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Saigon Losing Ground

MADE IN USA: Months of U.S. bombing reduces Quangtri City to rubble.

Heath 'Ends' Internment in Ireland

FULL TEXT

U.S. Supreme Court Ruling on Mandel

Same Coffin Nails

But Not Cigarettes

Widening knowledge of the fact that one of the outcomes of getting hooked on cigarettes can be lung cancer has led in the United States to pressure against the tobacco companies—mainly against the slick, lying advertising that pictures cigarette smoking as relaxing, fine-tasting, glamorous, manly, womanly, and highly attractive to the opposite sex.

A federal law was passed requiring that a warning label be placed on each and every package of cigarettes. The tobacco companies conformed to this by using fine print.

In addition, cigarette advertising was banned from television. How this is leading to the demise of the cigarette can be judged from the following item in the September 16 issue of *Business Week:*

"In the embattled cigarette business, probably no issue has struck a hotter flame than R. J. Reynolds' test-marketing of Winchesters, the small cigar that Reynolds packaged and promoted on TV like a cigarette — despite TV's 1 1/2-year-old cigarette ad ban. Last week, Winchesters quietly entered national distribution, following earlier rulings from both the Internal Revenue Service and Justice Dept. that they are indeed small cigars and not cigarettes in disguise. The day after Reynolds' move, American Brands, Inc., just as quietly announced that it is test-marketing its own cigarette-like cigars in the Northwest. They are called Derringers." □

Dream for U. S. Taxpayers

The American humorist Art Buchwald recently reported in his syndicated column: "Conservative estimates indicate that by October the Republicans will have $2 billion to re-elect the president."

Buchwald claimed that he overheard "a group of Republican financial people" discussing how best to spend this sum. Booby traps were found in all of the proposals except one:

"A man jumped up. 'Wait a minute! wait a minute! I think I've got it! Why don't we announce that for the week before the election the Republican Party will pay for the bombing of Vietnam. It won't cost the taxpayers a cent.'

"'That's it!' everybody said at once. 'We'll give the country a free week of bombing. It's a taxpayer's dream!'"

In This Issue

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Thieu Forces Opposition Papers to Close

Saigon Losing Ground in Northern Provinces

By David Thorstad

On June 19, Nguyen Van Thieu vowed that within three months puppet forces would recapture all territory lost during the current offensive of the Vietnamese freedom fighters. Three months later, however, the deadline passed without the promise being kept. Indeed, in spite of the intense U. S. air support in the South and the stepped-up air war against the North, the South Vietnamese army appeared to be in a worse position than when Thieu made his prediction.

In a dispatch from Saigon September 19, *New York Times* correspondent Joseph Treaster quoted a high American officer who "ruefully" summed up developments over the past six months in the five northern provinces of South Vietnam, known as Military Region I: "The other side is building a nation in the hills. The way they're going, they'll soon have two-thirds if not three-quarters of the physical geography of the region." The five provinces are Quangtri, Thuathien, Quangnam, Quangtin, and Quangngai.

South Vietnamese and American officers reported the recapture of the Quangtri citadel September 15 as the "most significant victory" for the Saigon government since the beginning of the offensive on March 30, Treaster said in the September 16 *Times*. "The marines have 100 per cent of the Citadel grounds and pretty much own 90 per cent of the terrain of the town," one American officer said. The town itself has been obliterated under the hundreds of tons of bombs dropped on it since it fell to liberation forces on May 1. Not a building inside the citadel was left standing.

While the recapture of the rubble that remains of what was once Quangtri City may be the "most significant" victory for the puppet forces during the past few months, its significance appears rather limited. "The great psychological importance the South Vietnamese have attached to the retaking of the Citadel at Quangtri City is, in the view of most Americans here, far less than the strategic importance of all the territory the Communists still control around the Citadel," Craig Whitney reported from Saigon in the September 24 *New York Times Magazine*. "Now that they have retaken it, they may find themselves excellent targets for the North Vietnamese artillery in the mountains to the west."

In an effort to reduce the fighting capacity of the liberation forces in the province, giant B-52 bombers are being used like sledgehammers against fleas. "We are really giving it to them with B-52 strikes," an American officer in Danang said September 16. "Out in the hills around Quangtri, wherever there are reports of two or three people gathered together, they are being hit with B-52's."

On September 20, Thieu paid a visit to the northern front to decorate soldiers and promote officers involved in the battle for Quangtri City. In spite of his pledge to recapture lost territory, he told newsmen that he had decided to abandon the ten-mile area between Dongha, north of Quangtri City, and the demilitarized zone. "Dongha has not the same value as Quangtri," he said. "It is a remote district. We accept the loss of it as a sacrifice because we cannot do war so close to the demilitarized zone."

The same day, Whitney reported the announcement by a senior U. S. air force officer that American planes have been mining the coastal rivers and canals of northern Quangtri Province. "It is believed to be the first time that waterways inside South Vietnam have been mined," Whitney observed.

Bad though the situation is for the puppet regime in Quangtri Province, it is held, according to Treaster, to be "worse still" in the three southernmost provinces of Quangnam, Quangtin, and Quangngai. There the puppet position "has been deteriorating steadily and enemy pressure is expected to intensify."

Heavy fighting was reported in Quangngai September 20, with four of the province's ten district capitals under siege. *New York Times* correspondent Malcolm Browne reported "steady gains" for liberation forces throughout the province.

The New York Post

One American officer watching the Saigon troops losing ground in Quangtin observed, according to Treaster: "It doesn't look good for our side. The other guys just keep whittling away, piece by piece, a little bit here, a little bit there. It could get real bad."

Things couldn't get much worse than they already are for the opposition press in the South. The day the Quangtri citadel was recaptured, fourteen daily newspapers and fifteen other periodicals were permanently closed down for failure to post bonds equivalent to $47,000. (One, *Dien Tin,* posted bond a few days later and again began publishing.) Thieu ordered the large bonds August 4 in an effort to drive the opposition press out of business. Besides *Dien Tin*, only one opposition newspaper, *Dai Dan Toc,* survived. Since September 15, both have been subject to severe government harassment, including visits by military police to confiscate certain issues.

On September 22, for instance, *Dien Tin*'s editor was sentenced by a military court to one year in prison and a $2,500 fine for publishing excerpts in August from the Pentagon papers and a report on a Cornell University study of American bombing in Indochina. Nine more newspaper executives were scheduled to go on trial within the next few days.

The September 20 edition of *Dai Dan Toc* was confiscated and its man-

agement now faces prosecution for having published a report "extolling the air support the United States gave in the battles of Quangtri province," its editors charged. The article in question was an Agence France-Presse dispatch distributed by South Vietnam's official government press service itself. "South Vietnamese newspapers are permitted to publish only that foreign news provided by the Government agency," explained Malcolm Browne in the September 23 *New York Times,* "and even then they may inadvertently infringe press laws."

The Thieu regime is thought to be sensitive to the publication of statistics on American bombing for two reasons: It wants to give the impression that it is fighting the war without major American support, and it would like those under its control to believe that the devastation of the countryside is the work of liberation forces, not U. S. B-52s.

The *New York Times* used Thieu's war on the press for some sharply worded editorial comment September 18 suggesting that Thieu be dumped and calling on the United States to "negotiate a settlement in which this country no longer allows itself to be used as the patron of one dictatorship against another." Thieu's abandonment of all democratic pretense, it asserted, provides U. S. imperialism with an "opportune moment" to do this.

"The Thieu junta rules by decree," the *Times* explained. "It has abolished self-government in the provinces and hamlets. It has substituted political jailings and executions for the judicial process. It has reduced the Legislature to a rubber stamp. It has imposed on the press a system of 'deposits' and fiscal retribution that totally muzzles free expression and dissent. The shut-down last week of Dien Tin, the main opposition paper in Saigon, merely ratifies this policy of suppression; the newspaper's 'temporary' farewell message to its readers was meant to indicate that there can be no hope for freedom until the Thieu dictatorship has been removed."

The North Vietnamese, meanwhile, are preparing for four more years of war if, as they expect, Nixon is reelected in November. This, according to an Associated Press dispatch from Hanoi September 23, is what Hoang Tung, editor of the Communist party newspaper *Nhan Dan,* told American antiwar activists visiting in Hanoi to arrange the repatriation of three U. S. prisoners of war. "We can hardly believe the war will end," he stated. "After 17 private meetings, Kissinger has shown no sign that Nixon is changing."

The Vietnamese, he said, "would have accomplished our goals in April this year had not Mr. Nixon re-Americanized the war with his navy and air force." He noted that "Nixon has refused to accept a solution to the war and I don't think progressive forces in America can change the situation now." Because of the present political situation in the United States, he explained, "the best way is for us to prepare for more war." □

As UN Moves to Debate 'Terrorism'

Israel Promises More Aggression

Washington carried its projected international witch-hunt against supporters of the Arab revolution into the United Nations on September 22. With the connivance of the Soviet bureaucracy, the U. S. delegation pushed a resolution calling for General Assembly debate on "terrorism" through the assembly's General Committee, which proposes an agenda to the assembly.

"The tragic occurrences of the past months in widely scattered areas of the globe leave no doubt that the dangers not only to international relations but to innocent civilians everywhere are immediate and serious," U. S. representative George Bush told the committee.

The truth of that statement is of course undeniable, and one might have expected that the representatives of the most powerful workers state would have pressed for discussion of those places in the world where innocent civilians face the most immediate and serious dangers. Instead, Soviet delegate Yakov Malik noted—in the abstract—that a resolution against terrorism could be used to suppress people fighting for their freedom, and then proceeded to abstain on the resolution!

On September 23, by a vote of 66 to 27, with 33 abstentions, the General Assembly placed the "antiterror" resolution, written by Secretary General Kurt Waldheim, on the agenda. The resolution calls for measures to prevent "international terrorism, which endangers or takes innocent human lives or jeopardizes fundamental freedoms" and adds, as an afterthought, that the underlying causes of terrorism should be studied. For the second time, the Soviet Union abstained. China and Cuba voted against.

As the Nixon administration pressed in the UN for a resolution whose real content would be denunciation of the colonial revolution, the State Department gave the Israeli rulers a go-ahead to escalate their aggression in the Arab East. That was the unmistakable significance of a September 22 meeting in Washington between Israeli Foreign Minister Abba Eban and U. S. Secretary of State William Rogers. The meeting came in the wake of a series of brazen threats by Israeli officials that their armed forces would soon strike not only at Syria and Lebanon, but at Libya and Iraq as well.

In the September 22 *New York Times* Tad Szulc cited an unnamed "Israeli source" as saying that a "major military effort" is planned against neighboring Arab countries. "Whenever we find them [Palestinian commandos], or have information about them, we shall strike first. We don't have to wait for a new Munich. It is better to prevent them or eliminate them."

Raids against Lebanon, the source said, would be launched "time and time again" unless the Lebanese regime completely eliminated the fedayeen presence in that country.

Szulc's report was filed from Washington. *Christian Science Monitor* correspondent Francis Ofner cabled from Jerusalem that an unidentified Israeli "security source" had explained that the Zionist regime would henceforth aim at "shifting the atmosphere of tension to the enemy countries. . . . Let them worry about it."

These open threats by anonymous officials were bolstered by Deputy Premier Yigal Allon, who apparently drew the assignment of officially announcing the regime's policy. "We shall apply our active methods regardless of whether the countries supporting them [the fedayeen] are near or far away." The reference to "far away" countries was to Libya and Iraq, but not to Egypt, as was subsequently made clear.

Allon retracted earlier Israeli intimations that Western Europe would be the scene of Israeli guerrilla attacks against supporters of the Arab revolution. Instead, Allon explained, his government would seek the cooperation of Western regimes. Initial responses to this tactic from West Germany and the United States, he said, had been "politically encouraging."

Szulc's informant in Washington assured him "that Israel would avoid any actions that might result in a return to Egypt of Soviet forces." The Zionist policy of leaving Egypt immune to attack will thus continue.

On September 21, a State Department official told Szulc that the Israeli government had rejected the possibility of any "peace negotiations" until the problem of "terrorism" was definitively dealt with. That position, the official indicated, would be communicated to Rogers by Eban.

On September 22 the Rogers-Eban parley took place. The official summary statement said that the two sides had agreed that priority must be given to combating terrorism but that "options must be kept open" for peace negotiations. Charles W. Bray 3d, a State Department official, told the press that Rogers and Eban had agreed that "individual governments must act effectively to combat this challenge ["terrorism," that is] to the world social order."

Another State Department official explained that the reference to keeping "options open" was merely "theoretical" in the present situation.

The Western powers, especially the United States and Israel, it is clear, will press forward with an international witch-hunt against supporters of the Arab revolution and, if possible, against the entire radical movement.

The U. S. government, which reportedly had hedged on the Israeli raids on Syria and Lebanon earlier in September, has abandoned even this stance of mild doubt.

With the Palestinian resistance movement at a low ebb, the Israeli government sees no reason for making concessions to help achieve a "peaceful settlement." The West Bank of the Jordan River has been virtually annexed, as has a good portion of the Sinai peninsula. The "settlement" sought by the Meir regime is recognition by Egypt and Jordan that the territory conquered by Israel in 1967 is permanently lost to them.

Actions by Palestinian commandos will be used by Tel Aviv as a tactical excuse for periodic assaults on Arab countries aimed at constantly demonstrating Israeli military superiority.

Exactly what all this will mean to the Arab population of the countries under attack can be seen in the damage inflicted on Lebanon during the September 16 Israeli invasion. A report in the September 21 *Christian Science Monitor* noted that the Israeli raid was ostensibly aimed at several hundred alleged fedayeen. "Instead the Israelis claim to have blown up 160 Lebanese houses used by the commandos, one house for every two commandos, and they also destroyed such other nonmilitary objectives as powerhouses, water filtering plants, one hospital, and two schools.

"If all this were not enough to arouse Lebanese anger, there have been published photographs of children with napalm burns and a real horror picture of a taxi with seven occupants inside squashed into a pancake by an Israeli tank. According to Lebanese sources the taxi was crushed merely because two of the occupants, both wounded and one an eight-year-old boy, did not have their identity cards on them." □

South Yemen Answers 'Newsweek' Smear on Black September Leader in Europe

In the September 18 *Newsweek's* slanderous article entitled "Terrorist International," senior editor Arnaud de Borchgrave claimed that "David Barakat, who is now installed big as life in Switzerland as a diplomat from Democratic Yemen fully accredited to the offices of the United Nations," is the "current head of Black September's organization in Western Europe" and a "prime suspect as a mastermind behind the Munich massacres."

This information appears to be as willfully distorted as *Newsweek's* report on the Fourth International. (See *Intercontinental Press*, September 25, p. 1003.) In a September 19 press release, the Permanent Mission of the People's Democratic Republic of Yemen replied as follows:

"Answering a question about the aforementioned report of *Newsweek*, Mr. William Powell, an official spokesman of the Secretary General of the United Nations said that Democratic Yemen had no Permanent Mission in Geneva and the man mentioned in the article was not a member of the Democratic Yemen Mission in Geneva or at Headquarters.

"The Permanent Mission of the People's Democratic Republic of Yemen to the United Nations fully acknowledges the authenticity of the statement of the spokesman of the Secretary General. The unfounded and maliciously fabricated report of *Newsweek* is purely an act of misinformation, distortion, and instigation against Arab diplomats accredited to the United Nations.

"At a time when the biased Zionist-oriented media of information incites vengeance against Arab diplomats, *Newsweek* is hysterically scrambling to locate scapegoats." □

Decline in Mass Transit

New York City lost 61 million subway fares in 1971. In the same period automobile traffic rose sharply in the city's smog-ridden core. The shift in "riding habits" is ascribed to a jump in subway fares, increasing breakdowns, and a marked decline in scheduled runs of the cattle cars.

Brezhnev's Cadillac Held Safe

The $9,600 Cadillac that Nixon gave to Brezhnev is not going to be recalled, according to a report in the U. S. press. It came off the production line before the 37,000 other Cadillacs that had to be returned because of a defect that could lead to failure of the rear brakes.

'Civilized' Powers Turn Backs on Uganda's Asians

By Jon Rothschild

"The situation in the country is calm," said a military spokesman on Uganda radio September 21. "There is no cause for panic at all." The same broadcast warned that "any people who will be found spreading rumors will be rounded up by the security forces to avoid confusing others."

The military leader, who was not identified, seemed to see no contradiction in the two statements. Either rumor-mongers are rounded up by the security police during "normal" times in Uganda, or else listeners that night were being treated to the doublethink that has become common under the regime of General Idi Amin.

In any case, Kampala, the country's capital, appeared on September 21 to be suffering what one foreign observer called "an explosion of emotion." Military vehicles were reported to be scooting around the streets without apparent coordination, and press reports referred to sporadic shooting in the city.

The immediate cause of the "panic" in Kampala was the fighting that broke out September 17 in the southern part of Uganda near the Tanzanian border. The arrest of most of the foreign journalists based in the country has made accurate reports of the events virtually unattainable. About the only thing that is certain is that significant clashes have occurred on the Uganda-Tanzanian frontier.

Uganda radio has claimed that some 1,000 regular Tanzanian troops crossed the border at dawn September 17, seizing three villages—Mutukula, Kyotera, and Kalisizo—and headed for Masaka, an administrative center about eighty miles southwest of Kampala.

Amin's original report of the invasion was greeted with some skepticism, since the general has been known to respond to fictitious invasions in the past.

But the Tanzanian government confirmed on September 18 that fighting was going on, insisting, however, that "absolutely no" Tanzanian soldiers were involved. "It could be guerrillas or refugees, or anybody," Major General Sam Sarakikya, Tanzanian army commander, told journalists in the Tanzanian capital Dar-es-Salaam. On the same day, the Tanzanian Ministry of Information issued a statement saying that "people's army forces" had captured an army barracks in southern Uganda.

By September 18 it appeared that the rebels' drive had been halted. Informants in Tanzania began identifying the "people's army" as a force led by Ugandan exiles loyal to former President Milton Obote, who was ousted by General Amin's coup in January 1971.

The invasion had apparently not triggered the split in the Ugandan army for which the rebels had hoped. Most of the invaders had been pushed back, sustaining heavy casualties—this according to reports from both sides of the border. But at least one rebel unit had managed to dig in somewhere between Masaka and the border.

Uganda radio reported September 22 that Amin, in a speech to an army barracks in Kampala, threatened that if the rebels did not withdraw immediately, the area under their control "will be destroyed and many innocent people will be killed."

