

LAWSUITS Can Be Avoided

BY E. M. MARSHALL



WHAT can you do to settle a dispute when another car collides with yours? What can you do when you are injured through some step of your job, or from an accident your employer claims was due to your own negligence or disregard of the firm's instructions? Or when the dry cleaner spoils your clothing? Or the contractors fail to carry out the terms of the agreement for making your new home, or landscaping the grounds, laying the walks, or building a garage of the stated size and specified materials?

Because all of these suppositions concern facts and not questions of law, you will get the promptest settlement of your grievances by resorting to arbitration instead of bringing suit as you may promptly threaten to do.

Arbitration is a voluntary process which depends on the consent of both parties to be bound by the decision. This is where it differs from mediation or conciliation. This may be expressed in a contract clause providing for arbitration, under American Arbitration Association rules, of any future dispute which may arise in interpretation and enforcement of the contract, or the agreement to arbitrate may be

in the form of a "submission agreement" by which the parties undertake to arbitrate an existing dispute.

By addressing a letter stating your case and giving the names of witnesses or any other data having bearing on the dispute, you put things in motion. This you mail to American Arbitration Association, 477 Madison Avenue, New York City, New York. Often, the promptness with which you get action will take your breath away.

Talking things over is the oldest method known for getting the real basis of disagreement out in the open and learning what each party will, and will not, do to come to terms. It has been used with success by our government in dealings with other nations, so it offered, at least, the probability of doing the same for our citizens.

Yet arbitration agreements actually had little standing in court until New York State passed the first arbitration law in 1920. Since then, 14 other states recognize arbitration and abide by its rulings: New Jersey, Massachusetts, California, Ohio, Pennsylvania, Louisiana, Arizona, Connecticut, New Hampshire, Rhode Island, Michigan, Washington, Wisconsin and Oregon.

It wasn't until 1926 that Charles M. Schwab, Felix Warberg, Herbert Hoover, Charles Evans Hughes and Harlan Stone founded the non-profit association to which you now can appeal.

At first, lawyers did not appear in arbitration cases because they saw arbitration as a rival. In ten years, however, they were appearing in 36 percent of such cases and now they are in 91 percent of all arbitration proceedings.

ONE OF the great advantages of arbitration is its ability to fit into whatever conditions prevail. In the event of illness, proceedings have been carried on at the bedside of the sick person.

Before hearings begin, both parties agree on arbitrators selected from the panels of arbitrators of the AAA. It is usual to select only people well versed in whatever matters are at the root of the conflict. This eliminates many time-consuming details needed as background in court cases if jurors are to know enough to render a just verdict.

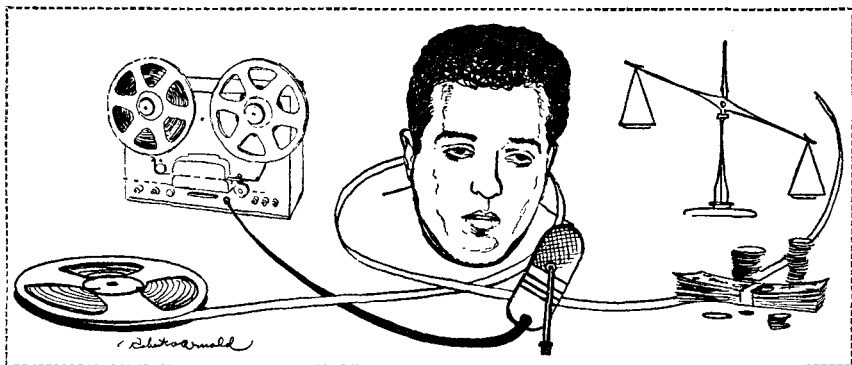
Sixteen hundred of our cities now have 13,000 arbitrators capable of seeing both sides of matters under dispute. Though such discussions are not formal ones with a court

stenographer taking down every word, transcripts may be kept if the parties prefer it. Usually the arbitrators are leading men in the area — retired judges, officials in big firms who are authorities in their fields, bank officials, lawyers, traffic experts. Such men can listen with open minds and best of all — they will render a decision in an hour or so. Of course, when the root of a disagreement lies in a question of law, the court is the one to handle it, not arbitration.

