

REVIEW AND COMMENT

The Connecticut Writers' Conference

IF THE conference of Connecticut writers held in New Haven two weeks ago failed to excite the metropolitan press, it was not because a news angle was missing. This was the first gathering of its kind ever held in Connecticut. The list of speakers included our most distinguished literary critic, Van Wyck Brooks, who speaks from a public platform once in a blue moon, and one of our few major poets, Archibald MacLeish. More than a thousand people heard a talk by the scholarly governor of the state, Wilbur L. Cross, recently defeated for reelection. Fraternal delegates from CIO and AFL unions came to tell the writers what they could do for the labor movement and what the labor movement could do for them.

It was a busy day, and a fruitful one. The placards on the New Haven trolley cars announced that something big was going on in town—even though, for once, it was being staged neither in the Bowl nor at the Taft—and that was the truth. Called by the Connecticut chapter of the League of American Writers, the conference united the leading writers of the state on a progressive political and cultural program. It should serve as an incentive for regional conferences in other parts of the country.

At the afternoon session, which was not open to the public, many problems of both a theoretical and practical character were discussed. W. L. River, who deserves most credit for organizing the conference, spoke on "Freedom of Thought and Various Censorships." Vera Caspary told us how censorship affected Hollywood, and particularly how it led to the suppression of her script, *The Exiles*, written in collaboration with George Sklar. A resolution embodying these talks was unanimously passed by the conference. The writers condemned the misrepresentation of foreign and domestic news in the press—a significant resolution, in the light of the newspaper distortions of the general strike in France and the CIO convention in Pittsburgh, and a prophetic resolution, if one considers the conspiracy of silence in regard to the conference itself. The resolution also incorporated the remarks of later speakers on "Culture and the Workers" and "People's Culture and Democratic Progress." The writers agreed "to expose and fight against the economic censorship of ideas and truth now imposed by certain reactionary publishers in the newspaper, maga-

zine, and book world; and to support and foster, through education and organization, all those progressive books, magazines, and newspapers which offer us the widest and most democratic expression of these basic American rights." Reactionary textbooks in the schools were condemned; and a demand was made for the extension of the public-school and library system of Connecticut. There was a solid expression of support for the Federal Writers Project, the Federal Theater Project, and the Federal Arts Bill. Progressive resolutions on other important matters were carried by the conference.

Odell Shepard of Trinity College, author of *Pedlar's Progress* and *The Journals of Bronson Alcott*, read a long and charming poem on the spirit and traditions of Connecticut. John Hyde Preston, author of *Revolution: 1776* and *The Liberals*, spoke very eloquently, I thought, on "The Writer as a Social Spokesman," and drew an instructive parallel between Milton and Malraux. Your correspondent talked briefly on "The Social and Literary Function of Criticism."

The highlight of the public session in the evening, at which Genevieve Taggard, Mr. MacLeish, and Governor Cross spoke, was a talk by Van Wyck Brooks. Malcolm Cowley, who was chairman, spoke for his own generation, and, I would add, for a younger generation, when he described the debt which every writer on American life and literature owes to Van Wyck Brooks. Mr. Brooks' paper was in the form of an open letter ("A Personal Statement") in answer to a Connecticut poet whose name he did not mention. The poet had written to Mr. Brooks charging that the league was a Communistic organization; that he was willing to join any organization against war, fascism, and Communism. Why was Brooks associated with this Red outfit? Where did he stand anyhow?

Mr. Brooks proceeded to dissociate himself from Communism. He is, of course, not a Communist. He has been a member of the Socialist Party for seventeen years, and he is

still a member. The main object of the League of American Writers, Mr. Brooks said, is to enlist American writers in the cause of democratic thought and action. Democracy is directly threatened by fascism. The Soviet Union is not the invader of world peace; Communism is not the plotter against democracy in America. But fascism is. Mr. Brooks takes the very sensible position that all writers who believe in justice rather than in barbarism should band together for the defense of culture and social sanity. The writer cannot remain aloof, no matter how distasteful "politics" may be to him. Mr. Brooks is ready to cooperate with Communists, though he continues to disagree with them, in order to wage a successful fight against the common enemy. The crucial conflict of our day is the conflict between fascism and democracy.

With this general statement of the problem, Communists are of course in complete agreement. Indeed, they might very well point out that such an approach is rather more familiar in their party than it is in the Socialist Party. Norman Thomas, heading one wing, attacks the view that the main fight is between fascism and democracy. He says that we must instantly choose between Socialism and capitalism. Mr. Brooks, I take it, is in complete disagreement with this view, since it would involve a major split in the League of American Writers, a majority of whose members are not ready to choose immediately between Socialism and capitalism. Jasper MacLevy, heading another group in the Socialist Party, ensured the victory of a Republican in Connecticut by opposing Governor Cross, who was endorsed by Labor's Non-Partisan League. If it is true that writers of all shades of progressive conviction must group together in order to defeat the purposes of reaction, is it not equally true that all progressive political organizations must form a coalition to defeat the program of Hoover? That is the realistic view of the Communist Party, and it is a view which close observers find consistently applied in social practice.