Also on September 22, Ugandan jet fighter-bombers launched the third attack in as many days on Tanzanian towns. The bombing was said to have been aimed at Mwanza, a town on the shores of Lake Victoria. On September 18 and 19, Ugandan planes hit the town of Bukoba in Tanzania. Amin claims Bukoba is the site of an exile guerrilla base.

Apart from these rather skimpy facts, the border situation, the exact identity of the "invaders," and the internal situation in Uganda remain generally obscure.

Amin's explanation of the events has a certain ring of fantasy, a feature common to many actions and statements of the Ugandan head of state. The general claimed that the invasion, though carried out mostly by Tanzanian troops, was planned in conjunction with Great Britain and was effected with the aid of white mercenaries whom he identified as British and Israeli. The invasion, he said, was the fruit of a British-Israeli-Tanzanian plot to bring down his government.

At various times since he came to power Amin has accused, in addition to the three countries named above, Zambia, the Sudan, and Rwanda of plotting against his rule. Amin's sharp shifts of emphasis as to the main culprit have led some governments and internationally influential newspapers (*Le Monde*, the *New York Times*) to suggest that the general is deranged. Whether he is more deranged than a ruler like, say, Nixon is an open question.

Amin took power by ousting the regime headed by Milton Obote, a government with some radical pretensions along the same lines as the Tanzanian regime. Obote and several thousand of his followers took refuge in Tanzania, whose president, Julius Nyerere, has refused to recognize the Amin government and has provided a haven for the pro-Obote forces.

Amin began consolidating his rule by butchering members of the Acholi and Lango tribes, who were said to be, collectively, agents of Obote. Some 5,000 persons were reportedly killed in the 1971 massacres. (See *Intercontinental Press*, March 13, 1972, p. 276.) Mutukula, one of the villages seized by the rebels on September 18, was the site of a prison and extermination camp used by Amin during the anti-Acholi-Lango campaign.

Within weeks after his coup, Amin broke with most of Black Africa on two central questions. He declared his readiness to visit Pretoria to initiate a "dialog" with South Africa's apartheid rulers. (Several months before, Amin had vigorously denounced the notion of negotiating with Pretoria. The sudden 180-degree shift is characteristic of the general.)

Amin also established friendly re-

lations with the Israeli government, inviting several hundred Israeli advisers to Uganda in order to strengthen his army and air force. He proclaimed his great admiration for General Bar-Lev, the creator of the so-called Bar-Lev line, the Israeli military bulwark in the Sinai desert.

Several months later, Amin did an about-face and expelled all Israeli personnel from Uganda, declaring that he had discovered a Zionist plot to take over the country. Amin's former admiration for Bar-Lev was forgotten, and the general's new-found "anti-Zionism" led finally to his public statement during September that Nazi Germany was "the right place" when Hitler, realizing that "Israelis" were enemies of the "human race," took appropriate measures.

In August, Amin announced his latest turn. All Asians residing in Uganda, the president declared, would be expelled from the country. They had ninety days to get out; those remaining after November 8 would be interned in military camps.

The Asians in question are mostly of Indian and Pakistani descent. They came to East Africa around the turn of the century to escape the grinding poverty of the subcontinent. Most worked at menial jobs for the British colonists, who were then constructing a railway system in the region.

The Asians remained in East Africa and were used by the British, in time-honored colonial fashion, as intermediaries between the European colonists and the indigenous population. Today there are more than 300,000 Asians in East Africa, about 80,000 of whom reside in Uganda. They occupy mostly middle-class economic positions and, although their social and economic weight varies from country to country, in Uganda they control most commercial institutions, including small businesses, trading establishments, and shops.

Amin's expulsion order appeared to represent an attempt to bolster his popularity at the expense of the Asian "foreigners," who are now undergoing persecution like that suffered by many non-European, semiprivileged national and ethnic groups in the colonial world in the wake of stunted national-liberation struggles waged by the most oppressed sectors of the population.

Most other East African states denounced Amin's expulsion order. The Zambian regime described the move as "terrible, horrible, abominable." Amin responded by calling Zambian President Kenneth Kaunda an "imperialist agent" and a "black sheep." Kaunda retaliated by calling Amin a "buffoon" and a "freak of humanity."

Tanzanian President Nyerere denounced Amin's expulsion order as "clearly racialism and representative of the same thing Africans are deploring."

Amin's charge that the Tanzanian regime sponsored an invasion of Uganda is probably based on the fact that the activities of the pro-Obote exiles in Tanzania are strictly controlled by Nyerere, and it is doubtful that any attack could have been launched by the rebels without the approval, or at least the knowledge, of Nyerere.

It is conceivable that Nyerere decided that the erratic Amin threatened to upset the already precarious and complicated tribal relations in East Africa. (Uganda alone has more than a dozen tribes.) Instability or widespread fighting in Uganda could easily spill over the Tanzanian border. This conjecture is supported by the actions taken by the Rwanda, Zaire, and Sudan regimes, all of which sealed their borders with Uganda when the "invasion" was first reported.

Amin's only significant international support seems to come from Libyan strong man Muammar el-Qaddafi, another head of state who functions unhampered by the fetters of a strong ruling class or sophisticated public-relations system. On September 20 Qaddafi sent five Libyan planes carrying soldiers and arms to Uganda. But Sudanese premier Gaafar el-Nimeiry, who owes his return to power after being ousted by a military coup in July 1971 largely to the timely intervention of Qaddafi, forced down the Libyan aircraft, confiscated the arms, and sent the troops back to Libya.

That Nimeiry would break ranks with Qaddafi in such a dramatic fashion can be explained by his concern that the Uganda events could have the effect of breaking apart the tenuous truce concluded earlier this year between the Sudanese central government and the Black rebels in south Sudan.

The *New York Times* reported September 23 that Nyerere and Amin, according to a radio broadcast from Nairobi, Kenya, had accepted an appeal from Nimeiry to settle their differences peacefully. Previously, it had been reported that Nzo Ekangaki, secretary general of the Organization of African Unity, had called upon President Jomo Kenyatta of Kenya to mediate the Uganda-Tanzania dispute.

But Amin stated September 22 that other African leaders should not "waste their time" trying to mediate, since Nyerere was wholly responsible for the clashes. Another shift by Amin cannot be ruled out. If he proves incapable of keeping unrest under control, the imperialist powers will look for a more reliable henchman. The political climate for such a move has been established, in part, by the publicity accorded in the Western press to Amin's more extravagant proclamations.

The humanitarian cries from the world press against Amin's brutality in abruptly expelling thousands of Asians from Uganda have been especially shrill. But the self-righteous editorials have been conspicuously silent or extremely understanding about the attitude of the regimes of the civilized English-speaking world.

Of Uganda's 80,000 Asians, about two-thirds chose to remain British subjects in 1962, when Uganda attained independence. They were assured by Her Majesty's government that they would be entitled to all the rights enjoyed by Britons. But when the expulsion order was issued, Uganda's "British" Asians discovered that British subjects "of colour" could not enter the "mother country" with the same freedom as whites. Right-wing Tory leaders have incited a popular racist outpouring against allowing the Asians into Britain. Labour party leaders have defaulted in their responsibility to defend the rights of the Asians.

The result has been that large numbers of the Asians will not be admitted — exact figures cannot reliably be ascertained through the smoke screen of conflicting British pronouncements. Those that do reach England will be subjected to the growing racism that has characterized British society in recent years.

In an attempt to get themselves off the hook, British leaders asked other Commonwealth countries to accept quotas of Asians. Australia declined to modify its restrictive immigration laws; Canada, which is grossly under-

populated, agreed to accept a few thousand.

The United States government, which accepted thousands of anti-Castro Cubans with open arms, has found no room for Uganda's Asians, U. S. immigration laws in relation to nonwhites being notoriously racist.

India, while urging Amin to show "compassion" in his treatment of Asians, has not as yet made any offer to admit significant numbers.

Thus, on November 8, thousands of Asians who ten years ago put their trust in the British ruling class may find themselves stateless persons interned in concentration camps in the country in which they have lived for decades.

And should maintenance of the camps become a nuisance, Amin, the admirer of Hitler, may well consider more drastic measures. □

But Does Not Release Internees

Heath 'Ends' Internment in Ireland

On September 21, William Whitelaw, the London-appointed administrator of Northern Ireland, declared a formal end to the policy of interning suspected "enemies of the state" indefinitely without charge or trial. The British official was quick to point out that this did not mean that those interned would actually be released.

"Mr. Heath obviously felt he could not grant at this time the other Social Democratic and Labour party [SDLP] demand for release, prior to the conference [of Northern Irish parties scheduled to discuss the future of the British enclave in Ireland], of 241 suspected terrorists still held in Long Kesh internment camp," the *New York Times* commented in an editorial September 23. "William Whitelaw . . . has promised, however, to set up a tribunal to try the suspects promptly so that they will either be released or imprisoned on specific charges."

The *Times* did not explain why "ending internment" did not include releasing the internees or why Heath would find it any easier to free the imprisoned men after the scheduled conference.

Why should there be any more reason to release the internees after the conferences, unless, that is, the participants representing the nationalist community were expected to do something to "make Mr. Whitelaw's task easier"? In that case, how could the *Times* avoid the conclusion that the internees are being kept in the Long Kesh concentration camp, after more than a year of arbitrary confinement, as hostages for the good behavior of the nationalist leaders? In that case, why should the SDLP follow the *Time*'s advice and accept "the end of the internment policy as evidence of Britain's good faith"?

Nor did the *Times* explain the precise meaning of Whitelaw's promise to "try the suspects promptly." Bernard Weinraub went into this, however, in a September 21 dispatch to the *Times* from London.

"The new tribunal—which will probably consist of three judges—will sit without a jury and may conduct hearings in secret. Cases will be referred to it by Mr. Whitelaw. The judges will pass sentence for a fixed period."

Whitelaw justified the new system in these terms:

"Certain basic problems of countering terrorism by the normal processes of law will still present difficulties. These include the problem of preventing intimidation of witnesses who may be in danger of their lives if they give evidence in court and of bringing to trial many of those who, although responsible for organizing and directing terrorism, take care to avoid, so far as possible, themselves engaging in terrorist operations." The British "administrator's" definition of fighting terrorism obviously includes general political repression. He said:

"The system of internment cannot be ended without putting something in its place."

Even the most moderate of the nationalist leaders were forced to recognize that Britain's formal concession was nothing but another step in a policy already clearly taking form in the first days after the imposition of direct rule from London in March 1972.

By using its special powers of political repression in Northern Ireland in a more discriminating and flexible way, the British government evidently hopes to be able at the same time to increase its intimidation of opponents of the regime and to reduce the scandal created by the introduction of the concentration camp system on August 9, 1971.

Mass internment, affecting a substantial percentage of the male Catholic population in areas where there has been active opposition to the British system, has already done its job of terrorizing the nationalist people. Under the new setup, any political opponent of the regime, or anyone expressing sympathy with opponents of the regime, would still be liable to arbitrary arrest and long prison sentences meted out by drumhead courts.

While large numbers of men held in concentration camps in the full glare of international publicity could expect that their imprisonment could not last for too long a time or take too brutal a form, individual political prisoners sentenced to terms of more than five years could not be sure of getting out of prison before they were physically and mentally broken by the well-practiced jailers of the imperialist fortress state.

Both camps in Northern Ireland recognized the new variant for what it is. "The British Government's decision to set up a special court to try internees in Northern Ireland was condemned today as 'another form of internment' by Roman Catholic political leaders," the *New York Times* reported September 23.

In the same article, the *Times* noted that the leader of the ultrarightist wing of the proimperialist Unionist party, William Craig, "commended the provision in the proposed legislation to prosecute persons supporting illegal organizations even if they took no part in terrorist activities." □

Small Businesses Squeezed Out

The number of small businesses in the United States declined by 12,400 in 1971, according to a survey released in September by Audits & Surveys, Inc.

In the past five years, a total of 60,000 stores gave up. Meanwhile giant department stores have been expanding, particularly discount outlets.

Nixon Drags Irish Activists to Texas

By Gerry Foley

"U. S. District Judge Leo Brewster yesterday set bail at $100,000 each for five Irishmen jailed without bond since June for refusing to tell a federal grand jury what they know about an alleged plot to run guns to Northern Ireland," the *Washington Post* reported September 20.

None of these five men, shipped more than a thousand miles from their homes in the New York City area to Fort Worth, Texas, to face federal inquisitors, could reasonably be expected to own assests totaling anything like $100,000.

Kenneth Tierney, forty-five years old, is a hospital technician from Yonkers; Paschal Morahan, twenty-five, a carpenter from New York City; Matthias Reilly, thirty-one, a bus driver from Blauvelt; Daniel Crawford, a carpenter from New York City; and Thomas Laffey, thirty-four, a real estate agent from Williston Park.

Nor could anyone think that the Irish Northern Aid Committee, the American support group of the Provisional IRA, had, say, anything like the funds at the disposal of many a crooked corporation executive. Only a small percentage of Irish-Americans retain strong ties with the nationalist movement in Ireland, and these are generally working people with modest incomes.

However large the sums raised by Northern Aid may appear on the smaller scale of Ireland, they are hardly adequate to finance an all-out legal battle with the U. S. government, let alone systematic bail-jumping. Despite this, in order to justify setting prohibitive bail, Judge Brewster argued arrogantly: "This case bears every evidence of being well financed. I want the bond to make it more worthwhile to be here than somewhere else."

On the other hand, the number of Irish Americans potentially sensitive to the prosecution of nationalist activists, although difficult to estimate, is probably very large. A tradition of sympathy with the Irish fight against British imperialism still exists to some extent in the U. S. And, while it is still largely working class in composition, the Irish-American community has more weight in politics and the trade-union bureaucracies than other national groupings. In fact, it constitutes one of the key elements in Nixon's "silent majority."

Thus, in the case of the "Fort Worth Five," another acute contradiction seems to have opened up for the U. S. government between its domestic political needs and its international role as the defender of the status quo everywhere in the world. As part of its cooperation with British imperialism to cut off support for the national struggle in Northern Ireland, Washington has apparently felt compelled to open up an attack on one of the most conservative sectors of the American working class. And it has done so with methods previously reserved for "radicals" and colored minorities.

In the September 23 issue of the Northern Aid weekly *Irish People,* the prominent liberal columnist Jimmy Breslin wrote:

"None of the [Fort Worth] five ever had been to Texas before the grand jury began its hearings. The only connection any of them ever had with Texas was a letter Kenneth Tierney sent to Lyndon Johnson protesting the bombing of North Vietnam. Further, the idea of any authority in Texas, from town sheriff to federal government, even discussing the question of guns seemed ludicrous. But Justice Department people at Fort Worth openly said they were acting after they had received a request in Washington by British authorities asking for help against the IRA. . . . Texas was chosen as the location for the inquiry because perhaps the last Catholic seen alive in the state was John Kennedy."

Even the rightist New York weekly, the *Irish Echo,* commented in an editorial in its September 23 issue:

"The Government has not offered a shred of evidence connecting any of these men with any activity in Texas. If dragging them down there to be jailed far from home doesn't smack of a witch-hunt, what does?"

The reaction of the Irish-American community, at the height of the election period, has obviously produced strong political pressures, forcing the government to make certain concessions. On September 15, the liberal Supreme Court Justice William O. Douglas overruled the local federal district court, which had refused to allow bail at all. Along with other Democratic party politicians whose constituencies contain large concentrations of Irish-American voters, Senator Edward Kennedy made a strong-sounding but carefully calculated statement in support of the five men:

"Many Americans who care about basic rights and civil liberties will have a dual reaction to the order granted by Justice Douglas. Isn't it a wonderful country, we think, when a Justice of the Supreme Court of the United States can reach into a place like the Tarrant County Jail and touch the victims of injustice, men unable on their own to resist the forces that oppress them? But then, we also think, what sort of country is it where Justices of the Supreme Court are required to take such action to protect the people?

"It is a sad day for justice in America when only such extraordinary action by a member of the Supreme Court can remedy the oppressive actions of the Department of Justice. The chapter in the history of American freedom written these last weeks in the Tarrant County Jail is not a happy one for our vaunted system of equal justice under the law. Rather, it is another significant blemish on the Administration's dismal record on civil liberties."

In trying to put all the blame for the prosecutions on the Nixon administration alone, Democratic campaigner Kennedy apparently "forgot" to apologize for the role played by his own brothers in other witch-hunts against other opponents of U. S. imperialism and its allies. The youngest of the Kennedy brothers himself already has a fair record of balancing on the Irish question. When thirteen civil-rights demonstrators were shot down in Derry on January 31, the senator also made strong-sounding protests. On the strength of these presumably, he was invited to participate in the mass civil-rights march in Newry a few weeks after the massacre. Although Kennedy's presence could have gone a long way toward guaranteeing the safety of the marchers, he found it more advisable to spend

the day skiing in Switzerland.

Eileen Laffey, the wife of one of the American internees, was not so selective as the Massachusetts senator in placing the blame for her husband's arbitrary imprisonment. In the September 23 *Irish People*, Breslin quoted her as saying: "The Justice Department never catches anybody. All they do is keep people with no money in jail. Like my husband." She didn't say whether she thought the Justice Department is any different under Nixon's attorney general than it was when it was presided over by Robert Kennedy.

Some friends of the families of the imprisoned men have also tended to draw rather general conclusions, like the Rev. John J. Leaveney of St. Catherine's Roman Catholic Church, who wrote a letter to Nixon, saying, among other things:

"I'm writing to you about Matthew Reilly, a parishioner being held in jail in Fort Worth. What is disturbing about this to our politically conservative people is that we all heard charges in the media by people we consider 'radicals' that the United States is turning into a police state. We said: 'Well, they deserved it—it served the weirdos right.'

"But Matthew Reilly is no weirdo or 'fringe' person. He is a hard-working husband and father and church-going man. When we buried his infant son the whole community shared his grief.

"He may be found guilty of breaking laws for which he should be punished. But when a man of his reputation is in jail without trial or prospect of trial and bail is denied, I and others wonder if the 'radicals' are really radicals at all—maybe injustices are being committed. Maybe everything in this country is not as fair as we thought."

The increasing pressure of protests apparently forced the government to retreat a second time. On September 23, Judge Brewster reduced bail for the Fort Worth Five from $100,000 each to sums ranging from $5,000 to $15,000 "after Judge Griffin Bell of the United States Court of Appeals for the Fifth Circuit conferred with him by telephone," an AP dispatch in the September 24 *New York Times* reported.