Even if a hung jury fails to give you redress, you can appeal to arbitration and save money and time. The minimum charge is \$25 for each party, although if the case concerns less than that amount, the fee may be waived. The smallest case yet handled through arbitration was for \$1.47. The largest amount to date covered \$8,800,000. The cost was about one-tenth of one percent. When your grievance is concerned with labor, the fee will be \$25, no matter what amounts are involved, and \$25 for each additional day of the hearing.

So don't forget, if you find yourself faced with the prospect of a lawsuit, arbitration may offer you a quick and reasonable solution of your problem.





The **HARVEY MATUSOW** *Story*

BY NORA DE TOLEDANO

HARVEY MATUSOW, an ex-Communist who had furnished testimony against the Communist Party in two criminal cases and before numerous Congressional committees and other government inquiries is the embodiment of a Communist propaganda line as simple, bold, and effective as the one that the Chinese Communists are only agrarian reformers. Under the guidance of known Communists, Matusow in January 1955 filed two extraordinary affidavits. On behalf of Clinton E.

Jencks, a Communist labor leader convicted of falsifying a Taft-Hartley affidavit, Matusow swore that his own testimony had been false. In the second affidavit, Matusow swore now that he had lied in the Smith Act trial of Elizabeth Gurley Flynn and twelve other Communist functionaries, and that an Assistant U.S. Attorney had suborned his perjury.

Simultaneous with the Communist legal offensive came a flanking maneuver via a syndicated column by Stewart Alsop who, with his

brother Joseph, has devoted himself to the defense of almost every major security risk exposed in the past decade. Alsop announced that Matusow had written a "credible" and "documented" book confessing "how he made a business of bearing false witness and how the American government made his business a profitable one."

The New York *Times*, which had privately used Matusow, issued a blistering editorial attacking "professional informers" and the Justice Department. The New York *Herald Tribune* published, as fact, unchecked information received by its reporter from a known Communist. At best, most newspapers fatuously proclaimed that Matusow had lied before and was also lying now — a gambit which the Communists found no less satisfying.

THE TWO judges, Robert E. Thomson in Texas and Edward J. Dimock in New York, who had heard the original trials, granted hearings on the motions. A grand jury in New York issued subpoenas calling for every kind of written material relating to Harvey Matusow and/or the book he was writing or purporting to write, and under threat of a six-month contempt sentence for refusing to honor the subpoena, Albert Kahn, co-publisher of the book, decided to turn the material over.

And so the nine-days wonder of the Matusow case should have been

exploded the day after Albert Kahn decided not to go to jail. For Kahn called a press conference and placed the documents literally in the hands of newspaper reporters. These documents included a four-page outline of a book called *Blacklisting Was My Business*, and the typewritten transcript of conversations between Kahn and Matusow contained on 12 spools of magnetic tape. These, together with the 71-page history of his Communist Party activity prepared by Matusow in 1951, contain incontrovertible proof that:

✓ Harvey Matusow's original testimony in the Jencks and Flynn cases, as well as his other testimony, was true.

✓ All the present "confessions" are false and Communist-inspired.

✓ As late as December 14, 1954, Matusow affirmed to Kahn that his previous testimony had been wholly truthful.

✓ Kahn and his associates cooked up the book, *False Witness*, as a vehicle for obtaining false affidavits from Matusow.

✓ Here was the real Matusow story, but a free American press was too indifferent to print it.

The story forms an intricate pattern of moves and motives of a number of men, some of whom always remain far in the background. The front man was Albert E. Kahn, long-time Party hack, identified as "one of the leaders of the Communist Party in New York." He heads, with Angus Cameron, whose

Communist label is of the Fifth Amendment variety, the publishing firm which produced *False Witness*, a 250-page book with at least one lie on each page. Kahn's name will appear in these pages as often as Matusow's, for the present-day Matusow, it will be proven, is Kahn's creature.