This is not said in an effort to win Mr. Brooks away from the Socialist Party. It has to be said because in the course of his very moving, vigorous, and progressive statement, Mr. Brooks made a number of references to Communism which do not square, I am convinced, with that mature scholarship



which has won such universal respect for his views. Communism, said Mr. Brooks, "does stand for violence, as it stands for other tenets of the fascist faith. It stands for dictatorship, and it stands for opportunistic methods; and I myself detest these three conceptions." While fascism and Communism hold these tenets "more or less," there is a distinction, Mr. Brooks continued, that must be drawn between the ends which fascism and Communism have in mind. "Fascism holds these tenets for the sake of these tenets. . . . Communism, beyond these tenets, stands for justice."

But the alleged tenets which fascism and Communism have in common are very inaccurately stated by Mr. Brooks. The methods of Communism and fascism are as different as the purposes of Communism and fascism, and I think that Mr. Brooks was forced to contradict himself on this point because the observable facts are at variance with his conclusions. Take the matter of violence, for example. "In my view," said Mr. Brooks, "a writer cannot advocate violence and remain a writer." Yet Mr. Brooks does not take a completely pacifist position. He used a revealing phrase in one passage of his

speech. In order to achieve our democratic objects, "in order to win the day for them," he said, "we have to enter the battle with heavier armor." The old Progressive movement failed because it was too "tender-hearted"; writers today have to be "tough-minded." They do not have to "advocate" violence, but they must be able to resist it if they are to survive. That is precisely the position of Marxism. Is it not significant that, according to Mr. Brooks' own observation, it is fascism and not the Soviet Union that invades peaceful countries? Is it fascism or Communism that advocates violence against Jews and Negroes and other oppressed groups? Is it Girdler or Browder who advocates violence in labor disputes? The Communists are as opposed as Mr. Brooks to violence as a principle of social progress; on the other hand, they would have sided with Lincoln, as Karl Marx actually did, in resisting the aggression of the Confederacy. Mr. Brooks stated the Communist position with literal accuracy when he said: "Whether we like it or not, violence may come. Violence is even sure to come unless other means are exhausted for securing justice."

Or take the other tenets: opportunistic methods and dictatorship. Mr. Brooks did not specify what he meant. Here again one is forced to assume that he is echoing judgments that contradict his own experience. The main decriers of "opportunism" are the reactionaries and the Trotskyites, and when they speak of "opportunism" they usually mean the creation of such "collaborationist" organizations as the League of American Writers. They argue, hypocritically, that the Communists' support of democracy is a renunciation of Marxism; that the Communists are selling out their ultimate goal of Socialism for temporary alliances with the opponents of Socialism. But is not this an attack on Mr. Brooks' own position? For he too seems to believe in a Socialist society as the goal of our democratic endeavor, and it is because he believes that the goal is bound up with the preservation and extension of democracy that he supports loyalist Spain, the Chinese republic, the anti-fascist front, and the League of American Writers. This is not opportunism; this is the creation of opportunities—opportunities for salvaging the humane ideals of a world beleaguered by fascism.



"Here cometh that lout from ye Dies Committee again, Marlowe."

Ned Hilton

As to the assertion that the fascists and the Communists hold a common belief in dictatorship—here, too, I was somewhat astonished. For Mr. Brooks went on to say that the Soviet Union is “with all its failures, a valiant effort to bring about a just social order, in which no one will ever go hungry or lack employment, where all children have good food, good medical care, good education—I do not need to tell you the rest of the story.” But if this effort, so largely achieved, is the effort of the Soviet Union, and if the effort of Nazi Germany is to crush all culture, surely there must be a difference not only in the purposes but in the kind of dictatorship. The constitution of the Soviet Union is a guarantee of Socialist democracy. It is based upon the will of the people. It was not imposed on the people at the point of a gun. The dictatorship of the proletariat represents the organized will of the people to establish the free society which a savage minority is determined to destroy. The dictatorship of Hitler, of finance capital, represents the temporary victory of that savage minority. To lump the two as “belief in dictatorship,” even with the reservation that the purpose of each is different, is to misread—to misread tragically—the essential experience of our time. Here again, the Marxist will agree thoroughly with Mr. Brooks’ generalization that “our collectivism, which we call government of the people, by the people, cannot be truly achieved till the people want it.” It seems a pity that Mr. Brooks should speak as if this were in contradiction to the Communist position.