"Judge Brewster showed displeasure at having to reduce the bail and consulted in chambers for three hours with defense and Government lawyers." After these "consultations," Brewster issued a seven-page ruling that said, among other things:

"Based on the extensive evidence which I have heard in these cases from the beginning, I still think that the decision that I made Sept. 19 for $100,000 bonds was correct. However, rather than run the risk of endangering national security—and for that reason alone—I reluctantly accept the Government's recommendations as to bail."

The AP dispatch noted that Brewster "did not explain what national security issues were at stake."

But while making concessions on the bail issue, the government seemed to be widening its investigations of Provisional IRA supporters. In the third week of September, the federal grand jury indicted two gun dealers in New York, Edward Agramonte and Alfred B. Schneider, on charges arising out of the hearings on Northern Aid.

"Meanwhile, in New York, rumors of further Federal investigations into Irish American groups were widespread," the September 23 *Irish Echo* reported. "As one observer of the scene put it 'this witch-hunt is far from over.'"

What is not yet clear is how effectively the Irish-American activists will organize to fight the government's attempt at suppressing active solidarity with the nationalist population in Ireland and at placing the same restrictions on Irish militants as it already has on supporters of other anti-imperialist struggles.

One hopeful sign is that all the militant organizations in the Irish community seem united in opposing the persecution of the Fort Worth Five. For example, the Irish Republican Clubs of the United States and Canada, the American support group of the Official IRA and bitter opponents of the Provisionals and Northern Aid, passed the following resolution at their convention September 15-16:

"This Convention sends greetings of solidarity to all political prisoners incarcerated for the struggle against imperialism and in particular to our comrades in British jails and concentration camps in the 32 counties of Ireland and the United Kingdom, and also to the five jailed in Dallas [Fort Worth], Texas."

The main obstacle to building a strong campaign against attacks on Irish activists is the tradition of the American Irish community of relying on Democratic party machine politicians to represent their interests. For decades this has kept opposition to British policy and American complicity confined to campaign speeches and political horse-trading and prevented the Irish people from taking their case to the American population in general. Irish-Americans have been conditioned to rely on "their friends in congress" and told not to "embarrass" the politicians by doing anything on their own.

In some areas, however, this attitude seems to be changing, with Irish-American activists of different political views and loyalties becoming more willing to join in united actions independent of the politicians, appealing directly to the American people. As Eileen Laffey put it, according to the September 23 *Irish People*: "God, but we're learning who our friends are." One example of this tendency is the united demonstration in support of the Fort Worth Five held in New York on September 20 by the Irish Anti-Internment Coalition. This organization is not committed to any party or political group and includes representatives of all groups that oppose political repression in Ireland or in the United States. □

Church of the New Song

A new religion is making headway among white inmates of federal prisons in the United States. Called the Church of the New Song, it was founded in Atlanta prison by Harry W. Theriault and Jerry M. Durrough.

The new church preaches self-affirmation and self-celebration through union with "Eclat," the universal spiritual force. The services include discussions on the equality, dignity, and self-direction of all persons, including prisoners.

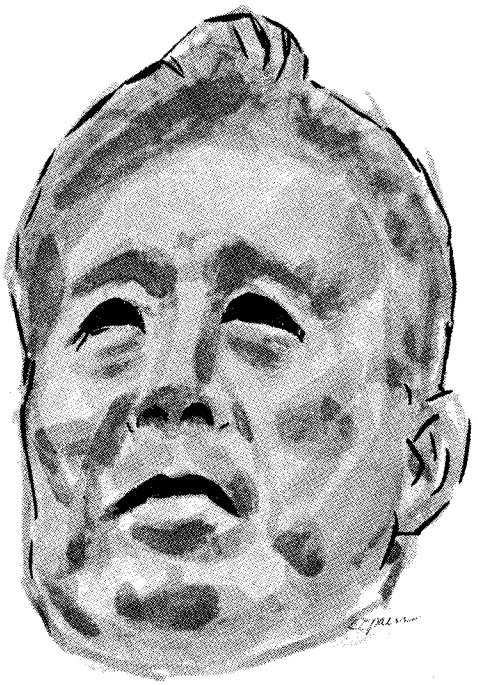
Prison authorities claim that the new religion is a "game" or possibly a concerted effort to erode prison discipline. The church, however, has won a favorable court ruling in its struggle for legal recognition of the right of its members to worship freely in federal prisons.

The Church of the New Song does not seem to favor an ascetic outlook. Last June Durrough requested about $6,000 worth of food, wine, and other requisites for rituals. This included ninety-eight bottles of Harvey's Bristol Cream Sherry and 700 steaks.

Associate Coadjutor Richard Tanner said the request was without church sanction, and Durrough was asked to withdraw it.

Whether the prison authorities will succeed in blocking the church's struggle for legality remains to be seen.

Nationwide Martial Law Imposed in Philippines



FERDINAND MARCOS

At 2:00 a.m. September 23, President Ferdinand Marcos declared martial law in the Philippines, allegedly to cope with a "Communist conspiracy" to overthrow his government. The action came six hours after what the government called an "assassination attempt" against Defense Secretary Juan Ponce Enrile. The martial law proclamation, however, was dated September 21 — two days earlier.

Rumors that martial law would be imposed increased during recent weeks in the wake of a series of bombings in Manila. Marcos himself warned September 12 that he might resort to such a move. Philippine leftists charged weeks ago that Marcos himself was inspiring the bombings in order to create an atmosphere of crisis that might be used to justify martial law.

The "assassination attempt" occurred as the defense secretary was being driven home from his office. His two-car party was overtaken by another car, out of which thirty bullets were fired, riddling Ponce Enrile's car, but hurting no one. The secretary himself was riding in the second car with security men. The assailants escaped.

The public was apparently prepared for such "assassination attempts." As early as the beginning of September, according to Tillman Durdin in the September 9 *New York Times*, the defense ministry had asserted that "a terrorist unit of 19 men is operating in the capital, intent on assassinating public figures." None of the alleged nineteen have been reported captured.

Marcos followed up his declaration of martial law by announcing the mass arrest of alleged "Communist conspirators," critics of his policies — including three Liberal senators — and others who he said were being held to "protect" them from insurgents. He imposed a curfew from midnight to 4:00 a.m. Newspaper offices and radio stations were closed. The next day he ordered a military take-over of three Philippine airlines and all major utilities.

"We will eliminate the threat of violent overthrow of Government and we must now reform our political, economic and social institutions," Marcos declared. "We are falling back and have fallen back to our last line of defense. The limit has been reached because we have been placed against the wall."

The group that is said to be the source of this "threat" is the Maoist Communist party of the Philippines and its guerrilla arm, the New People's Army, which has been active in Isabela and Camarines Sur provinces.

Marcos's critics have charged that he would declare martial law to prop up his weakening political position. Unrest has been mounting throughout the country for some time. Inflation was 24.7 percent last year; hundreds of thousands are unemployed, and millions underemployed; corruption is rampant; and an already serious rice shortage was aggravated by summer floods that devastated rice-growing areas. □

A Short History of a Disastrous Line

Popular Front Politics in the Philippines

By Susan G. Ramirez

[The following article has been taken from the August issue of the *Philippine Socialist Review* published in Manila.]

* * *

Many radicals were no doubt quite startled with the recent revelation made by Constitutional Convention Delegate Antonio Araneta Jr. that KM (Kabataang Makabayan, or Nationalist Youth) leaders up to 1968 had attempted some sort of political honeymoon with President Marcos. We have no reasons not to believe Con-Con Del. Araneta. The Araneta confession shows that the supposedly tactical class-collaboration and frontist policies of lesser-evil politics are not something new here. In fact, a closer study of the history of Philippine radicalism shows that such alliances date back much further than the 1960s.

In many ways, *that* history can be described as a sad story of popular frontism.

After the brief ultraleft period of the early 1930s, the old CPP (Communist Party of the Philippines, Stalinist) took to the road of multiclass alliances and political frontism. This reflected the CPP's early subservience to both the Kremlin bureaucracy and the thoroughly Stalinized Comintern (demanding the reformist policy of broad fronts for all sectors of the world Communist movement). Led by Dimitroff, the Seventh World Congress of the Comintern called upon all Communist parties to drop their struggle against capitalism "for the time being" and concentrate against fascism, but a *fascism without any real class basis.*

Thus, the various sections of the Comintern changed their policies of class struggle and full political power to the policies of class alliances and "people's democracy": a swing from radicalism to moderation. The overall result was the defense of bourgeois democracy to "forestall fascism," instead of the defense of workers and peasants against capitalism and imperialism.

In the Philippines, the Evangelista leadership was released from prison on terms worked out by Roosevelt, Quezon, and the American Communist party, as the colonial rulers realized the benefits offered to them by the moderation of the popular-front line. Once out of jail, the CPP leaders swung the party members into the organization of the Philippine popular front.

This popular front began with a wide assortment of radicals, Social Democrats, liberals, disgruntled Nacionalistas and, in its early stages, even fascists. From 1935, there were many problems to iron out because of the abruptness and novelty of moderate popular front politics; however, such operations eventually led to the union of the CPP with the SPP (Socialist party of the Philippines) in 1938.

On the surface, the alliance resulted in certain positive and beneficial features: the unity of the radicals by the depression, a peasant base for the CPP and a workers base for the SPP; but the negative features far outweighed the positive ones. With the moderate popular-front line, the CPP carried out a policy of pacifying, controlling, and restricting the rank and file of the SPP. At the same time, the alliance relieved the SPP leaders of the drudgery of administering the secondary echelons, now taken over by the CPP in order to allow Abad Santos and the rest to carry out publicly their nonclass popular frontism.

The general program of the CPP-SPP alliance did not call for class struggle against colonial rule nor for independence. The 1938 program stated "The RIGHT to separate from the U.S. does not place upon us the OBLIGATION to separate." Instead, the program supported the commonwealth regime while drawing attention to the need for more reforms: "In 1946, complete separation from the U.S. may be the best assurance of democracy and independence for our country."

The popular front's "strategic alliances" line (emanating from Moscow) caused the CPP-SPP to call for national class collaboration as well as international collaboration (with Washington): "The only hope . . . is continued and firm cooperation with the forces of world democracy." And, "IMMEDIATE severance of all relations with the U.S. would mean cutting ourselves from one of the democratic powers of the Pacific." Any members who opposed such rank sellout collaboration were no doubt considered "confirmed Trotskyites."

In 1939, the foreign policy of the Kremlin and the Comintern again changed abruptly with the infamous Stalin-Hitler pact, as a pseudo radicalism came into vogue. In the Philippines, the CPP-SPP alliance now suddenly "realized" that ententes with "democratic powers" against fascism had to be dumped as the new issues became peace, the fight against war, and U.S. imperialism. The new 1939 program proclaimed: "Take the Philippines away from imperialist war, for immediate and total independence of the Philippines!"

This new radicalism lasted until 1941, when still another change in the Comintern course came about with the breakdown of the Hitler-Stalin pact because of the German invasion of Russia. The new course required an immediate return to the pre-1939 popular-front line of moderation.

This caught the CPP-SPP alliance by surprise as the Philippine front was engaged in the 1941 election campaign against Quezon and U.S. imperialism. The change of line provided real problems for Evangelista and Abad Santos since it was necessary to maintain a posture of radicalism because of the widespread disillusionment over the failure of the Commonwealth regime to make dynamic and meaningful reforms as well as over the empty rhetoric of Quezon.

The solution to the dilemma came a few weeks before election day. Abad Santos, the presidential candidate of the CPP-SPP slate, withdrew on the flimsy excuse of not having enough poll watchers, while the rest of the slate from vice president down remained in the running. And so, on election day, radicals and their sympathizers turned out to vote for the remaining slate and—who else?—Quezon, of course! In this deceptive way, the CPP-SPP leaders sought to maintain their loyalty to the Kremlin while appearing to show opposition for the record. A month later, when the Japanese invaded, the CPP leaders declared their loyalty not to the masses, but to Roosevelt, Quezon, and the Commonwealth!

Throughout the war, the CPP leaders fought as loyal allies of U.S. imperialism. At no time during the Japanese occupation did the CPP leadership organize their underground activities to seize or challenge for political power. While individual party members and Huks fought courageously against the Japanese and their supporters, the CPP leaders continued to view the war as solely patriotic forces of "democracy" vs. fascism. At no time did they consider it also an imperialist war—because the CPP was part of the allies. At all times, it was "Alone with the masses—NEVER!"

As the war drew to a close, Stalin strengthened his policy of moderation in order to reach some sort of entente with Washington and London. In the early postwar period, Moscow created the Cominform to better coordinate this moderation and continue popular frontism. Through such policies, the Kremlin bureaucracy would foster a no-struggle line upon the world Communist parties so as not to disrupt negotiations with Western imperialism over the status of Europe. Real struggles for national liberation and against imperialism (especially Washington) would prevent an entente over Europe; therefore, the various sectors of the Comintern were ordered to seek out the "progressive" section of the bourgeoisie for multiclass alliances.

Paralleling the action of Communist parties elsewhere, the CPP welcomed the return of their American "liberators," of Osmeña Sr.—and the Commonwealth regime. *The surrender of Japan found the CPP leaders devoid of any revolutionary program* and unable to take advantage of the discontent among American troops (thousands of whom demonstrated on May Day to get out of the Philippines), the militant demand for land by the peasantry, and the presence of a large Huk force. Instead of striving towards full power the CPP was at best riddled with complete uncertainty over just what to do. Saulo, who later headed the CPP's labor front, put it most aptly: *"When MacArthur returned, we*

did not know what his position would be." (Emphasis supplied.)

The return of the Americans, though, allowed the leaders of the CPP to have better contact with the Cominform and its postwar moderate line through probably the CPUSA and Pomeroy. Soon, the CPP was developing its three-pronged program: frontism, pacification, and the anticollaboration issue.

The CPP refused to go it alone even in legal open work because of the popular front concept, and formed the DA (Democratic Alliance), an alliance of radicals and sundry petty-bourgeois elements, in order to better link up with Osmeña Sr. and the NP (Nacionalista party). To maintain such a moderate class-collaborationist alliance, CPP leaders like Taruc and Feleo spent their time going back and forth from Manila to Central Luzon to pacify the poverty-stricken peasants and Huks, who had difficulty grasping the reformist front politics. Besides, militant actions would not go well with the CPP's front allies and the "progressives."

While pacifying rebellious feelings in the countryside, the CPP and the DA carried on with their anticollaborationist campaign. *But instead of stressing the basic class nature of collaboration (with the Japanese), the campaign dealt purely with patriotism.* The American imperialists and the Filipino bourgeoisie, on the other hand, realized the class aspect of collaboration and encouraged collaboration with Washington. Besides withholding evidence against the collaborators with the Japanese, the Americans assisted the collaborators (Manuel Roxas and Co.) in forming the LP (Liberal party).

The Filipino bourgeoisie poured out of the NP as American backing and big money moved to the new party. Instead of recognizing this class shift, then drawing the proper revolutionary conclusions, the CPP leaders reaffirmed their loyalty to Osmeña Sr. and the NP, as the CPP continued its pacification of the countryside.

Osmeña Sr. recognized the political shift of his class away from the NP to the LP. As the 1946 elections approached, Osmeña Sr. became more and more reluctant to challenge his own class and run for reelection as president. At the same time, Quezon's shadow of past years made Osmeña realize that if he refused to run, it might force the CPP to run a candidate itself and end the blur of class lines. Osmeña's refusal might also precipitate the end of the bourgeois "two-party system."

To keep up an image, Osmeña Sr. finally gave in to the pleadings of CPP and DA leaders for him to stand up for reelection. However, he refused to really challenge his own class, as was shown by his one single campaign speech (at Plaza Miranda). During the election campaign, it was the CPP leaders like Taruc who did the electioneering for the reluctant "progressive" ally.

Even with the refusal of the reactionary Congress to seat several elected DA candidates, the CPP leaders refused to veer off from their moderate frontist course—because the Cominform line had remained moderate. Hence, CPP support for the NP continued. *In* 1949, *the whole moderate line of the CPP reached its logical conclusion* when the NP nominated Laurel, and the CPP found itself in the despicable position of giving "critical support" to the presidential candidate, the arch collaborator of the former Japanese puppet regime.

The year 1949 saw another change of course, to the left, in both the policies of the Cominform and the CPP. Stalin, unable to reach some accord over Europe with former allies, threw the world Communist movement into revolution, completely disregarding the possibilities for a successful struggle in any of the countries involved. Through such pressure, the Kremlin hoped to make Washington more moderate in its attitude.

José Lava's 1949 document on revolution was, of course, a rehash of the opportunist Cominform position. The CPP's line had changed once again to one of revolution; however, *the possibilities for a successful armed struggle in those early postwar years no longer existed.* The combination of extensive American aid, the CPP pacification campaign, and the moderate political line of class collaboration had seen Huk forces dwindle to one-half their original strength by that time. The rural areas under CPP control rose up as best they could, but the trade-union sector remained paralyzed.

True to the CPP's centrist nature, its Stalinist policies showed little consistency and stumbled along from one extreme to the other, all ending in failure. As Leon Trotsky had stated of the centrists, they "dampened the powder so long in their fear lest it should explode, that when they finally with a trembling hand did apply a burning fuse to it, the powder did not catch." At best, the rebellion of 1949 was too little, too late.

The rise of a new world radicalization in the 1960s affected the Philippines and saw the speedy recuperation from the defeat of the early 1950s, as a youthful radical movement developed here. But for all the new vitality, this youth movement soon became affected and burdened by the problems of the old multiclass frontism.

No sooner had the new groups formed than they embraced Popular Democracy and Peaceful Coexistence. Again, frontist strategies developed as very quickly most Filipino radicals began to oppose President Macapagal and aligned with the NP presidential candidate, Senator Ferdinand E. Marcos, quietly giving Marcos support in the 1965 elections. And when Marcos won, to paraphrase Saulo, *the new radicals did not know what Marcos's position would be!* Hence, the KM's mouthpiece, the *Progressive Review* (No. 8) editorialized:

"If ever he (Marcos) will align himself with national democracy, he will need the full backing of a well-organized and dynamic united front in order to succeed where Macapagal failed: in *the recovery of the revolutionary initiative of* 1896. If Marcos and his nationalist supporters are earnest in their pledge to 'make this nation great again', let them insure that civil liberties are respected and prevent the use of the armed forces to quell or discourage the growth of mass organizations." (Emphasis supplied.)

