

"Come to think of it," Miss Simmons said, resting her hands on the sides of her typewriter, "I did see Mr. Freer's name the other day in the paper."

"Is that a fact?"

"In connection with some committee or other, I can't remember what. The paper said they were supporting the Communist candidates."

"Is that a fact?" Mr. Bennett's pale, fishy eyes awoke from slumber. "By Jesus, I thought so. You know the first time I had a good look at that guy, I was sort of leery of him. I mean the way he wears his hair and everything. I said to myself he must be one of those god . . . one of those Reds or something phoney like that."

"That's what comes of trying to be decent to people," Mr. Bennett pointed an accusing finger at Miss Simmons. "You know I could have put him out on the street three months ago. But did I? Oh no. I'll give him another chance, I said. They're just a young couple, I said, times are hard and all that. And now look what I've got for my trouble. Can't pay his rent, but he can be a Red, eh? Why didn't you tell me before?"

"But, Mr. Bennett, I didn't see it until just the other day. And after all, what difference can it make? I mean the house has been half empty for more than a year, hasn't it? It isn't as if—"

"Half empty!" echoed Mr. Bennett scornfully. "Do you realize we didn't even take

in 35 percent of the rents last month on that house? Just try and figure that out on the basis of our seventy-nine houses. I'm not talking about the empties. B. & B. are willing to stand by their old tenants in full confidence of a return to normal conditions. But how do you know this fellow Freer's not been around organizing a rent strike or something? They do that, you know, these Reds. Get all the tenants in a house to stick together and refuse to pay the rent. Figure you won't dare to put 'em all out at once."

"I hardly think Mr. Freer would do that," Miss Simmons said. "I mean it would be too ungrateful."

"Humph! A lot they care about gratitude, that bunch. Look at all this country's done for 'em, giving 'em all a chance to be somebody and get somewhere; but does that stop 'em from crabbing around? It does, like hell. We're too easy on 'em, that's what."

Aware of the rising barometer of resentment, Mr. Bennett began to feel sure of himself once more. It felt good to have something to be sore about. It made you feel as if you could get your teeth into something at last. That was the trouble with this damned depression. It was like fighting shadows all the time; the more you fought the worse you were beaten. The thing to do was to round up all these trouble makers, these Reds and Communists and Socialists and what not, and do something. Do

something!

Mr. Bennett's two hundred pounds of useless energy clamored for the release of assault.

"I'll tell you something else," he said confidentially. "It's not only the Reds we've got to watch out for. It's the Jew bankers as well. You mark my words." He nodded his head ominously.

Miss Simmons had no love for Jews. She said so herself, but still she believed in being fair. "After all, Mr. Bennett," she said timidly, "all bankers are not Jews, are they?"

"Nah, but the real money at the top is Jew money. You can't tell what names they hide behind."

On this point Mr. Bennett was adamant. He had inside information and was not to be put off by mere appearances.

"Well, maybe so." Miss Simmons sighed hopelessly and pulled herself up from the hips. "Oh dear, I do wish this awful depression was over. You do think it will be over soon, don't you, Mr. Bennett?"

"No question about it," Mr. Bennett said emphatically. "Once we get the election off our minds and can settle down to business. . . ."

"I hope so," Miss Simmons said, beginning to peck at her typewriter once more.

Mr. Bennett looked at his watch. It was three-thirty.

"Guess I'll take a walk over to the house and see what's doing," he said, reaching for his derby and cane.

Correspondence

"Smash the Dunckel Bill"

TO THE NEW MASSES:

I have just received the following:

MICHIGAN
HOUSE OF REPRESENTATIVES

Mr. Charles Hatchard,
[Address Omitted]

Dear Mr. Hatchard:

This will acknowledge your letter of May 10. I seriously doubt if the Dunckel-Baldwin Bill will become law. Your points are well taken in the matter.

Thanking you for your views, I am

Sincerely yours,
GEORGE A. SCHROEDER, Speaker,
House of Representatives.

My letter—which cited our American revolutionary traditions and quoted Lincoln, Mark Twain and The Connecticut Constitution on our "right to change the government by whatever means we may deem expedient"—was prompted by your editorial feature in last week's issue.

