

expected resistance. The government in Saigon seems to be opposing our wish to put U.S. combat troops into the country. Jack Foisie of the *Los Angeles Times* foreign service reported (*Washington Post*, April 25) that Ambassador Taylor since his return from the Honolulu conference had been to see Prime Minister Quat twice about the introduction of American ground forces. Dr. Quat is reported to be worried "about the internal reaction to the presence of more and more Americans" and to feel that the sending of infantry units "smacks of permanency, of occupation." Secretaries Rusk and McNamara might fruitfully study the remark Foisie quotes from an American official in Saigon who said, "Washington can't understand Quat's attitude, but we can. He still thinks of this as a civil war—Vietnamese against Vietnamese—and he hates to think of the effect of American involvement since it just adds to the painful hatreds being created between North and South Vietnamese." Dr. Quat is himself a North Vietnamese, though one of the bitterly anti-Communist refugees from that area. Beverly Deepe from Saigon the same day (*New York Herald-Tribune*, April 25) reported "some of the Northern-born anti-Communists openly resent their homeland being bombed." She said "Vietnamese of all political colors believe the American military leaders are moving closer and closer to the French colonial position militarily—thus incurring all the disadvantages psychologically of being tabbed as colonialists, but with none of the colonialists' advantages of political control."

Will We Override Saigon?

This is clearly evident in the troop question. Dr. Quat "is known to feel" Jack Langguth reported from Saigon to the *New York Times* April 25 that "the landing of a large number of infantrymen would raise unpleasant recollections of the French colonial war." But Langguth added significantly, "his opposition is not believed to rule out further consideration of the matter." In any showdown, the U.S. and not Dr. Quat will make the decision, though at the expense of increased disaffection in Saigon. "Strong combat troops would be introduced into South Vietnam," the *New York Times* reported from Washington that same day on the basis of one of those "deep backgrounders" for the favored few, "to prevent the United States' expulsion from the country." Does this also apply if the Saigon government were to initiate talks with the rebels for a cease-fire and ask the U.S. to leave? A

The Senate and the CIA

The director of the Central Intelligence Agency is the President's eyes and ears abroad. He presides over the U.S. Intelligence Board which coordinates the work of the government's 12 different intelligence agencies, military and civilian. This huge apparatus has often been disastrously wrong, as in the Bay of Pigs affair. Poor intelligence has been a prime cause of U.S. troubles in Vietnam; two recent books by reporters who served there, the *New York Times'* David Halberstam and the AP's Malcolm W. Browne (see my review in the *New York Review of Books*, April 22) show that the intelligence chiefs engaged in deliberate self-delusion, rejecting unfavorable reports from their own men in the field. Yet a new CIA chief has just been confirmed by the Senate without one word of discussion. We know very little of Vice Admiral Wm. Francis Raborn, Jr., ret.; he had an honorable record in the Navy; he is a gunnery expert; he helped develop the Polaris missile; he went to work after retirement for Aerojet General Corp., part of the military-industrial complex. What a man sees is affected by the lenses of his preconceptions. Yet the top intelligence job in the government is filled as if it were a routine postmastership in Oshkosh. What's the good of Senate confirmation when it's meaningless?

move of this kind seems to be feared by Americans and bitter-enders in South Vietnam. Miss Deepe reports them worried about the possibility of pro-neutralist trends in the elections called for the city and provincial capitals May 30. The prospect of free elections seems always to fill the U.S. with anxiety. The Acting Chief of State also appealed last week for election of a National Congress, but it is feared this could "easily be penetrated by pro-Communist and pro-neutralist elements," possibly paving the way for peace. This reappearance of democratic institutions in which a popular will for peace may express itself is regarded by our people in Saigon (Miss Deepe writes) as part of an "invisible, unarmed subversive war . . . far more significant than the violent, bloody guerrilla war in the countryside." The self-determination Rusk claims to be defending in South Vietnam is what we most fear. The refugees streaming into the cities from the villages we are destroying in our all-out air warfare against the rebels are hardly likely to favor a further step-up in American intervention. We fear the popular will in Vietnam and we fear it at home. April 26

A Conservative French Newspaperman on The National Liberation Front's Appeal

"The [South] Vietnamese . . . passionately want . . . not to be subjected to the North Vietnamese government which they detest. . . . The program of the [National Liberation] Front could not be more reassuring. To read it, it is for a sort of liberal Socialist government. It is precise in providing for the retention of the right to private property, that private industry will be encouraged. . . . In foreign affairs, diplomatic relations will be established with all countries 'without distinction as to political system.' . . . It is the same as saying that Vietnam will be a friend of the United States. Lastly, the separate existence of South Vietnam is promised. . . . All observers agree on one point: The program and the conduct of the National Liberation Front have won it the adherence, enthusiastic or resigned, of a very large part of the Vietnamese population. This is a fact

which becomes particularly clear when one interviews middle class and intellectual people in Saigon. One of them summarizes the problem in this way: 'We have a choice between two solutions: to wage an endless war while every day placing ourselves more at the mercy of the Americans, and without any guarantees that this will end in a clean-cut victory, or categorically to demand the end of the war and trust to the good faith of the National Liberation Front and to their willingness to carry out a program which to us appears acceptable. . . .'