Progressive Review died soon after that. The newer and Maoist Communist party of the Philippines was founded some three years afterwards.

The revelation by Con-Con Del. Araneta Jr. and the "tactical" support in last year's senatorial elections for the Liberal party by the MDP (Movement for a Democratic Philippines, of which the KM is a leading member-organization), bring us up-to-date.

Will popular front politics continue to 1973? As the saying goes, "Those who forget the past are condemned to repeat it." □

'Socialist' Minister Seeks to Crush Strike

Ceylonese Bank Workers Defy Ultimatum

By Fred Feldman

A nationwide strike of commercial bank employees has escalated into a trial of strength between the Bandaranaike regime and the country's restive labor movement. Hard-pressed by skyrocketing prices, members of the Ceylon Bank Employees Union (CBEU) walked off the job September 1, demanding higher wages and more equitable promotion rules.

The CBEU, headed by Oscar Pereira, rejected an ultimatum from Finance Minister N. M. Perera that union members "return to work or lose your jobs." Perera has refused to negotiate with the workers. On September 8, a Finance Ministry source "denied that the Government was offering to set up a committee to probe the grievances of bankmen if they agreed to return to work," according to the September 14 *Ceylon News.*

Perera is relying on the police and scab labor to break the strike. According to the September 1 *Times of Ceylon,* "Any form of picketing, display of posters and shouting of slogans will not be allowed."

The September 14 *Ceylon News* reports that Perera told the National State Assembly September 5 "that the Government would be very firm with bank strikers who defy the ultimatum to return to work. If the strikers fail to return, new hands will be recruited to replace them and no more concessions will be given to them."

The same issue of the *Ceylon News* reported that 300 clerical workers had been recruited for the banks. The press has reported clashes between police and strikers who have attempted to dissuade scabs from taking their jobs.

A spokesman for the Finance Ministry said "that the Government had instructed the police to be very firm with strikers who harass men at work and prevent those strikers who wish to go back. Maximum protection would be given to the new hands who were being recruited."

Two other bank employees' organizations have announced support for the strike. On September 3, the Maththiya Vangi Thamil Oozhiar Sangam asked it members "to be alert and communicate to the leadership any attempt to foist commercial banking functions on us."

". . . the Government has decided to wield the big stick," the Sangam said. "Workers cannot be bamboozled or subdued in this fashion."

At a September 7 meeting, the Colombo *Sun* reported, the Ceylon Bank Pensioners Association pledged its solidarity with the strikers and called on the government to "initiate immediate negotiations for a peaceful settlement of the strike instead of aggravating the position by repressive measures."

Bank operations have been severely curtailed despite the recruitment of strikebreakers. Commercial banks have been open for one hour on weekdays and for a half hour on Saturdays. CBEU President Pereira told reporters September 14, "We are confident that they cannot replace the experienced men now out on strike."

The September 21 *Ceylon News* carried an editorial that gloated over the shift in Perera's outlook since he betrayed the Trotskyist movement and took a post in a coalition government. More importantly, the editorial voiced the views of an important sector of the capitalist class on the gravity of the situation and what to do about it.

"Dr. N. M. Perera has spent a large part of his long years in politics as a trade union leader and a great champion of strikes. If one's purpose was indeed to dissolve Dr. Perera's arguments in a corrosive irony, Hansard [the parliamentary record] alone would be an inexhaustible source of supply for the detractor. Dr. Perera has filled its pages with passionate pleas on behalf of trade unions and defended their demands with unswerving conviction. . . .

"Confident of the rightness of their own conduct the bank strikers are certain to detect the irony of the situation and to savour its inviting, if momentary, pleasures. What is worse, they may conclude that this is further evidence of the inconsistency of politicians and of the attitudinal changes which accompany the passage from opposition to office. And they would be wrong. . . .

"The crisis is the master. It overshadows everybody and everything. . . . The strike actually is a small part of the crisis, the tip of a mighty iceberg. Spiralling living costs make it nearly impossible for a family to live with the modest comforts that it is used to or with the comforts that it seeks. Higher wages to meet ever-rising costs. That is the familiar agitation and all the trade unions are straining at the leash. Confident of their collective strength and the crucial importance of the institutions they serve, the bank employees leap into action first.

"If the bank employees are given more than what the Banks offered them, it would start a chain reaction of wage demands, strikes and wage increases. Besides the disruption and unrest this would cause, the economy simply cannot bear to sustain such policies — unless, of course, the government keeps deliberately jacking up prices. In that case, the increase in wages would be meaningless until the vicious circle stops moving.

"We have to face up to the stark truth. The magnitude of the economic crisis calls for strong, decisive, deep-ranging action. . . . The people have been fed on deceptions and the country has lived by grand illusions. That path can lead only to total economic collapse and such collapse will produce its political answers. . . . That game is almost over and if our politicians try to persist in playing the old game, it is the game itself which will be stopped." □

'Cynicism Scale' Dips to the Left

While the current polls show the popularity of "The President" to be rising in the United States, the long-range trend is just the opposite, according to Arthur Miller, a political scientist at Ohio State University. He found in a recent study that the American people's trust in the government dropped nearly 20 percent from 1964 to 1970. Among Blacks the decline was almost 40 percent.

Miller devised a "cynicism scale" by which to rate the alienation of those polled. He adjusted the scale to register "left cynics" and "right cynics." Blacks comprised 38 percent of all "left cynics." Of the "right cynics," 99.7 percent were white.

Secret Trials Held in the Ukraine

Harsh Sentences for Political Oppositionists

[The following report appeared in the August *Newsletter* published by the Committee for the Defense of Soviet Political Prisoners.]

* * *

A number of the people arrested in Ukraine in late 1971 and January 1972 have already been tried and sentenced. The trials that were public were so in theory only; admission was limited to the usual "stooges" and neither trials nor verdicts were mentioned in the press. The information provided here has been received from the usual reliable but unofficial sources.

In Odessa, Nina Strokata Karavanska, a microbiologist whose husband Svyatoslav Karavansky is serving a sentence in a Soviet labor camp in Mordvinia, and Oleksa Riznykiv, a writer, were sentenced between May 14 and May 19 to four and five years of imprisonment, respectively, on charges of "anti-Soviet propaganda and agitation."

In Kiev, fifty-eight-year-old Danylo Shumuk was tried on July 5, found guilty of "anti-Soviet activities," and sentenced to ten years of imprisonment and five years of exile. A former member of the Communist party of Western Ukraine, Shumuk was arrested by the Polish authorities before World War II and imprisoned for seven years. While serving with the Red Army during the war, he was captured by the Germans, but managed to escape and join the Ukrainian nationalist underground. In 1945 he was arrested by the NKVD and sentenced to ten years in Soviet concentration camps. Released in 1956, he was arrested again the following year, and, after refusing to spy on other political prisoners, was sentenced to an additional ten years of imprisonment. Upon completing his second sentence, Shumuk came to Kiev where in 1969 he married Ivan Svitlychny's sister, Nadia Svitlychna, who like her husband and brother has also been arrested. Shumuk's and Svitlychna's two-and-a-half-year-old son, Yarema, has been placed in an orphanage.

Two more trials were held in Kiev in the early part of July—those of Oleksandr Serhiyenko, a high-school art instructor, and Volodymyr Rohytsky. Serhiyenko was sentenced to seven years of imprisonment and three years of exile and Rohytsky to five years of imprisonment.

At about the same time, that is, in early July, trials were also held in Lviv and Ivano-Frankivsk. In Lviv, Stefania Shabatura, a single, thirty-four-year-old tapestry maker, was sentenced to five years of imprisonment and three years of exile. In Ivano-Frankivsk, the Rev. Vasyl Romanyuk from Kosmach was sentenced to seven years of imprisonment and three years of exile, and poet Bohdan Melnychuk received a sentence of three years of imprisonment.

There was no trial in the case of Vasyl Stus, but the thirty-four-year-old literary critic and poet, known for his criticism of the diffident attitude of the Ukrainian Writers' Union vis-a-vis Russification was confined in May to the Pavlovsk Psychiatric Hospital in Kiev. This happened after numerous attempts by the KGB to break Stus down and force him to sign a recantation failed. □

Police Crack Down on 'Independent' Festivities

Kremlin Frowns on Free Celebration of Shevchenko Day in the Ukraine

[Issue No. 26 of the *Chronicle of Current Events,* which is published and circulated clandestinely in the Soviet Union, ran the following description of how the Kremlin sought to suppress observance of the Ukrainian national holiday, Shevchenko Day, in May of this year. The translation is by *Intercontinental Press.*]

* * *

May 21 is the anniversary of the day the ashes of [Taras G.] Shevchenko [the national poet of the Ukraine] were transferred from Petersburg to the Ukraine. For many years now the Ukrainian public has commemorated this day by laying flowers on Shevchenko's monument in Kiev and by holding a festival of songs and dances there. In recent years the authorities have tried to lend an official character to all the proceedings at Shevchenko Park in Kiev on that day. A platform has been erected around the monument, crews of entertainers are brought in and concerts arranged. However, it has been usual for the "independent" folk festivals to take place all the same, alongside the official arrangements.

This year the authorities decided to crack down on any attempts to honor the memory of the poet. Shevchenko Park was surrounded by a cordon of militia [regular police], *druzhinniki* [civilian police aides], and plainclothes police [usually KGB agents]. The militia drove away people who stopped on the streets or approached the park. Without any explanation, the militia, the *druzhinniki,* and the "plainclothesmen" seized anyone who tried to approach the Shevchenko monument, anyone who tried to sing Ukrainian songs, and even those who wore embroidered Ukrainian blouses or Shevchenko badges.

More than fifty persons were detained. The next day several of these persons received fifteen-day prison sentences for "resisting the authorities." □

Cultural Revolution's Payoff

Jenminh Jih Pao, the Chinese Communist party newspaper, is campaigning against the turgid prose in Chinese publications. Recently it featured a letter from a group of teachers complaining that long-winded articles in the press had done serious damage to students, who imitated that way of writing.

"Whatever topic they write about," the teachers said of their students, "the style remains the same. The mental outlook of our youth, who are full of vigor, cannot be seen from their compositions. From this we can see how profoundly the stereotyped writing and new dogmatism have harmed the people."

New Issue of the 'Chronicle'

The twenty-sixth issue of the *Chronicle of Current Events* has appeared. Thus, the unofficial human-rights journal, which circulates in the USSR in typed or handwritten copies, has for the *fourth time* in half a year defied the attempt at the very highest level of the Soviet bureaucracy to wipe it out.

According to Soviet dissidents, the Soviet party's Central Committee voted last December 30 that the *Chronicle,* and a similar journal of the Ukrainian dissident movement, *Ukrainsky Vysnyk,* should be suppressed. The *Chronicle* had appeared regularly, roughly every two months, since April 1968. It had become the chief source of generally reliable, unbiased information about the Soviet dissident movement, in all its various manifestations.

Despite the Central Committee's apparent order to the KGB (secret police) to eradicate the journal, its January 5 issue (No. 23) came out, as did its issue No. 24, dated March 5, 1972. (Both of those issues — as well as all earlier ones going back through No. 16 — are available in English translation from Amnesty International. Details for subscriptions to ongoing issues may be obtained by writing Amnesty at Turnagain Lane, Farringdon Street, London E. C. E., England. An English-language version of issues 1-11 appears in *Uncensored Russia,* ed. P. Reddaway, American Heritage, London and New York, 1972.)

Beginning in early January, the KGB began a wave of arrests, searches, and interrogations. Scores of people have been victimized in these ways in connection with "Case 24," involving those suspected of preparing or circulating the *Chronicle.* As late as May 6, the KGB searched the homes of sixteen dissidents in connection with "Case 24."

After some delay, causing anxiety about the continued existence of the *Chronicle,* issue No. 25 appeared, dated May 20. The most recent issue, No. 26, dated July 5, began to circulate in the Soviet Union early in July and copies have now reached the West.

The following summary of the contents of the July 5 issue gives a broad and interesting picture of the nature and extent of recent protest activity in the USSR.

1. *An account of the arrest of civil-rights leader Pyotr Yakir,* son of a Soviet general executed under Stalin; and one or two letters from individuals and human-rights groups (e.g., the Initiative Group for the Defense of Human Rights in the USSR) protesting his arrest, which is described in one letter as "neither the beginning nor the end, but an important landmark."

2. *Description of the trial of Yury Melnik,* a 27-year-old Leningrader charged with making statements critical of the absence of democratic freedoms in the USSR, the Soviet invasion of Czechoslovakia, the position of the Jews and the Crimean Tatars in the USSR, and publicizing the Committee for Human Rights (founded by Academician Sakharov and others in Moscow in 1970). Interestingly, Melnik was also charged with illegally procuring a radio teleprinter.

3. *An account of the trial of seven Leningraders,* who had apparently begun some kind of alternative Leninist party with the aim of building true communism. Four of the accused were declared of unsound mind and committed for compulsory psychiatric treatment.

4. *The trial of journalist Boris Evdokimov,* charged with writing under a pseudonym for the Russian emigre press. Declared insane, Evdokimov was sent to the Leningrad Prison Psychiatric Hospital.

5. *Details of searches, interrogations, and arrests* of people applying to leave for Israel, and others, in Odessa, Moscow, and Leningrad.

6. *Details of psychiatric examinations* of people with a previous history of dissidence (Kiev and Moscow).

7. *Political prisoners in psychiatric hospitals* — accounts of cases, many previously unknown, of people confined in the Leningrad "Special" Psychiatric Hospital and other prison hospitals. Viktor Fainberg, earlier reported very ill in the Leningrad hospital, is said to have been recommended for psychiatric treatment in "a hospital of the ordinary type for a period of four to five months." Former Major General Pyotr Grigorenko, still in a prison mental hospital, has been recommended for "continued psychiatric treatment" after the regular six-month examination by a commission of "experts."

8. *An account of the expulsion from the USSR of London "Times" correspondent David Bonavia,* including the reaction of the Soviet and foreign press.

9. *A description of precautions taken by the Soviet authorities prior to the visit of President Nixon* in late May. (The Russian heading of this section of the *Chronicle* is "KNIKSON.") This section describes the detention of potential troublemakers by police; disconnection of telephones (including those of Pyotr Yakir, Academician Sakharov, Valery Chalidze, Roy Medvedev, and other prominent dissidents); requirement that some Jews in the Baltic states and Byelorussia sign promises not to leave their hometowns during Nixon's visit; forcing people to get off Moscow-bound trains and planes; searches of Moscow apartments and detention of their occupants for up to fifteen days on charges of "petty hooliganism"; the forbidding of Soviet citizens whose apartments faced Nixon's street route in Moscow from coming to their windows the day of his arrival. The section also includes Yakir's interview with an Associated Press reporter.

10. *An account of the attempt by police in the Ukraine to prevent Shevchenko Day* celebrations from going beyond the official ceremonies. (The Ukrainian national poet Taras Shevchenko is honored every May by wreath-laying at his monument in Kiev, etc.) In recent years, unofficial celebrations have become occasions for expressions of national rights, against Russification.

11. *Excerpts from a press conference given in Kiev by the Belgian citizen Yaroslav Dobosch,* who was arrested in the Ukraine in January and deported from the Soviet Union after this press conference, staged by the KGB. Dobosch's testimony, extracted under pressure, is being used

by the Kremlin against leading Ukrainian dissidents arrested in January and after.

12. *An account of the treatment of biologist Zhores Medvedev* when he tried to attend an international congress of gerontologists in Kiev (his original invitation having been suddenly withdrawn). Having gone to Kiev anyway, he was forcibly placed on a train and sent out of the city by the KGB.

13. *Events in Lithuania*—the suicides and attempted suicides, by self-immolation, of four Lithuanians are described. Official Lithuanian press and party reaction to the ensuing demonstrations and street fighting is quoted. There is an account of the arrest of some spectators at a sporting event in Vilnius that developed into an anti-Russian demonstration.

14. *Extracts from a report in a Soviet provincial paper* of the trial of one Lakalov, who had allegedly been sending letters to a Russian radio station abroad.

15. *An account of a meeting in West Berlin* between German students and the Soviet press attaché in West Germany, Bogomolov, who said, among other things, that some psychiatric hospitals in the USSR were under KGB control to handle possible cases of mental illness among foreign spies captured in the USSR.

16. *The expulsion of poet and song writer Bulat Okudzhava* from the Soviet Writers' Union for failing to condemn publication of an anthology of his work by a Russian emigre publisher. All but one item in the anthology had been previously published (officially) in the USSR, notes the *Chronicle.*

17. *An account of criticism of some young composers* for experimenting with musical form ("such things led to the events in Czechoslovakia," one bureaucrat fumed). Some members were expelled from the Composers' Union for rejecting this criticism and recently were denied readmission.

18. *Expulsion of Elena Kosterina,* a daughter of the late old-Bolshevik Alexei Kosterin, from the Soviet Communist party for "activities incompatible with membership, and support of anti-Soviet elements," that is, her association with the Initiative Group.

19. *News in brief.* The following are some of the brief items described:

A search of Vladimir Osipov's home. He is the editor of the dissident Slavophile journal *Veche.*

A cryptic report: "At the beginning of June, in Moscow, leaflets appealing to workers were distributed. The leaflets dealt with economic matters. The exact contents of the leaflets are not known to the *Chronicle.*"

News from the Mordovian labor camps.

News of harassment of Jews in Kiev.

The emigration of artist and dissident Yury Titov and the deliberate marring of many of his paintings with sulfuric acid during shipment from Moscow to Italy.

Emigration of Aleksandr Yesenin-Volpin.

Description of human rights publications abroad that deal with the Soviet Union, especially the report that Amnesty International is putting out a regular English translation of the *Chronicle.*

20. *Letters and documents*—various open letters are described. One concerns the fate of Ukrainian prisoners. Another, addressed to Angela Davis, requests her intercession on behalf of Vladimir Bukovsky, General Grigorenko, etc. A new appeal to the UN Secretary General by the Initiative Group for the Defense of Human Rights in the USSR is described, protesting the latest wave of persecutions and the "criminal usage of psychiatry"; also a telegram to the chairman of the Supreme Soviet from Sakharov and Leontovich, protesting new regulations prohibiting the smuggling of foodstuffs, etc., into labor camps. "No one would resort to smuggling," say the two academicians, "if there were no need for it." Some criticisms made by the Human Rights Committee in Moscow of legislation on "parasitism" are also recorded.

