whether the Saigon régime is reactionary, or whether the Vietcong represent a spontaneous popular rising all are irrelevant to the justifiability of the U.S. intervention. Once you accept that this attempt to maintain the status quo represents the lesser risk for the maintenance of peace, there should be no difficulty in supporting the President's policy.

To illustrate this point, suppose that a defeatist government seemed on the point of emerging in Saigon and that Washington, convinced of the importance of holding the 17th parallel, were to forestall the new government's assumption of power. One can imagine the howls of indignation of all those in the non-Communist countries who, blind to the bitter realities of our international jungle, refuse to recognize the jungle law by which one must live if one wants to live at all; the law which, in the interest of peace, obliges all parties in the cold war to forestall or undo assaults on the status quo that threaten to tilt the balance of power against them. President Eisenhower recognized this in 1956 when he permitted Moscow to suppress a popular revolution in Hungary that might well have set off an anti-Soviet rebellion throughout Eastern Europe. Premier Khrushchev recognized it when President Kennedy compelled him to renounce his attempt to upset the balance of power by placing missiles in Cuba. If, therefore, President Johnson were no longer able at some future moment to maintain that the United States is in Vietnam at the invitation of its people, he could still invoke the bitter law of life recognized as valid by Washington in 1956 and Moscow in 1962.

These stern facts are what we must respect, not "the great passion, great feeling, and great emotion" aroused by the U.S. policy in Vietnam. This policy is based on a calculation of how withdrawal or continued defense in South Vietnam will affect the peace of the world. Those who denounce the policy would do well to make the calculation themselves and consider whether they would be equally ready with their answer if they had to bear the responsibility borne by the man who will be called to account by history.

Uncle Dan's Feud With the Albany Newspapers

JONATHAN KAPSTEIN

ALBANY

An Albany County grand jury celebrated the winter solstice last December 21 by issuing a report criticizing this city's afternoon newspaper, the *Knickerbocker News*, for "irresponsible" reporting. The report was only the most recent act of harassment in a long-standing feud between local politicians and the Albany newspapers.

Open warfare has been running for about six years between the weakening Democratic machine and the city's two dailies, the *Knickerbocker News* and the *Times-Union*, both Hearst-owned, mildly conservative, and politically independent. While the newspapers rely on their power to expose civic irregularities through investigative articles and critical editorials, the politicians not only withhold legal advertising but even encourage county grand juries to investigate the newspapers and their reporters. Gene Robb, publisher of both papers, protested to a grand jury as long ago as May, 1963, that newsmen had been called before grand juries three times in less than a year—eight staff members of the two papers had made a total of nineteen appearances. "Within my thirty-five years as a newspaperman," Robb said, "I have never heard of a comparable situation anywhere in the United States."

The Creaking Machine

Albany has been under the machine rule of Daniel (Uncle Dan) O'Connell since 1921. In its heyday the machine probably would have ignored the local press attacks. But the machine is now forty-six years old and Uncle Dan is eighty-one and both are cranky. O'Connell appears officially in public just once a year, at the annual Democratic Committee meeting in Albany's Polish Community Center, where the committeemen demonstrate their loyalty by re-electing him county chairman in a matter of seconds.

The Democratic organization is weakening because of spreading reform sentiment and because the city's merchants and homeowners, once wooed by the low real-estate tax rate even though it meant minimal services, no longer give the machine solid support. Some of the merchants are new and reform-minded, others represent national chains and have no local loyalty, and still others view the decaying downtown with apprehension and see the party doing little about it.

The machine has failed to win the support of an increasingly large Negro population, and its standbys —the older generation of Irish, Polish, and Italian Catholic working-class voters—are dying off, while their children, swept along in the upward mobility of the American economy, are moving to the suburbs or simply shifting their allegiance. The county Board of Supervisors rejected Federal anti-poverty funds for two years because it feared that it would mean surrendering patronage to outside bureaucrats. It delayed other Federal programs because the required city matching funds would have had to be financed in large part through real-estate tax increases, thus alienating property owners. As a result, until last month Albany remained the largest metropolitan area in the nation not participating in the anti-poverty war. Then the regional headquarters of the Office of Economic Opportunity finally bypassed the machine and on February 5 started channeling funds for adult education and job training into the area through public-service, charitable, religious, and social-action groups, many of them tacitly allied with political-reform groups.