C. H.

Robeson's Silent Protest

TO THE NEW MASSES:

When Paul Robeson saw the film which Zoltan Korda brought back from an expedition to Africa he believed that London Film Productions were going

to make a picture which was genuinely African. He was trapped by them through his absorption at that time in the preservation of African Negro customs and culture. It was only when he saw the film, *Sanders of the River*, at its Gala Presentation at the Leicester Square Theatre, London, on 2nd April in aid of the Newspaper Press Fund, that he realized what he had been party to. He refused to sing though the British capitalist press had announced that he would do so on his personal appearance. It was quite obvious as he stood on the stage and received the plaudits of the capitalist audience who had paid from £10 10/ to 6/ to see him almost nude, that he realized he had been exploited and cajoled by the capitalists of the film industry into making a picture which not only exonerated the use of imperialist machine-guns against hordes of unarmed natives, but was an incentive to further repressive measures. He quietly but firmly refused to sing a note. The stage hands pushed a piano onto the stage and Robeson turned and walked straight off.

The original film was nothing like as blatant as the final version. It was the presentation in London of *The Bengal Lancers*, America's glorification of British Imperialism, which gave London Film Productions the nerve to put *Sanders of the River* across. The scenario was rewritten when the film was complete—all but a few retakes. Robeson was thus caught.

Sanders of the River, with its thinly veiled fascist hero, Commissioner Sanders, is the most violent attack on any native rights which may exist in Africa, and the glorification of the noble ex-convict,

Bosambo, a Liberian Negro (Paul Robeson) who betrays an independently-minded tribe to the British commissioner, and after murdering the tribal chief (with Sanders standing by), is made king in his place for services rendered.

As a piece of film making, the picture is patently artificial except for the few real African sequences, and incredibly long; but since London Film Productions successfully muzzled all press criticism by donating the first performance to the press charity, it has been unanimously "heiled" as the triumph of the British studios.

Bravo, Paul Robeson, for making the first sign of protest!

LAUREL JAMES.

Twenty-five Years After

TO THE NEW MASSES:

I read Oscar Leonard's letter in The New Masses anent the Dreiser controversy. It is more than 25 years since I have seen or heard the name. Oscar will not be flattered. (I assume he has been writing all these years as he was then.) My work has taken me all over this "land of the spree and home of the slave" but my path has not crossed Oscar's.

Along about 1908-09-10, Oscar Leonard and myself belonged to the Socialist Party. There was a split between what was called, in those days, the Opportunists and the Impossibilists. We know now that in reality we were Social-Democrats and Bolsheviks. The fight went to a national referendum and we Bolsheviks, née Impossibilists, won. Awarded

the charter we proceeded to organize. We launched branches in most of the twenty-eight wards of the city. For some unknown reason, or no reason at all, I was elected general secretary of the Socialist Party in St. Louis, Mo., the "Protestors" we were called. Jack Keifer was treasurer. He is the only officer I can recall. We had a number of stout-hearted, class-conscious members. I remember Geo. B. Cross, George Boswell and now that his name appears in your recent issue, Oscar Leonard.

Where are all those tried-and-true comrades of an older generation? I wonder if they would be interested to know that I have a rendezvous for radicals in my shop here in Bridgeport exactly like my shop that was at 1005 Pine St., St. Louis, Mo. And what a conglomeration foregathered there! The oddest thing, the strangest thing, in my estimation, was the fact that representatives of the three divisions of Mexican politics, right, left and center, were in my place at the same time. Mr. Serrano, Mexican consul to St. Louis, had desk room. Diaz was President of Mexico at the time. One day a woman and two men, obviously Mexican peons, came in to see me, not Consul Serrano. They wanted to use a typewriter and if I would trust them with it they wanted to take it home on rent. Kate Richards O'Hare was in the back room using a typewriter and had been there six months. I could not clutter up the place completely with radical writers so I let my Mexicans take the typewriter home to use. They gave their names: Magon and Vilareal. We did not know them at the time but later, when they were imprisoned by the U. S. Government for operating a "junta" in the interest of the real left-wingers, the Mexican Marxians, we knew we had been harboring "angels unawares."