21. *Samizdat news*—summaries of: (a) No. 5 of the Slavophile *samizdat* journal *Veche* (material on Danilevsky, Solzhenitsyn, Hegel; anonymous poetry; a request by *Veche* editor Osipov to UNESCO to receive material on the Stockholm Conference on the Protection of the Environment). (b) *Samizdat*—an article by Nina Karsow and Szymon Schechter recently published in London as the foreword to the Polish edition of the *Chronicle.* (c) An essay on the Berdyayev circle in Leningrad and its fate. (d) The main item, a protracted summary of Academician Sakharov's latest *Memorandum* (full text shortly to appear in the London journal *Survey*) and its postscript.

Obvious Criminal Insanity

Leningrad 7 Wanted Return to Leninism

[The *Chronicle of Current Events,* the underground journal of the political opposition in the Soviet Union, ran the following report in issue No. 26 on a 1971 Leningrad trial of "neo-Leninists." The translation is by *Intercontinental Press.*]

* * *

LENINGRAD. In Leningrad in March 1971 seven persons were arrested: Vyacheslav Dzibalov (senior engineer at the Institute of Mechanical Processing), Sergei Sergeev, Andrei Kozlov, Maria Semenovna Musienko, and the brothers Ivan and Sergei Purtov. The name of the seventh is not known. All seven were accused under Article 70 of the Russian Criminal Code [prohibiting "anti-Soviet propaganda and agitation"]. The *Chronicle* does not know the actual contents of the accusation. It is known only that the accused group preached the following as its "article of faith": Our society is sick; it needs to be cured by reviving genuine Leninist politics and building communism.

The trial took place in January 1972. The *Chronicle* does not know the details of the trial. It is known only that four of the accused were declared not accountable for their actions by psychiatric experts and directed to undergo compulsory treatment at a special psychiatric hospital. The remaining three received various terms. □

Playing It Safe

Not to be outdone by ITT, the Committee to Reelect the President recently bought two paper shredders from a Washington firm.

REVIEWS

Leon Trotsky Speaks

Leon Trotsky Speaks edited by Sarah Lovell. Pathfinder Press, New York, N. Y. 336 pp. $3.45. £1.45. 1972.

"Effective presence, beautiful broad gesture, mighty rhythm of speech, wonderful compactness, literariness of phrase, wealth of imagery, scorching irony, flowing pathos, and an absolutely extraordinary logic, really steel-like in its clarity—those are the qualities of Trotsky's speech. . . . I have seen Trotsky talk for two and a half to three hours to an absolutely silent audience, standing on their feet, listening as though bewitched to an enormous political treatise. . . ." (Lunacharsky.)

Of all the orators, journalists, and propagandists of the Russian revolutionary movement, none rank with Trotsky, the "pen," the "prince of pamphleteers" of the social democracy in its revolutionary days, the Communists, and the Left Opposition.

Considering that much of Trotsky's life was spent in exile, it is not surprising that many of the selections in *Leon Trotsky Speaks* are not actual speeches, but written texts that Trotsky would have liked to deliver. Such is the case with his exhaustive attack on the Moscow frame-up trials, "I Stake My Life!" This was scheduled to be delivered by Trotsky via telephone hookup from Mexico to New York, but technical failures made it necessary for one of Trotsky's comrades to read it to the audience.

The selections in *Leon Trotsky Speaks* are all very clear statements of Trotsky's political views at the time. He was adept at using every method of presenting his points, including the most striking historical analogies:

"Let us recall how the Thermidorians of the French Revolution acted toward the Jacobins. The historian Aulard writes: 'The enemies did not satisfy themselves with the assassination of Robespierre and his friends; they calumnied them, representing them in the eyes of France as royalists, as people who had sold out to foreign countries.' Stalin has invented nothing. He has simply replaced royalists with fascists."

Unfortunately for history, many of Trotsky's speeches were first printed by bourgeois periodicals from reporters' notes. Who knows how many distortions resulted from this and the editor's pencil?

Similarly, how many of Trotsky's earlier speeches are now resting in the locked files of the Soviet political police?

Leon Trotsky Speaks includes at least one speech from each major period of Trotsky's life: His defense of the 1905 revolution before the czarist court, his last writings in the New York Russian language *Novy Mir* (which were taken from speeches), his important speeches as a member of the 1917 Petrograd Soviet and as head of the Military Revolutionary Committee, and his lectures and talks as the organizer of the Red Army.

Also included in *Leon Trotsky Speaks,* because "it has a speech-like quality," is the Zimmerwald Manifesto, although it was neither a speech nor an exact statement of Trotsky's politics (it failed to criticize the opportunism of the Second International or present a clear program for the workers of Europe).

Through the pages of *Leon Trotsky Speaks* the reader gains an appreciation of Trotsky as a leader. As Radek put it:

"It was only a man who works like Trotsky, a man who spares himself as little as Trotsky, who can speak to the soldiers as only Trotsky can—it was only such a man who could be the standard bearer of the armed working people. . . . this bright page in the history of the Russian Revolution [the creation of the first proletarian army] will always be bound up with the name of *Leon Davidovich Trotsky,* with the name of a man whose work and deeds will claim not only the love, but also the scientific study of the young generation of workers preparing to conquer the whole world."

Radek, Deutscher, Lunacharsky, and many others have described and chronicled the life of Leon Trotsky. Pathfinder Press now provides us another opportunity to study his words.

—*Robert Duncan*

Charney's Review of 'The Young Lenin'

An appreciative review of Leon Trotsky's *The Young Lenin* appeared in the September 23 issue of the New York liberal weekly, *The New Republic.* The reviewer, George Charney, describes himself as "of the same generation that was raised on the Little Lenin Library, on the side of Stalin and Soviet power, that accepted the terrible judgment that branded Trotsky as an enemy, in league with fascism, and hounded him from country to country until his brutal assassination in 1940 . . . "

Charney finds the book a "beautiful and moving tribute" to Lenin, "The book has a style," he writes, "that evokes the great tradition of Russian letters."

The reviewer singles out Trotsky's description of the suffering Lenin's mother endured during the trial and execution of her son Aleksandr. He quotes Trotsky's description of how such tragedies changed the lives of women like Maria Alexandrovna:

"The slow and stern movement of the Russian Revolution over the bones of the young generation of the intelligentsia reeducated more than one conservative mother. . . . They did not become revolutionaries, but in order to defend their children, they waged their own battle with the Tsarist regime in the rearguard of the revolution."

Charney views Khrushchev's revelations of Stalin's crimes as vindicating Trotsky: "Yet it is hardly enough; the old judgment must be wiped clean. A crucial test of de-Stalinization, of the liberalization of life and thought in the Soviet Union, will be clearing the decks so that all Soviet citizens can fruitfully discuss and evaluate the role of Trotsky as the Danton of the Russian Revolution, his theory of 'Permanent Revolution' and his history in exile." □

Why I Was Banned by the West German Government

[The following interview in Lund, Sweden, with the Belgian Marxist economist Ernest Mandel was published in the June 11 issue of *Mullvaden*, organ of the Swedish Trotskyist organization, Revolutionära Marxisters Förbund (RMF — League of Revolutionary Marxists). The translation is by *Intercontinental Press*.]

* * *

Question. What led the West German government to decide to deny you entry into the country, and what are the decisive factors in the struggle against that decision?

Answer. The West German government says that I am not only a professor of Marxist economic theory, but that I am also a revolutionist — which is, of course, true — and that as a revolutionist I intend to overthrow what they call "free democratic law and order." This affair has both its typical and its ominous aspects.

The government bases its allegation on the fact that the Fourth International — and I am, as you know, a leading member of it — is working for a world republic based on workers' control. And it claims that the struggle for workers' control is against the constitution.

It is obvious that not just members of the Fourth International are for workers' control. There are a number of revolutionary organizations — and even left Social-Democratic organizations — and tendencies within the left wing of the trade-union movement that would probably agree that bourgeois parliamentary law and order ought to be replaced with workers' control. What we have here is in fact an attempt to make criminals out of a large section of the left-wing tendencies in the working-class movement and, through administrative measures, to declare them unconstitutional and prevent them from carrying out political activities — or at least any political activity that disagrees with the policies of the West German government. This represents a serious curtailment of the democratic rights of a large part of the left wing of the German trade-union movement, of the German socialist movement, and of the revolutionary movement as a whole.

It is not illegal or unconstitutional to be a revolutionist according to the West German constitution as it now reads. And so the constitution very clearly states that only legal bodies, courts for instance, can declare a political tendency or organization unconstitutional — the government does not have the right to do this. At the same time that the government is charging me with violating the constitution it is itself committing a violation of this same constitution.

How can we explain this development? We have to analyze the origins of the German constitution. It is the only bourgeois constitution that was written before its own bourgeois state came into existence. At the end of the war Germany was occupied, and before the new German state was set up the constitution had already been written. This reflects a certain relationship of forces that was quite unfavorable to the capitalist class, which at that time was very weak in West Germany. And this was during a period when the struggle for collective ownership of the means of production was still considered a goal that could be attained in the near future. As a result, the constitution is quite peculiar: It does not mention capitalism at all and it does not say a word about parliamentary democracy in the basic, unmodifiable section — it only speaks about the general democratic rights of the individual.

Many revolutionary Marxists in Germany now believe that the German capitalist class seriously wants to change this constitution and adapt it to correspond to the need to defend capitalism. The introduction of emergency powers in 1968 was a step in that direction. The beginning of an attack on the left now involves a further step in the same direction. And each time they wait for the reaction, to see how far they can go.

In this sense, the attack on the Fourth International and upon myself comes at a time when the West German government is attempting to lay the groundwork for a general repression of all the far-left tendencies. Recently the government issued a decree banning the employment of "left- and right-wing radicals" in public service — in reality, this decree is aimed only at communists. This is a flagrant violation of its own constitution, which grants all citizens the same rights. Now Communists, Maoists, Trotskyists, or other revolutionaries, can no longer be employed by the state — not even as ordinary teachers. This is a rather harsh measure. And other similar repressive measures are in the offing.

Why is this occurring right now? This is, of course, the most interesting aspect of this affair. Since 1967 we have witnessed a strong student movement in Germany. It had a great deal of influence in the university. But it was completely isolated from other social layers in Germany, especially the working class. Today the student movement is weaker, while at the same time other social layers are becoming radicalized. We are seeing the beginning of the radicalization of the working class, and many former students are now part of the work force — as teachers, doctors, engineers, etc.

I believe that the German capitalist class is getting ready to launch a preventive repression. It is attempting to crush these groups before things develop the way they did in England, France, or Italy, where revolutionary groups that for the most part came out of the student movement were able to make contact with and establish a base of operations in broader social layers, including the working class, intellectuals, and highly trained professional workers. This is what they want to prevent. As a preventive measure, they want to deal a blow to this danger since they themselves do not believe that society is as stable as it has been during the past twenty years and that a radicalization of the

working class and broad strata of the population is entirely possible.

Q. This leads to another question. How should revolutionists fight against this kind of repression? What should be their approach? Which groups should they attempt to appeal to? Which organizations and which social layers should they try to work in, in fighting against these repressive measures?

A. The worst error that revolutionists can commit when confronted with the repressive measures of the bourgeois state is to make repression into a question of honor and limit defense and the fight against it to revolutionists alone—to put up a sign at the door to their defense fortress announcing "All who are not revolutionary—Keep Out." That is suicide. One must proceed on the basis of realistic assumptions and realistically assess the relationship of forces.

Revolutionists are stronger in Europe today than they were five years ago; they no longer number only a few hundred or a few thousand, but in the tens of thousands, and perhaps in the hundreds of thousands. But they still represent a very small minority, and if that tiny minority lets itself become isolated and is then attacked by the entire concentrated power of the state machinery, they will be defeated. They will be crushed. I repeat, that is suicide and a terrible error.

It is an error not only because it means defeat. It is a political error—if not a political crime of the greatest magnitude—because it reflects an insufficient understanding of the aims of capitalism.

The capitalists are attempting to use the "salami tactic" against the workers' movement. They want, through small slices, to cut down the capacity for self-defense and the ability to resist. First they concentrate on far-left groups, which are most vulnerable. If they succeed in crushing them, then they will move on to the left inside the trade-union movement. This is very clear, for example, in Italy, England, or France, where the attack is no longer limited only to groups on the far left, but is also directed at broad left-wing currents within the trade-union movement. And if and when they succeed in isolating and crushing these left-wing tendencies in the trade-union movement, they will then begin to attack the broad layers of the workers' movement as a whole—not necessarily with terror or repression, but rather with legislation and political measures, which they will use to the point where it becomes incapable of defending itself.

If we take these two factors—repression as a historical tendency and revolutionary self-defense—as our point of departure, we reach the same conclusion: It is absolutely necessary to build the broadest possible united front against any kind of repression. The basic principle that revolutionists must fight for today in all the imperialist countries is to not allow any fundamental democratic rights to be taken away from any tendency that represents a section—however small—of the workers' movement. We must understand that any concession on this point will later come to be used against broader layers of the working class.

This is why our defense campaign in Germany began from the very start with the approach of a broad united front. We called on everyone—without exception—representing tendencies within the workers' movement to join together, not only to fight against Ernest Mandel's expulsion from Germany, but against the ban on hiring communists and revolutionists as teachers or in other areas of public service, and against all kinds of repressive measures and legislation. The success of that campaign will hinge on the ability to broaden this united front. Revolutionists cannot defend democratic rights for the workers' movement all by themselves. Revolutionists who are able to lead a large part of the workers' movement in this struggle will be able to lead it to success. And a successful struggle—regardless of its dimensions—will mean a big political setback for reactionary and conservative forces and a consolidation of democratic rights for the workers' movement as a whole.

When I was banned from Germany on February 28, 1972, I made two predictions, which unfortunately came true faster than I myself thought they would. I said that it was ominous that the provisions of the Treaty of Rome, guaranteeing freedom of movement to all citizens of the six member countries (there are now ten) within the EEC, did not apply in the case of certain revolutionists. I said then that this would come to be used against foreign workers and against official representatives of the trade-union movement. Many people laughed and said that I was exaggerating.

Less than one month later, an official English trade-union delegation, including Social-Democratic members of the English parliament, was expelled from France when they tried to go to France to hold discussions with their French colleagues on the question of the referendum. This shows that the fight against repression is not only in the interests of small revolutionary groups but of the workers' movement as a whole.

The second example has to do with the other prediction I made on February 28. I said then that the same argument that is being used against me—that I am for workers' control and a socialist revolution—could be used against many left Social Democrats, including left Social Democrats who today hold very high posts in West Germany. Barely one month later, before a crowded parliament, Franz Josef Strauss, one of the leaders of the right wing of the Catholic opposition, attacked the Social-Democratic minister of education, Peter von Oertzen from Lower Saxony. Strauss said that if one went back to this person's earlier writings, one would discover that he had written his doctoral dissertation on workers' control in Germany after 1918 and that he had also written some articles in which he claimed that it was constitutional to struggle for workers' control in Germany, and not unconstitutional.

It is perfectly obvious that all these attacks must be completely repudiated to block the effort to create an atmosphere in which the workers' movement can be cut to pieces through this "salami tactic" and step by step driven back and suppressed. □

Wheels of Justice Grind Slow

There are more than 30,000 prisoners in the jails of Colombia, according to the country's minister of justice, Miguel Escobar Menendez. Of these only 6,000 have been sentenced. About 20,000 await trial. This takes time because of lack of judges.

Escobar did not account for the other 4,000.

Perhaps the records do not show the status of their cases or precisely where the prisoners can be located.

DOCUMENTS

Text of U.S. Supreme Court Decision in Mandel Case

[Last June 29 the U.S. Supreme Court, overturning the decision of a federal district court, ruled in a six-to-three decision that the U.S. attorney general had the right to bar Ernest Mandel, a Belgian Marxist scholar and Trotskyist leader, from lecturing in the United States. The majority opinion, written by Justice Blackmun and supported by Justices Stewart, White, Powell, Rehnquist, and Chief Justice Burger, asserted that the U.S. public's "right to hear" conflicting political opinions — on the basis of the First Amendment guarantee of free speech — was not violated by the Justice Department's ban on Mandel's physical presence in the country. Justice Douglas wrote a dissenting opinion, as did Justice Marshall. Justice Brennan concurred with Marshall's dissent.

[Ernest Mandel had been in the United States twice previously (in 1962 and in 1968). In September 1969, he applied for a nonresident temporary visa in order to fulfill engagements during October and November of that year. He had been invited as a guest speaker by Stanford University and then by various other universities and schools.

[Mandel was informed by the U.S. State Department that his request for a visa had been denied in accordance with provisions of the 1952 Immigration and Nationality Act, more commonly known as the McCarran-Walter Act, one of the key pieces of reactionary legislation passed during the years of the McCarthyite witch-hunt. The relevant sections of the act — 212(a) (28) and 212(d) (A) — prohibit entry into the United States of persons who advocate or publish "the economic, international, and governmental doctrines of world communism."

[The act also empowers the attorney general to waive the ban in any particular case. In Mandel's case, the fact that such a waiver had been issued for his earlier two visits — although without Mandel's knowledge that such a procedure had been followed or that it was required according to U.S. law — combined with the prestige of the person concerned and the international and domestic pressure on the U.S. government to grant the waiver, convinced the State Department to recommend to the Justice Department that Mandel be admitted to the country. But John Mitchell, then attorney general, refused. The top levels of the Nixon administration had split on the matter, but Mitchell's negative decision prevailed. Mandel was barred from entering the United States.

[In June, 1970, the National Emergency Civil Liberties Committee, acting on behalf of Mandel and eight scholars from six leading eastern U.S. universities, filed a suit challenging the Justice Department's action.

[The suit was based on the premise that by barring Mandel from attending the meetings that had been scheduled the Justice Department had violated the free-speech rights of both the plaintiffs and the U.S. public as guaranteed under the First Amendment to the Constitution. The real exercise of free speech, the suit contended, required the right to hear and to consider, under conditions of free dialogue, conflicting theories and ideas. The thesis was that not Mandel's rights, but the rights of the American people and specifically of the defendants, had been abridged by the U.S. government.

