

The Rock

In the Melting Pot

SIDNEY ALEXANDER

THE AMERICAN CONSCIENCE, by Roger Burlingame. Knopf. \$6.75.

Roger Burlingame has attempted the peculiar task of writing Hamlet without Hamlet. He traces some three centuries of what he calls the "American conscience" without drawing upon the voices which most articulately expressed it. Thus, we get a book on moral attitudes from *Mayflower* to Teapot Dome with no Thoreau, no Emerson, no Whitman,



no Melville, to mention only the most conspicuous—and literary—omissions.

Of course the omissions are calculated. For Mr. Burlingame wishes to give us "the moral judgments of the people upon themselves"—that is, he would give voice to the inchoate, inarticulate, groping "national conscience"—precisely when it has not been explicitly expressed. He searches for this elusive American conscience with sympathy, industry, and admirable candor. And his energetic, high-spirited quest for it reminds one of Melville's dance through the many pages of *Mardi* after that maiden in the mist, Yillah. I doubt that he catches her but the search is exhilarating.

Indeed, every time one goes over the ground of American history—whether the focus be on morals, as in this book, or on the main currents of ideas, as in Parrington, or on literature, as in Brooks—there is the rediscovered pleasure, aesthetic in character, of experiencing an

epic. To the unknown wilderness, sparsely populated by aborigines, come Pilgrims and Puritans; the sea-board is settled, African slaves are brought in, diverse economies develop in North and South, the War of Independence is won, the push west begins—the story is so familiar. And yet we always listen entranced like children to a memorized fairy tale. Already on the *tabula rasa* of the wilderness we dimly discern the later bold scrawl of Manifest Destiny. There's a genetic fascination here; how many great nations can trace their story from the beginning?

NEVERTHELESS, pleasure alone does not justify another panoramic survey. Mr. Burlingame has a thesis—a thesis, be it noted, modestly proffered, poking occasionally like an archipelago through the narrative stream. There is at the core of the American conscience a certain body of ethical behavior and judgment commonly called Puritanism. Puritanism, whether in its more liberal Pilgrim phase or in the oligarchic Calvinist theocracy of the Bay Colony, is full of inner contradictions. It seeks to reconcile predestination with a glorification of works as evidence of grace; it flees tyranny and establishes tyranny—casting out Roger Williams, setting up stocks and pillories, separating the colonists into Saints and Strangers. It is collective and individualistic, noble, courageous, dreary, bigoted, and a sworn enemy of the arts. But central to it ever is the disposition to judge all activity in terms of virtue and vice, salvation and sin.

By Mr. Burlingame's moral metalurgy, the American core consists of this "precious puritan substance forged and tempered on the frontier—and here must be the last criterion of our world judgments and the eventual arbiter of our world thought."

Mr. Burlingame believes that



nothing that came after Puritanism—modified, to be sure, by the frontier experience—was ever so important in shaping American moral concepts. The ideas of the French enlightenment, the Revolution, slavery and the agony of Civil War, industrialization and science, the influx of immigration from all the nations of Europe, the passage of America into the world arena—all these waves and tides and storms scratch and erode Plymouth Rock but do not disintegrate it.

Thus the author would seem to think—as Freud did with regard to individuals—that the experiences of a nation's childhood formative years are basic, and that all which occurs in the adult years is merely a variation, or sublimation of behavior previously laid down. The thesis is attractive. It permits Mr. Burlingame to "explain" why after national orgies we have morning-after hangovers of repentance, why we legislate against sin, why grandsons of robber barons became philanthropists, why we have Technical Assistance programs and Mr. Dulles.

BUT is this really any more than a wishful and misleading metaphor? A nation is not a person, espe-



cially a nation as heterogeneous as ours; the American conscience is still in process. When the *Mayflower II* arrives, will its brave crew find, amidst the many-tongued hubbub and the bunting, that Plymouth Rock is still bedrock?

A Lawyer Files

His Appeal

ROBERT BENDINER

IN THE COURT OF PUBLIC OPINION, by Alger Hiss. Knopf. \$5.

