

MARCH 3, 1936

Killing Your Vote

ASSEMBLYMAN HAROLD C. OSTERTAG, up-state Republican and American Legionnaire, has introduced a bill into the New York legislature which would take the minority parties off the ballot at election time.

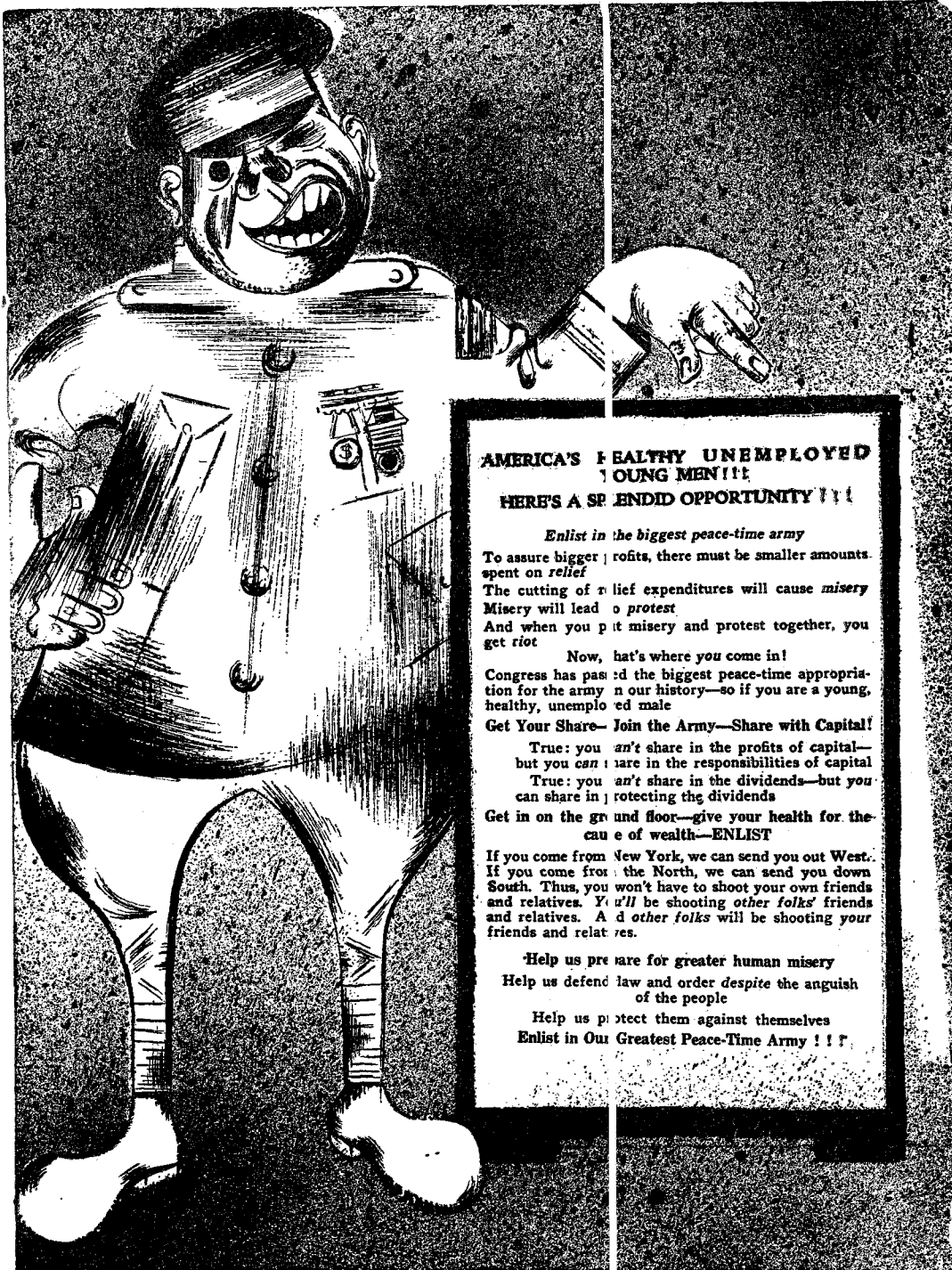
Last year, a similar bill was introduced into the legislatures of twenty-six states. Identically worded, sponsored by the American Legion and the Hearst press, it became law in Delaware, Indiana, Arkansas and Tennessee. The law as it stands in these four states provides that