[On March 11, 1971, a three-judge federal district court in Brooklyn ruled two to one in favor of the plaintiffs. The relevant sections of the McCarran-Walter Act were declared unconstitutional; a preliminary injunction against Attorney General Mitchell and Secretary of State William Rogers was granted. In a thirty-page decision, the court majority upheld the right of "free and open academic exchange." The sections of the Immigration and Nationality Act were ruled invalid as "imposing a prior restraint on constitutionally protected communication."

[The decision stressed that the First Amendment guaranteed "to the people as sovereign" their right to "an open and wide-ranging debate, publication and assembly, to review the government they have created, the adequacy of its functioning and the presence or absence of a need to alter or displace it."

[The government appealed the ruling, and on April 8, 1972, the Supreme Court heard arguments on the appeal.

[The government contended that the Justice Department had the right to exclude any alien for whatever reason, that the attorney general was not obligated even to provide any stated reason for any particular exclusion, and that, given modern technology (tape recorders, telephones, transoceanic hookups, etc.), the "right to hear" did not require the physical presence of contending ideological protagonists.

[The plaintiffs argued that the right of the people to know takes precedence over the acts of Congress or the Justice Department. They stressed the ominous character of the government's thesis. If modern communications techniques are equivalent to physical presence, and if physical presence can be legally banned, could not the written works or the tape-recorded voice of the banned person likewise be declared illegal?

[The issue at stake in the Mandel case is of special importance. In the past most civil-liberties cases in the United States have involved defending against government encroachment rights that were won long ago. The lower-court ruling in the Mandel case, however, represented an *extension* of a right whose previous status had been moot — the right to hear opinions that conflict with the outlook of the regime. It was this important victory that the Nixon Supreme Court sought to reverse.

[As the worldwide campaign in Mandel's behalf had earlier split the Nixon administration, it also split the Supreme Court, Justices Douglas, Marshall, and Bren-

nan forthrightly reaffirming certain basic democratic rights. The scales of "justice" were tipped in the other direction by the Nixon appointees, Burger, Blackmun, Powell, and Rehnquist.

[Because of the importance of the issues involved in the Mandel case, *Intercontinental Press* reprints below the full text of the majority opinion as well as the dissenting views of Justices Douglas, Marshall, and Brennan.]

* * *

No. 71–16

Richard G. Kleindienst, Attorney General of the United States, et al., Appellants, *v.* Ernest Mandel et al.	On Appeal from the United States District Court for the Eastern District of New York.

[June 29, 1972]

Syllabus

This action was brought to compel the Attorney General to grant a temporary nonimmigrant visa to a Belgian journalist and Marxian theoretician whom the American plaintiffs had invited to participate in academic conferences and discussions in this country. The alien had been found ineligible for admission under §§ 212 (a)(28)(D) and (G)(v) of the Immigration and Nationality Act of 1952, barring those who advocate or publish "the economic, international, and governmental doctrines of world communism." The Attorney General had declined to waive ineligibility as he has the power to do under § 212 (d) of the Act, basing his decision on unscheduled activities engaged in by the alien on a previous visit to the United States, where a waiver was granted. A three-judge District Court, although holding that the alien had no personal entry right, concluded that citizens of this country had a First Amendment right to have him enter and to hear him, and enjoined enforcement of § 212 as to this alien. *Held:* In the exercise of Congress' plenary power to exclude aliens or prescribe the conditions for their entry into this country, Congress in § 212 (a)(28) of the Act has delegated conditional exercise of this power to the Executive Branch. When, as in this case, the Attorney General decides for a legitimate and bona fide reason not to waive the statutory exclusion of an alien, courts will not look behind his decision or weigh it against the First Amendment interests of those who would personally communicate with the alien.

325 F. Supp. 620, reversed.

BLACKMUN, J., delivered the opinion of the Court, in which BURGER, C. J., and STEWART, WHITE, POWELL, and REHNQUIST, JJ., joined. DOUGLAS, J., filed a dissenting opinion. MARSHALL, J., filed a dissenting opinion, in which BRENNAN, J., joined.

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

The appellees have framed the issue here as follows:

> "Does appellants' action in refusing to allow an alien scholar to enter the country to attend academic meetings violate the First Amendment rights of American scholars and students who had invited him?" [1]

[1] Brief 1.

Expressed in statutory terms, the question is whether §§ 212 (a)(28)(D) and (G)(v) and § 212 (d)(3)(A) of the Immigration and Nationality Act of 1952, 66 Stat. 182–185, 8 U. S. C. §§ 1182 (a)(28)(D) and (G)(v) and § 1182 (d)(3)(A), providing that certain aliens "shall be ineligible to receive visas and shall be excluded from admission into the United States" unless the Attorney General, in his discretion, upon recommendation by the Secretary of State or a consular officer, waives inadmissibility and approves temporary admission, are unconstitutional as applied here in that they deprive American citizens of freedom of speech guaranteed by the First Amendment.

The challenged provisions of the statute are:

> "Section 212 (a). Except as otherwise provided in this Act, the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States:
>
> . . . . . .
>
> "(28) Aliens who are, or at any time have been, members of any of the following classes:
>
> . . . . . .
>
> "(D) Aliens not within any of the other provisions of this paragraph who advocate the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship . . . .
>
> . . . . . .
>
> "(G) Aliens who write or publish . . . (v) the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship . . .
>
> "(d) . . . .
>
> "(3) Except as provided in this subsection, an alien (A) who is applying for a nonimmigrant visa and is known or believed by the consular officer to be ineligible for such visa under one or more of the paragraphs enumerated in subsection (a) . . . may, after approval by the Attorney General of a recommendation by the Secretary of State or by the consular officer that the alien be admitted temporarily despite his inadmissibility, be granted such a visa and may be admitted into the United States temporarily as a nonimmigrant in the discretion of the Attorney General . . . ."

Section 212 (a)(6) provides that the Attorney General "shall make a detailed report to the Congress in any case in which he exercises his authority under paragraph (3) of this subsection on behalf of any alien excludable under paragraphs (9), (10), and (28) . . . ."

I

Ernest E. Mandel resides in Brussels, Belgium, and is a Belgian citizen. He is a professional journalist and is editor-in-chief of the Belgian Left Socialist weekly La Gauche. He is author of a two-volume work entitled "Marxist Economic Theory" published in 1969.

He asserted in his visa applications that he is not a member of the Communist Party. He has described himself, however, as "a revolutionary Marxist." [2] He does not dispute, see 325 F. Supp., at 624, that he advocates the economic, governmental, and international doctrines of world communism.[3]

Mandel was admitted to the United States temporarily in 1962 and again in 1968. On the first visit he came as a working journalist. On the second he accepted invitations to speak at a number of universities and colleges. On each occasion, although apparently he was not then aware of it, his admission followed a finding of ineligibility under § 212 (a)(28), and the Attorney General's exercise of discretion to admit him temporarily, on recommendation of the Secretary of State, as § 212 (d)(3)(A) permits.

On September 8, 1969, Mandel applied to the American Consul in Brussels for a nonimmigrant visa to enter the United States in October for a six-day period during which he would participate in a conference on "Technology and the Third World" at Stanford University.[4] He had been invited to Stanford by the Graduate Student Association there. The invitation stated that John Kenneth Galbraith would present the keynote address and that Mandel would be expected to participate in an ensuing panel discussion and to give a major address the following day. The University, through the office of its president, "heartily endorse[d]" the invitation. When Mandel's intended visit became known, additional invitations for lectures and conference participations came to him from members of the faculties at Princeton, Amherst, Columbia, and Vassar, from groups in Cambridge, Massachusetts, and New York City, and from others. One conference was to be in New York City sponsored jointly by the Bertrand Russell Peace Foundation and the Socialist Scholars Conference; Mandel's assigned subject there was "Revolutionary Strategy in Imperialist Countries." Mandel then filed a second visa application proposing a more extensive itinerary and a stay of greater duration.

On October 23, the Consul at Brussels informed Mandel orally that his application of September 8 had been refused. This was confirmed in writing on October 30. The Consul's letter advised him of the finding of inadmissibility under § 212 (a)(28) in 1962, the waivers in that year and in 1968, and the current denial of a waiver. It said, however, that another request for waiver was being forwarded to Washington in connection with Mandel's second application for a visa. The Department of State, by a letter dated November 6 from its Bureau of Security and Consular Affairs to Mandel's New York attorney, asserted that the earlier waivers had been granted on condition that Mandel conform to his itinerary and limit his activities to the stated purposes of his trip, but that on his 1968 visit he had engaged in activities beyond the stated purposes.[5] For this reason, it was said, a waiver "was not sought in connection with his September visa application." The Department went on to say, however, that it had now learned that Mandel might not have been aware in 1968 of the conditions and limitations attached to his visa issuance, and that, in view of this and upon his assurances that he would conform to his stated itinerary and purposes, the Department was reconsidering his case. On December 1 the Consul at Brussels informed Mandel that his visa had been refused.

The Department of State in fact had recommended to the Attorney General that Mandel's ineligibility be waived with respect to his October visa application. The Immigration and Naturalization Service, however, acting on behalf of the Attorney General, see 28 U. S. C. § 510, in a letter dated February 13, 1970, to New York

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[2] E. Mandel, Revolutionary Strategy in the Imperialist Countries (1969), reprinted in Appendix 54–66.

[3] In their brief, appellees, while suggesting that § 101 (a)(40), defining "world communism," and § 212 (a)(28)(D) are unacceptably vague, "do not contest the fact that appellants can and do conclude that Dr. Mandel's Marxist economic philosophy falls within the scope of these vague provisions." Brief 10, n. 8.

[4] Entry presumably was claimed as a nonimmigrant alien under § 101 (a)(15)(H)(i) of the Act, 8 U. S. C. § 1101 (a)(15)(H)(i), namely, "an alien having a residence in a foreign country which he has no intention of abandoning . . . who is of distinguished merit and ability and who is coming temporarily to the United States to perform services of an exceptional nature requiring such merit and ability . . . ."

[5] MR. JUSTICE DOUGLAS in his dissent, n. 4, *post*, p. 4, states that Mandel's noncompliance with the conditions imposed for his 1968 visit "appear merely to have been his speaking at more universities than his visa application indicated." The letter dated November 6, 1969, from the Bureau of Security and Consular Affairs of the Department of State to Mandel's New York counsel observed, "On his 1968 visit Mr. Mandel engaged in activities beyond the stated purposes of his trip. For this reason, a waiver of ineligibility was not sought in connection with his September visa application."

Counsel's affidavit in support of appellees' motion for the convening of a three-judge court and for the issuance of a preliminary injunction stated:

"Mr. Mandel further assured the Consul by letter on November 10, 1969 that he would not appear at any assembly in the United States at which money was solicited for any political cause. This was apparently in response to a charge that he had been present at such a solicitation during his 1968 tour. (See also Exhibit L.)

"Of course, just as Mr. Mandel had no prior notice that he was required to adhere to a stated itinerary in 1968, so Mr. Mandel was not aware that he was forbidden from appearing where contributions were solicited for political causes. I have been advised by Mr. George Novack, an American citizen, who coordinated Mr. Mandel's 1968 tour, that in fact the event in question was a cocktail reception held at the Gotham Art Theatre in New York City on October 19, 1968. Mr. Mandel addressed the gathering on the events in France during May and June. Later that evening posters by French students were auctioned. The money was sent to aid the legal defense of students who had taken part in the spring demonstrations. Mr. Mandel did not participate in the fund raising. (See Ex. L, Oct. 30, 1969 letter.)"

The asserted noncompliance by Mandel is therefore broader than mere acceptance of more speaking engagements than his visa application indicated.

counsel stated that it had determined that Mandel's 1968 activities while in the United States "went far beyond the stated purposes of his trip, on the basis of which his admission had been authorized and represented a flagrant abuse of the opportunities afforded him to express his views in this country." The letter concluded that favorable exercise of discretion, provided for under the Act, was not warranted and that Mandel's temporary admission was not authorized.

Mandel's address to the New York meeting was then delivered by transatlantic telephone.

In March Mandel and six of the other appellees instituted the present action against the Attorney General and the Secretary of State. The two remaining appellees soon came into the lawsuit by an amendment to the complaint. All the appellees who joined Mandel in this action are United States citizens and are university professors in various fields of the social sciences. They are persons who invited Mandel to speak at universities and other forums in the United States or who expected to participate in colloquia with him so that, as the complaint alleged, "they may hear his views and engage him in a free and open academic exchange."

Plaintiffs claim that the statutes are unconstitutional on their face and as applied in that they deprive the American plaintiffs of their First and Fifth Amendment rights. Specifically, these plaintiffs claim that the statutes prevent them from hearing and meeting with Mandel in person for discussions, in contravention of the First Amendment; that § 212 (a)(28) denies them equal protection by permitting entry of "rightists" but not "leftists" and that the same section deprives them of procedural due process; that § 212 (d)(3)(A) is an unconstitutional delegation of congressional power to the Attorney General because of its broad terms, lack of standards, and lack of prescribed procedures; and that application of the statutes to Mandel was "arbitrary and capricious" because there was no basis in fact for concluding that he was ineligible, and no rational reason or basis in fact for denying him a waiver once he was determined ineligible. Declaratory and injunctive relief was sought.

A three-judge district court was duly convened. The case was tried on the pleadings and affidavits with exhibits. Two judges held that, although Mandel had no personal right to enter the United States, citizens of this country have a First Amendment right to have him enter and to hear him explain and seek to defend his views. The court then entered a declaratory judgment that § 212 (a)(28) and § 212 (d)(3)(A) were invalid and void insofar as they had been or might be invoked by the defendants to find Mandel ineligible for admission. The defendants were enjoined from implementing and enforcing those statutes so as to deny Mandel admission as a nonimmigrant visitor. Judge Bartels dissented. 325 F. Supp. 620 (EDNY 1971). Probable jurisdiction was noted. 404 U. S. 1013 (1972).

II

Until 1875 alien migration to the United States was unrestricted. The Act of March 3, 1875, 18 Stat. 477, barred convicts and prostitutes. Seven years later Congress passed the first general immigration statute. Act of August 3, 1882, 22 Stat. 214. Other legislation followed. A general revision of the immigration laws was effected by the Act of March 3, 1903, 32 Stat. 1213–1222. Section 2 of that Act made ineligible for admission "anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law." By the Act of October 16, 1918, 40 Stat. 1012, Congress expanded the provisions for the exclusion of subversive aliens. Title II of the Alien Registration Act of 1940, 54 Stat. 670, 671, amended the 1918 Act to bar aliens who, at any time, had advocated or were members of or affiliated with organizations that advocated violent overthrow of the United States Government.

In the years that followed, after extensive investigation and numerous reports by congressional committees, see *Communist Party* v. *Subversive Activities Control Board,* 367 U. S. 1, 94, n. 37 (1961), Congress passed the Internal Security Act of 1950, 64 Stat. 987. This Act dispensed with the requirement of the 1940 Act of a finding in each case, with respect to members of the Communist Party, that the party did in fact advocate violent overthrow of the Government. These provisions were carried forward into the Immigration and Nationality Act of 1952.

We thus have almost continuous attention on the part of Congress since 1875 to the problems of immigration and of excludability of certain defined classes of aliens. The pattern generally has been one of increasing control with particular attention, for almost 70 years now, first to anarchists and then to those with communist affiliation or views.

III

It is clear that Mandel personally, as an unadmitted and nonresident alien, had no constitutional right of entry to this country as a nonimmigrant or otherwise. *United States ex rel. Turner* v. *Williams,* 194 U. S. 279, 292 (1904); *United States ex rel. Knauff* v. *Shaughnessy,* 338 U. S. 537, 542 (1950); *Galvan* v. *Kress,* 347 U. S. 522, 530–532 (1954); see *Harisiades* v. *Shaughnessy,* 342 U. S. 580, 592 (1952).

The appellees concede this. Brief, at 33, Tr. of Oral Arg. 28. Indeed, the American appellees assert that "they sue to enforce their rights, individually and as members of the American public, and assert none on the part of the invited alien." Brief, at 14. "Dr. Mandel is in a sense made a plaintiff because he is symbolic of the problem," Tr. of Oral Arg. 22.

The case, therefore, comes down to the narrow issue whether the First Amendment confers upon the appellee

professors, because they wish to hear, speak, and debate with Mandel in person, the ability to determine that Mandel should be permitted to enter the country or, in other words, to compel the Attorney General to allow Mandel's admission.

IV

In a variety of contexts this Court has referred to a First Amendment right to "receive information and ideas."

> "It is now well established that the Constitution protects the right to receive information and ideas. 'This freedom [of speech and press] . . . necessarily protects the right to receive . . . .' *Martin* v. *City of Struthers,* 319 U. S. 141, 143 (1943) . . . ." *Stanley* v. *Georgia,* 394 U. S. 557, 564 (1969).

This was one basis for the decision in *Thomas* v. *Collins,* 323 U. S. 516 (1945). The Court there held that a labor organizer's right to speak and the rights of workers "to hear what he had to say," *id.,* at 534, were both abridged by a state law requiring organizers to register before soliciting union membership. In a very different situation, MR. JUSTICE WHITE, speaking for a unanimous Court upholding the FCC's "fairness doctrine" in *Red Lion Broadcasting Co.* v. *FCC,* 395 U. S. 367, 386–390 (1969), said:

> "It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail . . . . It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here. That right may not be constitutionally abridged either by Congress or by the FCC." *Id.,* at 390.

And in *Lamont* v. *Postmaster General,* 381 U. S. 301 (1965), the Court held that a statute permitting the Government to hold "communist political propaganda" arriving in the mails from abroad unless the addressee affirmatively requested in writing that it be delivered to him placed an "unjustifiable burden" on the addressee's First Amendment right. This Court has recognized that this right is "nowhere more vital" than in our schools and universities. *Shelton* v. *Tucker,* 364 U. S. 479, 487 (1960); *Sweezy* v. *New Hampshire,* 354 U. S. 234, 250 (1957) (opinion of Chief Justice Warren); *Keyishian* v. *Board of Regents,* 385 U. S. 589, 603 (1967). See *Epperson* v. *Arkansas,* 393 U. S. 97 (1968).

In the present case, the District Court majority held:

> "The concern of the First Amendment is not with a non-resident alien's individual and personal interest in entering and being heard, but with the rights of the citizens of the country to have the alien enter and to hear him explain and seek to defend his views; that, as *Garrison* [v. *Louisiana,* 379 U. S. 64 (1964)], and *Red Lion* observe, is of the essence of self-government." 325 F. Supp., at 631.