Further evidence of the party's weakened control was exposed last November when Daniel E. Button,

executive editor of the *Times-Union*, successfully ran as a Republican-Liberal-fusion candidate for U.S. Representative against Richard J. Connors, Democratic president of the Albany Common Council. Button's winning margin of 17,000 votes presented a stunning contrast to the preceding Congressional election, when the Democrats rolled up a plurality of 88,000. Button had the support of dozens of social-action groups and of the Albany Independend Movement, a reform group with a large percentage of college teachers and students.

THE ORGANIZATION, however, still has a tight command of most local affairs, with the power to chastise its enemies, including the Albany press. In 1961, the city and county administrations withdrew legal notices and legal advertising from the *Knickerbocker News* and the *Times-Union*, which according to some estimates, lost the papers $250,000 to $300,000 a year. Two small-town papers now carry all of this advertising.

But the machine's best weapon is Albany County's grand-jury system as guided by John T. Garry II, who has been district attorney since 1958. The machine's grip on the grand juries was demonstrated after the 1965 elections, when clergymen, civil-rights organizations, and the Albany Independent Movement charged that votes had been bought widely for $5 each. The state Attorney General, Republican Louis J. Lefkowitz, conducted an investigation and found widespread evidence of fraud. But Lefkowitz had no power to indict or prosecute in a local case and turned his findings over to Garry for presentation to a grand jury. In May the jury reported that it had found no evidence of vote fraud in the 1965 balloting.

Under pressure from the newspapers, civic groups, and Albany clergymen, the grand jury undertook another electoral-fraud inquiry after last fall's elections. Garry announced on December 15 that if anyone had "direct evidence" of vote buying, his office would prosecute "both giver and receiver," a formula almost certain to discourage the production of any conclusive evidence. The newspapers called in vain for the appearance of politicians from the South End and Arbor Hill sections, crowded blocks of brick tenements where vote buying might be expected to be most prevalent. On February 1, the grand jury heard the testimony of Harry Vodery, a regional director for the NAACP who had said in a public statement that he had been offered $5 for his vote at an Albany polling place and had thrown the money on the ground. The jury has been meeting about every two weeks for half a day since December and reform groups accuse it of stalling.

These vote probes had antecedents in a 1938 investigation by Governor Herbert H. Lehman, which resulted in 174 convictions mainly because county officials played little or no part in the investigation, and a 1943-1945 probe called by Governor Thomas E. Dewey, which was conducted through a local grand jury and got nowhere. Dewey's special investigator charged that the grand-jury system "was so contrived as to ensure that the judicial system could be made to serve the machine's purpose as the occasions arose." State investigations into allegations of scandals in Albany's civil-service system and the county's purchasing practices in 1960 and 1962-1964 also produced considerable evidence. Again the grand jury found no cause for action.

In 1964, the state Supreme Court's Appellate Division, after prodding from Citizens United Reform Effort (CURE), increased the size of the

panel from which grand jurors are drawn and changed the selection methods. CURE had found twenty-four Democrats and two Republicans on the Albany grand jury, a disproportionately larger number of city than rural and suburban residents of the county, and among the city dwellers (locally called "Albanians") a great many from four of the organization's old faithful wards. Members of CURE hailed the lengthening of the grand-jury rolls as the beginning of the end for Uncle Dan, but they were overoptimistic.

The 1966-1967 grand jury that turned its investigatory powers on the newspapers was composed, to be sure, of a broader sampling of city dwellers—saleswomen, a bank official, a garage owner, a utilities official, a businessman or two. But judging by its performance to date, it is still responsive to the political machine, which has a ward-by-ward, precinct-by-precinct knowledge of residents, based on diligent work by runners, heelers, and captains.

The Bunch Affair

The spark for the latest clash between the newspapers and the politicians was an October 14 *Knickerbocker News* editorial about a local civil-rights matter. The editorial, written by Executive Editor Robert G. Fichenburg, called for an investigation by state officials—"not the usual whitewash by Albany officials or by an Albany County grand jury"—into the arrest of a young Negro civil-rights worker, George Bunch.

Bunch, an instructor at Albany Junior College, had been jailed without bail and ordered held for mental examination after slapping a twelve-year-old white girl during a disturbance at a social-action neighborhood house. Bunch was a director of the South End Neighborhood Community Action Project, a volunteer organization whose funding by Federal anti-poverty money was opposed by the local politicians. The project's aims had aroused the suspicion of the O'Connell organization, to which all such groups appeared to be engaged in political reform as well as social aid.

According to a statement Bunch gave the newspapers, he was working at the neighborhood house on October 4 when the girl, Dorothy Schipano, caused a disturbance and then called him "Blackie" after refusing to leave the premises. "Without thinking," he slapped her. Bunch said he then went to the girl's parents and apologized. He left the home with the impression that the matter had been settled amicably—in fact, he thought he had enlisted the girl's father, a city fireman, to help operate a children's program.