I have emphasized these points of difference with Mr. Brooks at the risk of giving the impression that these were the main points in his speech. On the contrary. His talk was such a stirring call to action, such a vigorous rebuke to his Red-baiting friend, that I was disturbed to discover him pointing to differences with the Marxist position which do not in fact exist. I think that Mr. Brooks’ further experience in the fight against fascism will persuade him that he has been under a misapprehension.

SAMUEL SILLEN.

Felix Frankfurter on Justice Holmes

MR. JUSTICE HOLMES AND THE SUPREME COURT, by Felix Frankfurter. Harvard University Press. \$1.75.

THESE lectures of Professor Frankfurter are of particular interest today because they reveal the mind of the man who may be the next appointee to the Supreme Court. With charm and eloquence he discusses the three important constitutional problems of the day: the relation of the states to the federal government, the regulation of property, the preservation of civil liberty. Any lack of novelty in the lectures can only reflect credit upon the author for his many



A. Walkowitz

years of laboring in our constitutional vineyards.

Frankfurter sets his stage with a significant letter of Justice Miller, an early liberal on the court, who in 1878 wrote:

I have met with but few things of a character affecting the public good of the whole country that have shaken my faith in human nature as much as the united vigorous and selfish effort of the capitalists—the class of men who as a distinct class are but recently known in this country—I mean those who live solely by interest and dividends.

But there were few men like Miller. The Supreme Court became as useful as the corporate device in furthering the rise of finance capital. In 1902, when Holmes was appointed to the court by Theodore Roosevelt, the court began to review a mass of state and federal legislation against the march of finance capital. In its solicitude for business enterprise, the court played state against nation, expertly juggling vague constitutional clauses. It canceled federal legislation by pleading “states’ rights,” and choked the states with the “due process” and “interstate commerce” gags. But throughout this lethal process—as those who today attack Black for his dissents forget—the outraged voice of Holmes was never silent. No one could write a dissent more authoritatively; he was never shrill, always majestic.

This does not mean that Holmes was a liberal, a progressive, or a New Dealer. These words today connote an affirmative sympathy with the particular remedies advocated by the Roosevelt administration. On the contrary, Holmes has been called an aristocrat and skeptic. But he believed in the right of the legislative arm of government to pursue the remedies dictated by its judgment. “Constitutional law,” he said, “like any other mor-

tal contrivance has to take some chances.” And as Professor Laski has put it: “Conservative in all matters of social constitution, he is too inherently skeptical to deny to the radical the possibility that he may be right.”

Max Lerner has suggested that Holmes’ social neutrality was but a tactical maneuver against his colleagues. A defense of social legislation, rather than of the state’s constitutional right to enact it, might have incited the court’s majority to greater violence. But if Lerner is right, Holmes showed an extraordinary patience, for his conservative brethren never retreated a step.

Holmes rarely permitted experimentation in the field of civil liberties. For, as Frankfurter well says, “history had also taught him that, since social development is a process of trial and error, the fullest possible opportunity for the free play of the human mind was an indispensable prerequisite.” He never yielded to the witch-hunt, although some of his decisions are disturbing to his followers. Possibly, the refusal to grant respite to Sacco and Vanzetti was justified by his knowledge that it would be a vain gesture: the court would never have heard the case. Yet how tragic is this refusal in the face of the court’s statement in the Mooney case that perjury connived at by the prosecution is a deprivation of due process. His opinion in *Patterson v. Colorado*, holding that truth is no defense to a contempt prosecution of a newspaper editor who allegedly “reflected upon the motives and conduct of the Supreme Court of Colorado in cases still pending” keenly sharpened another instrument of judicial despotism. Justice Harlan’s dissent showed greater understanding of the dangers of the contempt power.

These decisions, however, stand out only by contrast with such dissents as Holmes wrote in *Abrams v. United States*, *Coppage v. Kansas*, *Truax v. Corrigan*, and a hundred others that illuminated the class bias of the court and showed the way to today’s majority. Despite the excessive respect which each court pays to the decisions of its predecessors, the voice of the dissenter has often prevailed in the Supreme Court. Thus the views of that arch conservative, Stephen J. Field, took but a few years to become the law as discovered by the court’s majority. And, on the other hand, the classic dissents uttered by Holmes for thirty years, seem to be prevailing today.

Holmes’ dissents had the compulsive force of prophecy: they helped create the necessary ideology for mass pressure, new legislation, and liberalization of the Supreme Court. In *Lochner v. New York*, Holmes dissented from the court’s decision that a New York law limiting employment in bakeries to sixty hours a week was unconstitutional. Yet today, thirty-three years later, we have a Fair Labor Standards Law which has limited work to forty-four hours a week. Again, in 1921 an Arizona statute forbidding labor injunctions was held to violate the Constitution of the United States. Holmes dissented. In 1937 a