Another day a dashing, romantic figure strode in, flashing a smile as wide as a barn. He announced a revolution would break out in Mexico "any day now"; he, of course, represented the middle-class. This gay, dashing fellow said he wanted an audience. When, in reply to our inquiry he announced he would talk on Art, did we get a shock! In fact my 100 percent Americanism was being jarred to its foundations. Here was a wild-looking Indian who wanted to talk to "civilized Americans" on Art and only a few days ago some peons said they could write on a typewriter! Hell, what is this? Okay, we'll try anything once. Let's see what this guy's got.

There was a bohemian club in St. Louis in which William Marion Reedy, of Reedy's Mirror, was a moving spirit. Reedy agreed to give our Mexican

friend the use of the club for his lecture. The place was a sort of a glorified beer garden. A goodly crowd gathered and they were not disappointed. It was a treat. A year or so later our artist friend was a lieutenant in Madero's army. His name was, and I hope still is, L. Guitierrez De Lara. He was a glorious chap.

My work, repairing typewriters, took me into the offices of The St. Louis Post-Despatch. I got to know all the fellows. There was one among them to whom I became much attached. He was quiet-spoken with a delightful sense of humor. His gaze always met yours squarely. I liked him. He was interested in art. I invited him to hear the Mexican. He accepted and was thrilled by the talk. Sitting beside me he drew caricatures. One of Reedy was a gem. Reedy was built on the lines of Irvin Cobb. I was plugging for our new left-wing socialist group and I asked my artist friend from The Post-Despatch to join. He signed an application and was I happy!

In reading this over I see I forgot to mention the name of my artist friend of The St. Louis Post-Despatch. Robert Minor is the name.

T. F. McLAUGHLIN.

77 Middle Street,
Bridgeport, Conn.

Letters in Brief

LEM HARRIS, Secretary of the Farmers' National Committee for Action, has sent us an appeal for "a person and a car to tour farmer organizers in the drought-stricken area for a minimum of four weeks this summer as a part of an intensive organizing campaign." He may be communicated with at P. O. Box 540, Minneapolis.

A. Garcia Diaz, recalling Robert Forsythe's article on Mae West in THE NEW MASSES (and Michael Gold's in The Daily Worker) mourns the cloud under which the actress has been forced to operate by "silly moralistic conventions." He says: "All sensible admirers of her art and personality must feel a shock of despair and deep disappointment at the lack of spontaneity to which the ill-influence of censorship and the preeminently commercial nature of her Paramount Films directors' requirements have reduced her."

H. Borah objects to seeing "perfectly good space wasted on the isolated differences of Messrs. Seaver and Gerlando." He writes: "As a constant reader

and staunch supporter, I venture to suggest that you try to keep the magazine from becoming too unbearably arty. More power to Bob Forsythe, Earl Browder and Mike Gold. And if anyone starts beefing about art: thumbs down!"

A. L. Wirin writes that the address of the Gallup Defense Committee is now Santa Fe, New Mexico, instead of Gallup.

The Composers Collective of the New York Pierre Degeyter Club invites those interested in writing songs for workers to attend meetings at 165 West 23rd Street, New York, on Saturday afternoons from three to five.

The banquet in New York to mark the coming World Congress of the Communist International has been postponed from June 8 to July 27, we are informed.



RECREATION Amid RE-CREATION

Make the U. S. S. R. your vacation goal this year . . . there's more recreation, more stimulation and real "change" in a land that's alert and alive! And you'll get greater value, too . . . basic all-inclusive rates are \$15 per day First Class, \$8 per day Tourist Class, \$5 per day Third Class.

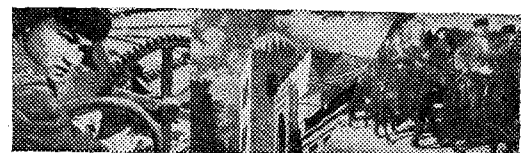
Special 1935 attractions are the summer sessions at Moscow University, registration now open at moderate rates . . . and the great Moscow Theatre Festival, Sept. 1-10. For a unique travel thrill, include in your tour the Trans-Siberian Railway.

Send for interesting Booklet
NM-5 and map

INTOURIST, INC.