no political party, individual or candidate of any group shall be recognized and given a place on the ballot which advocates the overthrow by force or violence, or which advocates or carries on a program of sedition or of treason by radio, speech, or press, of our local, state, or national government. No newly-organized political party shall be represented on the ballot until it has filed an affidavit by its officers, under oath, that it does not advocate the overthrow of local, state or national government by force or violence. . . .

The law is without precedent in American history. No political party has ever been barred from the ballot merely for its alleged views or principles. The language of the law is so loose that almost any minority party opposed or feared by big business could be deprived of the ballot. This would include not only Socialists and Communists but a Farmer-Labor Party, too.

"Force and violence" and "sedition" are vague terms. Worse than that, the election officials *alone* are to pass on what these terms mean. No judicial process is provided by which workers, farmers and progressive middle-class people can fight for their right to vote for their own candidates.

The fact is, that no party advocates "force and violence" or "treason." These are the bad names which entrenched power and greed calls its opponents. That term might have been applied to Republicans in the slaveholding South and to Democrats in Bloody Kansas. Election officials in four states are now at liberty to de-



Words by Kenneth Burke, Drawing by Gus Peck

clare supporters of *any* progressive party "seditious."

The Ostertag bill pending in the New York Assembly has the same object as the laws already on the statute books of four states. It would disfranchise all those opposed to reaction. Everyone interested in democratic government should do his utmost to see that the Ostertag bill and similar bills elsewhere are killed.

Stop Thief!

WHEN the United States Supreme Court ruled that the N.R.A. and the A.A.A. were unconstitutional, millions of Americans felt that these decisions were reactionary. The Court was invalidating laws

passed by the elected representatives of the people whenever these laws benefited certain sections of the workers and poor farmers.

A widespread desire became manifest to restrict the powers which the Supreme Court had usurped. Nine judges appointed for life with no responsibility to the electorate, nine men irrevocably committed to the preservation of the status quo and to the interests of the big bankers and industrialists, had compelled Congress to abdicate its legislative powers. As one tory decision followed another, it became obvious even to the Bourbons that the Supreme Court was provoking a revolt against its autocratic regime. The widespread demand to curtail or

abolish the legislative powers of the Court threatened to become an important issue in the forthcoming presidential elections.

This compelled the reactionaries to throw a smoke-screen around the Court. They had to disguise its real character and to render more effective the time-worn pretense that the nine appointed judges constituted an "impartial" tribunal for the preservation of the Constitution.

The attempt to give the Supreme Court a coat of liberal paint is part of the concerted effort of big business to break down all opposition. It is essential for big business that the Court shall have unrestricted power to determine the laws of the country. Such representative government as may exist must be rendered impotent lest the awakened American people act in their own interests through Congress.

THE "liberal" mask which the Supreme Court has now put on is the T.V.A. decision. The New York Times drove the point home immediately after the decision was announced.

Not the least of the T.V.A. decision's excellencies [The Times said editorially] is that it may help to dispel the foolish notion that the Court is composed of nine old men bent on imposing their will on Congress and writing their private prejudices into the Constitution.

This is the political moral which the Tories have drawn from the three most recent decisions of the Supreme Court, widely hailed as "liberal." It would most seem as if the Court had gone out of its way deliberately to spike the litigation against its autocracy. But the three recent decisions are "liberal" only on the surface.

In the T.V.A. decision the Supreme Court carefully avoided passing on the constitutionality of the government's selling electricity to urban and farm consumers. Furthermore, the Court did not uphold the right of the government to employ the prices of electrical power established by government projects as a yardstick for the prices charged by the private utility companies.

What the T.V.A. decision did uphold was the government's right to use its war-time power to develop and protect navigable rivers and to build dams along them for *war purposes*.