Several days later, the father, Anthony Schipano, swore out a warrant for Bunch's arrest. That action followed a conference over the incident between Erastus Corning II, mayor for a quarter century, and Justice Michael V. Tepedino, who was to preside at the arraignment. The newspapers soon found out about the conference and pointed out editorially that it was improper for a presiding magistrate to consult with anyone on what to do with a man even before a warrant was issued.

Bunch, accompanied by a reporter, turned himself in on October 7, and Tepedino ordered him held without bail for mental examination—an unusual proceeding in a misdemeanor charge of third-degree assault. On Monday, October 10, State Supreme Court Justice T. Paul Kane ordered Bunch released on a habeas corpus motion by Bunch's lawyer, declaring that he did not believe in "holding a man without bail on a misdemeanor charge."

FOUR DAYS later, the *Knickerbocker News* ran its "whitewash" editorial, "Let's Get at the Truth in the Bunch Case." It said that "the handling of the case of George Bunch . . . raises some disturbing questions that are so serious they deserve a public airing by the highest qualified public agencies. . . . Not only George Bunch's constitutional rights are at stake. Yours are, too."

The grand jury on November 15 did begin an investigation—into the paper's reporting of the case. In addition to Fichenburg and Robb, the jury summoned the editorial-page editor, the assistant editorial-page editor, the news editor, and the city editor.

Fichenburg, when called to testify on December 8, told the grand jurors why the newspaper had used the term "whitewash" to describe grand-jury probes in the county. His explanation was full of illustrative cases, including those of Samuel Clark and Edward Swietnicki.

Clark, a Stamford, Connecticut, postman and a Negro, had charged in 1962 that he had been beaten in an Albany police station. "The result," Fichenburg told the grand jury, "was a public hearing whose chief purpose, in my opinion, seemed to be to discredit the accuser, rather than to determine what actually had happened." A subsequent grand-jury probe into the Clark charges had resulted not in action against the police but in an indictment for second-degree perjury—irrelevantly

enough against a reporter for the *Knickerbocker News,* Swietnicki, now business-news writer for the paper. It wasn't until after Swietnicki had been subpoenaed six times by the district attorney and had testified three times before the grand jury that his trial took place. He was acquitted.

At that time Fichenburg had written a column headed "Swietnicki Case: A Battle for Truth," in which he had noted: "The basic issue is this: The attempt by a powerful, entrenched political machine to harass and intimidate a newspaper and its reporters in an effort to discourage public disclosure of any story that might not reflect favorably on the machine. Any newspaper that caves in under this type of threat betrays its public trust."

No Kind of Fault or Flaw

While Fichenburg and the other editors were being subpoenaed in the Bunch case, the newspaper—on the advice of counsel—made a strategic withdrawal. On December 9, a small box headed "A Clarification" appeared on an inside page, stating that the "whitewash" editorial "was not meant to imply that any members of any present or previous grand jury had committed a crime. In fact no such thought was in the mind of the editor, who wrote the editorial."

Nevertheless, on January 18, the day that the Bunch case was to reopen, the paper reprinted in full on its editorial page an article from the *Albany Law School Review* by Arthur Harvey, an Albany lawyer and head of the area chapter of the American Civil Liberties Union. In dry legal prose, all the sharper for its precision, Harvey cited the legal precedents and concluded: "It would seem, in absence of any record of any facts before the judge, or the making of a record that Judge Tepedino had no right to commit the defendant for examination. . . . Under the basic safeguards of the Constitution given to the defendant, any dialogue privately held between the mayor and the judge prior to arraignment and arrest could not be properly used as evidence of past facts upon which the judge could proceed. No record was made of such conversation and certainly it violates the basic principles of criminal law to have information given to a judge prior to arrest and arraignment upon which he could make a decision, no matter how proper it may be, or how valid the decision may be."

The next day, when Bunch appeared for sentencing, Albany County Court Judge Martin Schenk reduced the charge to disorderly conduct. Bunch pleaded guilty and Schenk suspended sentencing "in the interest of justice."

Bunch, who was fired from his job as community-action supervisor on November 30 because anti-poverty leaders felt that the controversy had impaired his usefulness, told me recently that he credited the *Times-Union* news story on his arrest with bringing out 250 Russell Sage College students in a protest demonstration against his jailing. Russell Sage runs Albany Junior College, where Bunch is teaching a social-action course. "As far as I'm concerned, the grand jury that called Fichenburg and the others certainly whitewashed my case. They should have called the mayor and Judge Tepedino. Those papers saved my career."