The Government disputes this conclusion on two grounds. First, it argues that exclusion of Mandel involves no restriction on First Amendment rights at all since what is restricted is "only action—the action of the alien coming into this country." Brief, at 29. Principal reliance is placed on *Zemel* v. *Rusk,* 381 U. S. 1 (1965), where the Government's refusal to validate an American passport for travel to Cuba was upheld. The rights asserted there were those of the passport applicant himself. The Court held that his right to travel and his asserted ancillary right to inform himself about Cuba did not outweigh substantial "foreign policy considerations affecting all citizens" that, with the backdrop of the Cuban missile crisis, were characterized as the "weightiest considerations of national security." *Id.,* at 13, 16. The rights asserted here, in some contrast, are those of American academics who have invited Mandel to participate with them in colloquia, debates, and discussion in the United States. In light of the Court's previous decisions concerning the "right to receive information," we cannot realistically say that the problem facing us disappears entirely or is nonexistent because the mode of regulation bears directly on physical movement. In *Thomas* the registration requirement on its face concerned only action. In *Lamont* too, the face of the regulation dealt only with the Government's undisputed power to control physical entry of mail into the country. See *United States* v. *Robel,* 389 U. S. 258, 263 (1967).

The Government also suggests that the First Amendment is inapplicable because appellees have free access to Mandel's ideas through his books and speeches, and because "technological developments," such as tapes or telephone hook-ups, readily supplant his physical presence. This argument overlooks what may be particular qualities inherent in sustained, face-to-face debate, discussion and questioning. While alternative means of access to Mandel's ideas might be a relevant factor were we called upon to balance First Amendment rights against governmental regulatory interests—a balance we find unnecessary here in light of the discussion that follows in Part V—we are loath to hold on this record that existence of other alternatives extinguishes altogether any constitutional interest on the part of the appellees in this particular form of access.

V

Recognition that First Amendment rights are implicated, however, is not dispositive of our inquiry here. In accord with ancient principles of the international law of nation-states, the Court in *The Chinese Exclusion Case,* 130 U. S. 581, 609 (1889), and in *Fong Yue Ting* v. *United States,* 149 U. S. 698 (1893), held broadly, as the Government describes it, Brief, at 20, that the power to exclude aliens is "inherent in sovereignty, necessary for maintaining normal international relations and defending the country against foreign encroachments and dangers—a power to be exercised exclusively by the political branches of government . . . ." Since that time, the Court's general reaffirmations of this principle have

been legion.[6] The Court without exception has sustained Congress' "plenary power to make rules for the admission of aliens and to exclude those who possess those characteristics which Congress has forbidden." *Boutilier* v. *Immigration and Naturalization Service,* 387 U. S. 118, 123 (1967). "[O]ver no conceivable subject is the legislative power of Congress more complete than it is over" the admission of aliens. *Oceanic Navigation Co.* v. *Stranahan,* 214 U. S. 320, 339 (1909). In *Lem Moon Sing* v. *United States,* 158 U. S. 538, 547 (1895), the first Mr. Justice Harlan said,

> "The power of Congress to exclude aliens altogether from the United States, or to prescribe the terms and conditions upon which they may come to this country, and to have its declared policy in that regard enforced exclusively through executive officers, without judicial intervention, is settled by our previous adjudications."

Mr. Justice Frankfurter ably articulated this history in *Galvan* v. *Press,* 347 U. S. 522 (1954), a deportation case, and we can do no better. After suggesting, at 530, that "much could be said for the view" that due process places some limitations on congresssional power in this area "were we writing on a clean slate," he continued:

> "But the slate is not clean. As to the extent of the power of Congress under review, there is not merely a 'page of history' . . . but a whole volume. Policies pertaining to the entry of aliens and their right to remain here are peculiarly concerned with the political conduct of government. In the enforcement of these policies, the Executive Branch of the Government must respect the procedural safeguards of due process. . . . But that the formulation of these policies is entrusted exclusively to Congress has become about as firmly embedded in the legislative and judicial tissues of our body politic as any aspect of our government. . . .
>
> "We are not prepared to deem ourselves wiser or more sensitve to human rights than our predecessors, especially those who have been most zealous in protecting civil liberties under the Constitution, and must therefore under our constitutional system recognize congressional power in dealing with aliens . . . ." *Id.,* at 531–532.

We are not inclined in the present context to reconsider this line of cases. Indeed, the appellees, in contrast to the *amicus,* do not ask that we do so. The appellees recognize the force of these many precedents. In seeking to sustain the decision below, they concede that Congress could enact a blanket prohibition against entry of all aliens falling into the class defined by § 212 (a)(28)(D) and (G)(v), and that First Amendment rights could not override that decision. Brief, at 16. But they contend that by providing a waiver procedure, Congress clearly intended that persons ineligible under the broad provision of the section would be temporarily admitted when appropriate "for humane reasons and for reasons of public interest." S. Rep. No. 1137, Committee on the Judiciary, 82d Cong., 2d Sess., 12 (1952). They argue that the Executive's implementation of this congressional mandate through decision whether to grant a waiver in each individual case must be limited by the First Amendment rights of persons like appellees. Specifically, their position is that the First Amendment rights must prevail at least where the Government advances no justification for failing to grant a waiver. They point to the fact that waivers have been granted in the vast majority of cases.[7]

Appellees' First Amendment argument would prove too much. In almost every instance of an alien excludable under § 212 (a)(28), there are probably those who would wish to meet and speak with him. The ideas of most such aliens might not be so influential as those of Mandel, nor his American audience so numerous, nor the planned discussion forums so impressive. But the First Amendment does not protect only the articulate, the well known, and the popular. Were we to endorse the proposition that governmental power to withhold a waiver must yield whenever a bona fide claim is made that American citizens wish to meet and talk with an alien excludable under § 212 (a)(28), one of two unsatisfactory results would necessarily ensue. Either every claim would prevail, in which case the plenary discretionary authority Congress granted the Executive becomes a nullity, or courts in each case would be required to weigh the strength of the audience's interest against that of the Government in refusing a waiver to the particular alien applicant, according to some as yet undetermined standard. The dangers and the undesirability of making that determination on the basis of factors such as the size of the audience or the probity of the speaker's ideas are obvious. Indeed, it is for precisely this reason that the waiver de-

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[6] See, for example, *Ekiu* v. *United States,* 142 U. S. 651, 659 (1892); *Fok Yung Yo* v. *United States,* 185 U. S. 296, 302 (1902); *United States ex rel. Turner* v. *Williams,* 194 U. S. 279, 294 (1904); *Keller* v. *United States,* 213 U. S. 138, 143–144 (1909); *Mahler* v. *Eby,* 264 U. S. 32, 40 (1924); *Shaughnessy* v. *Mezei,* 345 U. S. 206, 210 (1953); cf. *Graham* v. *Richardson,* 403 U. S. 365, 377 (1971).

[7] The Government's brief states:

"The Immigration and Naturalization Service reports the following with respect to applications to the Attorney General for waiver of an alien's ineligibility for admission under Section 212 (a)(28):

Year	Total Number of Applications for Waiver of Section 212 (a)(28)	Number of Waivers Granted	Number of Waivers Denied
1971	6210	6196	14
1970	6193	6189	4
1969	4993	4984	9
1968	4184	4176	8
1967	3860	3852	8

Brief 18, n. 24. These cases, however, are only those that, as § 212 (d)(3)(A) provides, come to the Attorney General with a positive recommendation from the Secretary of State or the consular officer. The figures do not include those cases where these officials had refrained from making a positive recommendation.

cision has, properly, been placed in the hands of the Executive.

Appellees seek to soften the impact of this analysis by arguing, as has been noted, that the First Amendment claim should prevail at least where no justification is advanced for denial of a waiver. Brief 26. The Government would have us reach this question, urging a broad decision that Congress has delegated the waiver decision to the Executive in its sole and unfettered discretion, and any reason or no reason may be given. See *Jay* v. *Boyd*, 351 U. S. 345, 357–358 (1956); *Hintopoulos* v. *Shaughnessy*, 353 U. S. 72, 77 (1957); *Kimm* v. *Rosenberg*, 363 U. S. 405, 408 (1960). This record, however, does not require that we do so, for the Attorney General did inform Mandel's counsel of the reason for refusing him a waiver. And that reason was facially legitimate and bona fide.

The Government has chosen not to rely on the letter to counsel either in the District Court or here. The fact remains, however, that the official empowered to make the decision stated that he denied a waiver because he concluded that previous abuses by Mandel made it inappropriate to grant a waiver again. With this, we think the Attorney General validly exercised the plenary power that Congress delegated to the Executive by § 212 (a) (28) and (d)(3).

In summary, plenary congressional power to make policies and rules for exclusion of aliens has long been firmly established. In the case of an alien excludable under § 212 (a)(28), Congress has delegated conditional exercise of this power to the Executive. We hold that when the Executive exercises this power negatively on the basis of a facially legitimate and bona fide reason, the courts will neither look behind the exercise of that discretion, nor test it by balancing its justification against the First Amendment interests of those who seek personal communication with the applicant. What First Amendment or other grounds may be available for attacking exercise of discretion for which no justification whatsoever is advanced is a question we neither address nor decide in this case.

Reversed.

MR. JUSTICE DOUGLAS, dissenting.

Under *The Chinese Exclusion Case*, 130 U. S. 581, rendered in 1889, there could be no doubt but that Congress would have the power to exclude any class of aliens from these shores. The accent at the time was on race. Mr. Justice Field writing for the Court said: "If therefore the government of the United States, through its legislative department, considers the presence of foreigners of a different race in this country, who will not assimilate with us, to be dangerous to its peace and security, their exclusion is not to be stayed because at the time there are no actual hostilities with the nation of which the foreigners are subjects." *Id.*, at 606.

An ideological test, not a racial one, is used here. But neither, in my view, is permissible, as I have indicated on other occasions.[1] Yet a narrower question is raised here. Under the present Act aliens who advocate or teach "the economic, international, and governmental doctrines of world communism" are ineligible to receive visas "except as otherwise provided in this chapter."[2] The "except" provision is contained in another part of the same section[3] and states that an inadmissible alien "may, after approval by the Attorney General of a recommendation by the Secretary of State or by the consular office" admit the alien "temporarily despite his inadmissibility."

Dr. Ernest Mandel, who is described as "an orthodox marxist of the Trotskyist school" has been admitted to this country twice before—once as a working journalist in 1962 and once as a lecturer in 1968. The present case involves his third application, made in 1969, to attend a conference as Stanford University on Technology and the Third World. He was also invited to attend other conferences, one at MIT, and to address several universities, Princeton, Amherst, the New School, Columbia, and Vassar. This time the Department of Justice refused to grant a waiver recommended by the State Department; and it claims that it need not state its reasons, that the power of the Attorney General is unfettered.

Dr. Mandel is not the sole complainant. Joining him are the other appellees who represent the various audiences which Dr. Mandel would be meeting were a visa to issue. While Dr. Mandel, an alien who seeks admission, has no First Amendment rights while outside the Nation, the other appellees are on a different footing. The First Amendment involves not only the right to speak and publish but also the right to hear, to learn, to know. *Martin* v. *Struthers*, 319 U. S. 141, 143; *Stanley* v. *Georgia*, 394 U. S. 557, 564.

Can the Attorney General under the broad discretion entrusted in him decide

that one who maintains that the earth is round can be excluded?

that no one who believes in the Darwinian theory shall be admitted?

that those who promote a Rule of Law to settle international differences rather than a Rule of Force may be barred?

that a genetic biologist who lectures on the way to create life by one sex alone is beyond the pale?

that an exponent of plate tectonics can be barred?

that one should be excluded who taught that Jesus when he arose from the sepulchre, went east (not up) and became a teacher at Hemis Monastery in the Himalayas?

I put the issue that bluntly because national security is not involved. Nor is the infiltration of saboteurs.

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[1] See *Harisiades* v. *Shaughnessy*, 342 U. S. 580, 598; *Galvan* v. *Press*, 347 U. S. 522, 533.

[2] Section 212 (a)(28)(G)(2) of the Immigration and Nationality Act of 1952, 8 U. S. C. § 1182 (a)(28)(G)(v).

[3] Section 212 (d)(3)(A).

The Attorney General stands astride our international terminals that bring people here to bar those whose ideas are not acceptable to him. Even assuming, *arguendo,* that those on the outside seeking admission have no standing to complain, those who hope to benefit from the traveller's lectures do.

Thought control is not within the competence of any branch of government. Those who live here may need exposure to the ideas of people of many faiths and many creeds to further their education. We should construe the Act generously by that First Amendment standard, saying that once the State Department has concluded that our foreign relations permit or require the admission of a foreign traveler, the Attorney General is left only problems of national security, importation of heroin, or other like matters within his competence.

We should assume that where propagation of ideas is permissible as being within our constitutional framework, the Congress did not undertake to make the Attorney General a censor. For as stated by Justice Jackson in *Thomas* v. *Collins,* 323 U. S. 516, 545 (concurring), "The very purpose of the First Amendment is to foreclose public authority from assuming a guardianship of the public mind through regulating the press, speech, and religion. In this field every person must be his own watchman for truth, because the forefathers did not trust any government to separate the true from the false for us."

In *Brandenburg* v. *Ohio,* 395 U. S. 444 (which overruled *Whitney* v. *California,* 274 U. S. 357), we held that the First Amendment does not permit a State "to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action." *Id.,* at 447. That case involved propagation of the views of the Ku Klux Klan. The present case involves teaching the communist creed.[4] But as we held in *Noto* v. *United States,* 367 U. S. 290, 297–298:

> ". . . the mere abstract teaching of Communist theory, including the teaching of the moral propriety or even moral necessity for a resort to force and violence, is not the same as preparing a group for violent action and steeling it to such action."

As a matter of statutory construction, I conclude that Congress never undertook to entrust the Attorney General with the discretion to pick and choose among the ideological offerings which alien lecturers tender from our platforms, allowing those palatable to him and disallowing others.[5] The discretion entrusted to him concerns matters commonly within the competence of the Department of Justice—national security, importation of drugs, and the like.

I would affirm the judgment of the three-judge District Court.

MR. JUSTICE MARSHALL, with whom MR. JUSTICE BRENNAN joins, dissenting.

Dr. Ernest Mandel, a citizen of Belgium, is an internationally famous Marxist scholar and journalist. He was invited to our country by a group of American scholars who wished to meet him for discussion and debate. With firm plans for conferences, colloquia and lectures, the American hosts were stunned to learn that Mandel had been refused permission to enter our country. American consular officials had found Mandel "ineligible" to receive a visa under § 212 (a)(28)(D) and (G)(v) of the Immigration and Naturalization Act of 1952, which bars even temporary visits to the United States by aliens who "advocate the economic, international and governmental doctrines of world communism" or "who write or publish . . . any written or printed matter . . . advocating or teaching" such doctrines. Under § 212 (d)(3), the Attorney General refused to waive inadmissibility.

I, too, am stunned to learn that a country with our proud heritage has refused Dr. Mandel temporary admission. I am convinced that Americans cannot be denied the opportunity to hear Dr. Mandel's views in person because their Government disapproves of his ideas. Therefore, I dissent from today's decision and would affirm the judgment of the court below.

I

As the majority correctly demonstrates, in a variety of contexts this Court has held that the First Amendment protects the right to receive information and ideas, the freedom to hear as well as the freedom to speak. The reason for this is that the First Amendment protects a process, in Justice Brandeis' words, "reason as applied through public discussion," *Whitney* v. *Califor-*

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[4] The Court recognizes the legitimacy of appellee's First Amendment claim, *ante,* at 8–11. It argues, however, that inasmuch as the Attorney-General gave a "facially legitimate and bona fide" reason to refuse Dr. Mandel a waiver of ineligibility, the Court should not "look behind the exercise of that discretion, nor test it by balancing its justification against [appellee's] First Amendment interests . . . ." First, so far as the record reveals, there is absolutely no support for the Attorney General's claim that Dr. Mandel consciously abused his visa privileges in 1968. Indeed, the State Department itself concedes that he *"was apparently not informed [in 1962 and 1968] that a visa was issued only after obtaining a waiver of ineligibility and therefore may not have been aware of the conditions and limitations attached to the visa issuance."* App. 22. Second, the activities which the Attorney General labelled "flagrant abuses" of Dr. Mandel's opportunity to speak in the United States appear merely to have been his speaking at more universities than his visa application indicated. Indeed, he spoke at more than 30 universities in the United States and Canada, including Harvard, Berkeley, Swarthmore, Notre Dame, Antioch, Michigan, three appearances at Columbia, two at the University of Pennsylvania, and the keynote address at the 1968 Socialist Scholar's Conference held at Rutgers. App. 25. It would be difficult to invent a more trivial reason for denying the academic community the chance to exchange views with an internationally respected scholar.

[5] As indicated in S. Rep. No. 1137, 82d Cong., 2d Sess., 112, the discretion vested in the Attorney General was to be exercised "for emergent reasons or for reasons deemed strictly in the public interest." Ideological controls are not congenial to our First Amendent traditions and therefore should not be inferred.

nia, 274 U. S. 357, 375 (1927) (concurring opinion); and the right to speak and hear—including the right to inform others and to be informed about public issues—are inextricably part of that process. The freedom to speak and the freedom to hear are inseparable; they are two sides of the same coin. But the coin itself is the process of thought and discussion. The activity of speakers becoming listeners and listeners becoming speakers in the vital interchange of thought is the "means indispensable to the discovery and spread of political truth." *Ibid.;* see *Terminiello* v. *Chicago,* 337 U. S. 1, 4 (1949). Its protection is "a fundamental principle of the American government." *Whitney* v. *California, supra,* at 375. The First Amendment means that Government has no power to thwart the process of free discussion, to "abridge" the freedoms necessary to make that process work. See *Lamont* v. *Postmaster General,* 381 U. S. 301, 308 (1965) (BRENNAN, J., concurring, with whom Goldberg, J., and Harlan, J., joined).