The T.V.A. decision declared that the government had a right to build

the Wilson Dam. That dam is located in the vicinity of large nitrate deposits. The dam enabled the government to exploit those deposits to the best advantage for the making of explosives. The "liberalism" of the Supreme Court's T.V.A. decision means no more—and no less—than that the nine old men have given their judicial blessing to further war preparations.

The T.V.A. in no way endorses government ownership of public utilities. It does not sanction government competition with the Power Trust. Nor has the Court admitted that the T.V.A. project as a whole is constitutional. The Court has yet to decide this and the private utility companies will be busily engaged in obtaining a decision favorable to them.

There can be no doubt that the Roosevelt administration prepared the defense with the deliberate purpose of reducing the argument before the Supreme Court to the narrowest of legal hairlines. The result has been a technical victory, useful for election purposes; and the administration also has the formal excuse for confining its T.V.A. activities within the limits set by the Supreme Court—limits which coincide with the aims of the Power Trust.

SIMILARLY, the ruling in the Borden milk case grants small companies selling unadvertised brands of milk the right to market their product at one cent below the price of advertised brands. This *seems* to be a direct concession to the small producer. Actually, the decision allows companies which did not sell unadvertised brands at the time the law was passed to enter that business now in order to undersell the advertised brands. It allows a monopoly company like Borden's to compete with its own product, thereby crushing all of the unwelcome competition from the smaller producers. The big company, with its unlimited finances, can conduct a price war that will eliminate the small producer. It can keep the milk market for itself by cutting prices on its advertised brand with its own unadvertised brand. All that the Supreme Court has done has been to safeguard the monopoly interests of the milk trust in a roundabout manner.

IN THIS light, the decision on the Louisiana newspaper tax also assumes new meaning. The ruling prohibits taxing a newspaper with over

20,000 circulation more than its small competitors. The Court invoked the constitutional amendment which forbids the abridgement of freedom of the press. In the famous Danbury haters' case the judges cited the law against trusts to destroy a trade union; in the Louisiana newspaper case the Court used the amendment guaranteeing freedom of speech to protect the rich press.

The ruling means in effect that when newspapers are taxed, those with big circulations and big incomes cannot be taxed at a different rate from those with small circulations and small incomes. The Court thus declares itself against a tax proportioned according to income.

The decision specifically refers to the Gitlow case of 1925 in order to make it clear that freedom of the press has its limitations under a social system dominated by finance capital. The significance of this ruling is that the actual law-making body of the land defines freedom of expression to *exclude* labor papers critical of the status quo.

Long ago, Thomas Jefferson warned that the federal judiciary was "an irrepressible body . . . working like gravity by day and night, gaining a little today and a little tomorrow and advancing its noiseless steps like a thief over the field of jurisdiction."

Seen in their true meaning, the three recent decisions can only serve to stimulate the campaign for curtailing the powers usurped by the Supreme Court. Those powers continue to be used under one disguise or another in the interests of finance capital, against the interests of the majority of the American people.

News from France

RAOUL DAMIENS, correspondent of THE NEW MASSES in Paris, cables us:

The dissolution of the Royalist organizations is proceeding rapidly. Their headquarters throughout France have been shut down by the authorities and their meetings prohibited. Members of Royalist groups who are caught wearing their insignia are haled into court as common lawbreakers.

Similar action is being taken against other fascists. Jean Renaud, president of the Solidarité Française, founded by the perfume magnate Coty, has been charged, like the royalist Maurras, with incitement to murder of deputies who favored sanctions.

Paul Reynaud, finance minister in the Tardieu cabinet, now warns the governing class of France that "fascism will be the grave of the bourgeoisie."

France has already had an indication of the methods which will be used in the present legislative campaign. The People's Front nominated the Communist Clamanus as its sole candidate for the Senate in Laval's Seine district. In an attempt to break the United Front, the reactionaries offered their nomination to a member of the Party of Proletarian Unity. He rejected the nomination, keeping the People's Front intact. Clamanus was elected.

