

Congressional Rightists Dislike Supreme Court Barrier to Third Degree Methods

A Bill to Revise the Constitution for the Convenience of the Cops

That basic and continuous undercurrent of Congressional hostility to fundamental liberties is not limited to areas in which the rights of radicals are at stake. The majority report of the House Judiciary Committee (No. 1815) recommending passage of HR 11477, the so-called Mallory case bill, demonstrates again that this un-American attitude extends to the broader area of protection for ordinary citizens against the police. The "copper" mind and the police state mentality are evident in this bill to reverse the effect of the Supreme Court decision last June 24 in the case of Andrew Mallory, a 19-year-old Negro of subnormal mentality.

The Court unanimously set aside his conviction of rape and remanded for a new trial on the ground that a confession was elicited from him by unlawful means. He was held almost eight hours without being arraigned although rule 5 (a) of the Federal Rules of Criminal Procedure provide that an arrested person be taken before a committing magistrate "without unnecessary delay." This is a barrier

against third degree methods, and prolonged imprisonment during investigation.

Our hat is off to Congressman Emanuel Celler, chairman of House Judiciary, a tireless tribune where basic liberties are concerned, and to the three others—Peter W. Rodino, Jr., Lester Holtzman and Roland V. Libonati—who joined him in an eloquent minority report. Write your Congressman to oppose HR 11477, a bill to restrict constitutional rights for the convenience of the police. This is another in the crop of new measures to reverse various liberal Supreme Court decisions.

The ugliest aspect of the Mallory case controversy is the mob-and-nightstick premise, easily discernible beneath the smooth phrases of the Southern constitutionalists, that Negroes should be outside the law anyway. It should not escape notice that Congressman Keating, who would like to be Governor of New York, now the ranking Republican on House Judiciary, voted for the Mallory bill.

Whittaker Writes Majority Opinion of Mercy Toward Anti-Franco Fighter

It was encouraging to see Mr. Justice Whittaker writing the opinion for a liberal majority in the Bonetti deportation case. The question on which the Court split 6-3 (Clark, Frankfurter and Harlan dissenting) was a narrow and difficult one. The Internal Security Act of 1950 provides for the deportation of any alien who becomes a member of the Communist party at any time after his entry. Frank Bonetti entered in 1923 at the age of 15, was a member of the Communist party from 1932 to 1936, when he quit never to rejoin. In 1937 he lost his rights of residence in this country by leaving to fight against the Franco rebellion in Spain. He came back to this country in 1938 and was readmitted after a hearing at which he freely admitted past

membership in the Communist party. The question which split the Court was whether the term "entry" in the 1950 statute was to be read as meaning the original entry in 1923 or the entry of 1938. The majority invoked an earlier case which ruled that where an Act of Congress is ambiguous, it should be read on the side of lenity. The majority might have added that in any other branch of the law a right established in 1938 could not have been upset by a law passed 12 years later. Unfortunately the ex post facto clause of the Constitution does not protect aliens in deportation proceedings, the fiction being that these are "purely administrative" though they may banish a man from his home for life.

Habeas Whitewash, or Trial by Hired Press Agent and Morris Ernst

Imagine a murder case in which the leading suspect, while refusing to cooperate with the police, hires a press agent who in turn hires two lawyers to make an "independent investigation" for a substantial retainer (\$50,000 plus \$50,000 for expenses). When the lawyers turn in a report absolving the suspect of guilt, the *New York Times* comments editorially that "no one would question the probity" of the two lawyers. This is exactly what happened in the Galindez murder case where the Dominican dictator, Trujillo, hired a public relations counsellor, Sydney S. Baron, for \$60,000 plus expenses to handle an investigation of Trujillo. Baron hired Morris L. Ernst and William H. Munson to do the legal work. Whatever their probity, the situation certainly does not do credit to their sense of propriety. Indeed if Trujillo were an American citizen and not a foreign dictator beyond our jurisdiction, this whole affair might be investigated by some bar association as of questionable

ethics. Self-trial by press agency is something new in jurisprudence. The final report by Mr. Ernst reads like a defense counsel's one-sided summation to a jury. Congressman Charles O. Porter (D. Ore.) who put the spotlight on the disappearance of the anti-Fascist exile Galindez (just when the later was finishing a book on Trujillo's bloody reign) told a press conference here the Ernst report was "a hodge-podge of suppositions" and promised a definitive reply shortly. The *New York Post*, in a devastating editorial analysis (June 2), correctly observed that to a casual reader unfamiliar with the Galindez murder or the Trujillo dictatorship, "Ernst's study suggests that Trujillo is the innocent victim of a drama engineered by Galindez and promoted by the U. S. press." We believe this peculiar investigation ought itself to be investigated by a committee of Congress, perhaps the forthcoming Morse inquiry into our relations with Latin America.

Senator Douglas Lets Slip the Truth About That Subversive, Cyrus Eaton

When Senator Douglas of Illinois rose on the Senate floor to deplore the subpoena issued by the House Un-American Activities Committee for Cyrus Eaton after the Cleveland capitalist dared criticize the FBI, only one Senator—Humphrey of Minnesota—came to Douglas's support. Even these two intrepid Senators disassociated themselves from Eaton's criticism of the FBI, perhaps the No. 1 sacred cow of American society. Douglas also went out of his way to make it clear that he disagreed with Eaton on Communist China. Humphrey fell back on Voltaire. No one, of course, mentioned the close liaison which has long existed between Hoover and the witch hunt committees of Congress, or his

admiration for the late Joe McCarthy. It is many years since anyone in Congress has dared criticize Hoover. While half a dozen great newspapers, including the *New York Herald-Tribune*, have come to Eaton's defense, Congress is cowed. There was a rich vein of unconscious comedy in the way the one-time Left Socialist, Douglas defended Eaton's ideological respectability. "There is no question," the Senator from Illinois said, "but that Mr. Eaton believes strongly in the capitalistic system under which he has prospered. . . . He believes, however, in a purified capitalism. . . ." At that point, listening from the gallery, we could almost hear the FBI say "Aha!"