There can be no doubt that by denying the American appellees access to Dr. Mandel, government has directly prevented the free interchange of ideas guaranteed by the First Amendment.[1] It has, of course, interfered with appellees' personal rights both to hear Mandel's views and to develop and articulate their own views through interaction with Mandel. But as the court below recognized, apart from appellees' interests, there is also a "general public interest in the prevention of any stifling of political utterance." 325 F. Supp. 620, 632 (1971). And government has interfered with this as well.[2]

II

What is the justification for this extraordinary governmental interference with the liberty of American citizens? And by what reasoning does the Court uphold Mandel's exclusion? It is established constitutional doctrine, after all, that government may restrict First Amendment rights only if the restriction is necessary to further a compelling governmental interest. *E. g., Lamont* v. *Postmaster General, supra,* at 308; *NAACP* v. *Button,* 371 U. S. 415, 438 (1963); *Gibson* v. *Florida Legislative Committee,* 372 U. S. 539, 546 (1963); *Shelton* v. *Tucker,* 364 U. S. 479 (1960).

A. Today's majority apparently holds that Mandel may be excluded and Americans' First Amendment rights restricted because the Attorney General has given a "facially legitimate and bona fide reason" for refusing to waive Mandel's visa ineligibility. I do not understand the source of this unusual standard. Merely "legitimate" governmental interests cannot override constitutional rights. Moreover, the majority demands only "facial" legitimacy and good faith, by which it means that this Court will never "look behind" any reason the Attorney General gives. No citation is given for this kind of unprecedented deference to the Executive, nor can I imagine (nor am I told) the slightest justification for such a rule.[3]

Even the briefest peek behind the Attorney General's reason for refusing a waiver in this case would reveal that it is a sham. The Attorney General informed appellees' counsel that the waiver was refused because Mandel's activities on a previous American visit "went far beyond the stated purposes of his trip . . . and represented a flagrant abuse of the opportunities afforded him to express his views in this country . . . ." App. 68. But, as the Department of State had already conceded to appellees' counsel, Dr. Mandel "was apparently not informed that [his previous] visa was issued only after obtaining a waiver of ineligibility and therefore [Mandel] may not have been aware of the conditions and limitations attached to the [previous] visa issuance." App. 22. There is *no* basis in the present record for concluding that Mandel's behavior on his previous visit was a "flagrant abuse"—or even willful or knowing departure—from visa restrictions. For good reason, the Government in this litigation has *never* relied on the Attorney General's reason to justify Mandel's exclusion. In these circumstances, the Attorney General's reason cannot possibly support a decision for the Government in this case. But without even remanding for a factual hearing to see if there is *any* support for the Attorney General's determination, the majority declares that his reason is sufficient to override appellees' First Amendment interests.

B. Even if the Attorney General had given a compelling reason for declining to grant a waiver under

[1] Twenty years ago, the Bulletin of the Atomic Scientists devoted an entire issue to the problem of American visa policy and its effect on the interchange of ideas between American scholars and scientists and their foreign counterparts. The general conclusion of the editors—supported by printed statements of such men as Albert Einstein, Hans Bethe, Harold Urey, Arthur Compton, Michael Polyani, and Raymond Aron—was that American visa policy was hurting the continuing advance of American science and learning, and harmful to our prestige abroad. Volume VIII, No. 7, October 1952, pp. 210–217 (statement of Special Editor Edward Shils). The detrimental effect of American visa policy on the free exchange of ideas continues to be reported. See Comment, Opening the Floodgates to Dissident Aliens, 6 Harv. Civ. Rights-Civ. Lib. L. Rev. 141, 143–149 (1970); Bulletin of the Atomic Scientists, Vol. XI, December 1955, pp. 367–373.

[2] The availability to appellees of Mandel's books and taped lectures is no substitute for live, face-to-face discussion and debate, just as the availability to us of briefs and exhibits does not supplant the essential place of oral argument in this Court's work. Lengthy citations for this proposition, which the majority apparently concedes, are unnecessary. I simply note that in a letter to Henrik Lorenz, accepting an invitation to lecture at the University of Leiden and to discuss "the radiation problem," Albert Einstein observed that "In these unfinished things, people understand one another with difficulty unless talking face to face." Quoted in Note, Developments in the Law—The National Security Interest and Civil Liberties, 85 Harv. L. Rev. 1130, 1154 (1972).

[3] As Judge Frankel has taught us, even the limited requirement of facially sufficient reasons for governmental action may be significant in some contexts; but it can hardly insulate the government from subsequent challenges to the actual good faith and sufficiency of the reasons. Frankel, Bench Warrants Upon the Prosecutor's Demand, 71 Col. L. Rev. 403, 414 (1971).

§ 212 (d)(3)(A), this would not, for me, end the case. As I understand the statutory scheme, Mandel is "ineligible" for a visa, and therefore inadmissible, solely because, within the terms of § 212 (a)(28), he has advocated communist doctrine and has published writings advocating that doctrine. The waiver question under § 212 (d)(3)(A) is totally secondary and dependent, since it is triggered here only by a determination of (a)(28) ineligibility. The Attorney General's refusal to grant a waiver does not itself generate a new statutory basis for exclusion; he has no roving power to set new *ad hoc* standards for visa ineligibility. Rather, the Attorney General's refusal to waive ineligibility simply has the same effect as if no waiver provision existed; inadmissibility still rests on the (a)(28) determination. Thus, whether or not the Attorney General had a good reason for refusing a waiver, this Court, I think, must still face the question it tries to avoid: under our Constitution, may Mandel be declared ineligible under (a)(28)?

C. Accordingly, I turn to consider the constitutionality of the sole justification given by the Government here or below for excluding Mandel—that he "advocates" and "publishes . . . printed matter . . . advocating . . . doctrines of world communism" within the terms of § 212 (a)(28).

Still adhering to standard First Amendment doctrine, I do not see how (a)(28) can possibly represent a compelling governmental interest which override appellees' interests in hearing Mandel.[4] Unlike (a)(27) or (a)(29), (a)(28) does not claim to exclude aliens who are likely to engage in subversive activity or who represent an active and present threat to the "welfare, safety, or security of the United States." Rather, (a)(28) excludes aliens solely because they have advocated communist doctrine. Our cases make clear, however, that Government has no legitimate interest in stopping the flow of ideas. It has no power to restrict the mere advocacy of communist doctrine, divorced from incitement to imminent lawless action. *Noto* v. *United States,* 367 U. S. 290, 297–298 (1961); *Brandenburg* v. *Ohio,* 395 U. S. 444, 447–449 (1969). For those who are not sure that they have attained the final and absolute truth, all ideas, even those forcefully urged, are a contribution to the ongoing political dialogue. The First Amendment represents the view of the Framers that "[t]he path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies; and that the fitting remedy for evil counsels is good ones," "more speech." *Whitney* v. *California,* 274 U. S. 357, 375, 377 (1927) (Brandeis, J., concurring). If Americans want to hear about Marxist doctrine, even from advocates, government cannot intervene simply because it does not approve of the ideas. It certainly may not selectively pick and choose which ideas it will let into the country. Cf. *Police Department* v. *Mosley,* — U. S. — (1972). But, as the court below put it, § 212 (a)(28) is nothing more than "a means of restraining the entry of disfavored political doctrine," 325 F. Supp. 620, 626 (1971), and such an enactment cannot justify the abridgment of appellees' First Amendment rights.

In saying these things, I am merely repeating established First Amendment law. Indeed, this Court has already applied that law in a case concerning the entry of communist doctrine from foreign lands. In *Lamont* v. *Postmaster General,* 381 U. S. 301 (1965), this Court held that the right of an American addressee to receive communist political propaganda from abroad could not be fettered by requiring the addressee to request in writing its delivery from the Post Office. See, *id.,* at 308 (BRENNAN, J., concurring). The burden imposed on the right to receive information in our case is far greater than in *Lamont,* with far less justification. In *Lamont,* the challenged law merely regulated the flow of mail, and required the Postmaster General to forward detained mail immediately upon request by the addressee. By contrast, through § 212 (a)(28), the Government claims absolute power to bar Mandel permanently from academic meetings in this country. Moreover, in *Lamont,* the Government argued that its interest was not to censor content but rather to protect Americans from receiving unwanted mail. Here, Mandel's exclusion is not incident to a legitimate regulatory objective, but is based directly on the subject matter of his beliefs.

D. The heart of the Government's position in this case, and the basis for its distinguishing *Lamont,* is that its power is distinctively broad and unreviewable because "the regulation in question is directed at the admission of aliens." Brief, p. 33. Thus, in the Government's view, this case is no different from a long line of cases holding that the power to exclude aliens is left exclusively to the "political" branches of Government, Congress, and the Executive.

These cases are not the strongest precedents in the U. S. Reports, and the majority's baroque approach reveals its reluctance to rely on them completely. They include such milestones as *The Chinese Exclusion Case,* 130 U. S. 581 (1889), and *Fong Yue Ting* v. *United States,* 149 U. S. 698 (1893), in which this Court upheld the Government's power to exclude and expel Chinese aliens from our midst.

But none of these old cases must be "reconsidered" or overruled to strike down Dr. Mandel's exclusion, for none of them was concerned with the rights of American citizens. All of them involved only rights of the excluded aliens themselves. At least when the rights of

[4] The majority suggests that appellees "concede that Congress could enact a blanket prohibition against entry of all aliens falling into the class defined by § 212 (a)(28)(D) and G (v) and that First Amendment rights could not override that decision." This was certainly not the view of the court below, whose judgment the *Government* alone has challenged here and appellees have moved to affirm. It is true that appellees have argued to this Court a ground of decision alternative to that argued and adopted below; but they have hardly *conceded* the incorrectness of what they successfully argued below. They have simply noted at p. 16 of their Brief that even if this Court rejects the broad decision below, there would nevertheless be a separate and narrower basis for affirmance. See Tr. of Oral Arg. 24, 25–26, 41–42.

Americans are involved, there is no basis for concluding that the power to exclude aliens is absolute. "When Congress' exercise of its enumerated powers clashes with those individual liberties protected by the Bill of Rights, it is our 'delicate and difficult task' to determine whether the resulting restriction on freedom can be tolerated." *Robel* v. *United States*, 389 U. S. 258, 264 (1967). As *Robel* and many other cases [5] show, all governmental power—even the war power, the power to maintain national security, or the power to conduct foreign affairs—is limited by the Bill of Rights. When individual freedoms of Americans are at stake, we do not blindly defer to broad claims of the Legislative or Executive, but rather we consider those claims in light of the individual freedoms. This should be our approach in the present case, even though the Government urges that the question of admitting aliens may involve foreign relations and national defense policies.

The majority recognizes that the right of American citizens to hear Mandel is "implicated" in our case. There were no rights of Americans involved in any of the old alien exclusion cases, and therefore their broad counsel about deference to the political branches is inapplicable. Surely a Court which can distinguish between pre-indictment and post-indictment lineups, *Kirby* v. *Illinois*, — U. S. — (1972), can distinguish between our case and cases which involve only the rights of aliens.

I do not mean to suggest that simply because some Americans wish to hear an alien speak, they can automatically compel even his temporary admission to our country. Govenrment may prohibit aliens from even temporary admission if exclusion is necessary to protect a compelling governmental interest.[6] Actual threats to the national security, public health needs, and genuine requirements of law enforcement are the most apparent interests which would surely be compelling.[7] But in Dr. Mandel's case, the Government has, and claims, no such compelling interest. Mandel's visit was to be temporary.[8] His "ineligibility" for a visa was based solely on § 212 (a)(28). The only governmental interest embodied in that section is the Government's desire to keep certain ideas out of circulation in this country. This is hardly a compelling governmental interest. Section (a)(28) may not be the basis for excluding an alien when Americans wish to hear him. Without any claim that Mandel "live" is an actual threat to this country, there is no difference between excluding Mandel because of his ideas and keeping his books out because of their ideas. Neither is permitted. *Lamont* v. *Postmaster General, supra.*

III

Dr. Mandel has written about his exclusion, concluding that "[i]t demonstrates a lack of confidence" on the part of our Government "in the capacity of its supporters to combat Marxism on the battleground of ideas." He observes that he "would not be carrying any high explosives, if I had come, but only, as I did before, my revolutionary views which are well known to the public." And he wryly notes that "In the nineteenth century the British ruling class, which was sure of itself, permitted Karl Marx to live as an exile in England for about forty years." App. 54.

It is undisputed that Dr. Mandel's brief trip would involve nothing but a series of scholarly conferences and lectures. The progress of knowledge is an international venture. As Mandel's invitation demonstrates, individuals of differing world views have learned the ways of cooperation where governments have thus far failed. Nothing is served—least of all our standing in the international community—by Mandel's exclusion. In blocking his admission, the Government has departed from the basic traditions of our country, its fearless acceptance of free discussion. By now deferring to the Executive, this Court departs from its own best role as the guardian of individual liberty in the face of governmental overreaching. Principles of judicial restraint designed to allow the political branches to protect national security have no place in this case. Dr. Mandel should be permitted to make his brief visit.

I dissent.

DANIEL M. FRIEDMAN, Deputy to the Solicitor General (ERWIN N. GRISWOLD, Solicitor General, ROBERT C. MARDIAN, Assistant Attorney General, A. RAYMOND RANDOLPH, JR., Assistant to the Solicitor General, ROBERT L. KEUCH, EDWARD S. CHRISTENBURY, and LEE B. ANDERSON, Justice Dept. attorneys, with him on the brief) for appellants; LEONARD B. BOUDIN, New York, N.Y. (VICTOR RABINOWITZ, RABINOWITZ, BOUDIN & STANDARD, and DAVID ROSENBERG, with him on the brief) for appellees; DAVID CARLINER and MELVIN L. WULF filed brief for American Civil Liberties Union, as amicus curiae, seeking affirmance.

[5] In *Robel*, this Court struck down a statute making it a criminal offense for any employee of a "defense facility" to remain a member of the Communist Party, in spite of Government claims that the enactment came within the "war power." In *Aptheker* v. *Secretary of State*, 378 U. S. 500 (1964), the Government unsuccessfully sought to defend the denial of passports to American members of the Communist Party, in spite of claimed threats to the national security. In *Zemel* v. *Rusk*, 381 U. S. 1 (1965), the passport restriction on travel to Cuba was upheld because individual constitutional rights were overridden by the "weightiest considerations of national security"; but the Court rejected any assumption "that simply because a statute deals with foreign relations, it can grant the executive totally unrestricted freedom of choice." *Id.*, at 16, 17. In *Schneider* v. *Rusk*, 377 U. S. 163 (1964), the Government unsuccessfully attempted to justify a statutory inequality between naturalized and native-born citizens under the foreign relations power. And in *Lamont* itself, as JUSTICE BRENNAN noted, the Government urged that the statute was "justified by the object of avoiding the subsidization of propaganda of foreign governments which bar American propaganda"; JUSTICE BRENNAN answered that Government must act "by means and on terms which do not endanger First Amendment rights." *Id.*, at 310.

[6] I agree with the majority that courts should not inquire into such things as the "probity of the speaker's ideas." Neither should the Executive, however. Where Americans wish to hear an alien, and their claim is not a demonstrated sham, the crucial question is whether the *Government's* interest in excluding the alien is compelling.

[7] It goes without saying, of course, that, once he has been admitted, any alien (like any citizen) can be punished if he incites lawless acts or commits other crimes.

[8] Such "nonimmigrants" are not covered by quotas. Gordon & Rosenfield, Immigration Law and Procedure § 2.6 (1971).

Keep the Three Trelew Victims Alive!

[On August 15, twenty-five Argentine political prisoners escaped from the Rawson prison. Six made their way to Cuba, by way of Chile; nineteen, finding themselves surrounded by troops at the Trelew airport, surrendered.

[A week later, August 22, the nineteen were shot down by a marine guard unit. Thirteen died immediately; three died within a few days of the shooting, and three survived, although they were critically wounded.

[As *Intercontinental Press* has pointed out in previous issues, the survivors, held incommunicado, may be killed to prevent them from talking. An international defense campaign has been launched to protect them against further reprisals by the Argentine military dictatorship.

[We reprint below the text of a petition being circulated by the French Comité de Défense des Prisonniers Politiques Argentins (Committee to Defend Argentine Political Prisoners) as part of this worldwide campaign.]

To the Argentine Ambassador to France,

The Trelew survivors are still in isolation, and because their testimony is vital to establishing the truth about the events, there is no guarantee as to their personal safety.

Both the wounded prisoners and those remaining in the Rawson prison lack legal assistance, since their lawyers have been unable to meet with them; consequently their fate—collective or individual—is absolutely unknown.

In view of the fact that complete press censorship has been imposed on everything relating to these events, that a veil of silence is being drawn over them so as to remove them from public attention, while at the same time the crime is being minimized and those responsible for it enjoy complete freedom to subject the political prisoners in their charge to the usual tortures, to attack "during attempted escape," or to the supreme punishment, as was inflicted at Trelew,

The undersigned demand of the Argentine government:

- An inquiry into the deaths of the sixteen prisoners at the Trelew air base, to be conducted by international bodies.
- The lifting of secrecy about the inmates of Rawson prison, and an inquiry by the appropriate bodies into the conditions of imprisonment in all of Argentina's political jails.
- The safeguarding of the lives and physical security of each and every political prisoner.
- Abrogation of the censorship that has blocked all news of the massacre, and abrogation of all repressive legislation inasmuch as it constitutes a new and flagrant violation of the most basic human rights.

Sponsors of the Committee to Defend Argentine Political Prisoners include: Jorge Enrique Adoum, Simone de Beauvoir, Nicolas Baby, Daniel Bensaïd, Charles Bettelheim, Paul Blanquart, Me. Buttin, Claude Bourdet, Me. Annina A. de Carvalho, Jean Cassou, Robert Chapuis, Jean René Chauvin, Copi, Julio Cortazar, Françoise Couëdel, Régis Debray, Marguerite Duras, Pedro Angel Estupinan, Jean Pierre Faye, Michel Fiant, Roger Foirier, Gisèle Freund, Patrick Gancel, André Gorz, Daniel Guérin, Me. Gisèle Halimi, Paco Ibanez, Me. Yves Jouffa, Rodolfo Krasno, Alain Krivine, Dominique Lehalle, Alain Labrousse, Michel Leiris, A. L. Lentin, Bernard Levy, Dyonos Mascolo, Gilbert Marquis, François Maspero, Albert Meistler, François Mitterrand, Maurice Najman, Jacques Prunair, J. Perez Roman, Jean Picart-Ledoux, editorial board of the review *Esprit*, Serge Reggiani, Michel Rocard, Claude Roy, Nathalie Sarraute, Raymond Sarraute, Jean Paul Sartre, Sesamo, Laurent Schwartz, Siné Jean Vagel, Jean Vagel.

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