During the celebrated trials of Alger Hiss many of those who believed in his innocence predicted that a day would come when he would tell the "whole story." It would be a story, they suggested, beyond the scope of the perjury charges and the narrow rules of evidence, a story that would fill in the human gaps and explain the secret motives of Whittaker Chambers in bringing disaster to an innocent man. The more melodramatic among these sympathizers suggested it might even show that for reasons of personal chivalry or high politics Hiss had allowed himself to be trapped in order to spare someone else.

For those who entertained such speculative hopes this book must be a major disappointment, for it turns out to be a detailed lawyer's argument, more canny than revealing. The old and much-publicized testimony is marshaled, reviewed, and analyzed with skill, but it is the cool, technical, almost detached skill of the advocate. In his appeal from the courts to the public, the defendant has chosen not to assert his innocence by projecting the whole man, but to remain strictly within the confines of the indictment, merely substituting himself for counsel and his readers for the jury.

'Forgery by Typewriter'

To be fair, Hiss himself never promised more. Standing before Judge Goddard for sentence on that fateful January day back in 1950, he said merely that, in time, "... the full facts of how Whittaker Chambers was able to carry out forgery by typewriter will be disclosed." Much the most arresting chapter in his book is devoted to that purpose. While even this material is not new, since it was the main point in an unsuccessful motion for a new trial five years ago, it got comparatively little

attention, Hiss being in prison by then and the public otherwise diverted.

Yet it was clearly the typewriter that finished Hiss—the defense, it will be recalled, admitted that the documents had been typed on the Hisses' old Woodstock—and it was the testimony of the typewriter that Hiss had to demolish in his book if he was to make good his appeal. As one who had the painful privilege of covering the trials, this reviewer well remembers Tom Murphy, the prosecutor at the second one, telling the jury how the physical presence of the golden calf convicted the Israelites in the eyes of the Lord. And here, he said, gently patting the old Woodstock, was Alger Hiss's "golden calf."

While Hiss was putting in his first years at Lewisburg, his lawyers and



friends hired a New York typewriter engineer to build a machine capable of producing documents indistinguishable from those turned out by the Woodstock. The job was done, and two experts stood by to testify, in the event of a third trial, that the forgery was to a high degree successful, though not perfectly so. In any event, the experiment would have been used in an attempt to persuade a jury that the government's hitherto unchallenged proof that the "pumpkin papers" came from the Hiss machine was totally worthless. What's more, on further investigation Hiss's lawyers undertook to show that the machine which the defense itself had located and brought into court was not the old

family Woodstock after all, but a fabrication that had been "planted" by Chambers.

WOULD such testimony have left the jury with that "reasonable doubt" which precludes conviction? At first it might seem that it would have, but on reflection a stream of unanswerable questions comes flooding in. If Chambers did this forgery-by-typewriter back in the 1930's for the purpose of a future entrapment, what on earth was his motive? And why did he wait for the statute of limitations on espionage to expire before snaring his victim? If, on the other hand, he conceived the idea only in 1948 in order to protect himself in Hiss's libel action against him, as Hiss suggests, he would have had only three months (between the famous confrontation scene and production of the pumpkin papers) to locate samples from the old Woodstock, get out copies of the stolen documents which he had unaccountably saved, and have the duplicate machine built—a job that took Hiss's engineer eighteen months and presumably required a rare skill, special equipment, and no small investment of cash. To complete the plot, Chambers would then have had to place the counterfeit machine where Hiss's lawyers (but not the FBI) would stumble upon it and introduce it as the Hisses' long-lost Woodstock.

It all could have happened just that way. But to believe it did is to believe that a conspiracy more infamous than any since the Dreyfus case was carried out without exposing a trace of evidence, over a period of nine years, to the practiced eyes of trained lawyers and hired investigators. Hiss's book, justifiably critical of the Un-American Activities Committee as it is, offers not a shred of evidence pointing to such a far-flung conspiracy.

Fault can be and has been found with Judge Goddard's conduct of the case, but it is hard to disagree with his finding that the forgery-by-typewriter thesis was wholly "conjecture," offering "no newly discovered evidence which would justify the conclusion that, if it were presented to a jury, it would probably result in a verdict of acquittal." Had there been a third trial, moreover, Hiss would have had to contend