U. S. Representative of The Travel
Company of the U. S. S. R.
545 Fifth Ave., N. Y.

YOUR TRAVEL AGENT KNOWS



JOHN L. SPIVAK
Ringmaster
expects you at the

CIRCUS DANCE

**FRIDAY
MAY 24**

SEE
BUNIN'S PUPPETS
Chamber of Horrors
Grand Parade — Side Shows
Living Statues
Bareback Riders
Dancing Till Dawn

50c

IRVING PLAZA
Irving Place, at 15th Street
Auspices of the John Reed Club School of Art

**NATIONAL
THEATRE
WEEK**

presenting
**17 NEW
PLAYS**

Sat., MAY 25
8:45 P. M. **PARK THEATRE**
at Columbus Circle
THEATRE OF ACTION'S CCC PLAY
"THE YOUNG GO FIRST"
SPECIAL REVIEW 25c Up

Sun., MAY 26
8:45 P. M. **LONGACRE THEATRE**
48 St., West of Broadway
JIMMY SAVO of "Parade"
MASTER of CEREMONIES New Sketches
GROUP THEATRE presents
"TIDE RISES"
A NEW PLAY BY ART SMITH 25c Up

MAY 27-29 **FORUMS—EXHIBITIONS**
MAY 31, JUNE 1 **DRAM. COMPETITIONS**

INFORMATION TICKETS
**NEW THEATRE
LEAGUE** 114 W. 14 St.
CH 2-9523

REVIEW AND COMMENT

Louis D. Brandeis: Why Liberalism Failed

MR. JUSTICE BRANDEIS' approach is fundamentally ethical.¹ At his worst, he is sheer Rotarian. At his best, he is the philosophic humanitarian outlining a social-democratic future that is nonetheless utopian because it seems so sane and practical. One of the advantages of this collection from his writings is that it contains much poor material, stray bits piously gathered up by scholarly White Wings along the trail of a great career. In it our Homer nods, and in nodding reveals depths unsuspected beneath the protective formalism of expressions from the bench. One of the difficulties in evaluating a member of the Supreme Court is that elevation to it is a sort of apotheosis, a withdrawal from life, like taking holy orders or being gathered to one's fathers. The *de mortuis nil nisi bonum* applies with almost equal force to the reverend justices, interpreting the Law and the Prophets in some never-land 'twixt heaven and earth. The bench is a bourne whence no man but Charles Evans Hughes returns, and the hollow grandeur of the judicial mausoleum often provides Olympian overtones hardly merited by the actual words spoken. Fortunately Osmond K. Fraenkel and Clarence M. Lewis present Mr. Justice Brandeis both Before and After. The effect is to provide a glimpse of the seer in his intellectual underwear.

An example: In 1913 The Times Annalist sent an interviewer to speak with Mr. Brandeis. His legal sling-shot and journalistic pebbles had already brought howls of rage from the Goliaths of American railroading, insurance and finance. The public wanted the radical young David's views on social progress. "When men begin to think as hard, as intensely, about their social problems," Mr. Brandeis told his interviewer, "as they have thought about automobiles, aeroplanes and wireless telegraphy, nothing will be socially impossible. Many things which have seemed inevitable will be seen to have been quite unnecessary." "Putting thought upon social problems," the interviewer suggested, "does not pay so well as putting it upon automobiles and aeroplanes." Messrs. Fraenkel and Lewis saved Mr. Brandeis' reply for posterity:

"No," Mr. Brandeis says, slowly, "that isn't it. Think of the great work that has been done in the world by men who had no thought of money reward. No, money is not worth a great man's time. It is unworthy of greatness to strive for that alone. What then? Power? That isn't

much better, if you mean the kind of power which springs from money. Is it the game? You hear that nowadays—the game! It sounds too frivolous. To me the word is Service. Money-making will become incidental to Service. The man of the future will think more of giving Service than of making money, no matter what particular kind of Service it happens to be. . . . That will be the spirit of business in the future."

