal from public office and put in another. It may not torture him to make him confess to crime, and it may not punish him in cruel and unusual ways when he is convicted on the evidence of others. It may not quarter soldiers in his house against his will, or pry into his private affairs without a sound and sufficient public reason, or seize his property without offering him reasonable compensation. And so on, and so on.

These inalienable immunities are not old in the world. They were unknown in the great empires of antiquity, and they had little save a theoretical existence in medieval times. It was only with the dawn of the modern era that they began to take on shape and substance, and it is only in

a few of the more enlightened and progressive nations that they prevail today. They constitute one of the most valuable possessions of mankind. The larger their number and the wider their range, the higher the degree of civilization. Whenever they are abolished *in toto*, as in Russia, Italy, and Germany, it is recognized by all rational men that there has been a step backward. Indeed, it is so recognized even by the irrational, for the most ardent defenders of Stalin and Company moan and beat their breasts over the destruction of civil liberties in Italy and Germany, and *vice versa*. And when they are invaded and conditioned in this detail or that, as was done in the United States during the World War and later by the Eighteenth Amendment, all rational men protest vigorously and try to bring the invaders to account. These immunities provide the one really reliable touchstone of human progress. The more numerous they are, and the more stoutly defended, the greater the advancement of the people. The best government is the weakest.

IV

Of all these limitations upon the prerogatives of public officials, the most valuable, I venture to believe, are (a) those which forbid them to interfere with the free expression of opinion, and (b) those which confine their execution of the laws to rigid patterns, clearly set forth. The value of the first hardly needs argument. If a citizen is not free to publish his ideas on any subject, and especially on the subject of the government he lives under, then his position at best is simply that of a prisoner in a well-run house of correction. His life is endurable only so long as he is on good behavior, and good behavior means not only obedience to his guards, but also po-

liteness to them. He is, in every logical sense, their slave, and his sole remedy against their exactions, however outrageous, is the poor one of trying to kill them, with an overwhelming probability that he will be killed himself. That is the situation, precisely, of the people of Russia, Germany, and Italy, today. It may be, for all I know, that the despotism prevailing in these countries is a better form of government than the kind we have to endure here, but if so, no one will ever know it, for there is no way for those living under it to report on it, frankly and honestly, as we report on ours. They are free to say that it is good, and some of them do so, but they are not free to say that it is bad, and no one knows how many of them believe that it is. If it needs reforms, then those reforms may be attained only by the grace of the reigning scoundrels. No one has any right to criticize their official acts or to discuss their private character, and there is no way short of bloody revolution to turn them out.

I see no reason why the Reds in the United States should not be permitted to advocate this form of government, if they actually like it and yearn for its introduction here. Their right to do so, indeed, is quite as clear as my right to denounce it, and if that right of theirs is limited in the slightest, then mine must be limited too. To be sure, their essential dishonesty is revealed once more every time they open their mouths on the subject, for they demand free speech in the United States and at the same time defend its denial in Russia. But that is not an argument against free speech; it is simply an argument against either their commonsense or their *bona fides*. They are, in fact, only too plainly either rogues or jackasses, and it would hardly be unreasonable to argue that they are both. But that is no ground for

denying them the right to be heard freely, and to persuade any other persons who may be susceptible to their peculiar kind of buncombe. Free speech is not a monopoly of the wise and virtuous; it belongs also to rascals and fools. It does not involve only the right to say what is generally accepted and of good report; it involves also the right to say what is generally rejected and of evil report. In brief, the right to be right includes the right to be wrong, and the right to tell the truth includes the right to deny it.

I know of but one limitation upon that right, and it is set up by the right of privacy. I am free to say anything I please, but I can't force you to listen to it. If, perchance, I am convinced that our Holy Christian religion reeks with error, I may utter that conviction at length and in any proper place, but I may not utter it on the steps of St. Patrick's Cathedral as the faithful cops of New York issue from mass. That would be an invasion of their right to cherish their faith at peace, and if they proceeded against me by beating me up, most courts would deal with them leniently and even many infidels would applaud. But there is also a right of privacy which I have against the cops. They may not break into my house at their will, and wallow through my books and private papers, and then haul me off to jail for harboring Ingersoll's speeches and a postcard from Clarence Darrow. In order to get at me for such villainies they must go through a formal and elaborate process, full of precaution against violations of every free American citizen's right to be "secure in his person, house, and effects". They must convince some magistrate that I have probably violated one of the laws of the land, they must "describe particularly the place to be searched and the person or things to be seized", and

they must support their application with solemn oaths, and so lay themselves open to damages in case I prove to be innocent.