Our correspondent's cable brings good news. But the present retreat of fascism is no indication that the danger is over. Hitler's fortunes were pretty low when German finance capital called him to power.

Thomas Jefferson once observed that eternal vigilance is the price of liberty.

Investigating Townsend

CONGRESS has voted to investigate the Townsend movement. At the same time it voted *not* to investigate the Liberty League.

First, Democrats and Republicans joined hands in passing the biggest peacetime war budget in our history. Now the administration and its tory

opponents have united to fight the movement for old-age pensions.

The alleged reason for investigating the Townsend movement is that it contains graft. Very likely that charge has some basis. Capitalist society opens every mass movement undisciplined by the conscious proletariat to some graft.

But certainly the members of the Townsend Club do not need the aid either of Tammany Hall or the Liberty League to protect them against graft. If that evil exists, the Townsend clubs ought to get rid of it themselves by democratic methods. When Republican and Democratic politicians become solicitous about other people's graft, you may be sure there's something else at stake. The proposed investigation is a smoke-screen for finance capital's war against the popular movement for old-age pensions.

The NEW MASSES has already made it clear that it supports this movement with necessary reservations. The desire of the Townsend clubs for *old-age pensions* is a healthy desire. However, the transaction tax of financing old-age security would place the burden upon the aged themselves and upon America's *working population*. It is in effect a sales tax which would soak the producer when he appears on the market as consumer.

Old-age pensions should be financed by the bankers and industrialists whose

wealth comes from the labor of the men and women deserted in their old age. Tax big individual incomes, big corporate incomes, big accumulated fortunes.

Obviously the Townsend Plan will not cure all the evils of capitalism. But no one can deny that old-age pensions are necessary; and the popular movement for such pensions is what the Liberty Leaguers and Roosevelt "liberals" are attacking through a Congressional investigation.

Big business is also against the Frazier-Lundeen Bill which provides social insurance for old age, unemployment, maternity, sickness, to be covered by taxes on large incomes. On the other hand, all progressive forces in America will support the Frazier-Lundeen Bill and a modified Townsend plan with the transaction tax eliminated in favor of a tax on bankers and industrialists.

The Democratic and Republican politicians in Congress would never have risked an assault upon the Townsend movement in the midst of a presidential campaign if we had a national Farmer-Labor Party uniting all forces favoring adequate old-age pensions.

Roger William

IF AT this writing, Roger Williams were to rise from his grave and appear in the state of Massachusetts he would be put under arrest according to the terms of a 300-year-old law still on the statutes. There is a movement to repeal it in deference to the tercentenary soon to be celebrated by the neighbor state of Rhode Island which is still officially proud to acknowledge this great fighter for human freedom as its founder.

The ban on Roger Williams will probably be removed; and with it will probably go the ban on his libertarian writings. What is less likely is that the anti-blasphe-my statute of 1694, a companion piece of the repressive acts of the clerical upper-class oligarchy in the Pilgrim colony will go at the same time. Old laws no matter how absurd or dead in their original sense are useful to the ruling class. Under this law there have been four indictments in the last ten years. The victims include the Communist labor writer Anthony Bimba and the liberal Horace Kallen who was arrested for saying that if Sacco and Vanzetti were anarchists so was Jesus Christ.

new Masses

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How Spain Went Left

TO UNDERSTAND recent events in Spain culminating in the spectacular victory of the People's Front in recent elections, it will be helpful to view it in a retrospect of events since the 1931 revolution.

In April, 1931, the portly dictator Primo de Rivera and King Alfonso, royal ornament of the Deauville beaches, left Spain in a great hurry. The nation joyously returned to a republican form of government, adopting a radical constitution. The government was declared to be one of *all the workers*; land was promised to the landless peasantry; Catalonia, the most highly-industrialized province of Spain and culturally a distinct nationality, was to receive autonomy; the Church wealth which, in Spain, includes banks and industrial investment, was to be confiscated and its power curbed; education was to be free and secular; and labor was to be granted illimitable economic and social benefits.