The same intellectual motif reappears, though less obviously, throughout the pattern of Mr. Justice Brandeis' social conceptions. Democracy is "trust in the moral instinct of the people." Again, "It substitutes self-restraint for external restraint. . . . It is possible only where the process of perfecting the individual is pursued. . . . Hence the industrial struggle is essentially an affair of the church and its imperative task." But Mr. Brandeis was no mere sermonizer. In an address before the Ethical Culture Society at Boston in 1912, he could describe the life of the steel worker in the Pittsburgh area as "so inhuman as to make our former Negro slavery infinitely preferable." He asked his audience, "Can this contradiction—our grand political liberty and this industrial slavery—long coexist? Either political liberty will be extinguished or industrial liberty must be restored." He could put his finger on the heart of the problem. The "main objection," he wrote, "to the very large corporation is that it makes possible—and in many cases makes inevitable—the exercise of industrial absolutism." One of the finest embodiments of the humanitarianism of the small propertied classes in a period when a still expanding capitalism allowed play to pity for the underdog, Mr. Brandeis could not take the next step and recognize that the institution of private property itself made the large corporation inevitable, nor see that a peaceful surrender of power was unlikely. "In my judgment," Mr. Brandeis could tell an interviewer for La Follette's Weekly in 1913, "we are going through the following stages: we already have had industrial despotism. With the recognition of the unions, this is changing into a constitutional monarchy, with well-defined limitations placed about the employer's formerly autocratic power. Next comes profit-sharing. This, however, is to be only a transitional, halfway stage. Following upon it will come the sharing of responsibility, as well as profits. The eventual outcome promises to be full-grown industrial democracy. As to this last step the Socialists have furnished us with an ideal full of suggestion."

Mr. Justice Brandeis, precisely because of his superior knowledge, vision and sympathy, typifies better than any other man in our time the crucial weakness of liberalism, the social philosophy of the lower middle class—

its failure to see that the fact of private property creates classes and sets in motion forces that make the reform of capitalism impossible. From this failure springs the contradiction involved in Mr. Justice Brandeis' treatment of business regulation, and from it springs the tragic development by which liberalism paves the way for its own destruction in fascism. Faced with the problem of big business menacing the small propertied class whose aspirations and fears he voices, Mr. Justice Brandeis finds himself on the horns of a dilemma. His dissent in *Liggett v. Lee* would turn back the clock of economic development, permitting the small business man to use the power of the State against the corporation. Mr. Justice Brandeis would deny to corporations the protection given "persons" against discriminatory legislation designed to destroy them. This, one of his most beautiful opinions, ends on a note of nostalgia for an earlier day before the rise of the great business combination had begun to destroy the free market and to chain the entrepreneur. Mr. Justice Brandeis ended his opinion:

There is a widespread belief that the existing unemployment is the result, in large part, of the gross inequality in the distribution of wealth and income which giant corporations have fostered; that by the control which the few have exerted through giant corporations individual initiative and effort are being paralyzed, creative power impaired and human happiness lessened; that the true prosperity of our past came not from big business, but through the courage, the energy, and the resourcefulness of small men; that only by releasing from corporate control the faculties of the unknown many, only by reopening to them the opportunities for leadership, can confidence in our future be restored and the existing misery be overcome; and that only through participation by the many in the responsibilities and determinations of business can Americans secure the moral and intellectual development which is essential to the maintenance of liberty.

That dissent, in March, 1933, called for revival of the free market. A year before, in the *Oklahoma Ice Case* dissent, Mr. Justice Brandeis had articulated the case for the "planned economy." The contradiction has grown all too familiar in other spheres. If the Brandeis opinion in *Liggett v. Lee* voices the same middle-class protest and nostalgia harnessed by the fascist demagogue, his opinion in the *Oklahoma Ice Case* puts forward for adoption the idea that underlies the Corporative State. "Increasingly," Mr. Justice Brandeis wrote, "doubt is expressed whether it is economically wise, or morally right, that men should be permitted to add to the producing facilities of an industry which is already suffering from overcapacity." If the state cannot thus freeze the economic status quo, it has a legal alternative which is also the economic alternative. "It is settled by unanimous decisions of this court that the due process clause

¹ *The Curse of Bigness*. Miscellaneous Papers of Justice Brandeis. Edited by Osmond K. Fraenkel. As arranged by Clarence M. Lewis. The Viking Press. \$3.50.