This security of domicile is protected by the Fourth Amendment to the Constitution of the United States, and by similar provisions in the Bill of Rights of all the states. There are teeth in all such provisions, and they deserve to be kept sharp. The moment they are allowed to grow dull we'll be headed toward the Russian Utopia, and the Reds will be on the block along with Hearst. They are such imbeciles that, save for a few smarties among them, they can't grasp this salient fact, but showing that they are imbeciles is surely nothing new. The Hearst case actually offers an almost perfect test of civil liberties in the Republic, for there are dubious parties on both sides of it, and many patriotic persons would be glad to see all hands jailed, or even hanged. In that circumstance, precisely, lies its public value and significance. If Hearst, as his opponents allege, is a wicked fellow, and even a sort of werewolf, then all the more reason why he should be protected in his common rights against such shabby demagogues as the Hon. Mr. Black and such professional enemies of the Bill of Rights as the American Reds. And if the American Reds dream boozily of taking away the rights of all of us, including Hearst, then all the more reason why they should be protected

in their own. Their ideas on the subject are as flabby and flatulent as their ideas on all other subjects. They are professional paralogists, and live and have their being by crying up the manifestly not true. If they are against Hearst, it is one of the best imaginable arguments in favor of him.

But he needs no such devious defense. His rights are as clear as crystal, and he deserves to be supported in them, not only by his friends but also and especially by his foes. I don't know, as I write, what the result of his resistance to Black and Company will be. The courts, at last accounts, were trying to dodge the issue, as they so often do in cases of equity, and it may be that in the end they will find some sophistry good enough for getting rid of him. But the fundamental soundness of his position cannot be concealed. The rights he fights for do not belong to popular persons only, or to indubitably respectable persons, or to persons who think only correct thoughts, whether in the Moscow sense or in the sense of ordinarily honest and intelligent men. The moment any differential is intruded into the matter, either by learned judges in their robes or by numskull Reds on their soapboxes, the right conditioned becomes a right destroyed, and no man is safe against the buzzards who roam the country, seeking whom they may devour.



AMERICA WILL NEVER FLY

BY KENNETH BROWN COLLINGS

THE odds are 25 to 1 that the average American cannot learn to fly well enough to avoid killing himself—for even as brief a period as the normal life-time of the professional stunt pilot. The odds are 8 to 1 that he cannot learn to fly at all; and more than 3 to 1 that he does not even *want* to learn.

Thus, when air-minded enthusiasts coin the slogan, "The man or woman who can drive an automobile can safely fly an airplane", they are sadly neglecting the facts. For the difference between the two modes of locomotion is as vast as that between the two mediums involved—earth and sky. The contrast between the mechanical aptitude required is as wide as that which exists between the two machines themselves. Hence, pop-eyed predictions that the skies of the near-future will be embroidered with darting, swooping, iridescent planes of all sizes and descriptions are as ludicrous as the prophecies of some years ago that the horseless carriage was the invention of the Devil, and thereby doomed to swift extinction. To elaborate upon this thesis, it is worthwhile examining a typical airplane to ascertain what technicalities a student must master before he can imitate the bird.

To begin with, there are two fundamental differences between automobiles (and all other surface vehicles) and aircraft. The motor car can be turned at the will of the driver, but it can never move in more than one plane. Therefore, the

directions in which it can travel are definitely limited. On the other hand, the airplane can move in all directions in all planes, so that the paths of travel open to the pilot are infinite. The automobile is supported by the earth—hard, solid earth; it can be slowed in its gait or, if need be, halted. But the airplane is supported by the air—thin, ethereal air, which only takes on the properties of a solid when an object travels through it at high speed. Hence the plane-pilot can never slow his gait, nor halt, no matter what the emergency.

There is only one directional control in the automobile: the steering wheel. The airplane contains two, and one of them controls two movements simultaneously. There is a stick (or a yoke-and-wheel device in some types of aircraft) which is manipulated by hand and governs vertical movement and banking. There is a rudder, operated by the feet, which controls lateral motion. The stick is hinged on a universal joint and its possible movements are almost as numerous as the motions of the plane itself. Yet the simplest maneuver in the air requires a synchronized movement of the stick—in two directions—and of the rudder.

Moreover, there is no rule-book which tells the pilot how much or how little he must manipulate any one control to produce synchronization with the others. Only instinct can dictate that. The problem can best be illustrated by a description