This government "of all the workers" (but with no workers in the administration) soon proved to be another government of the bourgeoisie. Though it was a great advance over the semi-feudal monarchy which it displaced, it demonstrated again the folly of looking to members of the exploiting classes to govern in the interests of the exploited. Few of the rights fought for by the Spanish workers in 1931 and promised in the constitution were realized. The central question of the redistribution of the land was left unsettled. The landless peasants remained bound by feudal survivals and were further hit by the world depression whose effects are especially severe in agricultural countries. Unemployment spread in the industrial districts. The professional classes were similarly in distress. Thus almost all elements of the population met with disappointment.

In the growing disillusionment there was soon to be noted a political drift to the Right. In this turn the workers who believed in political action—unfortunately a large section of the Spanish proletariat was in the anarcho-syndicalist trade union, committed to a policy of non-participation in politics—retained their political loyalties. The drift was chiefly observable

among the peasantry and the bourgeoisie.

Late in 1932 the Cortes was dissolved and in the ensuing elections the parties of the Right won the victory. Women, constituting 55 percent of the electorate and casting their first votes, used their ballots to express their disillusionment in the government. The left parties were further weakened by the voting boycott of the anarcho-syndicalist workers, who had been instructed by their leaders "not to vote; politics is a snare."

FASCISM, under the lead of Gil Robles, looked up. Robles tried to find a mass base for his party. To do so he put on the customary demagogic disguise. But he could not keep the mask from falling off. Forced to oppose taxation measures which would have been levied upon landholders, industrialists and the Church coupon-clippers, he had to show his true face.

On the other hand, labor was alert and militant. Tentative moves toward fascist dictatorship and restoration of the monarchy met with paralyzing general strikes and terrifying mass demonstrations. The parties of the Right were no more able to check the depression and even less concerned with alleviating suffering than their predecessors. Popular discontent was inflamed by fear of a fascist coup. The situation was explosive and early in October, 1934, the spark was applied when Robles entered the ministry, obviously to prepare the way for fascism.

The response of the workers was general strike and insurrection. The movement was strongest in the mining region of Asturias where a united-front movement had already been initiated into which Communist workers had been admitted a short time before the outbreak. In Catalonia, the industrial key of the country, there were revolutionary uprisings as well, but here the situation lay in tragic confusion. To a large extent the revolutionary energies of the people had been channeled into nationalist aspirations, under the control of bourgeois politicians. The labor unions were predominantly anarcho-syndicalist; apart from their ruinous doctrine of abstaining from political action, they had alienated the

masses by ridiculing the nationalist movement as a mere geographical exchange of politicians. Their leaders ruled against participation in the uprising and were of such effect in aborting it that they received public praise from government officials. Nevertheless many anarcho-syndicalist workers defied their leaders and joined the united front Workers Alliances.

However, these factors made success impossible. Before the revolutionary movement could organize itself the autonomous government had capitulated to the regiments from Madrid. The workers, unarmed, deserted by their leaders and left isolated by the allies they had counted on, dispersed.

Anarcho Syndicalism paid for its unrealism. It was so discredited that its newspaper was discontinued for lack of readers. Its leaders again and again attempted lame defenses of their stand, but it was evident that in the test of the 1934 uprising their policies had proved to be failures. That, among bitter lessons, was all the salvage from the wreck of the revolutionary movement in Catalonia. That political non-action is an unconscious collaboration with the class enemy, that the vacillating Right-Socialist leadership had the same outcome and that a disunited working class brings misfortunes upon itself—these were the lessons.

Asturian Victory

ON the other hand the courage, discipline and tenacity of the Communists were so conspicuous in this tragic period that Communists gained the confidence of the other workers. The immediate growth of the United Front was, in large part, due to this and the rise of Communist representation in the Cortes from one to fourteen deputies is another evidence of the impression the activity of the Communist Party made on the people of Spain.

While the revolt was collapsing in Catalonia, the miners of Asturias were winning victories. Here the workers had been organized with the peasants in united front Workers Alliances which as soon as they seized power at once functioned as Soviets. They instituted so orderly a government that even their enemies were compelled to