Mollet and Lejeune in de Gaulle's Cabinet Symbols of French Duplicity

(Continued from Page One)

de Gaulle to a more rightist regime if de Gaulle falls or is driven back into retirement. The one-time Left Socialist, Guy Mollet, who launched his Republican Front government in January, 1956, by declaring peace in North Africa his first aim, "What we must do before anything else is to stop lying . . . we must stop all this blind and insane repression," was soon won over by the Algiers mob. Max Lejeune, Mollet's Secretary of State for War Operations in Algeria, now de Gaulle's Secretary of State for the Sahara, shielded the brutal repressions of Lacoste and Massu. It was Lejeune who took direct responsibility for that "practical joke" in October 1956 when a plane load of Algerian rebel negotiators on their way to a peace conference with Bourguiba and the Sultan of Morocco in Tunis was seized in violation of international law. The purpose of the Tunis conference, arranged with Mollet's approval, was to work out a negotiated North African peace. This is what the *colons* feared and wanted at any price to break up. They succeeded at the price of offending both the Sultan and Bourguiba, and strengthening the extremists; Ben Bella and his three fellow Algerian negotiators are still unlawfully imprisoned in Paris. Mollet and Lejeune are symbols in Algeria of French duplicity and repression, all the more enraging since it comes from Socialists.

A Darker Possibility

4. While a reading of de Gaulle's memoirs rebuts the caricature of him built up by hostile American and British official attitudes—he is a soldier of extraordinary gifts and magnanimity—he does have serious limitations. He is at his best in symbolizing and leading on simple, almost negative, lines—as in the resistance. More complex problems, like that of currency reform in the first de Gaulle government, seem to be beyond his capacity. He has a tendency to retire in a huff where craft, flexibility and compromise—the political qualities—are required. Assuming that his intentions in Algeria are really enlightened, he will find himself up against the most complex problem of his career, forced to combat the very forces which brought him to power. There is the darker possibility, however, that he may have been

"Onward, Christian Soldiers . . ."

"General Massu [chief of the paratroopers in Algiers] was known to have been profoundly disturbed by the third degree methods that necessity obliged him to use to wipe out the cells and so to save hundreds of other innocent lives from terrorism and restore the city to calm. On several occasions he consulted the Roman Catholic authorities here [in Algiers] in an agony of spirit, but finally decided that it was his duty as a Christian and a soldier to go on with the work."

—From the self-serving story fed to the Times of London (Times, June 2; New York Times, June 4) by a participant in the Algiers uprising.

"How are the tortures justified? It is sometimes said that it is right to torture a man if his confession can save a hundred lives. This is nice hypocrisy [Henri] Alleg [editor of Alger Republican, the last oppositionist paper in Algeria] was no more a terrorist than Audin."

—Jean-Paul Sartre's introduction to Alleg's "The Question," the missing editor's account of his torture by Massu's paratroopers.

"The concentration camps today are full of the Moslem intellectual elite and of those Eurafricans who have committed the crime of maintaining contact with friends belonging to the other [Moslem] community . . . Some arrested Moslems are 'suicided'; on others, in order to obtain information, water and electric torture is used. . . . Our young people witness these atrocities; they are presented to them as inevitable; we thus risk the corruption of a generation, in making it lose that sense of historic moral values which constitute France."

—André Philip, *Le Socialisme Trahi* (Socialism Betrayed), a leading Socialist, one time de Gaulle's Minister of the Interior, protesting "Guy Molletism" in the French Socialist party.

more deeply involved in the Algiers plot than his unofficial spokesmen and off-the-record smoothies will admit. In that case there will be no end of trouble, renewed war in North Africa and civil convulsions in France, and the U. S. and the U. S. S. R. may be drawn in.

Why Not A Subscription to The Weekly As A Gift for Graduation?

I. F. Stone's Weekly, 5618 Nebraska Ave., N. W.
Washington 15, D. C.

Please renew (or enter) my sub for the enclosed \$5:*

Name

Street

CityZone.....State.....

Enter gift sub for \$2 (6 mos.) or \$4 (1 yr.) additional:
6/9/58

(To) Name

Street

CityZone.....State.....

Shall we send gift announcement? Yes ☐ No ☐

I. F. Stone's Weekly

5618 Nebraska Ave., N. W.
Washington 15, D. C.

NEWSPAPER

Entered as
Second Class Mail
Matter
Washington, D. C.
Post Office

I. F. Stone's Weekly. Entered as Second Class Matter at Washington, D. C., under the Act of March 3, 1879. Post-dated Mondays but published every Thursday except the last two Thursdays of August and December at 5618 Nebraska Ave., N. W., Washington 15, D. C. An independent weekly published and edited by I. F. Stone; Circulation Manager, Esther M. Stone. Subscription: \$5 in the U. S.; \$6 in Canada; \$10 elsewhere. Air Mail rates: \$15 to Europe; \$20 to Israel, Asia and Africa.