After the latest look into the newspaper's reporting techniques, the grand jury issued a report on

December 21 that was reprinted in full in both Albany dailies:

"The citizens of Albany County have a right to know that the editorial of October 14, 1966, published in the *Knickerbocker News,* which castigated the officers of Albany County and the grand jurors of this county, was written without any basis of fact or evidence and was completely false," the report said. ". . . Such forms of journalism are a threat to one of our basic constitutional rights. . . . The grand jury system is a proven, basic protection afforded to citizens and we uphold the system at all times."

The report, legally called a presentment, has raised eyebrows among private lawyers and attorneys in state government. Under state law, a presentment is issued against public officials and generally is followed by an instruction to the public prosecutor to issue an indictment. However, one of District Attorney Garry's assistants recently admitted privately that in the three years since the legislature restored the right to grand juries to issue presentments, this was the first one he had seen. In fact, he could not remember any presentment against a public official, not to mention one against a private organization. The grand jury justified its action on the ground that a newspaper is a public service—an argument many lawyers found dubious.

THE HARASSMENT of the press in Albany may go on for a while, but like the machine of Uncle Dan O'Connell it is an anachronism. More than two centuries after John Peter Zenger was tried and acquitted in New York Colony for seditious libel because he published polemics about loaded ballot boxes, Albany reporters face the threat of subpoenas and the investigation of grand juries when they write about vote-fraud charges and other alleged scandals in the state capital. But there is no sign that they are fazed by such pressures. Bob Fichenburg, in fact, is all the more determined for his repeated appearances before grand juries. "What we are fighting for," he said recently, "is the right to print the news and the right to comment."

The New Mini-States Of the Caribbean

WINTHROP P. CARTY and NICHOLAS RAYMOND

IN THE WAKE of a receding British Empire, mini-states are bobbing up in the Caribbean basin. Four already have emerged as independent nations in this decade: Jamaica and Trinidad-Tobago in 1962, Guyana (formerly British Guiana) and Barbados in 1966. For lack of a workable or acceptable alternative, others seem destined to follow, not only from the British colonial territories but from the Dutch and perhaps the French as well.

By March 3, the British Leeward and Windward islands of Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla, and St. Lucia will have become Associated States of the United Kingdom, a status that leaves only defense and foreign affairs in British hands and gives each island the unilateral right to declare complete independence whenever it chooses to do so. Association, it is important to note, does not mean federation. Each island is individually associated with Britain.

Still another Windward island, St. Vincent, will get association status when it irons out an internal political problem. British Honduras on the Central American isthmus, and Surinam, the Netherlands' dependency in South America, can sever ties with the motherlands at their own convenience, and both are prime candidates for nationhood in the next few years.

"Every country finally becomes independent," Surinam's Minister-President Johan A. Pengel notes. "It would be an ostrich policy if we didn't see this reality." The question of what constitutes a country need not bother Pengel or prosperous Surinam, but it may have more relevance in other places in the years to come.

Americans have paid little attention to the emerging Caribbean nations, partly because the islands' tourist-poster image only enhances the view that there is something ludicrous in the mini-state concept, but also because of the unabrasive way in which independence has been achieved—almost entirely without slogans, battles, or martyrs. Apart from Guyana, where the Marxist ex-Prime Minister Cheddi B. Jagan still stands menacingly in the wings, there have been no powerful leftist cults or leaders to elicit headlines in the United States.

"The imperial presence was never so directly felt that the people saw they had something to fight," Barbadian Prime Minister Errol Barrow says. "Everyone is for independence now that it has happened, but it was an act of political leadership, not a spontaneous national expression." Barrow won only a thin government majority last year on an independence platform. His party would not have won at all had it not been for an archaic electoral system that is soon to be revised.

Barbados, nonetheless, saw its azure-and-gold flag with trident symbol raised in front of the United Nations in December as the 122nd member. Barbadians don't much like the mini-state label. They have a reasonably healthy economy, a literate and vigorous people, and a long history of internal self-rule. And, as one minister noted, Barbados has "more people than Iceland."

The Balance Sheet

The Barbadian independence experience is not dissimilar to the experiences of the other new nations of the Caribbean and the island and mainland territories that are on the verge of nationhood. Postwar governments in London quickly recognized that the end of colonialism meant withdrawal from the Caribbean, which in any case had long been a financial burden.

The Colonial Office started with a tidy plan for nearly complete disengagement. The Leeward and Windward Islands, which form a half-moon stretching from Puerto Rico to Venezuela, were to be linked