Harvey was discharged from the Army in August 1946, a veteran of 20, with rudimentary schooling and no trade. A prewar friend, Jules Sheik, urged him to join the local branch of American Youth for Democracy, a Communist front. After a year of apprentice subversion, Harvey Matusow graduated into the real Communist Party U.S.A.

HE WAS JUST 21 years old, vigorous, aggressive and not introspective. As a function of his duties or out of sheer animal energy, he joined or contributed the use of his name or his services to dozens of Party and Party-front organizations and activities, and himself participated in the founding of a major project, the Labor Youth League. He clerked at Party bookstores, both in town and at summer camps run by or for the Party, and called square dances at Party windings. He marched in May Day parades, campaigned for Communist or Communist-supported election candidates, ran the switchboard at Party headquarters, picketed, attended classes at Party schools, joined labor

unions in which there were Communist cells. He even did a few semi-underground chores when so instructed. Not all of these activities were simultaneous; some were paid jobs, some volunteer, some the routine which is imposed on all Party members. And at none of them did he last very long.

But he acquired familiarity with the procedures and people involved in a vast number of Communist enterprises. To hear *False Witness* tell it, however, all he did was distribute a few petitions, sell a few *Daily Workers*, and wait around for Party headquarters to open once a week.

Three years after he had joined the Communist Party, Matusow was expelled on suspicion of being an FBI informant, which he had been for almost a year.

Early in 1950, Matusow had telephoned the FBI in New York, met with agents, given some information, and arranged to report while maintaining his Party membership. He subsequently made both written and oral reports for which he sometimes received expense money — never more than \$75 a month — to a total of \$462.66 in seven months' time. The fact that he made reports is no indication whatsoever of their nature or value. That is information which the FBI does not under any circumstances make public.

In July 1950, he turned up at a dude ranch run by Craig and Jennie Vincent whom he had met as fellow

Communists in New York. That this was a crucial event would not become apparent to him for some years.

San Cristobal Valley Ranch in Taos, New Mexico, was very special. The V.I.P. guests were celebrities like actor Howard Da Silva, songwriter Earl Robinson, a secretary to the Czechoslovak (Communist) Delegation to the UN, and Clinton E. Jencks, of the Mine, Mill and Smelter Workers Union, which had been thrown out of the CIO for promoting Communism that past February. And the management was almost more illustrious than the guests. Owner Craig Vincent was Communist Party organizer for New Mexico, and the ranch's Eastern representative was none other than Henry Collins, Jr., intimate friend of Alger Hiss and, like him, a member of Whittaker Chambers' spy ring. But perhaps most special of all was the ranch's location — it was only 80 miles from Los Alamos.

False Witness, of course, speaks only of "a summer resort, a ranch nestled in the mountains of northern New Mexico," and of anonymous "fellow guests," all "just relaxing."

Harvey Matusow reported to the FBI on events at that ranch, among them his meetings with Clinton Jencks in a Party context and Jencks' admitting Party membership. Harvey was probably not aware that Jencks, on April 28 of that year, had filed an affidavit under provisions of the Taft-Hartley act,

swearing that he, Jencks, was not a Communist. But all branches of government concerned with internal security were highly alive to the fact.

Most top officials of the Mine-Mill Union have either been identified as Communists or have used the Fifth Amendment as a shield against so identifying themselves. Its attorney, Nathan Witt, a member of the Hiss-Chambers and Bentley spy rings, has been a known Communist for at least twenty years. Mine-Mill Union locals in the copper industry alone can sabotage the production not merely of munitions, but also of tubing and other equipment vital to hydrogen bomb installations and to the processing of high-octane gasoline for planes.

The Taft-Hartley non-Communist oath was devised as one legal means of fighting Communist control of such keys unions as Mine-Mill. But the officials in question had been blandly signing the oath and daring the government to prove otherwise. Information that Jencks was openly admitting his Party membership after having filed his oath was therefore of considerable value.

AND THERE was the other aspect to San Cristobal which *False Witness* does not mention at all. When Harvey decided, in 1953, to write a book of his own, this is how he planned to write about San Cristobal:

Chapter 8. Dude Ranch for Communists . . . I cover here Communist