"One thing at least is sure: the fiction that American military power has been introduced upon demand of a people fighting Communism no longer holds today."

—Max Clos, from *Saigon in Le Figaro Litteraire*, March 3, full text in *Congressional Record* April 21 p. 7860.

Radicals Can Be Harassed Endlessly, But Only in Federal Tribunals

The Supreme Court and Communist "Fronts": A Contradiction

Just below the surface there is a contradiction between the Supreme Court's broad ruling in favor of the Southern Conference Educational Fund against the State of Louisiana and its narrow ruling in favor of two alleged Communist fronts, the American Committee for the Protection of the Foreign Born and the Veterans of the Abraham Lincoln Brigade. The SCEF case involves the witch hunt in a Southern State. The two "front" cases involve the witch hunt on a national level. The Court is willing to interfere with the former but loath to act against the latter.

A Compliment Thoreau Deserves

In Louisiana, where the civil rights movement is regarded as a Communist plot, the State has adopted replicas of the witch-hunting mechanisms established earlier in Washington. The State has a Committee on Un-American Activities. It also has a Subversive Activities and Communist Control Law and a Communist Propaganda Control Law. Under the latter, the police were empowered in a raid on the SCEF to seize Thoreau's *Journal* among other subversive literature, a compliment the philosopher of Walden Pond would have enjoyed.

The two State laws are modelled after the Internal Security Act which Congress passed over Truman's veto in 1950 during the anti-Communist hysteria which marked the Korean War. The State laws, like the Federal, provide for the registration of "subversive" organizations under conditions which make their survival impossible. Three officials of the SCEF, including its respected secretary, James A. Dombrowski, were indicted for failure to register. Without waiting for the outcome in the State courts, the Supreme Court, speaking through Mr. Justice Brennan, has enjoined prosecution as in conflict with the First Amendment.

This took some tricky legal footwork. Mr. Justice Harlan (with Mr. Justice Clark) dissented. They thought the Court ought to wait and see what the State courts did. They noted ironically that the history of the Smith Act in the Federal courts hardly bears out the implication that they are more trustworthy than State tribunals in enforcing the First Amend-

Mr. Justice Black Protests

"The Subversive Activities Control Act, on which the Government's case here rests, violates a number of provisions of our Constitution and Bill of Rights. I think that among other things the Act is a bill of attainder; that it imposes cruel, unusual and savage punishments for thought, speech, writing, petition and assembly; and that it stigmatizes people for their beliefs, associations and views about politics, law and government. The Act has borrowed the worst features of old laws intended to put shackles on the minds and bodies of men, to make them confess to crime, to make them miserable while in this country, and to make it a crime even to attempt to get out of it. It is difficult to find laws more thought-stifling than this one even in countries considered the most benighted. Previous efforts to have this Court pass on the constitutionality of the various provisions of this freedom-crushing law have met with frustration on one excuse or another. I protest against following this course again."

—Mr. Justice Black dissenting in *Committee for Protection of the Foreign Born and Veterans of the Lincoln Brigade V. SACB*.

ment.

The majority, however, felt that the Louisiana defendants should not be left at the mercy of lengthy State proceedings calculated to inhibit First Amendment rights even though ultimately unsuccessful. By the same considerations, the Court should have ruled differently in the two "Front" cases. The Protection of the Foreign Born and the Veterans organizations have been subjected to harassment for years by the Federal authorities for failure to register as subversive. No criminal conduct is alleged against either. Both are self-help associations of aging radicals. The Veterans are a remnant of those brave young men who fought against Fascism in Spain. But instead of throwing these disgraceful prosecutions out as clearly in violation of the First Amendment, the majority timidly remands them—after 12 years of litigation!—to another turn through the judicial wringer. Douglas, Harlan and Black protested this evasion in vain.

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NEWSPAPER

I. F. Stone's Weekly. Second Class Postage Paid at Washington, D. C. Published every Monday except the last week in December and the first week in January and Bi-Weekly during July and August at 5618 Nebraska Ave., N.W., Washington, 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.